PLANNING BOARD MEETING – September 14, 2016

PRESENT: Mark Pease, Chairman; Robert Donnelly, Vice Chairman; Philip Greene; George Nangle; Philippe Thibault; 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 read the following statement:

> ***"We begin our meetings by reciting the Pledge of Allegiance.***
> ***We are not required to do this by statute, but do it out of respect. Respect not only for our Flag and the Nation it represents, but also to thank the millions of brave men and women, who have served, fought and died to protect our Liberty.***
> ***To those who may not like this opinion, I simply say, you may call me deplorable.***
> ***With these thoughts in mind, it is my privilege to request all present to stand and join me in the Pledge of Allegiance."***

MINUTES:
Meeting held on August 24, 2016: Mr. Donnelly motioned to approve. Mr. Nangle seconded. Motion passed unanimously.

CLEMENT ROAD & BEECHNUT ROAD/PAV PROPERTIES/ANR PLAN:
Attorney Michael Fadden appeared on behalf of the applicant and presented a plan showing a parcel located on the northeasterly intersection of Clement Road and Beechnut Road. The abutting subdivision located in Pelham, New Hampshire was approved in 2012 and this portion of Lot 2 located in Massachusetts was never properly subdivided or delineated. Attorney Fadden stated Lot 2A contains 6,472 square feet and is not a building lot, however; it will be combined with Lot 2. Chairman Pease asked if this is being done for tax purposes. Attorney Fadden stated it is essentially for deed purposes and to convey Lot 2A to Lot 2, which is shown in the Pelham, New Hampshire subdivision. Ms. Ware noted the Board only has jurisdiction for the parcel in Massachusetts and after reviewing the Pelham subdivision plan; she has no issues with it.

Mr. Greene motioned to approve the ANR plan as presented. Mr. Nangle seconded. Motion passed unanimously

145 DONOHUE ROAD/RJM CONSTRUCTION/SPECIAL PERMIT FOR A 2-FAMILY DWELLING/PUBLIC HEARING:
Chairman Pease opened the hearing and read aloud the Legal Notice, which was advertised in the Lowell Sun on Wednesday, August 31, 2016 and again on Wednesday, September 7, 2016.

There was nobody in attendance at this time to present this proposal. Mr. Greene motioned to table this hearing to the end of the agenda. Mr. Nangle seconded. Motion passed unanimously.

526 MAMMOTH ROAD/CORCORAN MAMMOTH, LLC/ANR PLAN:

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Attorney Michael Fadden represented Corcoran Mammoth, LLC owners of a 3 acre parcel located in the R3 zone on the westerly side of Mammoth Road at the intersection of Skyline Drive, who are seeking approval of an ANR plan for 2 lots one of which a waiver is being requested for. The proposed lots are shown as Lot A1, which has 63,384 square feet with 150 feet of frontage and Lot A2 67,919 square feet with 141.47 feet of frontage. The Zoning Board of Appeals granted a variance for insufficient frontage on Lot A2, which was filed with the Town Clerk's office and passed the appeal period. Attorney Fadden noted the intent of the owner is to sell both lots with the potential for a 2-family dwelling on each lot. Chairman Pease mentioned the frontage variance issued by the Board of Appeals and believes the waiver is not needed. It was Attorney Fadden's opinion that a waiver is necessary, however; if the Board finds it superfluous it will be withdrawn. Ms. Ware agreed with Chairman Pease. There was some discussion concerning the process of going to the Zoning Board for frontage rather than the Planning Board. Attorney Fadden indicated he was directed by the Building Inspector. Mr. Nangle did not have an issue with the lots, as both were over 60,000 square feet and only one lot was short on frontage by about 8 feet. Mr. Donnelly suggested acting on the waiver and it would be a moot point if not needed. Attorney Fadden agreed.

Mr. Donnelly motioned to grant the waiver for the frontage on Lot A2. Mr. Thibault seconded. Motion passed by a majority vote (4-1). Mr. Greene opposed. Mr. Thibault motioned to approve the ANR plan with the recommendation of the Engineering Department to set two (2) stone bounds. Mr. Nangle seconded. Motion passed by a majority vote (4-1). Mr. Greene opposed.

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

Attorney James Flood, Kevin O'Brien of O'Brien Homes and Dennis Griecci, Project Engineer from Andover Consultants appeared before the Board seeking approval of an open space residential subdivision. Attorney Flood stated the plan was revised with the proposed cul-de-sac roadway being over 900 feet, which will need a waiver, however; Elizabeth Drive is 737 feet and Rinzee/Poppy is 1,793 feet. Mr. Greene noted those roadways were constructed with temporary cul-de-sacs. Attorney Flood agreed, but mentioned those would not be constructed if they weren't proposing a development.

For the record, Chairman Pease referred to the Fire Chief's letter and his comments as follows:

1. ***The proposed cul-de-sac appears to be double the length allowed per Rules & Regulations governing the subdivision of land in Dracut. Maximum length of 500 feet for cul-de-sac.***
2. ***Radius of cul-de-sac requirements must meet the designed vehicle type single bus unit as outlined by (AASHTO) relative to turns and radius requirements.***
3. ***Water flow test results indicating sufficient GPM.***
4. ***Hydrants per Kenwood water supply specifications.***
5. ***All hydrant locations to be determined by the Fire Department.***

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Mr. Griecci stated the plan was revised to avoid any potential impact to the resource area surrounding the vernal pools and it yields 33 lots. The plan eliminates the loop road and provides additional buffer to the abutting properties, but it still exits out to Wheeler Street.

Chairman Pease informed the audience that the conventional plan has changed and could be built with a waiver from the Board for the cul-de-sac length, as it is over 500 feet. Chairman Pease asked if anyone in attendance had a question or comment.

David Brandt of 17 Wilshire Circle, a resident of over 20 years who feels he lives on a quiet street, which will change if this development goes in. He questioned whether the lots are 40,000 or 20,000 square feet. Chairman Pease indicated the conventional plan is for 40,000 square foot lots, which is used to determine the number of lots in the open space plan. Mr. Brandt is opposed to the development, but if approved he prefers the 40,000 square foot lots that fit with the neighborhood.

Denah Toupin of 12 Rinzee Road was pleased with the roadway being moved away from the vernal pools and questioned if this roadway will be extended or if the Board has recently granted any waivers for cul-de-sac lengths of 900 feet. Chairman Pease stated the roadway will not be extended and a waiver was granted last fall for a cul-de-sac of about 570 feet. It was Mrs. Toupin's opinion that the roadway should not exceed 500 feet.

Bill Hayes of 32 Wilshire Circle asked why the development has to connect with Elizabeth and Poppy when there is access from Wheeler and he questioned why these neighborhoods should be disrupted for the sake of a developer to maximize his dollar.

Jeanne Gaudet of 6 Wilshire Circle spoke of the beauty and safety of this neighborhood and asked that the Board keep this in mind when considering this project.

Debbie Parolisi of 55 Surrey Lane, whose parents live on Poppy Lane and who mentioned a concern for the neighborhood, which she feels will be impacted by this development.

Tim Gaudet of 6 Wilshire Circle has a serious concern about the traffic this project will generate in the neighborhood, as well as the other 2 projects off of Wheeler Road that will increase the number of vehicles travelling on these roadways.

In further discussion, Chairman Pease noted the applicant requested a waiver of the traffic study for this project. A question was asked if the 2 developments on Wheeler would be looked at. Mr. Thibault stated any approved projects would be taken into consideration for the traffic study.

Jean O'Leary of 4 Elizabeth Drive mentioned there are only 9 houses on Elizabeth and felt the cut thru traffic from this project would be a huge impact to this quiet neighborhood.

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Deborah Sweeney of 22 Elizabeth Drive asked if there would be improvements to the roadway, as there are no telephone poles or lighting. Chairman Pease felt a Stop sign could be installed, but was not sure about any changes to the existing roadway.

Mr. Hayes mentioned a concern for the neighborhood and the potential for cut thru traffic with this development.

Mr. Gaudet questioned if the developer considered the endangered northern long-eared bat, as this is a population area for that species. Chairman Pease indicated that would be addressed by the Conservation Commission.

Paul Toupin of 12 Rinzee Road purchased his home knowing there was a temporary cul-de-sac and realizes Mrs. Murphy has a right to sell her property, but he has an issue with the aspects of the special permit plan. Chairman Pease commented that the Board has more flexibility with the special permit development and can establish specific conditions.

Pam McMenimen of 5 Elizabeth Drive noted the public schools are underfunded and inquired whether the school department has weighed in on this project. Chairman Pease stated it is a valid concern, but not one that falls under the Planning Board.

Ron D'Amato of 55 Wilshire Circle asked if there were the same number of lots in the preliminary plan with 40,000 square foot lots, as the special permit plan with 20,000 square foot lots. Chairman Pease confirmed there is the same number of lots or less in the open space special permit plan, which is based on the number of lots determined in the conventional plan. Mr. D'Amato added that he opposes extending the cul-de-sac.

Dana Taplin of 489 Wheeler Road is in opposition to the extended cul-de-sac and commented that the cul-de-sac for Elizabeth Drive was temporary with a potential for future development, but Poppy Lane was not further developed because of a wetlands issue.

Mrs. Toupin commented that allowing more house will be profitable for the developer, however; this will be a disadvantage to the Town with an increased burden on the schools.

Tim Murphy of 5 Poppy Lane is against the waivers and feels ripping up these cul-de-sacs will destroy 2 beautiful neighborhoods. Mr. Murphy asked the Board to take into account the human element of the existing neighborhood and in visiting a cluster development on Hypine Road; he found the houses on top of each other and he would not want that for this neighborhood.

Attorney Flood stated a waiver of the traffic study was requested, however; Mr. O'Brien will have it done to address the traffic concerns of the neighbors and would withdraw the request. Chairman Pease asked for a motion on the request to withdraw or deny the waiver.

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Mr. Greene motioned to deny the waiver request for the traffic study. Mr. Donnelly seconded. Motion passed unanimously.

Donna Nardelli of 47 Rinzee Road asked whether the proposed development will be accessed by Poppy Lane. Chairman Pease stated it would depend upon which plan is approved.

There was much discussion concerning the revised plan, which eliminates the loop road by the vernal pools, but resulted in the lengthy cul-de-sac. Attorney Flood felt the residents were concerned with the vernal pools. Mr. Donnelly referenced a section from the Massachusetts Wetlands Protection Agency, 310 CMR 10.57 #6, which states "vernal pool habitat shall include the area within 100 feet of the boundary of the vernal pool itself, insofar as such area is contained within the boundaries of the resource area." Mr. Griecci stated this pertains to the buffer zone and which would require a filing with Conservation and DEP, but there is no regulation that doesn't allow building within 100 feet and the Town's wetland regulation by-law has a 50 foot "no build" or no house within 50 feet of a resource area, which all of the homes are shown as such. Chairman Pease questioned whether the applicant would be going back to that plan. Mr. Griecci indicated if the cul-de-sac length is denied; then they would be. Mr. O'Brien suggested the Board wait for the traffic study before dealing with the cul-de-sac waiver. Chairman Pease inquired as to how long the traffic study would take. Attorney Flood stated it would probably take a month. Mr. Greene asked if the traffic study would be done for both plans. Mr. O'Brien confirmed the study would cover both plans.

Mr. Brandt was apprehensive about the Board delaying the vote for a month and that all the concerns of the residents would be disregarded if the traffic study was favorable. Chairman Pease noted the traffic study is based on actual counts and data. Mr. Brandt asked who would hire the firm to conduct the traffic study. Ms. Ware stated Mr. O'Brien would hire a company to do a traffic study and then the Town has a consultant that reviews the findings.

Celestina Silva of 56 Rinzee Road questioned when the traffic study would be done. Chairman Pease stated it is done during normal weekdays at different peak hours.

Mr. Thibault commented that the length of the cul-de-sac deals with access to the end of the roadway rather than the amount of traffic and he would be in favor of acting on the cul-de-sac length at this time. Chairman Pease asked for a motion. Mr. Thibault motioned to deny the waiver for the cul-de-sac length. Mr. Donnelly seconded. Chairman Pease called for a roll call vote of the members:

Mr. Greene – yes
Mr. Nangle – yes
Mr. Thibault – yes
Mr. Donnelly – yes
Chairman – yes

Motion passed unanimously to deny the length of the cul-de-sac.

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The applicant granted an extension of the Board's decision to September 30, 2016. Mr. O'Brien agreed to a further extension to October 31, 2016. Mr. Hamel asked that the traffic study be done in accordance with the guidelines established in the Transportation Impact Assessment Study and he could provide those regulations if necessary.

Mr. Brandt asked if the residents on Wilshire Circle would be notified of any future meetings, as he was never formally notified. Chairman Pease indicated the Board is statutorily required to send notice to abutters within a 300 foot radius. Ms. Ware added the Board is going to continue the hearing to a date certain and it is not required to send out further notification to abutters or an abutter to the abutter.

Mr. Nangle motioned to continue the hearing to the October 26th meeting at 7:05 p.m. Mr. Thibault seconded. Motion passed unanimously.

8:20 PM: Chairman Pease called for a 10-minute recess.
8:30 PM: Chairman called the meeting back to order

145 DONOHUE ROAD/RJM CONSTRUCTION/SPECIAL PERMIT FOR A TWO-FAMILY DWELLING/PUBLIC HEARING:
Bob McCarthy of RJM Construction appeared before the Board seeking a special permit for a two-family dwelling with 3 bedrooms on each side and a garage. Chairman Pease stated the Conservation Agent submitted a letter, which noted the applicant will not have to appear before the Conservation Commission, as the proposed two-family is well outside of the buffer zones and the Sewer Superintendent indicated the original permit was for a single-family home, therefore; the applicant will need the permit adjusted. Ms. Ware reviewed her comments, which included the driveway curb cut, as it relates with Mercier Street; whether trees will be removed or cut; topography of the site; proposed driveway material, as well as drainage or stormwater runoff from the site and guest parking, fences and landscaping. Mr. McCarthy indicated there is no curb on Donohue Road and he has trimmed back some of the trees for better visibility, but does not intend on cutting any trees. Ms. Ware questioned the location of the garages and drainage. Mr. McCarthy noted the unit to the left will have a 2-stall under while the other unit will have a single stall and the site slopes towards the back.

Mr. Thibault inquired if this lot is in the R3 zone. Chairman Pease confirmed it is and if the applicant wanted to put in a 3-family; it could be done as of right. Mr. Thibault asked about the side yard setback for this zone. Ms. Ware commented side is 15 feet and rear is 35 feet. Mr. Thibault mentioned a concern for the unit to the left being shown as 20 feet from the property line, which would be insufficient for a vehicle to back out. Mr. McCarthy stated he did shift the house to the right and will have 36 feet on that side. Ms. Ware noted the Board would need a revised plan. Mr. McCarthy felt the actual location of the house on the property could be shown on the certified as built plan. Mr. Thibault said the Board approves the plan before them.

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Ms. Ware inquired about buffering or fencing along the property line. Mr. McCarthy stated there would be bushes along 155 Donohue Road. Mr. Greene noted the lot size is sufficient, as well as side yard and front yard. Chairman Pease has a concern about the runoff, as the plan does not show any elevations. Mr. McCarthy mentioned the lot pitches away from the street, but there is a drain there. Chairman Pease felt the plan should show more detail, as well as addressing the comments of the Community Development Director.

Mr. Nangle motioned to continue this hearing to the September 28th meeting. Mr. Greene seconded. Motion passed unanimously.

OLD BUSINESS:

Planning Board Initiatives/Review & Update

Chairman Pease mentioned he has been working with Mr. Thibault, Ms. Ware and Mr. Hamel to revise the Subdivision Rules & Regulations. Ms. Ware referred to the ANR section of the regulations that needs some additional definitions, a revision of the Stormwater requirements, clarification of Dracut Water Supply District being a separate entity and elimination of the roadway samples. Ms. Ware anticipates working on the preliminary section over the next couple weeks and expects to complete the revisions by the end of the year.

Chairman Pease added Ms. Waré provided a package of proposed zoning changes for the November Town Meeting, which the Board will be considering in October.

ADJOURNMENT: Mr. Nangle motioned to adjourn at 8:55 p.m. Mr. Greene seconded. Motion passed unanimously.

THE DRACUT PLANNING BOARD

Mark Pease, Chairman

Robert Donnelly, Vice Chairman

Philip Greene

George Nangle

Philippe Thibault

/lw