

PLANNING BOARD MEETING – December 11, 2019

PRESENT: Mark Pease, Chairman; George Nangle, Vice Chairman; Michael Buxton; Douglas Dooley; Scott McKiel; Timothy Savage, Alternate Member; Elizabeth Ware, Community Development Director; Mark Hamel, Town Engineer and Lisa Wagner, Recording Secretary

Chairman Pease opened the meeting at 7:00 p.m. in the Douglas G. Willett Board of Selectmen Chambers at Town Hall and the Pledge of Allegiance was recited.

MINUTES:

Meeting held on November 13, 2019: Mr. Nangle motioned to approve. Mr. Dooley seconded. Motion passed unanimously. Mr. McKiel abstained.

**152 MYRON STREET/JOANNE DOUBLEDAY/SPECIAL PERMIT FOR AN IN-LAW UNIT/
PUBLIC HEARING:**

Chairman Pease opened the hearing and read aloud the Legal Notice which was advertised in the Lowell Sun on Tuesday, November 26, 2019 and again on Tuesday, December 3, 2019.

Matt Hamor of Landplex, LLC appeared before the Board on behalf of the applicant and indicated the proposed in-law unit will be attached to the existing single-family home. The unit will have 700 square feet and will meet all the requirements of the by-law. Mr. Nangle asked if there is an existing deck. Mr. Hamor stated it will be replaced and it's attached to the main dwelling. Mr. Buxton questioned whether there was an exterior door for the in-law. Mr. Hamor noted the common entrance for the in-law is by the laundry room and it does not have a separate entrance.

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

Mr. Buxton motioned to close the public hearing. Mr. McKiel seconded. Motion passed unanimously. Mr. Buxton motioned to grant the special permit for the in-law unit. Mr. Dooley seconded. Motion passed unanimously.

**103 PLEASANT STREET/BKPN LLC/SPECIAL PERMIT FOR A PRE-EXISTING
NONCONFORMING STRUCTURE & USE/PUBLIC HEARING (CON'T):**

Attorney Michael Fadden represented the applicant and submitted a request to continue this hearing to the January 8th meeting, as his client and Attorney Blake Mensing are out of town. Attorney Fadden added that Life Storage has granted approval to remove the guardrail. Chairman Pease noted the Board received documentation from Vanessa Nicolopoulos, the abutter, who will be closing down the access from Brookside to Lakeview by her property and who questioned the property determination between 103 Pleasant and 38 Brookside.

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

Ed Morgan of 847 Nashua Road, who owns the bar at 97 Pleasant Street plus 4 other properties and is in favor of anyone starting a business, however; he finds this project is in the wrong location. He went by the similar business in Lowell and traffic was overwhelming. He further noted the repairs of the Beaver Brook Bridge, which has impacted his business and if a sidewalk is installed, he will be out of business.

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Vanessa Nicolopoulos, property owner of 38 Brookside Street, who submitted various documents and just wanted to go on record, as she finds some of the applicant's information to be incorrect. She would like the lot lines between the properties to be shown correctly and the access way to Lakeview is not open to the public.

Chairman Pease asked for Ms. Ware's input. Ms. Ware stated she met with the 2 proponents, who are moving forward to resolve the outstanding issues and she provided a memo with various areas of concern. Attorney Fadden noted his client is agreeable to the conditions Ms. Ware suggested.

Mr. McKiel motioned to continue this hearing to the January 8th meeting at 7:30 p.m. Mr. Buxton seconded. Motion passed unanimously.

52A AVIS AVENUE/HOMESTEAD CONSTRUCTION, LLC/SPECIAL PERMIT FOR AN OPEN SPACE SUBDIVISION/PUBLIC HEARING:

Chairman Pease opened the hearing and read aloud the Legal Notice which was advertised in the Lowell Sun on Tuesday, November 26, 2019 and again on Tuesday, December 3, 2019.

Attorney Michael Fadden and Mark O'Hara, the Project Engineer represented Homestead Construction, LLC, the potential purchaser of the property, who is seeking an open space residential subdivision for 19 single-family homes on the 27.6 acre parcel. Attorney Fadden presented the conventional plan with the 40,000 square foot lots and the wetlands on the site were delineated and approved by the Conservation Commission in January 2019. The open space plan has 19 single-family lots, as well with each having a minimum of 20,000 square feet and 2 detention ponds. The open space parcel contains approximately 14.7 acres with 7 of those acres being hayed and the open space parcel will be held in a Conservation Restriction. Attorney Fadden stated the development will be serviced by Town water, Town sewer and they are seeking 2 waivers, which include a waiver of the traffic study and a waiver of the sidewalk on both sides of the street. In regards to the sidewalk waiver, Mr. Hamel suggested a sidewalk on Avis down to Bridge. Attorney Fadden indicated his client would take this under consideration.

Mr. McKiel asked if there is a prospective entity to oversee the open space. Attorney Fadden indicated a party has not been formally named. Mr. Buxton inquired about the access for the open space. Mr. O'Hara pointed out the areas of access. Chairman Pease asked if there is access from Old Marsh Hill, which Mr. O'Hara stated there is not. Ms. Ware inquired about the amount of wetlands in the 14 acre open space parcel. Attorney Fadden noted there are 5-1/2 acres.

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

Wayne Brown of 364 Marsh Hill Road stated this area has an extreme amount of wetlands and asked which plan the developer wants to build. Chairman Pease indicated the plan with the smaller lots, but the Board has to consider whether the full acre lots can be built to get to the number of small lots.

Eric Pestana of 50 Avis Avenue has a serious concern with the volume of traffic in this area and the ongoing water issues associated with "marsh hill". Attorney Fadden noted Marsh Hill was named after the original proprietor Josiah Marsh.

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Terry Barchard of 36 Avis Avenue does not find the proposed project to be feasible for Dracut, as it will impact the animals, the farming and will increase the number of school children.

Chairman Pease asked Mr. O'Hara for the sight distance out of the proposed development. Mr. O'Hara did not have that information, but will provide it for both plans at the next meeting.

Rick Noel of 372 Old Marsh Hill Road mentioned the vast assortment of wildlife in this area and commented about the fast flowing stream between his property and his neighbor. He pleaded with the Board to maintain as much open space as possible and noted the field has not been hayed in 2 years.

Devansh Patel of 52 Avis Avenue has a serious concern about the existing water, which flows off the hill and what will happen to everyone's homes with 19 proposed foundations. Chairman Pease stated a basic rule of any development, is that there can be zero increase in runoff to the abutting properties. Mr. Patel further mentioned the additional traffic from this subdivision, as well as several projects on Bridge Street.

Gene Dalton of 83 Avis Avenue questioned where the entrance is for the development and noted Avis Avenue has a dangerous curve, which should be considered. Mr. O'Hara indicated the proposed roadway is across the street from Mr. Dalton's property.

Chris Gagne of 386 Old Marsh Hill Road commented that the water flows like the Merrimack River on this site and he's concerned for all the wildlife that will be disrupted on this property.

Bruce Cote of Lexington Road, who is a member of the Open Space Committee and Chair of the Community Preservation Committee, spoke in length about the open space developments versus the regular conventional developments with both having negative and positive impacts to the Town. Chairman Pease agreed and added some of the open space projects have been problematic recently, but the Board is now implementing some safeguards to assure the developments are completed correctly.

In further review, Mr. Buxton questioned whether Lots 5, 6 and 7 could be developed given the wetlands. Attorney Fadden stated that would be part of the determination for the number of lots that can be built in the conventional plan and Mr. O'Hara represented a total less than 5,000 square feet of area can be filled in or crossed to gain access to all the lots. Therefore, with being under this threshold, they are entitled to replicate this area somewhere else within the subdivision. Mr. O'Hara noted there are 1,579 feet that can be filled. Chairman Pease stated the Board typically hires an independent peer review consultant to verify the number of lots that can be built in the conventional plan. Attorney Fadden pointed out that the 2 plans are very similar, but there would be more open space land with that plan being developed. Chairman Pease asked about the waivers being requested. Mr. O'Hara indicated waivers are being sought for a traffic study and sidewalks on both sides. Mr. Buxton mentioned the DPW Director is seeking the layout of the existing right of way on Avis Avenue and the sight distances. Mr. O'Hara will provide that information. Chairman Pease asked for Ms. Ware's input. Ms. Ware's focus is on the quality and maintenance of the open space, however; she did appreciate the concerns for the wildlife raised by the residents and will look into perhaps getting some trails.

Mr. McKiel motioned to continue this hearing to the January 22nd meeting at 7:05 p.m. Mr. Dooley seconded. Motion passed unanimously.

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321 RICHARDSON ROAD/RENO INVESTMENTS, LLC/ANR PLAN:

Attorney Michael Fadden represented the applicant, Bill Renaud of Reno Investments, LLC, who is the potential purchaser of 321 Richardson Road and who has the property under agreement with the current owner, N. Jane Richardson Trust. Attorney Fadden presented a 3-lot ANR plan for the property, which contains 5.36 acres of land with 567 feet of frontage in the R1 zone. There is an existing single-family home with a detached garage that will remain, a screen house and remnants of a shed at the site, which will be removed. Attorney Fadden stated each lot complies with the Town of Dracut zoning requirements of 175 feet of frontage and 40,000 square feet of area.

Mr. Buxton motioned to approve the ANR plan as presented. Mr. Dooley seconded. Motion passed unanimously.

8:30 PM: Mr. Dooley recused himself from the following hearing.

**WHEELER ROAD – “BERUBE FARMS”/DRACO HOMES, LLC/DEFINITIVE SUBDIVISION/
PUBLIC HEARING:**

Chairman Pease opened the hearing and read aloud the Legal Notice which was advertised in the Lowell Sun on Tuesday, November 26, 2019 and again on Tuesday, December 3, 2019. For the record, Chairman Pease stated that himself and Mr. McKiel are members of the abutting Centralville Sportsmen’s Club, but feel they can act fairly and impartially in this matter and there are 4 voting members. Attorney Michael Fadden stated his client, Brian Lussier on behalf of Draco Homes, LLC wishes to proceed.

Attorney Fadden indicated the subdivision known as Berube Farms, which consists of 59 acres of land and will have 34 building lots along with 4 detention lots and 34.8 acres of open space. The special permit for this project was approved back in July 2019. Attorney Fadden referred to a condition of the special permit, whereby the final five occupancy permits would not be issued until ownership of the open space and the conservation restriction are approved by the State, however; it was agreed that the building permits would not be issued until those are in order. The proposed subdivision will be serviced by Town water, Town sewer and will have a centrally located mail kiosk. A waiver of the traffic study is being requested, as well as a waiver of sidewalks on both sides of the street. An Order of Conditions has been approved by the Conservation Commission and granted an extension. Attorney Fadden mentioned Mr. Hamel’s review comments, which included 5’ fencing is required for the detention ponds and a waiver is required for sloped edging on Berube Lane in the power easement areas. Chairman Pease asked if this has been done previously, which Mr. Hamel did not believe it had and he would like the detail on the transition of the slope to vertical curbing.

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

Tom Berube of 270 Wheeler Road does not have water or sewer and questioned when this project will be going forward; whether the entrance will be double or single road; what is being done with the old farmhouse and asked about the elevation of the road in comparison to the rear of his property. Chairman Pease stated the roadway is single lane. Mr. Lussier concurred and indicated the rear of Mr. Berube’s property will be sloped down toward the sidewalk or curbing; the farmhouse is on its own lot, but a final decision has not been made about it and he hopes to go forward in 2020. Mr. Berube asked if he would be able to hook up to water and sewer. Mr. Lussier did not see an issue with that.

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Chairman Pease questioned the status of the Order of Conditions with Conservation. Attorney Fadden noted it was granted a 3-year extension back on July 2018, therefore; it is valid until July 2021. Chairman Pease asked if there were any other outstanding issues. Mr. Hamel requested updated drainage calculations and Ms. Ware would like a final review of the plans.

Mr. McKiel motioned to continue this hearing to the January 8th meeting at 7:45 p.m. Mr. Nangle seconded. Motion passed unanimously.

8:30 PM: Mr. Dooley returned to his seat on the Board.

145-155 BROADWAY ROAD/REAL ESTATE DYNAMICS, LLC/MODIFICATION OF AN EXISTING SPECIAL PERMIT/PUBLIC HEARING:

Chairman Pease opened the hearing and read aloud the Legal Notice which was advertised in the Lowell Sun on Tuesday, November 26, 2019 and again on Tuesday, December 3, 2019.

Attorney George Malonis, Mike Novak, Project Engineer of Meridian Associates and Rebecca Brown, Traffic Engineer of Greenman Pederson appeared before the Board on behalf of the applicant. Attorney Malonis stated the modifications to the proposed project are somewhat minor, but will provide a significant cost savings. Mr. Novak reviewed the changes to the site, which include the rear building being reduced from 35,850 SF to 32,230 SF, and approximately 6,670 SF of the front building will be converted from commercial office/retail space to dispensary, office, and storage space for the marijuana use. The proposed marijuana dispensary will be relocated from the rear building to the front building on the site and will be approximately ±2,960 SF. The remaining 3,710 SF of new marijuana-related space in the front building will be utilized for office space, employee break room, product storage, a shipping/receiving area and trash storage. The 32,230 SF rear building will be utilized for the cultivation and processing of marijuana products, as well as ancillary space for employee locker rooms, break rooms and offices. Ms. Brown noted the proposed changes to the site will result in a reduction of trips generated in comparison to the previous site plan and the traffic flow will remain the same. Mr. Dooley asked about the turning radius onto Broadway Road. Mr. Novak indicated it is not changing from what currently exists. Ms. Brown added there will be one-way in and one-way out along with signage and a parking attendant. Mr. Novak commented that the operations at 145 Broadway are independent of the businesses at 155 Broadway. Mr. Buxton questioned how the existing businesses at 145 Broadway will be protected with the dispensary being moved from the back to the front. Attorney Malonis stated the existing church and another tenant are being relocated, which will alleviate some concerns.

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

Chairman Pease felt the changes were minor in nature and asked if Mr. Hamel had any issues with this project. Mr. Hamel had no issues, but recognized and appreciated the level of effort and professionalism brought to this application. Chairman Pease concurred.

Mr. McKiel motioned to close the public hearing. Mr. Nangle seconded. Motion passed unanimously. Mr. Buxton motioned to grant the modification of the existing special permit based on the draft decision. Mr. Dooley seconded. Motion passed unanimously.

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DAVIS ROAD/TAMMY-JO RANSOM/ANR PLAN:

Kenneth Lania of Cornerstone Land Consultants represented the applicant and presented an ANR plan, which was filed to clear up a situation as the Ransoms are selling the property. The plan was previously endorsed by the Planning Board and a variance for frontage was granted by the Zoning Board in 1998. In researching the sale, it was discovered that a portion of the property did not have clear title. Mr. Lania stated the parcel is not being changed nor is the overall land area being modified, however; the plan is showing what was Land Court approved and what is recorded land, all of which is referenced in the notes. Chairman Pease mentioned the Board of Appeals decision indicated the property could not be further subdivided. Mr. Lania agreed and said this is a perimeter plan; the land is not being subdivided and a new lot is not being created. Ms. Ware spoke with Town Counsel and questioned the application, which noted the property being subdivided. Mr. Lania stated it is a perimeter plan under Chapter 81x and incorrectly used the word subdivide. Mr. Buxton inquired about the note indicating not a buildable lot. Mr. Lania stated the purpose of the plan is to separate the parcels inside the lot to determine the lots that have clear title and the whole lot will be sold as a whole with the lot areas in question being eventually cleared up in Land Court. Mr. Hamel noted these are existing lots and the issue is with the title, so this is a necessary step for the Land Court process. Chairman Pease and Ms. Ware agreed. Attorney Walter Chambers further reviewed the lot areas in question and has submitted the appropriate file with Land Court. Mr. Buxton had some concerns with the plan. Mr. Hamel added this is essentially a housekeeping issue.

Mr. Dooley motioned to approve the ANR plan based on the recommendation of the Engineering Department. Mr. McKiel seconded. Motion passed by a majority vote (4-1). Mr. Buxton opposed.

OLD BUSINESS:

Freedom Court/The Prime Group/Lot Release & Plan Discussion

Navin Patel of the Prime Group presented a plan showing the field change that addressed the slope and change to the sidewalk. Chairman Pease asked if this is acceptable. Mr. Hamel found the plan in order. Mr. Patel asked for the release of lots at Freedom Court with the posting of the bond. Mr. Hamel stated the amount to be posted is \$58,205.50.

Mr. Buxton motioned to recommend lot releases for Freedom Court (Lot 16, 17, 18, 19, 20 & 21) with the posting and depositing of \$58,205.50. Mr. Dooley seconded. Motion passed unanimously.

Mr. Nangle motioned to approve the new detail for the sidewalk based on the plan presented. Mr. Dooley seconded. Motion passed unanimously.

Meadow Creek Subdivision – Tamarack Road & Sycamore Drive/MR5-A, LLC/Partial Bond Release

Mr. Hamel recommended a partial bond release of \$291,176.81 for work completed and to hold the remaining 10% of \$71,892.23 for Sycamore Drive and \$59,217.43 for Tamarack Road for a total of \$131,109.66.

Mr. Nangle motioned to recommend a partial bond release of \$291,176.81 and hold the remaining 10% of \$131,109.66 (\$71,892.23 for Sycamore Drive and \$59,217.43 for Tamarack Road). Mr. Dooley seconded. Motion passed unanimously.

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Sophia Drive/K&K Equipment/Partial Bond Release

Mr. Hamel recommended a partial bond release of \$59,789.47 for work completed and to hold the remaining 10% of \$29,770.72. Chairman Pease asked if the street trees have been put in. Mr. Hamel stated the developer indicated the trees are in.

Mr. Buxton motioned to recommend a partial bond release of \$59,789.47 and to hold \$29,770.72. Mr. Dooley seconded. Motion passed unanimously.

NEW BUSINESS:

1100 Merrimack Avenue/Deloury Construction Company, Inc./Special Permit Submittal for a Pre-Existing Nonconforming Use & to Request a Public Hearing

Mr. Nangle motioned to schedule a public hearing on January 8th at 7:15 p.m. Mr. Dooley seconded. Motion passed unanimously.

9:15 PM: Mr. Dooley recused himself from the following matter.

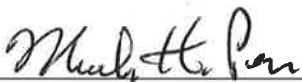
Wheeler Road – “Wheeler Village”/Wheeler Village, LLC/Modification of an Open Space Special Permit & to Request a Public Hearing

Mr. McKiel motioned to schedule the public hearing on January 8th at 8:00 p.m. Mr. Nangle seconded. Motion passed unanimously.

9:20 PM: Mr. Dooley returned to his seat on the Board.

ADJOURNMENT: Mr. Buxton motioned to adjourn at 9:20 p.m. Mr. McKiel seconded. Motion passed unanimously.

THE DRACUT PLANNING BOARD

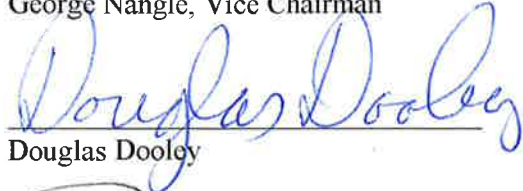


Mark Pease, Chairman

George Nangle, Vice Chairman



Michael Buxton



Douglas Dooley



Scott McKiel

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