

**PLANNING BOARD MEETING – March 9, 2016**

**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 February 24, 2016: Mr. Donnelly motioned to approve. Mr. Nangle seconded. Motion passed unanimously.

**324 BROADWAY ROAD/TOP NOTCH HOMES/SPECIAL PERMIT FOR A MULTI-FAMILY DEVELOPMENT (15 3-UNIT TOWNHOUSES)/PUBLIC HEARING:**

Chairman Forcier opened the hearing and read aloud the Legal Notice, which was advertised in the Lowell Sun on Wednesday, February 24, 2016 and again on Wednesday, March 2, 2016.

Paul Marchionda, Registered Professional Engineer of Marchionda & Associates, Michael Wakeen of Top Notch Homes and Michael Kuenzler appeared before the Board seeking approval of a multi-family development consisting of 15, 3-unit townhouses. The site is located in the R3 residential zone and is approximately 10.95 acres. The Zoning By-Law Section 4.12.21 allows for 1 unit per 10,000 square feet, which calculates at 46 units, however; this proposal calls for 45 units. Mr. Marchionda noted there is a single access roadway to service the development with a section of sidewalk into the entrance and westerly along Broadway Road to Meadow Creek Drive. The site will be connected to the golf course by way of a path or walkway located towards the rear of the property.

In review, Mr. Marchionda stated the multi-family residential proposal will be serviced by Town water and sewer, as well as being an age restricted development, which will put minimal burden on the Town's resources with no children added to the school system. Mr. Marchionda added the site slopes downward towards Broadway Road and contains very little vegetation. There are 2 detention areas proposed for the site, which will treat the runoff and meet the storm water standards. There are no wetlands on the site, however; there are wetlands across the street. An application has been filed with the Conservation Commission for a Notice of Intent with regard to the 100-foot buffer, which is scheduled for their April 6<sup>th</sup> meeting. Mr. Pease asked about the sight distance at the intersection with Broadway Road. Mr. Marchionda stated it has good sight distance and a Traffic Engineer is filing for the curb cut permit with MassDOT. Mr. Pease requested to have the sight distance shown on the plan.

Chairman Forcier asked if anyone in attendance had a question or comment

Helen Dunlap of 430 Marsh Hill Road, Chair of the Community Preservation Committee, who indicated she is in attendance to save the house, which was built around 1875.

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In reference to the Town's Historic Survey, Ms. Dunlap stated the house was described as "one of Dracut's most impressive historic buildings" and she feels the design is like none other in the Town. Ms. Dunlap spoke in length about meeting with the family back in 2011; viewing the property in 2012, which she found to be in reasonably decent shape and working with the Trust for Public Land for approximately 2 years in an effort to preserve the house, barn and land. At that time, there was also dealings with the Sustainable Farming Program and a plan was prepared to purchase the entire property using CPA funds; restore and remodel the house with CPA monies to create rental property; to farm the land and to set up a farm stand along Broadway Road. Ms. Dunlap noted the appraisal for the property was in the low \$300,000 dollar range and unfortunately the family wanted around \$675,000. The last contact with the family was by a letter sent back in 2013, which Ms. Dunlap indicated an offer was made to use CPA funds to restore the home; the family could maintain ownership and rent out the property, however; the family was not in favor of this proposal. It was mentioned that the family put the property on the market and Mr. Kuenzler has it under agreement contingent on rezoning, which passed at Town Meeting in June 2015 and with the approval of this development. Ms. Dunlap added that CPA funds can be utilized to move the home and Mr. Kuenzler has offered to pay to move it as well, but CPA cannot purchase a site for it. As a resolution, Ms. Dunlap suggested using CPA funding to restore the home and construct the development around this grandiose structure and asked the Board to consider seeking an alternate plan rather than having this historic building demolished.

In further discussion, Mr. Nangle mentioned there have been several parcels of land purchased by CPC funds and questioned whether it could be moved to one of those. Ms. Dunlap stated that according to the law, the parcels purchased through CPC must remain as open space. Chairman Forcier asked about the time frame for moving the house. Mr. Kuenzler indicated that conversations have been ongoing, but \$25,000 has been budgeted for demolishing the house and he would use that towards moving it; if there is somewhere to put it. Mr. Wakeen added there has been contact with an individual interested in the barn. Mr. Donnelly asked if there are any legal agreements on taking the house down. Mr. Kuenzler stated the Fox family has granted them several extensions on the property and this has been ongoing for some time. Mr. Pease noted it appears that the house would be the first thing to go. Mr. Kuenzler remarked that they could give them 60 days if that helps. Mr. Wakeen questioned whether the house could actually be moved given the shape it is in and a significant amount of time was spent trying to work around it or to make it an accessory use as part of the golf course, but nothing seems to fit.

Kathy Fox of Pelham, NH, (an in-law and spokesperson for the Fox family) indicated this has been a very difficult decision for the family and her in-laws raised their 7 children in the house, however; the family would like to move forward and it has been vacant for approximately 10 years. During that time the home has been vandalized, waste material has been dumped on the property and there is extensive damage. Mrs. Fox stated the home is not in the condition presented and it is beyond repair. She acknowledged the efforts of the developer and the family appreciates the recognition in the naming of the development.

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Mr. Greene questioned the status of the home, as there are differing opinions and asked if any Town staff have inspected it. Mr. Pease did not believe it was condemned. Mr. Hamel stated he was not aware of it being condemned. Chairman Forcier was not sure the onus was on the Board to determine if the house could or should be moved nor does he feel the Board can make the developer restore it. Mr. Donnelly commented that there is no agreement currently between the developer and CPC, but the developer has offered to move it if CPC can find a site. Mr. Kuenzler stated that was correct and noted it was offered in good faith. Mr. Pease concurred with Chairman Forcier and did not feel it was the responsibility of the Board to figure out what to do with the house. Mr. Nangle added the project should not be held up until a spot is found for the house.

In addition, Mr. Pease briefly reviewed the comments from Ms. Ware and asked if there are any outstanding issues. Ms. Ware indicated there is some permitting required for the curb cut; input from the Water Department and the meeting with Conservation. Also, Ms. Ware requested that the Applicant submit landscaping design and stonewall detail, which Mr. Marchionda provided a landscape narrative describing the features and proposed plantings. Ms. Ware noted a concern with units 28-33, as those have 2 front yards with one on Broadway and the other on the new roadway, which might be challenging and architectural plans were requested, but those are still in the works. Mr. Pease inquired if the snow storage issue has been addressed. Ms. Ware stated several areas were designated on the original plan, but some additional storage might be needed if it's a bad winter. Chairman Forcier asked if there are any waivers requested and if the proposed pathway goes directly to the golf course. Mr. Hamel noted the development and road are private and sidewalks are not required. Mr. Kuenzler indicated the path will connect right to an existing cart path and there will be a sidewalk from the beginning portion of the roadway down to Broadway and connecting to Meadow Creek Drive. Ms. Ware added the original plan had a sidewalk all around the loop, but it was decided that was too much. Mr. Greene questioned why the project would not require sidewalks. Mr. Hamel stated it's essentially a private condo development that would be maintained by the association and not by the Town. Ms. Ware mentioned the Board did not have an analysis of the traffic conditions (required under Section 4.12.21), as it would be part of the state driveway permit. Mr. Marchionda noted the access is under the jurisdiction of MassDOT, which he didn't feel traffic counts would be necessary given the size of the project and minimal impact, but if the counts are requested they will be supplied.

Mr. Nangle did not have an issue with going forward on this project, as the outstanding items can be a condition of the special permit. Ms. Ware indicated a draft of the decision could be provided for the next meeting. Chairman Forcier asked if Mr. Pease had anything other than the sight distance. Mr. Pease wanted to see the sight distance on the plan, but felt everything else was minor. Mr. Hamel asked for detail on the sidewalk design and would like to see the sidewalk built to Town Standards, as a condition of approval. Chairman Forcier asked if that was acceptable. Mr. Kuenzler was agreeable to constructing the sidewalk to Town Standards.

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Hearing no further questions, Mr. Nangle motioned to close the public hearing. Mr. Donnelly seconded for discussion. Mr. Greene questioned the extensive information provided and was concerned about the Conservation meeting. Mr. Pease noted there is a very minor section of wetland area. Chairman Forcier added the condition could be based upon Conservation Commission approval. Motion passed unanimously.

Mr. Nangle motioned to continue this appointment to the March 23<sup>rd</sup> meeting for decision. Mr. Pease seconded. Motion passed unanimously.

**7:55 PM:** Chairman called for a 5-minute recess.

**8:00 PM:** Chairman resumed the recessed meeting.

**16 COMMERCIAL DRIVE/TROMBLY MOTOR COACH/SPECIAL PERMIT FOR CHANGE OF USE (CONSTRUCTION YARD TO SCHOOL BUS STORAGE & REPAIR)/PUBLIC HEARING (CON'T):**

Attorney Michael Fadden represented the applicant and indicated the plan has been revised to address the concerns raised at the last meeting. The lot has been reconfigured to show frontage on Broadway Road and Salem Road; easements have been located on the plan; the Conservation Commission requested a post & rail fence or some other barrier be placed at the rear portion of the property; a Pollution Plan has been filed with the Engineering Department and the Fire Department has revisited the site and found their previous issues corrected to their satisfaction. Attorney Fadden noted the Town Planner indicated a federal permit was necessary for the use of this site, therefore; the EPA was contacted and authority was given for a "No Exposure Certification", which means the particular use has to be approved by the federal government, but there is no other additional use needed. It's basically an exemption, as no maintenance is being done in the exposed area, which is the parking area nor is any washing of vehicles being done in the exposed area. Attorney Fadden mentioned the vehicle washing is done at an off-site location and all maintenance will be done inside the building.

In further discussion regarding paving of the site, Attorney Fadden stated the parking area would not be paved and will remain as is and the striping will be done as soon as weather conditions permit. Chairman Forcier inquired about the base material in the parking area. Attorney Fadden noted it is mostly gravel. Chairman Forcier added a letter dated March 6<sup>th</sup> was received from the Deputy Fire Chief, who found the site satisfactory. Mr. Nangle remarked he visited the site at 6:00 a.m. this morning and observed the fire lane clear and the signage, as well as parking to be in order. Chairman Forcier asked if the Building Inspector's comment with reference to oil separators under code 248 CMR has been addressed. Ms. Ware stated it is condition #5 in her draft. Attorney Fadden added it is shown on the plan.

Chairman Forcier asked if anyone in attendance had a question or comment. Nobody came forward to speak on this project.

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Mr. Nangle motioned to close the public hearing. Mr. Pease seconded. Motion passed unanimously. Mr. Nangle asked if the conditions established in Ms. Ware's draft are acceptable. Attorney Fadden confirmed all items are acceptable with the exception of #3 with regard to paving. Mr. Pease inquired if a separate vote should be taken for the hours of operation, as 6:00 a.m. to 6:00 p.m. In discussion, it was repeated of the exceptions due to sporting/special events. Mr. Greene noted this site is not in a residential area given the existing businesses along Broadway Road and these are random occurrences. The Board determined the hours to be set at 6:00 a.m. to 10:00 p.m. with the exception of special events.

Mr. Nangle motioned to approve the special permit based on the conditions established in the draft from the Town Planner with the exception of item #3. Mr. Donnelly seconded for discussion. Mr. Greene asked if Mr. Hamel's review is included. Ms. Ware indicated it would be added. Mr. Hamel mentioned the intent is to make sure the applicant is aware of storm water treatment practices. Attorney Fadden reviewed the comment and was agreeable to it. Motion passed unanimously.

### **OLD BUSINESS:**

#### **Draycotte Avenue – “Campbell Estates”/Doreen Potter Nominee Trust/DEP Changes**

Richard Alleca of Village Surveying appeared before the Board to present a revised plan for the subdivision the Board approved back in May 2015. The Conservation Commission issued an Order of Conditions in June 2015, however; the DEP appealed it. As a result the plans changed and DEP issued a Superceding Order of Conditions on 2/16/16. Mr. Alleca reviewed the items with the new revision date of 11/02/15; the proposed road culvert was increased; the replication area was relocated and combined with an adjacent wetland area and the proposed drain manhole and catch basin were replaced with a different design (Unistorm 5R).

Chairman Forcier stated it is the Town Engineer's opinion that the changes are minor and added the DEP requirements would be more stringent. Mr. Hamel agreed and noted there were no changes to the lot configurations. Ms. Ware asked if this would be a Town road and questioned whether the Town can maintain the Unistorm 5R basin/grate. Mr. Hamel indicated the street would be accepted by the Town and the DEP issued the Superceding Order with said detail.

Mr. Pease motioned to approve the revised plan for Campbell Estates dated 11/2/2015, as minor changes. Mr. Donnelly seconded. Motion passed unanimously.

### **NEW BUSINESS:**

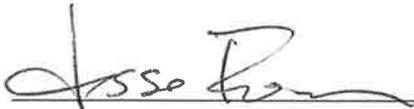
#### **155 Broadway Road, Unit #9/Kathy Pappas/Special Permit Submittal & to Request a Public Hearing for a Fitness Studio**

Mr. Donnelly motioned to schedule a public hearing on April 13, 2016. Mr. Nangle seconded. Motion passed unanimously.

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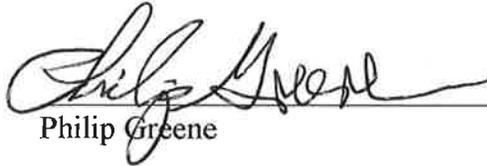
**ADJOURNMENT:** Mr. Pease motioned to adjourn at 8:20 p.m. Mr. Nangle seconded. Motion passed unanimously.

**THE DRACUT PLANNING BOARD**

  
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Jesse Forcier, Chairman

  
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Mark Pease, Vice Chairman

  
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Robert Donnelly

  
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Philip Greene

  
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George Nangle

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