OFFICE OF THE
PLANNING BOARD
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Planning Board Minutes
Monday, September 15, 2025

Approved: **October 6, 2025**

Chair Joe Vlcek at 6:33pm, called the meeting to order.
Members present: Alan Chaney, Jeff Pallis, Joan Simmons and Jim Wilkie
Members absent: none

Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Land Disturbance Tier II Permit Certification of Completion – '160' Westford Street/Gateway Homes

The applicants, Scott Bonefant of Gateway Homes, his legal representative, Jeff Zall, and land services representative, Sam Foise of Meridian Land Services, were in attendance, along with the Town's Engineer, Dave Langlais, of Hoyle Tanner.

The original land disturbance Tier II permit application was submitted under "160 Westford St" (subdivided property)/Gateway Homes on August 21, 2023. Gateway Homes was notified by certified mailing on February 6, 2025, of eight violations of the Town of Dunstable, MA Stormwater Management & Illicit Discharge Regulations.

Town Engineer Dave opened the topic through providing the Board with a summary of his final inspections and walkthrough comparison of the updated as-build plans, "*11463M00B-AB-DRONE – EXISTING CONDITIONS.pdf*" provided on September 10, 2025, by Sam Foisie/Meridian Land Services, per section 14 requirements. Dave provided his letter "*Certificate of Completion for projects Requiring Land Disturbance Permits, 160 Westford Street – Tier II Land Disturbance Permit*", dated September 15, 2025. His letter shared details of his completed review of the project after site inspections he performed on September 8, 2025, to confirm field conditions as required per section 14 of the stormwater regulations. In comparing his observations to the as-build plan, he confirmed that the site had been constructed in general conformance with the approved plan, conditions of approval and approved modifications relative to the 160 Westford Street Tier II Land Disturbance Permit. Summary details for each property included:

- 148 Westford Street: Basin deeper than planned with no erosion evidence
- 166 Westford Street: Natural basin condition acceptable, mulch berm sufficient
- 172 Westford Street: No sediment leaving basins after August's heavy rain events
- 178 Westford Street: New owner added erosion stone, temporary systems adequate

Dave made his recommendation for the Planning Board to sign off on the land Disturbance Tier II Certificate of Completion letter he had provided for the properties of "160 Westford Street" developed by Gateway Homes.

Joan inquired if the property owners had any future recourse, should an issue with stormwater controls arise in the future. Dave responded it would be the homeowner's responsibility to maintain and address future issues themselves.

- Alan made a motion for the Board to approve and sign the certificate of completion letter for Gateway Homes/LD Tier II Land Disturbance. Jeff 2nd the motion. – Motion passed unanimously.

Land Disturbance Tier II Permit Fines for Violations – '160' Westford Street/Gateway Homes

Gateway Homes attorney Jeffrey Zall requested the Planning Board waive the ($300/day per violation) fines associated with the Tier II Land Disturbance permit (which started February 6th/$2,400 a day) citing:

- Substantial engineering and legal costs already incurred
- Complicated remediation work completed
- All issues were now resolved per Dave's inspection

The Board affirmed that the objective set with the applicant, during the May 19th PB meeting, had been to bring the properties into stormwater control compliance. Jim stated a concern for a potential precedent being set in waiving fines outright. He noted the additional administrative costs of time and effort in citing violations and monitoring when the applicant failed to meet the obligations of the Tier II LDP issued. Jim inquired about project review balances available to pay for outstanding Town engineering consultant expenses. The Administrator noted that upon violation issuance in Feb of 2025 Gateway Homes had provided $8,000 to cover the task order for Dave's forecasted compliance work and a balance remained.

- Alan made a motion to waive the fines assessed against Gateway Homes for Tier II Land Disturbance violations. Jeff 2nd the motion. Motion passed 4-1.

Land Disturbance Status Updates

While in attendance, Town engineer/stormwater agent, Dave Langlais provided statuses for open land disturbance permits:

a. Tier II/158 Forest Street: Waiting for grass establishment; certification is imminent and will come before Board for approval in near future.

b. Tier I/73 Depot Street: Waiting for grass establishment; Dave can issue certification as it's a Tier I.

c. Tier I/493 Main Street: Dave's certification is ready, and he's verbally approved completion to the owner. The trench construction close to Main Street has shown no runoff issues – even after heavy storms.

d. Tier II 75 Mill Street: Dave noted that the property is in good shape for stormwater management. However, the owners had agreed as part of the backland lot special permit, that they'd install a certain type of permeable gravel onto the driveway surface, in lieu of infiltration trench need. The applicant has not yet provided the supporting documentation required.

   Dave shared that the construction of the driveway required the removal of approximately 2' of agricultural soils which were replaced with large stone and topped with smaller gravel. They essentially made a giant infiltration trench which has not shown any signs of runoff. Joe chimed in that his observations of the new driveway area also show improved erosion reduction – which in turn has reduced the runoff onto the Flat Rock Hill Conservation area driveway.

   Earlier this summer, Dave had requested the applicant's engineer provide the Board with a formalized letter of what they'd installed and how it was acting as an infiltration trench. The applicant's engineer indicated he'd reach out to the property owners.

   In his visits to the property, Dave observed there appears to be someone living at the new dwelling and yet the certificate of completion for land disturbance has not been issued to allow for occupancy. The Administrator shared that the owner was given verbal approval for occupancy from the Building Inspector after a final inspection was completed in May.

   The Administrator will continue to pursue a letter of explanation from the owners and invite them to attend a future meeting if it is not forthcoming.

Special Permit/Site Plan Review & Land Disturbance Tier I Application Submission "Complete"— 473 High Street

Town Engineer Dave offered his input that the three applications submitted by M. Larkin/Celtic Builders for the property contained all the required elements to be considered complete and ready for his formal review.

- Alan made a motion to accept the three applications for 473 High Street's SP/SPR and LDT1 as "complete". Jim 2nd the motion. – Motion passed unanimously.

The Administrator noted that the public hearing for the SP/SPR is scheduled October 20th.

Bylaw Updates: Accessory Dwelling Units

Chair Joe thanked member Joan, who had provided significant input on the last edition of the draft bylaw. Building Inspector Dana Barnes, had provided some additional input. Joe noted some key revisions had been made to the latest September 11th edition. He

encouraged the Board to review carefully ahead of a future meeting where it would be discussed further before a vote for approval to pass on to Town Counsel for review.

Jim commented with his agreement on section 6.1.1.3.6 and the inclusion of *"The Planning Board reserves the right to approve the exterior architectural appearance."* Joe was uncertain if the review required for architectural appearance authority would be accepted by the state Attorney General, and he'd appreciate any other towns evidence or argument for support of it. Jim shared that it could be included as part of the site plan review process which the draft bylaw currently required as part of the ADU approval process. The site plan review process would include abutter notifications, engineering review and a public hearing for approvals.

Joe noted he would need to update the Section 11 table to change "accessory buildings" to "non-dwelling structures" (ex. sheds and pools). He also wished to address Dana's other notes surrounding ADU house numbering and utilities management.

The target timeframe for presenting the new ADU bylaw is Town Meeting of Spring 2026.

Meeting Minutes – August 18, 2025

Alan made a motion to approve the minutes of the August 18th meeting. Joan 2nd the motion. – Motion passed 4-0-1, with Jim abstaining.

Bills, Task Orders and Payroll

- Alan made a motion to sign off on two payrolls. Jeff 2nd the motion. – Motion passed unanimously.
- Alan made a motion for the Chair to sign off on Task Order #47, for engineering services expected to review the special permit, site plan review and land disturbance tier I applications for 473 High Street. Joan 2nd the motion. – Motion passed unanimously.
- Chair Joe summarized each invoice, noted the available balances remaining in the associated 53G accounts, and requested discussion on the following eight invoices from Hoyle Tanner, before entertaining a single motion to pay all:

	Property/Project	Filing Related	Invoice #	Amount $
1	155 Off Pond St	ANR	74249	$ 790.80 *FINAL Invoice*
2	83 Depot St	ANR	74239	$ 726.50 *FINAL Invoice*
3	T-Mobile, Water Tank Cellular	SP-SPR	74236	$ 4,411.55 *FINAL Invoice*
4	178 Westford St	LDT2	74238	$ 1,018.50
5	160 Westford St	LDT2	74211	$ 386.00
6	Unkety Brook Way	Subdivision	74213	$ 96.50
7	75 Mill St	LDT2	74212	$ 386.00
8	158 Forest St	LDT2	74234	$ 801.25

- Alan made a motion to pay the eight invoices to Hoyle Tanner. Jim 2nd the motion. – Motion passed unanimously.

- Alan motioned to approve a $105 payment to the Registry of Deeds for recording of the 2026 PB officers. Jeff 2nd the motion. – Motion passed unanimously.

Return Remaining 53G Project Funds to Applicant – T-Mobile/Cellular on Water Tower SP

- Alan made a motion to return the remaining funds deposited into a 53G account for use in engineering review of the Special Permit and Site Review to the applicant T-Mobile. Joan 2nd the motion. – Motion passed unanimously.

Additional Topics Discussed Not Noted on the Agenda

Swallow Union Building Rehab Project Update:

Alan shared that the Swallow Union's exterior renovation project is wrapping up and bids for the interior renovation yielded a single bid – from the same contractor that had performed the exterior work. The Committee has been pleased with the exterior renovation and will be happy to work with the same contractor on interior renovation. Alan offered a bit of the known financing sources which will support the interior work to be performed.

Joan moved to close the meeting at 7:45 PM. Jeff seconded the motion. – Motion passed unanimously.

The next meeting scheduled is on Monday, October 6th, 2025, at 6:30pm.

Respectfully submitted,

Carol A. Rock
Administrative Assistant
Dunstable Planning Board

APPROVED