OFFICE OF THE
PLANNING BOARD
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Planning Board Minutes
Monday, April 7, 2025

Approved: **April 22, 2025**

Chair Joan Simmons called the meeting to order at 6:33pm.
Members present: Alan Chaney, Jeff Pallis, Joe Vlcek, and Jim Wilkie
Members absent: None
Meeting held: Dunstable Town Hall, 511 Main Street, Grange Room

Unkety Brook Way Subdivision – F. Fahey

Unkety Brook Way is an approved eleven-home subdivision off River Street that was issued a Definitive Plan Special Permit on August 2, 2022. The developer, Premier Property Group's Fred Fahey, was in attendance.

a. **Affordable Housing Unit**

Fred presented his proposal of an "in lieu of" payment to the Town's Affordable Housing Trust Fund (AHTF) instead of building the required affordable unit (AHU) according to Zoning bylaw section 29.4.1. and 29.6. Affordable Housing Committee (AHC) chair, Jon Hughes, was also in attendance to participate in the discussion.

Fred explained that the current bylaw requires a 3.3% contribution to the AHTF, and his proposal is to increase his contribution to 4% of each home selling price. He expects the new homes to be priced at $1.2 million, making them unaffordable for a potential affordable housing buyer. Given expected overall home operations, maintenance and insurance costs which would make them too expensive over the long run. He proposed a 4% payment-in-lieu to the AHTF to fund actual affordable housing projects in the future by Dunstable. He shared that all his previous development projects of single-family homes in other towns have used payment-in-lieu. He has only built AHU within multi-unit buildings or condominiums.

The Board, Fred and Jon had a discussion on affordability formulas, income requirements, zoning and subdivision regulations. There was a proposal for Fred to build affordable housing separately on a different lot, of which he declined any interest. The Board and Jon considered whether there was potential to use the funds offered to buy land and build affordable housing elsewhere in Town. Debate on the best use of funds and negotiations with Fred around the potential contribution amount to the AHTF ensued. It was noted that 'per unit' payments are issued to the fund after a sale, and just prior to the Developer's request for occupancy permitting.

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Overall, the discussion focused on the challenges and proposals surrounding the Unkety Brook Way subdivision, with a significant portion of the discussion dedicated to finding viable solutions for affordable housing in the context of current zoning and financial constraints.

Jon Hughes voiced his support for acceptance of Fred's in lieu of payment offer, on behalf of the Affordable Housing Committee.

In accordance with Zoning bylaw section 29.6.1:

- Jim motioned the Planning Board to accept Fred's "in lieu of" cash offer and authorize Premier Property Group's future contributions to the Affordable Housing Trust Fund, at a set rate of 4% of unit sale price, or $550,000 minimum (whichever is higher) in lieu of building/providing the affordable unit required by the Definitive Subdivision Special Permit for the Unkety Brook Way Subdivision. Jeff 2nd the motion. – Motion passed unanimously.

The Administrator will check with the Town Counsel to verify the offer is acceptable and determine if any formal legal documentation is necessary.

b. **Land Disturbance Tier II Permit, Proposed Grading & Drainage Revisions**

Town Engineer/Stormwater Agent, Dave Langlais, was in attendance and participated in the discussion surrounding drainage, having an opportunity to review the following items, created by Marchionda & Associates, LP, 62 Montvale Ave., Suite 1, Stoneham, MA 02180, delivered ahead of the meeting:

1) Cul-de-sac Culvert Subcatchment Plan
2) Hydraflow Storm Sewers - 25 year
3) Hydraflow Storm Sewers - 100 year
4) Grading & Drainage Plan, (dated March 24, 2025)

Developer Fred presented revised plans, "*Grading & Drainage Plan, dated March 24, 2025*" as an update on grading and drainage plans for the subdivision. The basis for the proposed change was to reduce the amount of fill elevating lots #, 2, 3, & 4, by modifying drainage while also improving house site aesthetics. Fred and Dave discussed the headwall drainage changes and how the new plans met the project compliance requirements. Dave stated his approval of the new plans and requested Fred provide an engineer stamped edition of an electronic submission for the Town records.

- Joe motion for the Planning Board to accept the proposed grading and drainage revision designs in "*Grading & Drainage Plan, dated March 24, 2025"* and created by

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Marchionda & Associates, LP, pending receipt of an engineer stamped edition. Jim 2nd the motion. – Motion passed unanimously.

Fred will issue an engineer stamped electronic edition within the week and be responsible for issuing mylars of the final as-built plans at the project completion point.

Land Disturbance Tier I, Waiver Request Larter Field Tennis Courts, – A. Longo

Contractor Anthony Longo was present to discuss an additional $2K in funding sought by the Planning Board for Land Disturbance engineering services from the Town Agent for continued oversight of the tennis court construction at Larter Memorial Field. Anthony explained his waiver request was to allow the use of his own engineering firm, Chess Engineering, to be responsible for the final approved plan and site construction adherence to the same. He shared how generally town engineers do not have the time to be able to certify all land disturbance projects themselves, forcing the burden to be on the contractor hired engineer. As the contractor he should not be forced to pay extra for an additional review by the Town engineer when his own design engineer has stamped the plans and could certify the installation requirements are met. He shared that he would send an engineer stamped/certified plan in for approval once construction was complete and if they met the required standard then Town Agent, Dave could approve those certified plans.

Anthony highlighted how most Town engineers are typically a salaried employee of the town, and that he understood that this is not the case in Dunstable. He has spent nearly $2K for the Town engineering review process to date. In his bid proposal to the Recreation Committee to build the tennis courts, he had not budgeted for this additional land disturbance oversight in the first place.

Engineer Dave estimated he'd need approximately 4 more hours of services to provide the on-site monitoring of trench construction, review the as-built plans, and issue a certification letter. He agreed it was a double-engineering review, and he would be comfortable if Chess Engineering provided field reports and pictures of inspections during trench installation, and as-built plans upon project completion. He noted it was entirely up to the Board to accept the waiver requested.

Dave noted he has spent a bit more time on this project review and would need to get back to the Board with the additional services expense. He'll produce a task order for the balance of his time and the Board will notify Anthony to request funding to cover that expense.

- Alan motioned to require the contractor cover the remaining expense balance for Town Agent services time already extended and for the Planning Board to accept the

waiver request of Longo Construction, to not require additional engineering services from the Town Engineer/Agent for oversight of installation and certification of the infiltration trench – but instead to utilize Chess Engineering services for such. Joe 2nd the motion. – Motion passed unanimously

Special Permit & Site Plan Review "Applications Complete", Cellular Tower on Town Water Tower – Applicant T-Mobile, for 100 Simmons St (off Pleasant St)

Town Engineer Dave Langlais stated to the Board that he found the two applications for a special permit and site plan review of a proposed cellular tower by T-Mobile to be complete and he had the required information to perform his review.

- Jim motioned to accept as complete both the Site Plan Review and Special Permit applications, submitted by Prince Lobel Tye LLP, on behalf of T-Mobile, for installation of a cellular tower on the Town water tower located at 100 Simmons Street (formerly known as 108 Pleasant Street). Alan 2nd the motion. – Motion passed unanimously.

The Board and Dave chose June 2nd for the Public Hearing date on these applications. This will allow extra time for a third-party structural engineering firm (to be determined) to provide feedback on the water tower's ability to support the new antennas be added.

Land Disturbance Tier II "Application Complete" – 158 Forest Street

Town Engineer Dave Langlais shared that the Stormwater Pollution Prevention Plan (SWPPP) was received. He noted that he was uncertain whether a General Construction Permit (GCP) was needed, and the applicant's engineer was to get back to him on such. He recommended the Board move this forward and accept the application as complete.

- Alan motioned to accept as complete the LDT2 Permit application and supplementals, submitted by Land Design Collaborative, on behalf of Peter & Meghan Gallagher, for 158 Forest Street. Jim 2nd the motion. – Motion passed unanimously.

Land Disturbance Tier II Violations Status – "160" Westford Street/Gateway Homes LLC.

The Administrator shared that the certified letters mailed to 148, 166, 172 and 178 Westford Street property owners had resulted in calls to legal representatives and a response from Gateway Homes LLC to renew actions for compliance on violations cited. The administrator requests for 'point by point' feedback on the eight violations have not been received to date. Dave noted that he still does not know how they'll respond to the missing SWPPP and GCP.

He is unable to create a task order for his services needed until he understands what Gateway Homes is proposing to do to address the violations.

Alan shared his drive-by observations that surveyors and an excavator were on-site at 172 Westford Street to expand the retention pond and create berms.

Dave recommended that 178 Westford Street's new application for land disturbance tier II permitting be "held" pending understanding the "160" actions planned. It is incomplete given a SWPPP and GCP are required. The new owners expected to utilize the ones transferred with the property sale – not knowing that they did not exist.

Dave has already extended hours of services to monitor the property under the Town's Stormwater MS4 compliance requirements and to determine the eight violations. The Administrator will again pursue a response on how Gateway Homes will address these.

Bylaw Updates

a. Accessory Dwelling Unit (ADU) Bylaw

Joe had consolidated his research, NMCOG input and feedback from PB members to produce a new Accessory Dwelling Unit (ADU) bylaw which he'd offered to the Board for review over the weekend. The Board decided to table the discussion of the draft bylaw until a future meeting.

b. Floodplain Bylaw

The Administrator reviewed an email from the Northern Middlesex Council of Governments (NMCOG) explaining how as part of the National Flood Insurance Program (NFIP), the Federal Emergency Management Agency (FEMA) regularly conducts assessments of local floodplain districts to mitigate risks associated with flooding and its associated damages. NMCOG assisted the Town in amending its Flooding Bylaw to comply with Massachusetts Floodplain Bylaws and drafted a memorandum delineating related sections of the Town of Dunstable's Flood Bylaw to the requirements of the state and federal law and what changes needed to be made to be following the July 8, 2025 update to the NFIP. Conformity to the state law is required for flood zoning to maintain status as a community in the NFIP.
Upon review, NMCOG found several subsections from the Massachusetts Model Floodplain Bylaws (2020 version 2) that the Town must amend into its current section 15.2, Floodplain District, and section 20, Definitions, to comply with FEMA regulations and remain eligible for participation in the NFIP. Furthermore, the Town must update the language redefining the exact boundaries of the Floodplain District with the appropriately designated flood zones and updated Middlesex County Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for the designations that will be enacted July 8, 2025. The Massachusetts Department

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of Conservation and Recreation had reviewed the changes proposed in the memorandum and found it compliant.

The Planning Board had just received the proposed floodplain bylaw update via email from the Town Administrator for advance review. Discussion on accepting the bylaw was limited, as it was expected that NMCOG had followed the requirements set out by the state. Joe was concerned that he had not reviewed the wording with his usual diligence.

- Alan motioned for the Planning Board to accept the Floodplain bylaw updates made by NMCOG and it should be included in the warrant for the Town Meeting vote on May 12th. Jim 2nd the motion. – Motion passed, 4-1.

The Administrator shared that a required Public Hearing for public input and discussion on the Floodplain Bylaw updates would be advertised for May 5th.

Patriots Day Holiday, April 21st Meeting Reschedule

- Alan motioned to reschedule the Planning Board meeting to April 22nd, given the April 21st Patriots Day holiday. Jim 2nd the motion. – Motion passed unanimously.

Meeting Minutes – March 17, 2025

- Alan made a motion to approve the minutes of the March 17th meeting as presented. Joe 2nd the motion. – Motion passed, 4-1 with Jim abstaining.

Bills, Task Orders and Payroll

- Alan made a motion to sign off on two payrolls. Joe 2nd the motion. – Motion passed unanimously.
- Alan motioned for chair Joan to sign-off on task order #38 for town engineering services associated with the Special Permit and Site review on the water tower at 108 Pleasant Street for a T-Mobile cellular tower addition. Jim 2nd the motion. – Motion passed unanimously.
- Alan motioned for chair Joan to sign-off on task order #40 for town engineering services related to inspections of land disturbance at 178 Westford Street. Jim 2nd the motion. – Motion passed unanimously.
- Alan made a motion to pay three Hoyle Tanner invoices as follows:

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1. #73023 for $572.25 in engineering review services related to the traffic study review for 11 Pleasant Street's Special Permit to open a retail liquor store in the Town Center District.
2. #73250 for $1,216.02 in engineering application/project review and inspection services related to land disturbance Tier II for 158 Forest Street.
3. #73204 for $1,088.25 in engineering review of an ANR submission for 473 High Street.

Joe 2nd the motion to pay all three invoices. – Motion passed unanimously.

Jeff moved to close the meeting at 8:51PM. Joe seconded the motion. – Motion passed unanimously.

The next regular meeting of the Planning Board is scheduled for Tuesday, April 22, 2025, at 6:30pm.

Respectfully submitted,

Carol A. Rock
Administrative Assistant
Dunstable Planning Board

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