

**PLANNING BOARD MEETING – March 23, 2016**

**PRESENT:** Jesse Forcier, Chairman; Mark Pease, Vice Chairman; Robert Donnelly; Philip Greene; George Nangle; Elizabeth Ware, Community Development Director; Michael Buxton, Public Works 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 March 9, 2016: Mr. Greene motioned to approve. Mr. Pease seconded. Motion passed unanimously.

Chairman Forcier took the following appointment out of order.

**1363, 1489 & 1499 BROADWAY ROAD/SPARTAN HOMES/LOT LINE ADJUSTMENT:**

Matt Hamor of Landplex, LLC represented the owners of the property Evan and Tom Themeles of Spartan Homes and John Brox, who are seeking approval of a lot line adjustment plan to the two existing lots. The proposed plan calls for the removal of the old lot line to create Lot E, which contains 80,468 square feet of area with 259.16 feet of frontage and Lot F, which contains 40,684 square feet of area with 265.84 feet of frontage both lots conform to the requirements. Ms. Ware noted a minor revision and clarification was made to Lot F, which was previously shown as 40,684 square feet in total located in the B3 business zone and it is now shown with the correct designation for the square footage in the B3 business zone and R1 residential zone.

Mr. Greene motioned to approve the lot line adjustment plan, as there are no Engineering Department issues and it meets the requirements for frontage and area. Mr. Nangle seconded. Motion passed unanimously.

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

Chairman Forcier stated that the public hearing was closed at the last meeting and subsequent to that it was discovered a direct abutter at 5 Mockingbird Lane did not receive notification of the hearing. Based on this circumstance, Chairman Forcier asked for input from the Board and whether the Applicant had any additional information. Mike Kuenzler (the applicant, along with Mike Wakeen of Top Notch Homes) indicated in speaking with Attorney Jim Hall, he was advised to obtain an affidavit or consent from the abutter on Mockingbird Lane. Mr. Kuenzler noted the resident of Mockingbird Lane is in attendance and had signed a document, which indicates they were not notified, however; they have no objection to the project. Chairman Forcier commented that the Board could not hear any testimony from the abutter, as the public hearing is closed. Mr. Donnelly felt the public hearing should be re-opened. Mr. Pease agreed and suggested the Board vote to render “no decision” in this matter, as he believes the hearing should be rescheduled or restarted due to a flaw in the notification process. Mr. Kuenzler inquired if the Board could vote on it based on the approval of Town Counsel.

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Mr. Greene was not sure the Board should be discussing any of this or accepting any documents. Mr. Pease added that new information has come up since the public hearing closed and it should be restarted. Chairman Forcier asked for Ms. Ware's input. Ms. Ware discussed this with Town Counsel and confirmed that the Applicant could obtain an affidavit from the abutter releasing their rights, but the Applicant could still be at risk should another abutter choose to appeal. Chairman Forcier questioned whether the Town would be at risk. Ms. Ware stated that the Board would be subject to litigation if an abutter filed an appeal based on the lack of notice. Mr. Nangle stated the abutters should be re-notified and the hearing done right.

Mr. Pease motioned to find "no decision" due to lack of abutter notification and to schedule a new public hearing for April 13, 2016. Mr. Donnelly seconded for discussion and asked for an opinion from Town Counsel, as to whether the affidavit from the abutter adequately protects the Town. Mr. Greene noted the affidavit would not be necessary if the hearing is starting over. Hearing no further discussion, motion passed unanimously.

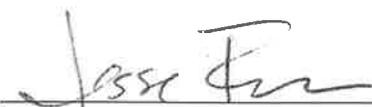
**NEW BUSINESS:**

**John Crowley/Discussion Relative to an ANR Plan on Mammoth Road**

Mr. Crowley mentioned a case before the Board of Appeals, where an Applicant is seeking a variance for frontage, however; back in 2014 they obtained an approval for a 2 lot ANR plan from the Planning Board and labeled the remaining lot "Not a Buildable Lot". Mr. Crowley wanted to confirm the Planning Board's intent in this case. Chairman Forcier noted the Board is very particular with these issues and puts that statement on when it applies. Mr. Greene added the Applicant was asked at the meeting if they realized a lot was being left without sufficient frontage, which they stated "Yes". Mr. Crowley appreciated the Board's input on this matter.

**ADJOURNMENT:** Mr. Pease motioned to adjourn at 7:20 p.m. Mr. Nangle seconded. Motion passed unanimously.

**THE DRACUT PLANNING BOARD**



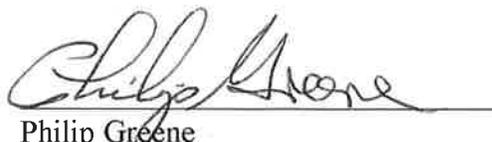
Jesse Forcier, Chairman



Mark Pease, Vice Chairman



Robert Donnelly



Philip Greene



George Nangle