

ZONING BOARD OF APPEALS

Meeting Minutes

Date: Thursday, February 16, 2023

Time: 7:00 p.m.

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

Present: Scott Mallory, Brian Lussier, Warren Hunt, Joseph DiCarlo, Ezekiel Haradji, Nicholas Jarek, G. Edward Brown

Absent: None

The meeting was called to order at 7:00 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

Chairman Mallory recuses himself.

Michael Corda of Benchmark Design Build, LLC on behalf of the applicants states they have submitted an updated plot plan showing the steps. Mr. DiCarlo made a motion to close the hearing, seconded by Mr. Jarek. The Board voted unanimously to close the hearing. Mr. Lussier states the topography at this lot is steep and the topography is the issue. He does not believe this will be detrimental to the neighbor, Mr. Jarek agrees. Mr. Jarek made a motion to grant the special permit, seconded by Mr. DiCarlo. The Board voted unanimously to grant the Special Permit. Mr. Jarek made a motion to grant the variance, seconded by Mr. Haradji. 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

Mr. Lussier recuses himself.

Hooshmand Afshar of Taj Engineering on behalf of the applicant states that the last meeting the board wanted to speak with Town Counsel. After the town spoke with town counsel they determined that the church did not need to come in front of the Zoning Board to get a variance. They suggested that the applicant withdrawal application without prejudice and they have done so. Chairman Mallory asks if anyone in the audience would like to speak.

Michael Howe of 45 Homefield Avenue questions the process of what Mr. Afshar just explained. Chairman Mallory reads Town Counsel's response letter explaining religious purposes are exempt for obtaining a variance. Chairman Mallory states the applicant will still need to apply for building permits but they do not need to come in front of the Zoning Board.

Margaret White of 29 Brissette Street states she has a lot of questions and she would like to know who she can direct them too. Chairman Mallory states to direct those question to Alison Manugian. Mr. DiCarlo made a motion to grant the withdrawal without prejudice, seconded by Mr. Haradji. The Board voted unanimously to grant the withdrawal without prejudice.

2023-4 @ 97 Richardson Avenue- Special Permit pursuant to 2.16.25 and variances relative to 2.12.20 for insufficient front, rear and side yard setback requirements for a proposed addition. Petitioner: Brenda Mercado

Gregg Stanley of 39 Second Street states he is Brenda's neighbor and he is here tonight to assist her since he has gone through this process before. Benda would like to build an attached garage with one bay and stairs inside the garage to enter the home. Chairman Mallory questions if there will be a room above the garage, Mr. Stanley states yes there will be a room above. The home will be same height as the existing home. Chairman Mallory states unfortunately the surveyor did not put the dimensions on the plan to the existing home. Chairman Mallory measured the plan and the measurements line up correctly. Chairman Mallory questions the shed on back side of property. Mr. Stanley states the shed has been there for years. Mr. Brown questions the original plot plan compared to the submitted plan. Mr. McLaughlin states he has no explanation and it's a tough area to survey. Mr. Mallory states the board cannot question the 1992 plan and will continue with the plan submitted. Mr. Lussier questions Mr. McLaughlin on the process for permits, whether the applicant will have to submit an as built plan after foundation is put in place to compare to the plan, Mr. McLaughlin stated that they do. Mr. Lussier made a motion to close the hearing, seconded by Mr. Hunt. The Board voted unanimously to close the hearing. Mr. Lussier made a motion to grant the Special Permit, seconded by Mr. Jarek. Mr. Lussier would like a condition put in place that the home remains a single family home and there is no relief granted for the shed. The Board voted unanimously to grant the Special Permit. Mr. Jarek made a motion to grant the variance, seconded by Mr. DiCarlo. Mr. Lussier would like the same conditions put in place as the Special Permit. The Board voted unanimously to grant the variance.

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

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

Minutes: A motion to accept the January 19, 2022 minutes was made by Mr. Jarek and seconded by Mr. DiCarlo. The Board voted unanimously to accept the minutes.

Zoning By-Laws Committee Report: Chairman Mallory states there was a meeting on January 31st and there has been some progress. There is more homework that needs to be done. Mr. Lussier states they have moved into the more technical stage.

New Business: Elections- Mr. Lussier made a motion to nominate Chairman Mallory to remain as Chairman, Mr. DiCarlo voted no. The Board voted 4-1 to nominate Chairman Mallory as Chairman. Mr. Jarek motioned to nominate Mr. Lussier as Vice Chair. The Board voted unanimously to nominate Mr. Lussier as Vice Chairman. Mr. DiCarlo made a motion to nominate Mr. Hunt as Clerk. The Board voted unanimously to nominate Mr. Hunt as Clerk.

Old Business: None

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

Adjournment: A motion to adjourn was made by Mr. Lussier and seconded by Mr. Hunt. The Board voted unanimously to adjourn at 7:46p.m.

Board of Appeals Members

R. Scott Mallory, Chairman

Brian Lussier, Vice Chairman

Warren Hunt, Clerk

Nicholas Jarek, Member

Joe DiCarlo, Member

Ezekiel Haradji, Alternate Member

G. Edward Brown, Alternate Member