

ZONING BOARD OF APPEALS

Meeting Minutes

Date: Thursday, January 19, 2023

Time: 7:00 p.m.

Location: Town Hall, Douglas G. Willett Board of Selectmen Chambers

Present: Scott Mallory, Joseph DiCarlo, Ezekiel Haradji, Nicholas Jarek, G. Edward Brown

Absent: Brian Lussier and Warren Hunt

The meeting was called to order at 7:01 p.m.

2023-2, Continuance-2022-17 @ 19 Brox Road-Variance relative to 2.12.50 and Special Permit pursuant to 2.16.25 to construct a front porch with insufficient front yard setback requirements. Petitioners: Jeffrey & Lisa Ross

Michael Corda of Benchmark Design Build, LLC requests a continuance until the next meeting so there is a full board in attendance. A date certain for continuing the public hearing was set for February 16, 2023 at 7:00pm in the Dracut Town Hall, Douglas G. Willett Board of Selectmen Chambers.

2023-1 @ 31 Roswell Avenue- Variance relative to 2.12.50 for minimum lot size, frontage, front yard, creating a new parcel to be conveyed to adjacent owner to eliminate encroachment issue. Petitioner: John & Sandra O’Grady

Attorney George Malonis on behalf of the applicants explains the application is to correct a lot line mistake. The area that the applicant is seeking to change is near the pool, moving it to the right. The rear lot line has already been changed in 2011. Chairman Mallory questions if the

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owner of 45 Roswell Avenue is looking to clean up the lot line, Mr. Malonis states the owner of 45 Roswell Avenue has recently passed away and the family is looking to sell the property. Chairman Mallory states the decision from 2011 highlights the fence in the rear of the property with encroachment on Wesley Street and Monadnock Avenue. Moving forward, Chairman Mallory would like the same finding on the new decision. Chairman Mallory questions where Parcel A extends to, Mr. Malonis states it extends consistent with the rear parcel lot line. Chairman Mallory questioned the public if anyone would like to speak with no response. Mr. DiCarlo made a motion to close the hearing, seconded by Mr. Jarek. The Board voted unanimously to close the hearing. Mr. Jarek made a motion to grant the variance, seconded by Mr. Haradji. Under discussion, Mr. Mallory stated this situation is unfortunate and this is a simple adjustment. Mr. Mallory would like a stipulation added regarding the fence, the board is not granting any variance in regards to the location of the fence. The Board voted unanimously to grant the variance.

2023-3 @ 23 Old Meadow Road- Variance relative to 2.12.50 for insufficient frontage for a proposed church. Petitioner: Hugo Silva

Hooshmand Afshar of Taj Engineering on behalf of the applicant states his applicant is looking to have a Brazilian church constructed. Mr. Afshar shares two letters from neighbors in favor of the church with Chairman Mallory. The Congregation looked for quite some time and found this property. Mr. Afshar states it is a nice lot and the church would be setback on the lot. His applicant is requesting just the frontage of the lot, possibly a waiver of the frontage. The setback requirement is 100 feet and the applicant is providing 63.5 feet. Mr. Afshar believes the hardship is the shape of the lot. There is enough room for parking and the height of the building will be inside the requirements. Chairman Mallory questions if Mr. Afshar has any plans or drawings of what the building will look like and the layout. Mr. Afshar and Jeff Sherwood of 110 Delmont Ave, Unit 12, Lowell provides the board photos of the building and layout plans. Chairman Mallory questions if there is documented buffering for the abutters. Mr. Afshar stated they will have to do a Site Plan Review with the Planning Board. Chairman Mallory also questions the width of the driveway, whether the turnouts will be proper. Mr. Afshar states of course, that will also be on the Site Plan Review. Alison Manugian states the Fire Chief had some concerns regarding access on all sides of the building and whether a truck can get in and move around. The topography of the entrance also came up from Department Head comments. Mr. Haradji questioned the height of the building, Mr. Afshar states it will be two-stories and remain under height requirements. Mr. Mallory questions if there will be more than one entrance to the parcel and Mr. Afshar stated no, just the one. Mr. DiCarlo questioned if anyone would be living in the church, Mr. Afshar stated no. Chairman Mallory questioned the public if they would like to speak in regards to the variance.

Dawn & George Rancourt of 44 Old Meadow Rd., Jason Gadger of 43 Old Meadow Rd., Margaret White of 29 Brissette St. and Angela Bradley of 10 Harlem St. all spoke and expressed concerns about the traffic in the area. They expressed concern about cars that already speed on the road and the possible blind spot pulling out of the proposed church.

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Michael Howe of 45 Homefield Ave. expressed concerns regarding the shape of the roof and possible water runoff. Judith Parisi of 20 Donohue Rd. expressed concerns regarding wildlife and removal of trees in her back yard, possibly losing privacy. Christine Masse of 49 Old Meadow Rd. questioned whether the church would be sound proof.

Jose Fernandez of 36 Hildreth St., Lowell and Fabio Lacerda of 12 Constantine Dr., Tyngsboro, both spoke in favor of the church. They are both members and the church has helped them both.

Mr. Haradji questioned why the church was moving, Jose stated they rent a place now and they would like their own building.

Mr. Lacerda stated that Sunday mornings would be the busiest day of the church, weeknights would just be small meetings. There should be no sound issues, Mr. Afshar stated the building would be built to code in regards to noise. Hugo Silva of 7 Waterside Dr., Pelham questioned the abutters if Primo's Pizza had any trouble for their building and believes it is the same situation.

Chairman Mallory suggests the hearing be continued until the next meeting so the board can speak with Town Counsel. Mr. Jarek made a motion to continue the hearing, seconded by Mr. Haradji. The Board voted unanimously to continue the hearing.

Continuance-2022-8 @ 133 Phineas Street – Comprehensive Permit pursuant to M.G.L.c.40B seeking approval for a real estate development project. Petitioner: 133 Phineas Street LLC

Chairman Mallory states there is a request to continue the hearing for 133 Phineas Street until the February meeting. Chairman Mallory read the applicant's request letter into record. A date certain for continuing the public hearing was set for February 16, 2023 at 7:00pm in the Dracut Town Hall, Douglas G. Willett Board of Selectmen Chambers. Motion by Mr. Haradji to continue the hearing, seconded by Mr. Brown. Mr. Jarek recused himself. The Board voted unanimously to continue the hearing.

Minutes: A motion to accept the December 15, 2022 minutes was made by Mr. Jarek and seconded by Mr. Haradji. Mr. Brown recused himself. The Board voted unanimously to accept the minutes.

Zoning By-Laws Committee Report: Chairman Mallory states there was a meeting at the beginning of January and there was some progress with some areas of town. There is a new member on the board who filled the member at large position. Warren Shaw was approved by the Board of Selectmen for the position.

New Business: None

Old Business: None

Next Meeting: The Board was in agreement that the next meeting will be held on February 16, 2023.

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Adjournment: A motion to adjourn was made by Mr. Jarek and seconded by Mr. Brown. The Board voted unanimously to adjourn at 8:39p.m.

Board of Appeals Members

Absent

R. Scott Mallory, Chairman

Absent

Warren Hunt, Clerk

Joe DiCarlo, Member

G. Edward Brown, Alternate Member

Brian Lussier, Vice Chairman

Nicholas Jarek, Member

Ezekiel Haradji, Alternate Member