

## PLANNING BOARD MEETING – December 9, 2015

**PRESENT:** Jesse Forcier, Chairman; Mark Pease, Vice Chairman; Robert Donnelly; Philip Greene; George Nangle; Elizabeth Ware, Community Development Director; Mark Hamel, Town Engineer and Lisa Wagner, Recording Secretary

Chairman Forcier 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 November 18, 2015: Mr. Donnelly motioned to approve. Mr. Nangle seconded. Motion passed unanimously.

### **EMERSON AVENUE/EDWARD O'NEILL, TRUSTEE OF EMERSON AVENUE TRUST/ANR PLAN:**

Ed O'Neill appeared before the Board seeking approval to subdivide one piece of land into two in Dracut. The plan was previously submitted in October and the Board referred it to Town Counsel for a legal opinion, which has been received. Chairman Forcier stated that plan was withdrawn. Mr. O'Neill indicated that as correct. Chairman Forcier asked whether the intent is to combine Parcel A, B & C. Mr. O'Neill stated he is looking to subdivide the 1 piece in Dracut into 2 pieces. Chairman Forcier noted the plan shows Parcel A & B as not building lots. Mr. O'Neill agreed. Mr. Donnelly commented that essentially the plan is for a lot line change. Mr. O'Neill stated that is correct and there is no representation that those are buildable lots, as he is just seeking a boundary adjustment to make it 2 separate pieces. Ms. Ware referred to Attorney Hall's letter of October 22<sup>nd</sup> that indicates the plan is not entitled to an ANR because it does not have sufficient frontage on Emerson and in her opinion, the Board should deny the plan until the applicant obtains zoning relief. Mr. Pease added it would need a variance for frontage. Mr. O'Neill did not feel it mattered as they are not building in Dracut and questioned why he could not subdivide a piece of land into 2. Mr. Pease stated an ANR plan needs to have adequate frontage according to the rules. Mr. O'Neill remarked that those are the rules according to Subdivision Control. Mr. Pease stated this plan does not apply to Subdivision Control, but an ANR does, which has frontage requirements. Ms. Ware noted if Parcel A & B are combined it would have sufficient frontage. Chairman Forcier agreed that frontage for the R3 zone is 150 feet, however; area is 40,000 square feet. Mr. O'Neill understands that, but stated the issue is even with combining A, B & C; it still does not conform to Dracut requirements and they are not making any representation that it is buildable nor does it conform with an ANR. Ms. Ware stated the Board's jurisdiction is frontage, access and potentially lot area, which Parcel A & B do not meet the frontage, therefore; her recommendation is to deny the plan per legal counsel's memo of October 22<sup>nd</sup> that says, "I am sure the petitioner thinks that Lot A and Lot B are buildable, but they are not because they do not have sufficient frontage on Emerson Avenue". Chairman Forcier noted the opinion from Town Counsel was for a different application that was an ANR. Mr. O'Neill indicated the plan is not an ANR. Ms. Ware pointed out on the plan, the statement "approval under the subdivision control law not required" or an ANR plan. Mr. O'Neil reiterated Parcel A & B are not buildable in the Town of Dracut, as shown on the plan.

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In further discussion, Mr. O'Neill stated an ANR (approval not required) actually mean that it meets all the requirements. Ms. Ware stated absolutely not. Mr. Pease added the Board is aware the lots are not buildable, but it must consider frontage. Mr. O'Neill again stated he is just looking to subdivide 1 piece of land into 2. Chairman Forcier noted the plan before the Board is an ANR, which requires 150 feet of frontage and 40,000 square feet of area in an R3 zone.

Mr. Pease motioned to deny the ANR plan due to the lack of sufficient frontage. Mr. Donnelly seconded. Motion passed unanimously.

**OLD BUSINESS:**

**Farm Gate Road/Draco Homes/Final Bond Release 1-Year After Street Acceptance**

Mr. Donnelly motioned to recommend the final bond release of \$118,794.00 plus interest based on the recommendation of the Engineering Department. Mr. Greene seconded. Motion passed unanimously.

**NEW BUSINESS:**

**102 D Street/Michelle McCormack/Special Permit Submittal for an In-Law Unit & to Request a Public Hearing**

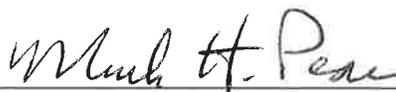
Mr. Greene motioned to schedule a public hearing on January 13, 2016. Mr. Pease seconded. Motion passed unanimously.

**ADJOURNMENT:** Mr. Pease motioned to adjourn at 7:10 p.m. Mr. Greene seconded. Motion passed unanimously.

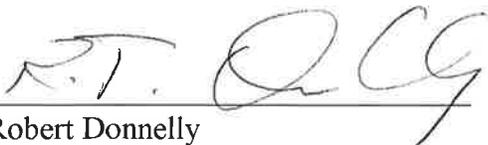
**THE DRACUT PLANNING BOARD**



Jesse Forcier, Chairman



Mark Pease, Vice Chairman



Robert Donnelly



Philip Greene



George Nangle