

DRACUT ZONING BOARD OF APPEALS

Meeting Minutes of December 19, 2013 at 7:00 p.m. @ Harmony Hall, 1660 Lakeview Avenue, Dracut.

Continued BOA 2005-13 @ 341 Broadway Road – Comprehensive Permit for 278 rental units with 4 buildings. Petitioner: First Dracut Development, LLC.

Chairman Crowley asked the petitioner to allow the Board to table this hearing to later in the meeting as there is not a full quorum of members present. Mr. Lania agreed.

Chairman Crowley opened the hearing expressing his concern that all the Board Members are not present at this hearing to ensure continuity of membership to move forward with the hearing. He noted a Department Review Meeting was held on December 5, 2013 and the comments will be distributed tonight. Updated drawings have also been distributed to the Board. Also, the Traffic Engineer has not had an opportunity to get comments back to the Board.

Chairman Crowley signed in a set of plans drawn by John A. Visniewski, Registered Professional Engineer dated November 4, 2013.

There was a discussion about moving forward to enter this into testimony tonight and begin discussion or rather take the information presented to review and postpone discussion until the meeting in February. Chairman Crowley asked the Secretary to work up a list of which Board Members can sign the decision.

Mr. Lania and Mr. Kevin Erickson from Deschenes & Farrell were present. Mr. Lania agreed and feels they can have everything ready, including the Traffic Engineer's comments, by the February meeting.

A motion to continue to the February 27, 2014 meeting was made by Mr. Scott Mallory and seconded by Mr. Stephen Hamilton. The Board voted unanimously to continue.

Acceptance of Minutes:

A motion to accept the October 17, 2013 minutes was made by Mr. Scott Mallory and seconded by Ms. Heather Santiago-Hutchings. The Board voted unanimously to accept the minutes.

Mascuppic Village Comprehensive Permit Update @ 780 Nashua Road:

Attorney Smolak and Mr. Coravos were present. Since the last meeting of the Board, Attorney Smolak stated he submitted correspondence requesting the Board to endorse the Regulatory Agreement dated December 2, 2013. The Regulatory Agreement has been reviewed and approved by DHCD as to form and reflected in an email dated December 18, 2013 approving the affordable housing unit plan. The affordable housing unit cost will be \$162,000. Chairman Crowley read a letter from Attorney Hall dated December 19, 2013 stating he has reviewed the LIP Program Regulatory Agreement and finds it acceptable as to form for signature. Chairman Crowley noted for the record it is confirmed this is an age restricted 55 and over project. Attorney Smolak stated the decision clearly states this is a 55 and over project and the Regulatory Agreement incorporates reference to the decision.

Chairman Crowley notes that in Attorney Hall's letter he also alludes to the impact fee which Chairman Crowley understands will be \$3,000 per market unit. Mr. Coravos stated he has a copy of the agreement where the impact fee was renegotiated with the former Town Manager at \$2,500 per market rate unit because of the turtle bridge that they were asked to build in order to move forward with the project. Chairman Crowley questioned why the Town Manager would be empowered to change something that was in the Board's decision and in the Regulatory Agreement. There was a discussion regarding the costs for this project and the present market. Chairman Crowley noted the Board has met previously to discuss the fact that there were no substantial charges and nobody mentioned that the impact fee had been renegotiated. The Board made a judgment that a public hearing was not needed as the changes requested were insubstantial and that was the finding of the Board. It would have been appropriate to mention at that time that the impact fee had been renegotiated. Mr. Coravos thought that the Town Manger was the one he had negotiated this fee with from the beginning. Chairman Crowley noted that since he does not have a full Board present, he would like to sign the agreement so the petitioner can move forward, but the only way that is going to happen is to table this hearing until another meeting to see if the Board concurs with this revised amount. Mr. Coravos stated that Attorney Hall drew up the renegotiated agreement and he thought that he would notify the Board. There are 27 market rate units. The Board took a ten minute recess.

Chairman Crowley reopened the hearing. It was agreed by the petitioner and the Board that the impact fee would be \$3,000 per market rate unit and would be prorated over the occupancy of the units.

A motion to approve and sign the Regulatory Agreement was made by Mr. Scott Mallory and seconded by Ms. Heather Santiago-Hutchings. The Board will also sign the mylars. The Board voted unanimously to approve and sign.

Old Business:

Chairman Crowley reminded the Board that the Economic Development Committee still needs representation from the Zoning Board of Appeals. He encouraged all members to give it some thought as it is very worthwhile to participate. The next meeting is scheduled for Wednesday, January 15, 2014 at Harmony Hall.

New Business:

The Summary of the Conflict of Interest Law needs to be signed by all members after review and returned to the Secretary by January 22, 2014.

Next Meetings:

Thursday, January 16, 2014

Thursday, February 27, 2014

Adjournment:

A motion to adjourn was made by Mr. Stephen Hamilton and seconded by Mr. Scott Mallory. The Board voted unanimously to adjourn.

Board of Appeals Members

Chairman, John Crowley

Vice Chairman, Stephen Hamilton

Clerk, R. Scott Mallory

Absent
Member, David Meli

Member, Heather Santiago-
Hutchings

Absent
Alt. Member, Michael Pagonos