

PLANNING BOARD MEETING – January 13, 2016

PRESENT: Jesse Forcier, Chairman; Mark Pease, Vice Chairman; Robert Donnelly; Philip Greene; George Nangle; Elizabeth Ware, Community Development Director; Michael Buxton, Director of Public Works; 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 December 9, 2015: Mr. Donnelly motioned to approve. Mr. Nangle seconded. Motion passed unanimously.

520 COLBURN AVENUE/JOHN SWINIARSKI, JR/ANR PLAN

David Fieldsend of Landplex Surveying appeared before the Board on behalf of the applicant and presented an ANR plan for 520 Colburn Avenue, which is partially located in Pelham, New Hampshire. The plan shows 7 proposed lots with each having the required frontage and area. At the request of the Engineering Department, Mr. Fieldsend noted there is a 10 foot wide easement along the roadway and a stone bound drill hole for survey control. There is an existing house with a garage, a barn, shed and horse track on the property, all of which will be raised prior to construction. Chairman Forcier inquired if there are any issues with this property coming out of Chapter 61A guidelines. Ms. Ware stated this was before the various Boards and the Town decided not to purchase this property, therefore; any tax issues would be addressed between the buyer and seller at the closing.

Mr. Greene motioned to approve the ANR plan based on the recommendation of the Engineering Department. Mr. Pease seconded. Motion passed unanimously.

102 D STREET/MICHELLE MCCORMACK/SPECIAL PERMIT FOR AN IN-LAW UNIT/PUBLIC HEARING:

Chairman Forcier opened the hearing and read aloud the Legal Notice, which was advertised in the Lowell Sun on Wednesday, December 30, 2015 and again on Wednesday, January 6, 2016.

Michelle and Thomas McCormack appeared before the Board seeking a special permit to have an in-law unit with a kitchen in the recently constructed addition. Mr. Donnelly asked if the required restrictions have been met. Mrs. McCormack stated they followed all the requirements and reviewed them with the Building Inspector.

Chairman Forcier asked if anyone in attendance had a question or comment. Nobody came forward to speak for or against this matter.

In further discussion, Chairman Forcier referenced the Building Department requirements and specifically item 13, "In the event the in-law dwelling unit is advertised or used as a rental unit, the Special Permit Granting Authority or the Zoning Enforcement Officer shall notify the permit holder of its intention to revoke the permit, forthwith" which gives the Building Inspector more authority to address the situation.

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In speaking with the Building Inspector, Ms. Ware indicated he would like some type of annual reporting done by the applicant to verify the in-law unit is being used as such and if it ceases to being an in-law; then the kitchen would be removed. Mr. Nangle agreed with adding that the permit can be revoke if the unit is not used as an in-law. Chairman Forcier stated the 15 requirements are part of the By-Laws, but he believes adding an annual letter would require a change to the Zoning By-Laws at Town Meeting. Ms. Ware was not sure if all of the previously approved in-law units were conditioned with all the language, however; the Board has the ability to impose any condition they want. Chairman Forcier was not comfortable adding the annual reporting at this time and would prefer to discuss it with the Building Inspector. Ms. Ware noted the Building Department requirements are not part of the By-Laws. Mr. Greene commented that the granting of the Special Permit should be done with the recommendation of the Engineering Department and the Building Department requirements and any annual reporting condition should be added to the By-Laws.

Mr. Nangle motioned to close the public hearing. Mr. Greene seconded. Motion passed unanimously. Mr. Nangle motioned to grant the in-law unit with the recommendation of the Engineering Department and the Building Department requirements. Mr. Greene seconded. Motion passed unanimously.

845 & 855 HILDRETH STREET/SOUTHERN END REALTY, LLC/PRELIMINARY SUBDIVISION:

Attorney Michael Fadden and Richard Alleca of Village Surveying represented the applicant in presenting a preliminary subdivision plan and indicated the owner of the property, Michelle Lambros, who planned on attending the meeting, has a purchase and sales agreement with Southern End Realty. The property is located on the easterly side of Hildreth Street and consists of approximately 10.8 acres of land with 2 single-family homes. The proposed development is in the R1 residential zone and will have 5 new house lots, which will have 175 feet of frontage, as well as 40,000 square feet of area and will be serviced by a cul-de-sac roadway. Attorney Fadden noted that the Lambros home is located at Lot #2, which will be extended by 10,000+ square feet to provide a greater buffer with the abutting lot. There are wetlands to the rear of the property and all work will be outside of the 100 foot buffer zone.

In further review, Attorney Fadden stated that Vanasse & Associates evaluated the sight distance, traffic volumes and vehicle travel speeds for the proposed subdivision and provided some recommendations to improve the access. Mr. Alleca submitted a waiver request for the cul-de-sac length to 560 feet and to waive a sidewalk on only one side. Attorney Fadden added there is a ground easement adjacent to the Department of Public Works, which has been utilized for about 20+ years.

Mr. Greene asked if the 10,700 square foot parcel being added to the existing house lot will make it 40,000 square feet. Mr. Alleca confirmed it would. Mr. Greene felt it was a good use of the land and had no issue with the cul-de-sac length, as well as the sidewalk on one side. Mr. Pease asked if a waiver of the traffic study is being requested. Mr. Alleca was not sure if the assessment submitted by Vanasse was adequate and if so, then the request would be withdrawn.

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Chairman Forcier asked for Mr. Buxton's input on the easement. Mr. Buxton stated there was an agreement with the Lambros family to store gravel in this area, which was based on a year to year lease and it will be vacated at the end of June. There was an attempt to negotiate a purchase price with the family, however; the family was not interested. Mr. Donnelly inquired if portion of land shown on Lot 7 meets the requirements of Section 2.12.41 for minimum lot size. Mr. Alleca indicated it has been calculated and it meets the minimum 50 foot requirement. Mr. Pease agreed with Mr. Greene on the cul-de-sac length and sidewalk waivers. In regard to the traffic study, Mr. Hamel stated the evaluation done by Vanasse does not meet the Board's traffic impact assessment guidelines, but he does find it to be adequate for this proposal. Chairman Forcier asked if a waiver would be necessary. Mr. Hamel confirmed it would. Ms. Ware asked if there was some documentation from the owner that authorized the applicant to present this proposal. Attorney Fadden stated the owner was supposed to attend the meeting, however; he did have a purchase and sales agreement in his file.

Mr. Greene motioned to waive the traffic study, as the provided documentation from Vanasse & Associates is sufficient for a 5-lot subdivision based on the input from the Engineering Department. Mr. Nangle seconded. Motion passed unanimously.

Mr. Greene motioned to waive the length of the roadway to 560-feet based on the proposed layout of the subdivision. Mr. Donnelly seconded. Motion passed unanimously.

Mr. Greene motioned to grant the waiver to allow a sidewalk on one side of the street. Mr. Pease seconded. Motion passed by a majority vote (4-1). Mr. Donnelly opposed.

Mr. Pease motioned to approve the concept of the preliminary subdivision. Mr. Nangle seconded. Motion passed unanimously.

NEW BUSINESS:

16 Commercial Drive/Trombly Motor Coach Service/Special Permit Submittal for Change of Use (Construction Yard to School Bus Storage/Repair) & to Request a Public Hearing

Mr. Greene motioned to schedule a public hearing on February 10, 2016. Mr. Pease seconded. Motion passed unanimously.

Emerson Avenue/Status of Appeal

Ms. Ware stated the second submittal of this ANR plan was denied by the Board and the applicant appealed the decision. Town Counsel is in the process of litigating this case and Ms. Ware will keep the Board posted.

Infrastructure of Master Plan/NMCOG Grant

Ms. Ware indicated there were specific criteria being considered pertaining to this grant, which involves 200 NMCOG staff hours for the generation of an infrastructure master plan chapter. The goal is to update the master plan chapter with a focus on storm water management, as well as re-using the existing municipal buildings. Ms. Ware added she'll be working on this along with input from Mr. Buxton and Mr. Hamel.

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In further discussion, Mr. Pease questioned how the Town has done updates in the past, as he didn't think a comprehensive master plan had been done in a long time. Chairman Forcier stated it was done in 1999. Ms. Ware did not believe the document was approved by the Board, according to a previous conversation she had with Glen Edwards. Mr. Pease mentioned the master plan is under the purview of the Board, but others should weigh in on it. Ms. Ware would like to have the baseline data and then a series of public hearings. Mr. Hamel added there is a storm water permit in place, but the conditions are changing and EPA would like to see a reduction in the impervious areas by lessening the width of streets or having sidewalks on one side of the street. Ms. Ware noted many of the communities are adopting provisions that allow for flexibility in the roadway or pavement width to around 24 to 26 feet. Mr. Hamel indicated the current requirement is 30 feet, which Ms. Ware considers excessive for a small 5 lot subdivision. Mr. Donnelly noted there would have to be specific criteria established for anywhere narrower roadways would be allowed. Mr. Greene added a small side street did not have to be 30 feet. Mr. Donnelly agreed.

In speaking about roads, Mr. Nangle mentioned that they did a great job on the Arlington Street and Kelley Road improvements. Mr. Buxton noted it was a State project, which initially got underway back in 1995 under Greg Dillon and that took quite some time to complete.

ADJOURNMENT: Mr. Nangle motioned to adjourn at 7:50 p.m. Mr. Donnelly seconded. Motion passed unanimously.

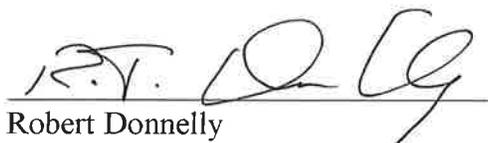
THE DRACUT PLANNING BOARD



 Jesse Forcier, Chairman

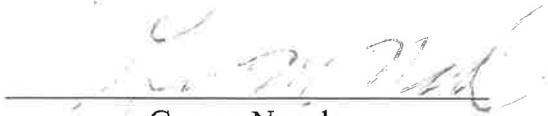


 Mark Pease, Vice Chairman



 Robert Donnelly

 Philip Greene



 George Nangle