OFFICE OF THE
PLANNING BOARD
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
planning@dunstable-ma.gov

Planning Board Minutes
Tuesday, February 18, 2025

Approved: **March 3, 2025**

Chair Joan Simmons at 6:34pm, called the meeting to order.
Members present: Alan Chaney, Joe Vlcek and Jim Wilkie
Members absent: Jeff Pallis
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Meeting Minutes – February 3, 2025

Joe made a motion to approve the minutes of the February 3rd meeting. Alan 2nd the motion. – Motion passed, with Jim abstaining.

Bills, Task Orders and Payroll

- Joe made a motion to sign off on one payroll. Alan 2nd the motion. – Motion passed unanimously.
- Alan motioned to sign Hoyle Tanner Task Order #39, for Town Engineering review work related to an ANR submission for 473 High Street. Jim 2nd the motion. – Motion passed unanimously.
- Alan motioned to sign Hoyle Tanner Task Order #36 A1, for Town Engineering for services related to inspections of stormwater controls for the tennis courts under construction at Larter Field Joe 2nd the motion. – Motion passed unanimously.
- Alan motioned to sign Hoyle Tanner Task Order #26 A1, for Town Engineering for services related to inspections of stormwater controls at 75 Mill Street. Joe 2nd the motion. – Motion passed unanimously.

Scenic Roads Hearing – 458 High Street, Michael Leedberg

Joan opened the hearing at 6:35pm. Jake Pappalardo of Sunrun, the solar vendor, was in attendance to present the application to remove two trees along the High Street right of way, on behalf of Michael Leedberg. The Tree Warden, Mr. Martin, also attended the hearing.

Jake presented the application with a drawing rendering and photographs of the two roadside trees flagged to be removed to improve solar absorption on the single-family

dwelling where solar panels will be added to the roof. There are six trees that need to be removed to improve solar. Only two trees, a pine and an oak, are within the High St. right-of-way, and are requested to be removed.

Mr. Martin noted that he would not give permission to remove the two healthy trees, which were not dead, and it required the Planning Board's approval given the scenic road designation.

- Alan made a motion to approve the removal of the two trees at 458 High Street under the following conditions:

The applicant is authorized to remove trees as follows:

1. Applicants are authorized to cut and remove two (2) trees, (a pine and an oak) located in the right-of-way, to improve solar absorption.

2. No additional living trees greater than 5 inches in width may be cut or removed without the approval of the Tree Warden and Planning Board.

3. The continuity of the existing stone wall may not be broken and any stones that fall off the wall(s) shall be used in the rebuilding of the wall(s) along High Street.

4. No further alteration or work, except as permitted above, shall be performed without the authorization of the Planning Board.

5. Work shall be completed within 18 months of the date of this permit unless the homeowner requests an extension of the permit in writing to the Planning Board and such Board approves the extension.

6. Planning Board requests that the applicant send photos when the project is completed to: Planning Board, 511 Main Street, Dunstable, MA 01827.

- Joe 2nd the motion. – Motion passed unanimously.

Affordable Home at Unkety Brook Way Subdivision

Chair of the Affordable Housing Committee (AFC), Jon Hughes, was in attendance to consult with the Board on the topic of the affordable unit to be built as part of this approved 11-home subdivision off River Street.

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Developer Fred Fahey issued an email to the Board with a monthly expense analysis for the proposed 3,000SF affordable home. He realized that there was an error in the affordable home analysis, as his AFH consultant based the analysis on a selling price of $400,000 but that was just the value of the land/house lot and not the house and the lot. He will submit a new analysis once they resolve what the selling price would be.

The Board discussed with Jon both the requirement to build a unit and the formula for a cash payment in lieu of building. Jon noted that from the AFC perspective, they seek to have an actual unit built and ready to go instead of a cash payment, which would not be enough for the committee to build. The Planning Board seeks the affordable unit to be included as part of the development as agreed to in the original subdivision special permit requirements. However, they would like to hear Developer Fred's proposal in person and the Administrator will invite him to a future meeting once he offers his updated analysis.

Land Disturbance Permit (LDP) Transfer -- 160 Westford Street

Town Engineer/Stormwater Agent Dave Langlais was attending to discuss this land disturbance project.

The Board has issued a letter of land disturbance related violation(s) notice, via certified mail to the Scott Bonenfant/developer on February 6th. The developer acknowledged receipt on Feb. 12th and responded that he'd presented it to Meridian Land Services for updates and action. He noted of the four lots that are involved, 3 have closed and transferred ownership some time ago. It is still the developer's intention to sell the undeveloped and final 178 Westford Street backland lot in the very near future, and he was interested in how to transfer his land disturbance permit. He seeks to move on from this project and asked exactly what was needed to overcome the violations, in the simplest way possible, to close it out.

Town Counsel advised via email, noting that he could not find in either the Stormwater Bylaw or the Land Disturbance permit, any sort of support that says that the permit is not transferable. He also noted that because the Stormwater Bylaw is a General Bylaw, not Zoning, it is not on the list of prerequisites that allow the Building Inspector to withhold a building permit under the State Building Code.

The Board and Dave discussed how to bring the property(s) into stormwater control compliance. They discussed notifying the current property owners that the Developer was not responsive to the land disturbance permit requirements and therefore they are responsible. The Board will issue letters of notice to the property owners, including a copy of

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the violations letter sent to Scott Bonenfant. A follow-up letter to Scott will be sent as well to notify him that the property owners are being notified of the outstanding violations.

Accessory Dwelling Unit (ADU) Bylaw

The Board will discuss the draft bylaw at their next meeting.

Additional Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting

Mass Electric/National Grid "042 Transmission Line" Replacement Project

The Board was contacted by Mass Electric/National Grid's third-party project team, VHB, about a forthcoming pole replacement project which will include replacing two poles within the Town's floodplain. The Zoning Bylaws section 15.2.2 "Development Regulations" note that *(d) No building or structure shall be erected in, nor shall fill be placed within the 100-year floodplain as defined in Section 15.2.1. of this Bylaw, provided that, upon the issuance of a Special Permit by the Planning Board, placement of fill and related activity may be allowed subject to the requirements.*

As this is a utility infrastructure improvement related project, VHB wondered if the project might be exempt from requiring a SP. The Conservation Commission will be hearing a Notice of Intent application for an Order of Conditions in early March for the full project and pole replacement.

The Board discussed briefly feedback received from Conservation on the replacement of two existing poles and how it would have the Commissions ongoing oversight.

- Joe motioned for the Special Permit for work in a floodplain be waived, based on input from Conservation Commission who will have oversight of the "042 Transmission Line" replacement project. Jim 2nd the motion. – Motion passed unanimously.

Joe moved to close the meeting at 9:25PM. Alan seconded the motion. – Motion passed unanimously.

The next regular meeting of the Planning Board is scheduled for Monday, March 3, 2025, at 6:30pm.

Respectfully submitted,
Carol A. Rock
Administrative Assistant, Dunstable Planning Board

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