

PLANNING BOARD MEETING – August 24, 2011

PRESENT: Brian Bond, Chairman; Robert Flynn; George Nangle; Jesse Forcier, Alternate Member; Jack McGrail, Engineering Department and Lisa Wagner, Recording Secretary

ABSENT: Robert Donnelly & Philip Greene

Chairman Bond opened the meeting at 7:00 p.m. in Harmony Hall.

MINUTES:

Meeting held on July 27, 2011: Mr. Nangle motioned to approve. Mr. Flynn seconded. Motion passed unanimously.

823 BROADWAY ROAD/THERESA MAILLE/ANR PLAN:

Theresa Maille and her son, Russell Maille appeared before the Board seeking approval of an ANR plan for the property at 823 Broadway Road. Mrs. Maille stated her lot consists of 3+ acres of land located in the R1 residential zone and she wants to create a new lot having 40,521 square feet shown as Lot 1. The remaining lot with the existing home will have 105,186 square feet. Mr. Flynn inquired about a swimming pool on the property and questioned the amount of frontage for the new lot. Mr. Maille indicated the pool was removed and there is 175 feet of frontage for the proposed lot.

Mr. Flynn motioned to approve the plan. Mr. Nangle seconded. Motion passed unanimously.

49 STEWART STREET/ELPIDIO TELES/SPECIAL PERMIT FOR RESIDENTIAL ADDITION TO REAR OF EXISTING BUILDING/PUBLIC HEARING:

Chairman opened the hearing and read aloud the Legal Notice which advertised the hearing in the Lowell Sun on Wednesday, August 10, 2011 and again on Wednesday, August 17, 2011.

Elpidio Teles appeared before the Board requesting a special permit to construct an addition to the existing building for a larger living area and bedrooms. Mr. Flynn mentioned a memo from the Building Inspector, who noted there are 14 parking spots within a few feet of the lot line and the cars are backing out onto Stewart Street, which is a violation of the Zoning By-law Section 3.10.41. It was further mentioned that this application should include a full site plan of the property under Section 1.16.22 or the petitioner needs to submit a written request to waive this requirement. Mr. Teles stated the side parking was existing, but it was previously a dirt area that he had paved and did not see a problem with it. Mr. Flynn indicated Glen Edwards, the Assistant Town Manager/Town Planner referenced Zoning By-law Section 3.10.41 that says, "Parking areas for five or more cars shall not require vehicles to back onto a public way." Mr. Teles said the cars have plenty of room to turn and back up. Chairman Bond noted the Zoning By-law does not allow cars to back onto the street.

PLANNING BOARD MEETING – August 24, 2011

Mr. Flynn added that there are requirements regarding buffering and screening, which must be shown on the site plan. Mr. Teles indicated he submitted a plan. Mr. Flynn reviewed the plan and noted it does not provide the necessary details nor does it show the location of the proposed addition.

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

Robert Corey of 365 Tyngsboro Road goes to this business regularly and he does not see an issue with the parking, as there are usually no more than 2 or 3 cars there plus there is minimal traffic in this area. He did not feel it would be necessary for the applicant to provide a site plan. Chairman mentioned it is a requirement of the Zoning By-laws.

Ed Cote of 40 Stewart Street lives directly across from Mr. Teles and he has no issues with this proposed addition.

Chairman Bond recommended that a site plan be prepared in order to address the requirements. Mr. Flynn added there is a procedure that the applicant can request a written waiver of the particular elements of the site plan. Mr. Nangle is familiar with this area and does not have a problem with the parking, but would just like to see the plan cleaned up.

Mr. Flynn motioned to continue this hearing to the September 14th meeting. Mr. Nangle seconded. Motion passed unanimously.

NEW BUSINESS:

Proposed Zoning Amendment/Michael Marcoux/Discussion

Attorney John Smolak and Michael Marcoux appeared before the Board to discuss a proposed zoning amendment for the fall Town Meeting. Attorney Smolak presented the language for the zoning change, which is relative to the B4 zoning district and reads as follows:

“Notwithstanding anything contrary in the Zoning Bylaw, a Single Family Dwelling Use and Structure existing as of October 1, 2011 shall be permitted by right to be located on the same Lot as other principal uses allowed in a B4 Zoning District, provided that such other non-Single Family Dwelling uses and structures comply with the requirements of the B4 Zoning District as well as other provisions of the Zoning Bylaw. Any modification to said Single Family Dwelling after October 1, 2011, whether or not another use permitted in the B4 District is located on such Lot, shall be subject to approval by Site Plan Special Permit issued by the Planning Board.”

Mr. Flynn questioned whether the lot at the corner of Cross Road was included in the B4 zone back in 1986 because of the single family home. Mr. Marcoux confirmed it was in the B4 zone in 1986 and it had been in the industrial zone. Mr. Flynn was concerned about other B4 properties. Mr. Marcoux stated there are only 4 lots this pertains to.

PLANNING BOARD MEETING – August 24, 2011

In further discussion, Mr. Flynn mentioned he would prefer to see a date from the past, such as June 1, 2001, rather than a date in the future. Attorney Smolak did not see an issue with changing the date.

The Board found the proposed zoning amendment acceptable and directed Attorney Smolak to file the necessary paperwork for the Town Meeting Warrant.

338 Aiken Avenue/Shawn Angluin (d/b/a Shawn's Auto Repair)/ Special Permit Submittal & to Request a Public Hearing to Extend the Non-Conforming Use

Mr. Flynn motioned to schedule a public hearing on September 28, 2011. Mr. Nangle seconded. Motion passed unanimously.

ADJOURNMENT: Mr. Flynn motioned to adjourn at 7:35 p.m. Mr. Nangle seconded. Motion passed unanimously.

THE DRACUT PLANNING BOARD

Brian Bond, Chairman

Robert Flynn

George Nangle

/lw

