OFFICE OF THE
**PLANNING BOARD**
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# Planning Board Minutes
# Monday, October 6, 2025

Approved: **October 20, 2025**

At 6:33pm, Vice Chair Alan Chaney, called the meeting to order.
Members present: Joan Simmons and Jim Wilkie
Members absent: Jeff Pallis and Joe Vlcek

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

## Meeting Minutes – September 15, 2025

Jim made a motion to approve the minutes of the September 15th meeting. Joan 2nd the motion. – Motion passed unanimously.

## Return $3,000 in 53G of Fish & Game Trail Project Funds to Applicant – Unkety Brook Way/Premier Property Group

Three thousand dollars had been deposited by the developer for parking, signage and trail construction per the original subdivision special permit agreement related to MA Wildlife's Fish & Game open space near the Unkety Brook Way development. Fish & Game decided this trail was no longer sought given their decision to have a turtle nesting area/habitat instead.

- Jim made a motion to return the $3,000 of the funds deposited, for parking/trail and signage surety, into the 53G account for the open space subdivision to the applicant Premier Property Group. Joan 2nd the motion. – Motion passed unanimously.

## Bills, Task Orders and Payroll

- Jim made a motion to sign off on two payrolls. Joan 2nd the motion. – Motion passed unanimously.
- The Administrator summarized each invoice, and Alan requested any discussion on the following four invoices from Hoyle Tanner, before entertaining a single motion to pay all:

| | Property/Project | Filing Related | Invoice # | Amount $ |
|---|---|---|---|---|
| 1 | 178 Westford St | LDT2 | 74420 | $ 1,748.75 |
| 2 | Unkety Brook Way | Subdivision | 74418 | $ 502.10 |
| 3 | 75 Mill St | LDT2 | 74408 | $ 199.30 |
| 4 | 158 Forest St | LDT2 | 74419 | $ 344.05 |

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

**Land Disturbance Tier II Permit Certification of Completion – 158 Forest Street**

The applicant's engineering firm as not yet provided the required as-built plans and statement for Dave L. to validate against the property inspections.

**Return Remaining 53G Project Funds to Applicants – 11 Pleasant St & 165 Pleasant St Special Permits**

The Administrator noted that while these two projects were wrapped up some time ago, and each had less than $5 remaining in their 53G accounts for engineering project reviews, the Town Accountant noted the law required formal return to the applicants.

- Jim made a motion to return the remaining funds to both the 11 Pleasant St and 165 Pleasant St applicants which were deposited into each 53G account for use in engineering reviews for special permits issued. Joan 2nd the motion. – Motion passed unanimously.

**Request for Release of Building Lots/Security Performance Agreement and Release of Covenant – Unkety Brook Way Subdivision**

Developer Fred Fahey, of Premier Property Group LLC, was in attendance to request the release of all eleven of the lots, which he will be reselling to individual construction firms for the building of the homes. Town Engineer Dave Langlais was also in attendance as he is responsible for providing an "Opinion of Probable Construction Cost" for the developer to provide as a surety cash bond to the Town. Town and developer's legal teams had provided a "SECURITY PERFORMANCE AGREEMENT SECURED BY CASH DEPOSIT AND RELEASE OF COVENANT" document for the Board to vote on signing.

Alan opened the topic by highlighting that the Planning Board sought some information from the developer before they would be comfortable with signing the legal document to release the lots. While the Board had voted at their April 7, 2025 meeting to accept Fred's "in lieu of" cash offer and authorize Premier Property Group's future contributions to the Affordable Housing Trust Fund (AHTF), at a set rate of 4% of unit sale price, or $550,000 in total minimum, the agreement had not been documented legally through counsel. Fred felt this should not have any impact on the release of lots sought tonight and that the builder would be responsible for the AHTF payment before an occupancy permit was issued. Jim felt the Town ought to have something formal in writing to ensure the agreement was clearly documented and understood. The Administrator will send a copy of the April 7th meeting minutes, and Fred will work with his legal team to have a document created for the Town.

APPROVED

The Board, Dave and Fred went on to discuss the surety performance bond amount to be provided. While some amounts had been estimated for the likely elements of the development which would be needed to complete the infrastructure, Dave noted that he had not been able to finalize his "Engineer's Opinion of Probable Construction Cost" for the Exhibit A. He did note that the amounts they had researched were higher than the estimates provided. There was some discussion surrounding the bonding elements of the infrastructure and costs likely. Dave assured Fred and the Board that his office would be able to provide the probable costs via email within the week.

The legal agreement also contained a "*plus a twenty-five (25%)*" contingency factor per the original Conditions of Approval, Condition 3(c)(1) of the original subdivision decision. Fred interpreted this clause as the portion of the surety to be retained by the Town until road acceptance, so it's not an additional amount. The legal teams will need to address and clarify in an updated agreement.

The Board and Fred agreed to push off the Chair's signatory on the document until the next meeting, to allow for the finalization of Exhibit A, clarification on the contingency factor as a retention, as well as the creation of the separate Affordable Housing Trust Fund agreement.

## Land Disturbance Status Updates

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

a. Tier I/73 Depot Street: Site is in good shape with grass growing. Dave will be issuing his certification given it is a Tier I permit.

b. Tier II/75 Mill Street: Dave noted that the property is in good shape for stormwater management. The applicant's engineer is working on his letter of response to the outstanding needs to verify driveway materials as well as creation of an as-built plan.

c. Tier I/493 Main Street: Dave's certification is ready, and he's verbally approved completion to the owner.

d. Tier II/158 Forest Street: Waiting for as-built plan delivery.

e. Tier II/178 Westford Street: Nothing new to report.

## Additional Topics Discussed Not Noted on the Agenda

## Scenic Roads Potential Violation

Joan noted she'd observed some roadside trees at a property on Cross Street were recently cut down. While some trees are well off the scenic road, there was one large pine which was right along the roadside. Alan volunteered to take a drive by and report to the Board at the next meeting.

Jim moved to close the meeting at 7:47 PM. Joan seconded the motion. – Motion passed unanimously.

The next meeting scheduled is on Monday, October 20th, 2025, at 6:30pm.

Respectfully submitted,

Carol A. Rock
Administrative Assistant
Dunstable Planning Board

APPROVED