OFFICE OF THE
PLANNING BOARD
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
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Planning Board Minutes
Monday, May 5, 2025

Approved: **May 19, 2025**

Chair Joan Simmons at 6:30pm, called the meeting to order.
Members present: Alan Chaney, Jeff Pallis, Joe Vlcek, and Jim Wilkie
Members absent: none
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Meeting Minutes – April 22, 2025

Jim made a motion to approve the minutes as amended of the April 22nd meeting. Alan 2nd the motion. – Motion passed.

Public Hearing: Proposed amendment to "Floodplain Bylaw of the Town of Dunstable"

Joan opened the hearing at 6:35pm and welcomed the two representatives from Northern Middlesex Council of Governments (NMCOG) Kelly Lynema and Apple Gould-Schultz, who would be presenting the proposed bylaw updates. NMCOG works with the communities of the Greater Lowell region to support and enhance a wide range of planning objectives and Apple helped put together the amendments for the Town to help comply with the national floodplain updates.

Joan explained the hearing procedure and process. The Administrator read aloud the legal notice of the Public Hearing printed twice in the Groton Herald.

Apple opened her presentation noting some background on how the National Flood Insurance Program (NFIP) is regularly updated by the Federal Emergency Management Agency (FEMA) through assessment of local floodplain districts to mitigate risks associated with flooding and its damages. She noted that Dunstable's latest effective map updates were from June 2010.

Apple shared that conformity to state flood zoning law is required for Dunstable to maintain its status as a NFIP community. NMCOG had adapted subsections from the MA Model Floodplain Bylaws to amend Dunstable's current Floodplain District and Definitions. The designations will be enacted by FEMA on July 8, 2025. Any community that has not updated it bylaws by this date would not longer be part of the program.

Apple summarized the updated text:

- Establish purpose of Floodplain Overlay District
- Outline District Boundaries

    - Zone A and AE on the Middlesex County FIRM Map
- Designation of community Floodplain Administrator
- Update Development Regulations surrounding permitting, etc.
- Updated Definitions (Those included in the Floodplain Bylaw shall not apply to any other section of the Zoning Bylaw.)

Joan asked the Board if they had any questions. Joe inquired about whether these map changes could impact existing homeowners who did not currently have flood insurance. Kelly shared that FEMA map updates can be controversial, but to not have the flood zoning approved would prevent all residents from being able to secure any flood insurance. This update allows residents to be able to secure the insurance.

Jim asked how residents were notified of the changes. Kelly shared that towns have been provided with information for promotion and that FEMA would be holding open houses. The Nashua Watershed Open House is scheduled for Wednesday, May 14th any time between 4-7pm at Fitchburg City Hall.

Kelly shared that changes for an inland community, like Dunstable, are very minimal – moving a flood boundary by a foot or so possibly. Apple shared that some wetlands areas near ponds may have been slightly redefined.

Jim asked how the new maps were created. Apple responded that every 5 years regions reevaluate water bodies and wetlands using aerial imagery. Both manual and machine/computer processing analyze the imagery to determine where water and wetlands are. This is further analyzed by soil properties, topography etc. to determine the flood zones.

Joan asked if there were any questions or comments from the members of the public attending. There were none. There was discussion about who would lead the presentation of the bylaw amendment at Town Meeting, and Jim Wilkie volunteered.

Joan asked the Administrator if there were any letters received regarding the bylaw amendment to be considered. The Administrator responded none had been received.

- Alan made a motion to close the hearing at 7:04pm and Joe seconded. The motion carried unanimously.

- Alan made a motion for the Planning Board to recommend acceptance of the updated floodplain bylaw and to proceed with presenting the amendment forward to the Town Meeting. Joe seconded.
    - ✓ Motion passed 5-0, unanimously.

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Land Disturbance/Stormwater Permitting Statuses

A) Larter Field Tennis Courts/LDT1 Waiver Request:

Tiffany Naughton, Chair of the Recreation Commission, explained how she was seeking a waiver to what the Town Stormwater Agent/Engineer had recommended for stormwater runoff control on the new tennis courts. The Agent has indicated a need for a 3'x3' trench creation surrounding all four sides of the courts. However, the original proposal and engineering design by the contractor included in the bid only included two 2'x2' trenches to capture runoff. The contractor had estimated the cost for the four-trench design would be an additional twelve thousand dollars. The Contractor believes that the Larter Field property is gravel based, and natural drainage should capture runoff well in the two 2' trenches.

While there are no trenches currently, the Agent captured and sent the Board photographs of the courts, taken earlier in the heavy rain day, which showed some water pooling. Tiffany presented similar photographs she'd taken around 5pm, which showed little/no standing water – suggesting the rainfall had been absorbed into the ground within a few hours.

Tiffany noted that the Community Preservation Committee had approved this additional cost and there was a warrant article on the Town Meeting to pursue funding approval.

The Board and Tiffany continued to discuss the situation and options. It was agreed that instead of presenting a formal waiver request this evening, the Board would await the outcome of the Town Meeting vote on the proposed additional funding article. If the article does not pass, the Recreation Commission will return to a future Planning Board meeting to formally request a waiver.

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

The Administrator shared that the legal representative for Gateway Homes had notified the Board that not all required permitting for the violations have been received, and therefore he deferred his attendance until the next PB meeting. The Stormwater Pollution Prevention Plan (SWPPP) and Construction General Permit (CGP) are still pending receipt and the as-built plans for the properties have yet to be presented.

C) Building Permit Release/Land Disturbance Tier II Application Submission – 178 Westford Street/J. Perrino

The Perrino's were in attendance and seeking approval from the Board for their building permit release to commence their new home build. They are held up awaiting the SWPPP and CGP from Gateway Homes for their LDP issuance, required to complete their application submission. Given the unknown timeframe for receipt of the required LDTII components, the Board declined to sign off on their building permit release.

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Extension for Timeframe to Consider ANR – "83" Depot Street

A new ANR submission for the creation of a standard house lot number 73 on Depot Street was submitted by Lisa LaRiviere today. As the Town Engineer is unable to turn around his full review by the next PB meeting date in mid-May, an extension to act by June 2nd was requested by the applicant.

- Joe made a motion for the PB to extend the timeframe to hear the ANR for 83 Depot Street to June 2nd. Alan seconded. – Motion passed unanimously.

Unauthorized Scenic Roads Stone Wall Break – 19 Oak Street

The Board has been notified that there is an unauthorized break in a scenic road stone wall at the intersection of Oak and Depot Streets. The Administrator spoke to the property owner who shared that he had built the wall there in a gap that previously was a barway. As he needs access for heavy equipment to get onto his property, he has temporarily removed some sections of the stone wall. It is his intention to rebuild the wall within the next month. The Board agreed that they will give him a grace period to rebuild and contact him again if the wall is not rebuilt in a timely manner.

Bills, Task Orders and Payroll

- Jim made a motion to sign off on one payroll. Alan 2nd the motion. – Motion passed unanimously.
- Alan made a motion to pay a $1,013.25 Hoyle Tanner invoice #73439 for engineering and inspection services related to the Unkety Brook Way development off of River Street. Joe 2nd the motion. – Motion passed unanimously.
- Alan made a motion to pay a $579.00 Hoyle Tanner invoice #73240 for engineering (SWPPP & CGP) and inspection services related to land disturbance for 158 Forest Street. Joe 2nd the motion. – Motion passed.

Additional Topics Discussed Not Noted on the Agenda

Pending Special Permit: T-Mobile Cellular on Water Tower Engineering Peer Review Proposals Review

The Administrator shared that the Town Administrator has requested structural engineering peer review for the proposed additional weight upon the water tower to support the new antenna to be installed. Proposals have been received from three firms. The Board reviewed the proposals and selected *Engineering Ventures PC*'s quote for $4,500.

- Jim motioned for Chair Joan to sign the Engineering Ventures PC $4,500 proposal for services. Alan seconded the motion. – Motion passed unanimously.

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Accessory Dwelling Unit (ADU) Bylaw

The Town Administrator forwarded the draft of the bylaw by member Joe to NMCOG and received email feedback with potential changes to be considered. The Administrator will reach out to NMCOG to request they insert their recommendations into the document utilizing "track changes". Jim W. also has a few edits which the Administrator will share with Joe to incorporate.

Jim noted he likes that the updated bylaw gives the Board more authority to approve the architecture of any buildings. Joan is still reviewing to determine if she will offer any suggestions for updates. The Board will discuss the draft bylaw at a future meeting.

Jeff moved to close the meeting at 8:36 PM. Jim seconded the motion. – Motion passed unanimously.

The next meeting scheduled is on Monday, May 19, 2025, at 6:30pm.

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

APPROVED