

PLANNING BOARD MEETING – October 26, 2016

PRESENT: Mark Pease, Chairman; Robert Donnelly, Vice Chairman; Douglas Dooley; Philip Greene; George Nangle; 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 October 12, 2016: Mr. Greene motioned to approve. Mr. Nangle seconded. Motion passed unanimously. Mr. Donnelly abstained.

7: 05 PM: Mr. Dooley relinquished his seat on the Board for the following 2 public hearings.

845 & 855 HILDRETH STREET/SOUTHERN END REALTY/DEFINITIVE SUBDIVISION/PUBLIC HEARING (CON'T):

Attorney Michael Fadden appeared before the Board on behalf of the developer and presented a revised plan showing the proposed 5-lot subdivision. It was noted that the original plan had a right of way easement for the operations at the Highway Department, however; it was determined that it would not be necessary and the detention pond parcel will be reconfigured.

Chairman Pease asked for Mr. Hamel's input on the revised plan. Mr. Hamel stated the Engineering Department issues have been addressed. Chairman Pease inquired if the lot line for Parcel B had been determined. Attorney Fadden indicated it is shown on the plan as the dashed line. Ms. Ware added she prepared some draft conditions for the Board in her letter of October 26, 2016, but was not sure if the lot line issue with Lot 4 & Lot 5 has been addressed. Mr. Alleca stated the intent is to extend the existing lot line shown between Lot 4 and 5 through Parcel B to the property line. Mr. Donnelly mentioned the letter from the Conservation Agent that states the applicant may need to file with Conservation for grading on Lots 4 and 5. Ms. Ware's understanding is that there will be no work within the 100 foot buffer, however; if that changes a filing with Conservation will be necessary and there should be notation on the plan concerning the protected habitat for some endangered species.

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

On the waivers, Mr. Greene motioned to waive the traffic study due to the minimal impact of a 5-lot subdivision on the neighborhood. Mr. Donnelly seconded. Motion passed unanimously. Mr. Greene motioned to waive the cul-de-sac length from 500 feet to 560 feet. Mr. Nangle seconded. Motion passed unanimously. Mr. Nangle motioned to grant the waiver for a sidewalk on one side of the roadway only. Mr. Greene seconded. Motion passed by a majority vote (3-1). Mr. Donnelly opposed.

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Mr. Nangle motioned to close the public hearing. Mr. Greene seconded. Motion passed unanimously. Mr. Greene motioned to approve the plan based on the recommendations of the Town Engineer, the Department of Public Works and the Community Development Director. Mr. Nangle seconded. Motion passed unanimously.

231 WHEELER STREET/O'BRIEN HOMES/PRELIMINARY SUBDIVISION PLAN & OPEN SPACE SPECIAL PERMIT/PUBLIC HEARING (CON'T):

Attorney James Flood, Dennis Griecci of Andover Consultants and Kevin O'Brien of O'Brien Homes appeared before the Board seeking approval of an open space residential subdivision.

For clarification, Chairman Pease stated that with the resignation of a Board member there will be 4 members acting on the preliminary subdivision and for the open space special permit, there will be 5 members with Mr. Chapman, the alternate member eligible to vote on these cases,

Attorney Flood stated at the last meeting back in September, it was discussed that traffic was a major concern of the neighbors and therefore; Mr. O'Brien had a traffic study done by Vanasse and Associates, which has been reviewed by the Town's traffic consultant. Also, Attorney Flood asked that the Board reconsider the waiver for the cul-de-sac length, as an alternative plan was submitted to the Fire Chief for his input and he was agreeable to extending the roadway beyond 500 feet with those homes having residential sprinklers. Finally, Attorney Flood mentioned that Mr. O'Brien held a neighborhood meeting a week ago Saturday and he'll provide the Board with the details on that. Chairman Pease would like to determine the number of lots in the preliminary plan, so the Board can move forward with the special permit. Mr. Greene asked about the motion being rescinded. Ms. Ware left the meeting to find the previous minutes.

Chairman Pease asked if anyone had any questions concerning the process.

Denah Toupin of 12 Rinzee Road recognized Mr. O'Brien's efforts in meeting with the neighbors and commented that the Fire Department seems to be a critical factor in the road length and the plan for the gated cul-de-sacs. Chairman Pease stated public safety is always a consideration, but the Board acts on the subdivision and he has not seen this new plan. Mrs. Toupin noted the neighbors would like to work with the developer, which will hopefully address some of the traffic issues. Chairman Pease stated the Board first needs to determine the number of lots. Mr. O'Brien indicated the proposed plan has back to back cul-de-sacs, which would have emergency access only, but this design would eliminate the cut-through traffic the neighbors are concerned about and he is scheduled to meet with the Fire Chief on it. Chairman Pease commends Mr. O'Brien's attempt to work with the neighbors, however; he did not want to discuss a plan that has not been filed. Mr. O'Brien gave a brief review of the conceptual plan.

Ms. Ware returned and Chairman Pease noted that Mr. Thibault motioned to deny the waiver for the cul-de-sac length, Mr. Donnelly seconded and the vote was unanimous.

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In further discussion, Mr. Donnelly questioned the cul-de-sac length, as he believes the measurement should be calculated to the end of the bulb. Mr. Griecci indicated the measurement was done to the beginning of the radius of the cul-de-sac. Mr. Donnelly disagreed with this method of measuring. Ms. Ware noted in researching the past subdivision of Poppy, Rinzee, Elizabeth and Wilshire; it was very clear in the minutes that the cul-de-sacs were temporary and were given waivers for the length. Mr. O'Brien agreed with Ms. Ware and added the residents are aware of this as well, but would like to see an alternative to having these roadways open to cut-through traffic. Chairman Pease would like to establish the number of lots before dealing with the open space layout.

Clyde Neville of 32 Rinzee Road asked if the Board can't come to a conclusion on the number of lots; does the project stop. Chairman Pease indicated the Board will determine the lot yield at some point.

Mr. Nangle motioned to grant the waiver for the cul-de-sac length, as shown in the conventional plan dated September 21, 2016. Mr. Greene seconded for discussion and added with the condition of the 5 houses beyond 500 feet having residential sprinklers. Motion passed by a majority vote (3-1). Mr. Donnelly opposed.

Mr. Nangle motioned to approve the preliminary concept plan. Mr. Greene seconded. Motion passed by a majority vote (3-1). Mr. Donnelly opposed.

In moving forward with the discussion of the traffic report, Chairman Pease asked Mr. O'Brien if his representative would be presenting his findings. Attorney Flood noted in speaking with their consultant from Vanasse & Associates; he concurred with the peer review comments.

Robert Michaud of MDM Transportation Consultants was hired to review the Transportation Impact Assessment prepared by Vanasse & Associates, which requires him to evaluate the data; determine that the submitted report was done in accordance with industry practices and an actual field review to validate some of the findings. Mr. Michaud stated the report has been prepared in conformance with industry standards and follows the applicable engineering based protocols. The report considered the existing traffic conditions and the traffic generation characteristics for the site, as well as the overall safety concerns for emergency vehicles along with sight lines and warning signage where necessary. Mr. Michaud added the report covered the existing conditions of the intersecting roadways, the traffic volumes, accident or crash data, vehicle speeds and sight distances, which were appropriate for the area. In considering the number of vehicle trips, the report indicates between 33 to 39 trips during peak hours and 380 vehicle trips daily, which reflects a modest level of activity on the area roadways and MDM concurs with that finding. Mr. Michaud commented that there is not likely to be substantial cut-through traffic between Wheeler Road and Wheeler Street with the modest volume of vehicles on these roadways and given the low travel time benefit of utilizing the subdivision roadways.

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Chairman Pease asked for further clarification on the cut-through traffic and increased volume, which the residents are most concerned with. Mr. Michaud stated that the layout of the roadway is not a straight connection from one street to the other and would not be a real time saver. Chairman Pease questioned the traffic report recommendation for the speed limit of 30-mph. Mr. Michaud advised it would be more appropriate to be 20 or 25-mph within the subdivision.

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

Tim Murphy of 5 Poppy Lane questioned the modest increase of vehicles in the area given the other proposed developments totaling 160 homes. Mr. Michaud stated there will be additional vehicles with this subdivision and traffic is not an exact science; as it can vary from day to day. Mr. Murphy feels people will travel through this roadway, as a quick way to get to Route 93 and it will be easier to get to Route 110, as Route 113 is always backed up. Mr. Michaud indicated he could take a closer look at this and provide a response.

Donna Nardelli of 47 Rinzee Road asked how 33 homes can generate 33 vehicles during peak hours, as her home has 5 vehicles that leave at peak times. Mr. Michaud noted the data is based on typical subdivisions of this size and in an actual count of Wilshire Circle and Elizabeth Drive, which equals 20 homes; he counted 15 vehicles per hour and this varies as people leave and/or return at different times of the day.

Linda Hayes of 32 Wilshire Circle feels that people will cut-through Wilshire Circle and Elizabeth Drive to avoid the intersection of Wheeler Road and Wheeler Street, which is in Methuen because it is an extremely dangerous intersection and in the morning rush hour people will not go out to Route 113 due to cars backed up past Hickory Hill Golf Course.

David Brandt of 17 Wilshire Circle was opposed to this subdivision, however; after meeting with Mr. O'Brien; he feels the compromise of the back to back cul-de-sacs will address the concern of the cut-through traffic.

Clyde Neville of 32 Rinzee Road inquired who Mr. Michaud was hired by and questioned the traffic study indicating it was minimal impact. Mr. Michaud stated he was hired by the Town and his review concurs with the methods used in the study as being reasonable, appropriate and consistent with industry standards. Mr. Neville added there is significant traffic in this area already and the existing traffic issues should be considered. Mr. Michaud acknowledges there can be existing traffic concerns, but this project is not going to change the character of what already exists. Mr. Neville commented that the study is only about the area and does not take into consideration the impact to Route 113 or in the event of an accident, which this should be looked at holistically and not compartmentalized.

Danielle D'Amato of 55 Wilshire Circle is concerned about the traffic pattern on Wheeler Road.

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Mr. Michaud stated that both Wheeler Road and Wheeler Street carry about the same amount of vehicles during peak hours, which were manually counted at 20 to 30 per hour by an independent third party counting company and based on the existing patterns, there does not appear to be evidence to support the idea of cut-through traffic.

Paul Toupin of 12 Rinzee Road asked if Mr. Michaud travelled through the intersection of Wheeler Road and Wheeler Street, as it is very dangerous and the site of numerous accidents. Mr. Michaud indicated he had, but did not study the intersection. Chairman Pease noted the accident count in the traffic report is very low. Mr. Toupin believe people will cut-through the proposed development to avoid this intersection and the traffic will impact the neighborhood.

Jeanine Gaudet of 6 Wilshire Circle has a concern about cut-through traffic, the speed of vehicles travelling in the neighborhood and the extremely dark streets at night, which will be very dangerous to the residents.

For clarification, Mr. O'Brien stated he paid for the traffic study to be done and the Town hired Mr. Michaud of MDM to do the peer review of the traffic report. Ms. Ware asked about the lighting issue. Mr. Michaud was not aware if any lighting is proposed, but he does feel the streets are fairly wide in this neighborhood. Attorney Flood believes the cut-through traffic is the primary concern of the residents and he'd like to continue the hearing to the next meeting so that Mr. O'Brien can meet with the Fire Department to discuss the proposed plan.

Mr. Donnelly motioned to continue this hearing to the November 9th meeting. Mr. Chapman seconded. Ms. Ware added the Board required the traffic study, which the applicant hired Vanasse & Associates to prepare and under Mass General Law, the Board has the right to hire a company to do a peer review of the study. Motion passed unanimously.

8:40 PM: Mr. Dooley returned to his seat on the Board.

RECOMMENDATION FOR THE ACCEPTANCE OF THE FOLLOWING STREET Smith Farm Way/Mark & Anna Corey

Chairman Pease asked for Mr. Patenaude's input on this matter. Mr. Patenaude stated there are still some outstanding items to be addressed and at this time, he's recommending to defer acceptance to the June Town Meeting.

Mr. Greene motioned to recommend to defer this to the spring Town Meeting. Mr. Dooley seconded. Motion passed unanimously.

RECOMMENDATION FOR THE ABANDONMENT OF THE FOLLOWING STREET A portion of Fuller Avenue/Cameron Bosnic

Chairman Pease asked if anyone was in attendance to present this matter. Nobody came forward.

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Mr. Greene questioned whether the Selectmen reviewed this and did Attorney Hall have any comment. Ms. Ware attended the Selectmen's meeting the previous night and there was quite a bit of discussion, but her concern was what section of Fuller Avenue is being requested for abandonment, as the applicant has not presented a plan. In addition, Ms. Ware noted Attorney Hall commented that generally when a paper street is abandoned, the Town reserves the right to put utilities in it and the Selectmen recommended not to abandon, as it was not fully vetted of what was being abandoned. Mr. Donnelly stated the Board needs to determine what portion is being abandoned.

There was some discussion concerning the ownership of the abandoned portion, which Mr. Hamel stated in speaking with Town Counsel, he indicated the Town or abutters are not losing rights that they already have and Mr. Hamel understands it to be that abandonment means the Town is giving up their rights to develop the street as a public way, but the abutters have interest in it by virtue of the location of their lots.

It was decided that the Board would need more information from the applicant in order for Attorney Hall to make a determination or offer his opinion.

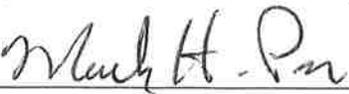
Mr. Greene motioned to recommend dismissal of this proposed article. Mr. Dooley seconded. Motion passed unanimously.

NEW BUSINESS:

Reorganization of Open Positions/Economic Development Committee & NMCOC Rep
Chairman Pease mentioned that there are 2 open positions due to the resignation of Mr. Thibault and asked if any member is interested in serving as the Planning Board representative. It was decided to keep these positions vacant until a later date.

ADJOURNMENT: Mr. Nangle motioned to adjourn at 8:45 p.m. Mr. Dooley seconded. Motion passed unanimously.

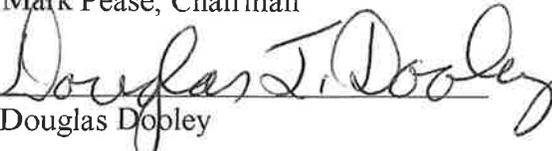
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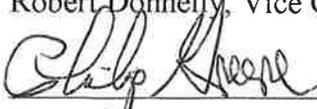
Mark Pease, Chairman



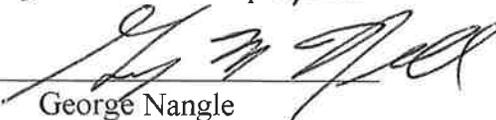
Robert Donnelly, Vice Chairman



Douglas Dopley



Philip Greene



George Nangle