

PLANNING BOARD MEETING – August 24, 2016

PRESENT: Mark Pease, Chairman; Robert Donnelly, Vice Chairman; Philip Greene; George Nangle; Philippe Thibault; Brian Chapman, Alternate Member; Elizabeth Ware, Community Development Director; Edward Patenaude, Public Works Director; Mark Hamel, Town Engineer and Lisa Wagner, Recording Secretary

Chairman Pease opened the meeting at 7:00 p.m. in the Conference Room at Town Hall and the Pledge of Allegiance was recited.

MINUTES:

Meeting held on July 27, 2016: Mr. Donnelly motioned to approve. Mr. Nangle seconded. Motion passed unanimously.

231 WHEELER STREET/O'BRIEN HOMES/PRELIMINARY SUBDIVISION PLAN & OPEN SPACE SPECIAL PERMIT/PUBLIC HEARING:

Chairman Pease opened the hearing and read aloud the Legal Notice, which was advertised in the Lowell Sun on Wednesday, August 10, 2016 and again on Wednesday, August 17, 2016.

Attorney James Flood appeared before the Board along with Kevin O'Brien of O'Brien Homes, Dennis Griecci, Project Engineer of Andover Consultants, Dan Wells, Wetlands Consultant and Maureen Herald of Norse Environmental in seeking approval of a 33-lot subdivision on an approximately 51 acre parcel in the R1 zone. Mr. Griecci stated the property abuts residential land, farmland and Brox Industries. The 2 public roadways shown as Poppy Lane and Elizabeth Drive have temporary cul-de-sacs, which will be extinguished to provide access to the development. Mr. Griecci noted there are 2 easements on the property, one belonging to the Town and the other is a public utility easement. The applicant submitted an ANRAD (Abbreviated Notice of Resource Delineation) to the Conservation Commission and an ORAD (Order of Resource Delineation) was issued in January 2016 that established the boundaries of the wetland areas and National Heritage has flagged the vernal pools on the site.

In further review, Mr. Griecci presented the preliminary plan, which shows the 33-conventional lots with each having the required square footage, frontage and setbacks, as well as being outside the recommended 50-foot "no build" zone set by the Conservation Commission. The open space plan has a short cul-de-sac with none of the proposed lots located in the wetlands and this plan reduces the impact area, reduces the amount of impervious areas and provides approximately 30 acres of open space. Mr. Griecci added the outside review comments prepared by Land Tech Consultants overall seems agreeable, however, there is a concern with item #11 that addresses the number of building lots in the conventional plan and the reference of an increased buffer zone from the vernal pool.

Chairman Pease informed the attendees of the process involved in approving a preliminary subdivision to determine the number of lots that the developer can build in an open space plan. In addition, as a cost to the applicant, the Town hired an outside consultant to review the plans.

PLANNING BOARD MEETING – August 24, 2016

Dan Wells of Goddard Consulting appeared on behalf of Mr. O'Brien to look at 2 of the certified vernal pools, as there was an issue as to whether they are connected and would be considered 1 vernal pool. In his opinion, Mr. Wells finds that the 2 isolated wetlands were likely manmade; there is an existing cart path or road that goes between the 2 vernal pools, therefore; there is no possible connectivity between the 2. Chairman Pease asked if that impacts the lot yield. Maureen Herald of Norse Environmental stated it impacts the buffer zone for the lot yield, however; if it was connected there would be an alteration of the vernal pool resource area, but they are clearly not connected. The vernal pools were certified in 2006 along with a number of others in the Town. Ms. Herald noted they are certified vernal pools and isolated wetlands; the isolated wetlands are not protected under the Wetlands Protection Act only the bordering vegetated wetlands. The Town Zoning By-Laws restricts foundations within 50-feet of the wetlands and as the conventional plan is designed; Ms. Herald believes it is permissible under the Wetlands Protection Act and the Dracut By-Laws. Ms. Ware added the Board is considering a preliminary open space special permit for 33 lots and the peer review consultant determined there are 29 lots; the applicant is Kevin O'Brien, who is not the owner at this time, as the Murphy family still owns it. The zoning is R1 and there are about 2 acres located in Methuen, which the Board has no jurisdiction over. Ms. Ware stated the open space area of approximately 30 acres will be held under a Conservation Restriction.

Chairman Pease asked if anyone in attendance had a question or comment.

Dana Taplin of 489 Wheeler Road asked when the report was done regarding the vernal pools. Mr. Wells indicated he visited the site on August 4th and the report is dated August 9th. Mr. Taplin commented this area is experiencing severe drought conditions and questioned the findings in the report. Chairman Pease inquired if Mr. Taplin feels the vernal pools are connected. Mr. Taplin has documentation from Natural Heritage that contradicts the consultant and finds the vernal pools do connect based on GIS mapping. Ms. Herald stated that the representative from Natural Heritage did not go in the field and view the site, but they do agree that these are vernal pools and the site is highly disturbed.

Denah Toupin of 12 Rinzee Road has resided at this location since around 1990 and has hiked the area or walked her dogs and in previous years this area has been considerably wet throughout the year with many mosquitos or frozen in the winter. Mrs. Toupin noted the pathway between the depressions that are typically ponds is extremely narrow and putting a road in there would encroach on the ponds. Also, Mrs. Toupin mentioned a concern about the traffic in her neighborhood with the open space plan and the residents of 33 homes travelling on Rinzee Road, which would be a substantial impact. Additionally, she believes her neighborhood would be changed with the removal of a significant number of trees.

Tim Murphy of 5 Poppy Lane purchased his home 15 years ago because of the quiet, peaceful and safe neighborhood, which he feels will be dramatically impacted by this development.

PLANNING BOARD MEETING – August 24, 2016

In reference to the Zoning By-Laws, Section 4.14.50 regarding the decision criteria, Mr. Murphy stated the Board must find that the approval of the plan will not have a detrimental impact on the neighborhood and he strongly believes this development will have an enormous, apocalyptic effect on this neighborhood with Poppy Lane and Elizabeth Drive being opened up, which will create a speedway, as well as providing access across Town for other residents. Mr. Murphy commented that the conventional plan would still make money for the property owner and it would not destroy the neighborhoods of Rinzee Road, Elizabeth Drive and Poppy Lane.

Deborah Sweeney of 22 Elizabeth Drive has a concern about the noise, traffic and potential crime that this development will bring to the neighborhood.

Jacqueline Neville of 32 Rinzee Road, a resident of 15 years, who believes the neighborhood will be destroyed by this development, as well as having a horrible impact. Mrs. Neville noted she is in real estate and feels people have a right to develop their property, but not when it's going to destroy someone's home and way of life. She asked the Board not to approve this development. Chairman Pease stated the applicant has a right to submit an open space plan or conventional plan.

Mrs. Toupin questioned the filing process and the different plans. Chairman Pease stated the conventional plan is used to determine the lot yield, which is the basis for the open space special permit plan and it cannot have more lots than the conventional. Mrs. Toupin asked if the conventional plan requires a special permit. Chairman Pease indicated it did not, but it does require the normal subdivision process. Mrs. Toupin inquired about the setbacks in the special permit plan and whether more trees are removed in one plan or the other. Chairman Pease stated the setbacks are different. Mrs. Toupin commented that the compressed plan would be cheaper for the developer to build and it would be a worse impact on the neighborhood. Ms. Ware noted the conventional plan requirements are minimum lot area 40,000 square feet, frontage of 175 feet, minimum lot width of 30 feet, minimum front yard of 30 feet, minimum side yard 15 feet and minimum rear yard 35 feet and the open space plan requirements are minimum lot area of 20,000 square feet, minimum frontage of 50 feet, minimum side and rear yards of 15 feet, minimum front yard of 30 feet and minimum lot width of 50 feet. Chairman Pease added the consultant recommended a "90-foot wide no cut" buffer along the residential property lines.

Paul Toupin of 12 Rinzee Road felt the neighborhood had character with large yards and trees between the houses and he finds the condensed version will devalue the existing homes, as this development will be house on top of house with no trees.

Carl Maib of 62 Rinzee Road a longtime resident of Dracut is concerned with the traffic this project will generate and mentioned a concern for the extensive wildlife in the neighborhood. Mr. Maib questioned the criteria for selecting one plan over the other. Chairman Pease referenced the Decision Criteria in the Zoning By-Laws and read, as follows:

PLANNING BOARD MEETING – August 24, 2016

“The approval of the plan will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety and is superior to a conventional plan in preserving open space, minimizing environmental disruption, allowing for more efficient provision of services, and/or allowing for greater variety in prices and types of housing.”

Clyde Neville of 32 Rinzee Road felt the development will be extremely detrimental to the neighborhood and will decrease the value of the existing homes. Mr. Neville stated there is no benefit to the neighborhood in approving the project and the only value is to the builder, but he doesn't live in the neighborhood. Mr. Neville had another concern about the water table, as he gets water in his basement and believes his property will be further impacted.

Donna Nardelli of 47 Rinzee Road questioned the size of the parcel and the number of lots. Chairman Pease stated the Board needs to determine the number of lots in the conventional plan, as the “cluster plan” cannot have more lots than the conventional.

Mr. Thibault asked how the wetlands or vernal pools are determined given the current drought situation. Mr. Wells stated the active season for vernal pools is typically in the spring and noted the vernal pools are certified, but it is his opinion that they are not hydrologically connected.

Mr. Taplin questioned if the high water table in the spring when water flows between the 2 vernal pools would then create a single pool. Mr. Wells did not believe that even during an extreme flooded spring that water would flow across the cart path between the vernal pools.

Mr. Maib asked if the developer would typically go through this amount of detail if the property is still owned by the Murphy family and is there an opportunity for the development not to happen. Chairman Pease commented that there is probably an agreement between the owner and developer, however; it might be contingent on the permitting.

Mr. Greene noted the Board could not determine the number of lots with the disagreement between Land Tech and the developer (item 11). Chairman Pease agreed and added there is a difference of opinion regarding the vernal pools, as well. Attorney Flood suggested meeting with Land Tech, Conservation and their consultant. Mr. Greene would like Mr. Hamel to be included in the meeting. Chairman Pease asked for Mr. Hamel's input on this issue. Mr. Hamel inquired if Mr. Wells submitted his report and other than evidence of staining, what was used to determine the estimated seasonal high water table. Mr. Wells stated it was by observation and there were no hydrological measurements. Mr. Hamel asked if any borings were done, which Mr. Wells indicated they did not, but he has delineated numerous vernal pool boundaries although he can't back it up without the presence of water. Mr. Hamel noted the drought conditions and he is not questioning the rationale in determining the extent of the vernal pools, however; there are methods for determining seasonal high water tables and elevations.

PLANNING BOARD MEETING – August 24, 2016

Ms. Herald stated these vernal pools are manmade and dug out with a lot of fill around the perimeter measuring upwards of 5 to 7 feet. Mr. Hamel acknowledged the concerns of the abutters and believes there should be some evidence to dispute or approve the assertion that it does overflow the roadway when the area is not experiencing drought conditions. Mr. Greene concurred with Attorney Flood to schedule a meeting to resolve this issue. Chairman Pease added the Board has a significant amount of material to review as well.

Hearing no further questions, Mr. Thibault motioned to continue the hearing to the September 14th meeting at 7:15 p.m. Mr. Nangle seconded. Motion passed unanimously.

Chairman Pease stated the Board has to accept a check for \$6,500.00 from O'Brien Homes for the consultant fee. Mr. Greene motioned to accept the check from O'Brien Homes. Mr. Nangle seconded. Motion passed unanimously.

8:10 PM: Chairman Pease called for a 5-minute recess.

8:15 PM: Chairman Pease resumed the recessed meeting.

OLD BUSINESS:

Marsh Hill Road – “Fox Run II”/Draco Homes/Final Lot Release

Chairman Pease stated a bond in the amount of \$190,209.75 has been posted with the Town for releasing the last 18 lots. Mr. Greene motioned to release lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 50, 51, 52, 53, 54, 55 and 56 with the posting of \$190,209.75. Mr. Nangle seconded. Motion passed unanimously.

Planning Board Initiatives/Review & Update

Chairman Pease indicated Ms. Ware would update the Board on the changes to the Subdivision Regulations at the next meeting, however; she has reviewed the Master Plan chapters and submitted a summary to the Board of Selectmen. Chairman Pease noted he is working with Ms. Ware, Mr. Thibault and Mr. Hamel to determine the status of the Master Plan and will be reporting this information to the Selectmen and Planning Board. In researching some old minutes back from 1999, Chairman Pease mentioned the Planning Board did not approve the Master Plan.

NEW BUSINESS:

145 Donohue Road/RJM Construction/Special Permit Submittal for a 2-Family Dwelling & to Request a Public Hearing

Mr. Greene motioned to schedule a public hearing on September 14, 2016 at 7:05 p.m. Mr. Nangle seconded. Motion passed unanimously.

845 & 855 Hildreth Street/Southern End Realty/Definitive Subdivision Submittal & to Request a Public Hearing

PLANNING BOARD MEETING – August 24, 2016

Mr. Greene motioned to schedule a public hearing on September 28, 2016 at 7:05 p.m. Mr. Thibault seconded. Motion passed unanimously.

ADJOURNMENT: Mr. Thibault motioned to adjourn at 8:20 p.m. Mr. Donnelly seconded. Motion passed unanimously.

THE DRACUT PLANNING BOARD



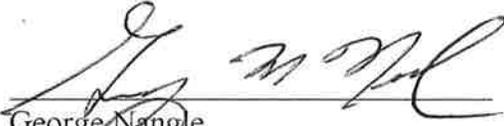
Mark Pease, Chairman



Robert Donnelly, Vice Chairman



Philip Greene



George Nangle



Philippe Thibault

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