OFFICE OF THE
PLANNING BOARD
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Planning Board Minutes
Monday, October 20, 2025

Approved: **November 3, 2025**

At 6:31pm, Chair Joe Vlcek 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

Meeting Minutes – October 6, 2025

Alan made a motion to approve the minutes of the October 6th meeting. Joan 2nd the motion. – Motion passed unanimously.

Bills, Task Orders and Payroll

- No bills.
- Alan made a motion to sign off on one payroll. Jeff 2nd the motion. – Motion passed unanimously.

Public Hearing: Special Permit, Site Review Backland Lot– 473 High Street, Civil Design/Michelle Larkin-Celtic Builders LLC

Joe opened the hearing at 6:35pm and explained the hearing procedure and process. In attendance: Applicants, Michelle Larkin/Celtic Builders, plan designer and engineer Tom Schomburg of Civil Design Consultants Inc., Hoyle-Tanner Town Engineer, David Langlais and members of the public. The Administrator read aloud the legal notice of the Public Hearing printed twice in the Groton Herald.

Tom Schomberg presented the applicants' proposal for a special permit to create a backland lot for construction of a new single-family dwelling with driveway, associated utilities, grading, drainage, septic system and other appurtenances. The subject parcel at 473 High Street contains 11-acres with 630' frontage and is a portion of assessor's map 15 block 24-0 in the R-1 Residential zone. The Special Permit Plan for the backland lot presented details of "Lot 2" with 5.18-acres and 40.37' frontage between two conventional ANR lots on the property. The applicant also submitted a Tier I Land Disturbance application and plans for an infiltration system sized to capture and infiltrate the first inch of runoff according to the Town Stormwater Regulations. Tom noted the proposed backland lot meets requirements of sections 11.7 and 14.5 (a-k) of the Dunstable Zoning Bylaws.

Tom shared that grading and disturbance is proposed to be minimized to the maximum extent practicable. The proposed dwelling and septic system have been sited to be as close to High Street as possible to limit disturbance on the lot to the minimum required. The dwelling will be designed to be related harmoniously to the terrain and use, scale and proportions of the existing and proposed buildings in the vicinity. The proposed building will be in accordance with required setbacks and permanent monumentation for property lines will be installed. There is no open space proposed as part of this single-family backland lot development. The proposed driveway will provide adequate access. Surface water drainage will include a drywell for roof run-off and an infiltration trench for driveway runoff are proposed to mitigate any adjacent property run-off. Utilities will be underground and sewage disposed of with an on-site septic system. Water will be an on-site private well. A natural buffer exists and will be maintained as screening to adjacent properties. The proposed site plan complies with all site plan standards with exception of the following four waivers requested:

(1) section 3.03 and section 4.01 – Drainage Calculations. The proposed site plan triggers a Tier 1 Land Disturbance Permit, which contains its own standard for management of stormwater runoff. The standard regulated by the Tier 1 Land Disturbance Permit is being met.
(2) section 3.05 – Traffic Impact. The applicant believes that the traffic impact of the proposed single-family dwelling will be 'de minimus' and would not warrant a traffic study.
(3) section 4.03 – Landscaping. No additional landscaping is proposed beyond treatment of finished grade surfaces with loam and seed and preservation of existing natural buffers.
(4) section 4.04 – Lighting. No outdoor lighting is proposed as the development is a single-family dwelling.

Tom went on to note that they have issued revised plans, dated Oct. 17, 2025, based on a few Town Engineering comments received by email. These include:

1. Added erosion controls on the down-slope side and construction entrance details
2. Provided drainage calculations for infiltration systems (drywell and trench meet 1" rainfall requirement)
3. Adjusted driveway cross slope from 2% to 4% to catch more of the water in the trench

<u>Planning Board Questions and Discussion:</u>

Jim inquired whether there were any adjacent backland lots. Tom responded that a backland lot is further up High Street, but no contiguous backland lot touches the proposed lot frontage.

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Jim asked about the frontage on backland lot and adjoining lots. Tom responded this proposed backland lot has 40.37' and the two adjacent conventional lots 1 and 3 have 389' and 200' frontage respectively.

Jeff asked whether any existing stonewalls cross the driveway. Tom noted one exists where the driveway is planned that will need to be removed.

Town Engineer of Hoyle-Tanner, David Langlais:

Dave shared that his engineer assigned to the application and plan review had not completed their review to provide comments in time for tonight's hearing. His initial comments shared with Tom via email were surrounding the driveway pitch and drainage.

He noted a concern that if lot 3 is developed by the same developer at the same time, it would require a land disturbance permit for the additional lot. If considered as one disturbance, it would increase the disturbance permit required to a Tier II and require additional components such as a Construction General Permit (CGP) and Stormwater Pollution Prevention Plan (SWPPP).

Chair Joe announced that given the delayed Town Engineering comments, a continuance of the public hearing would be required. Dave will provide his feedback before that continuation hearing.

Departments in Attendance/Letters Received:

No departments were in attendance to offer additional concerns or input. The Roads/Highway Department had responded to the notification noting the need for a driveway permit and retainer for apron.

Attendees Questions and Comments:

Mike Leedberg (458 High Street) shared: his access road washed out twice in last 5 years; roadway water runoff flows from street toward his well; has concerns new impervious surfaces will worsen flooding. He will provide photos/video documentation for the hearing continuation date.

Judy Denham (490 High St.) shared: Existing drainage problems from previous additional nearby development; culvert repeatedly destroyed by runoff; general concerns about cumulative water impact on High Street properties.

Ann Davis (Historical Commission Chair): the 473 High Street house has historic significance as an 18th century saltbox style, and the Amos Kendall birthplace (Postmaster General under Andrew Jackson). The Town has previously explored purchase, which was

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determined to not be feasible. The 9-month demolition delay has expired. She appreciates that the new property owners are marketing informally to preservation-minded buyers as the Town and Commission would love to see the original dwelling and area converted into a museum for educational use.

Additional citizenry offered thoughts and concerns for the Board to consider. Chair Joe asked the applicant if they were interested in a continuance, noting they likely needed more time to address the Tier II land disturbance requirements, additional drainage analysis for impact on neighboring properties and given the outstanding Town engineering review. Ms. Larkin requested the continuance.

PB Meeting of Nov. 17th Reschedule (due to Special Town Mtg)

- Alan made a motion to reschedule the November 17th PB meeting to Tuesday, November 18th. Jim seconded the motion. – Motion passed unanimously.

Returning to the Public Hearing for 473 High Street:

- Alan made a motion to continue the Special Permit hearing for 473 High St until the November 18th PB meeting. Joan 2nd the motion. – Motion passed unanimously.

Request to accept Affordable Housing Fund "payment-in-lieu" Agreement Signatory – Unkety Brook Way Subdivision

Prior to the meeting Town Counsel had coordinated with the legal team for the Developer Fred Fahey/Premier Property Group LLC to create a *"DECLARATION OF COVENANTS AND RESTRICTIONS FOR AFFORDABLE HOUSING PAYMENTS"* document for requiring the developer to make a payment to the Town's Affordable Housing Trust Fund in accordance with the Town's Zoning Bylaw section 29.6. The Developer agrees to pay $50,000 for each dwelling unit before a Certificate of Occupancy is issued by the Building Inspector.

- Alan made a motion for the Planning Board Chair, Joe V. to sign the *"Declaration of Covenants and Restrictions for Affordable Housing Payments"* document for the Unkety Brook Way subdivision, as presented and approved by Town Counsel. Jim seconded the motion. – Motion passed unanimously.

Request for Release of Building Lots/Security Performance Agreement Signatory (Release of Covenant) – Unkety Brook Way Subdivision

Prior to the meeting the legal team for the Developer Fred Fahey/Premier Property Group LLC (not in attendance) had coordinated with Town Counsel to update a "*SECURITY PERFORMANCE AGREEMENT SECURED BY CASH DEPOSIT AND RELEASE OF COVENANT*"

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document with an updated Exhibit A ("Unkety Brook Way Bond – Opinion of Cost" provided by Town Engineer Dave Langlais) for the Board to vote on signing.

Dave Langlais detailed to the Board his provided "Opinion of Cost"/Exhibit A which the Developer had agreed upon. The amount of the deposit to secure the Developer's completion of the work to be held by the Town as a performance bond was set at $133,100.00. This deposit will be provided by Premier Property Group and be held in a separate, interest-bearing account as security until the Developer completes the work in accordance with covenants, conditions, agreements and terms stated in the document with a completion date of October 6, 2026. At least 25% of the security shall remain unreleased as a "holdback amount" until the Town has accepted the road in the future.

In accordance with M.G.L. c41, §81U, the execution of the agreement releases all eleven lots from the Covenant. The Administrator shared with the Board the Developer's intent to sell the lots to individual builders.

- Alan made a motion for the Planning Board Chair, Joe V. to sign the "Security Performance Agreement secured by Cash Deposit and Release of Covenant" document for the Unkety Brook Way subdivision, as presented and approved by Town Counsel. Jim seconded the motion. – Motion passed unanimously.

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: Dave will be issuing his certification given it is a Tier I permit.

b. Tier I/493 Main Street: Dave will be issuing his certification given it is a Tier I permit.

c. Tier II/178 Westford Street: The property owner has been communicative to Dave and providing photographic documentation regularly. A low point on the lot has been a focus of concern as a breach point. The owner is reinforcing as needed.

Land Disturbance Tier II "Certificates of Compliance"- 158 Forest St & 75 Mill St.

Town Engineer Dave noted the required as-built plans were not yet provided. Therefore, he had not completed the final certification on these two properties for the Board to sign off.

Bylaw Updates: Accessory Dwelling Units

Chair Joe noted the Town had an option to incorporate a larger than 900SF ADU into the bylaw. He sought input from the Board on whether the last September 23rd draft bylaw should be enhanced to allow. Joan noted the current draft written only allows a Protected Use ADU to be 900SF. The Board agreed that an allowance for a larger size ADU was not of interest at this time. Joe noted the draft proposed and reviewed by the Board to date

supports the State's "by right" law, with clarification around setbacks, wetlands and building codes – all in line with where the State allows towns to control requirements for ADU's.

The Zoning Bylaws chart 11.1, which outlines dimensional requirements, was modified to make it more readable and add a footnote which specifies "*** Non-dwelling accessory structures (e.g.: sheds, pools, garages & livestock coops, pens, barns): 20 ft."*

- Alan made a motion for the September 23rd draft edition of the ADU bylaw, along with the updated Zoning Bylaw chart 11.1, to be forwarded to Town Counsel for review. Joan seconded the motion. – Motion passed unanimously.

Scenic Roads Bylaw Violation -- 38 Cross Street

Alan shared that a pine grove, which included a large pine tree within the right of way, was recently taken down on the property. The Town Bylaw was violated given the property owner had not sought pre-approval from the Board. The Administrator was requested to issue a letter of violation notice to the property owners and request their appearance at the next Planning Board meeting.

Jim moved to close the meeting at 8:43 PM. Joan seconded the motion. – Motion passed unanimously.

The next meeting scheduled is on Monday, November 3th, 2025, at 6:30pm.

Respectfully submitted,

Carol A. Rock
Administrative Assistant
Dunstable Planning Board

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