

Town of Dracut Board of Appeals

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ZONING BOARD OF APPEALS

Meeting Minutes

Date: Thursday, March 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, G. Edward Brown

Absent: Nicholas Jarek

The meeting was called to order at 7:00 p.m.

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 recuses himself.

John Smolak on behalf of the applicant states since the last meeting a lot of work has been done. At this time they have nothing else to add. Mrs. Manugian puts the draft decision on projector and the board received a copy prior to the meeting. Mr. DiCarlo questions if the Peer Review comments are included in the decision, Mrs. Manugian states they are not. During the process there have been comments back and forth before final decisions are made. Chairman Mallory questions if there is a copy of comments, Mrs. Manugian states the final copy of the Peer Review is with the Engineering Department. Chairman Mallory questions the latest copy of the site plans. Mr. Smolak stated the latest change was just the cover sheet of the site plan. Chairman Mallory states he would like to look over the site plan drawings. Chairman Mallory questions the Open Space area documents, Mr. Smolak states they will be in the condo docs, one and two. There is the desire to maintain the area as a natural area. John Crowley of 68 Flower Lane states he is particular about the language in this project. He would like to get the Open Space locked in and have the land protected in the deed. Mr. Smolak stated he can put language in that states the applicant will have the space remain as Open

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Space. Mrs. Manugian states there are few open questions, she plans to meet with Town Counsel tomorrow. Mr. Smolak states each household needs to have someone 55 or older and it is possible for children to live there. Mrs. Manugian states once granted the permit is good for 3 years. The applicant is not looking to phase the project. Mr. Smolak states the speed of the project will rely on the lender and the market. Mr. Smolak states the project needs to start within 3 years of issuance and have consistent work being done. Chairman Mallory questions if the units have decks or patios, Mr. Coravos states they all have decks. Chairman Mallory states there is a language in the decision that prohibits residents from adding anything new. Chairman Mallory questions the language regarding the affordable units. Mr. Smolak states they must remain affordable. Mrs. Manugian states there is a description regarding the fence, 4 foot chain link around the detention pond and white post fence around the rain garden. Mr. Mallory states concern regarding the fence around the rain garden and the potential risk with children and the amount of water the garden will retain. Mr. Smolak states the water duration is limited. Mr. Hunt questions the style, Mr. Smolak states the fence around rain garden is post and rail, vinyl. Mr. Smolak states people can walk in the rain garden, Stacey Coravos states it is design to walk across through the middle. Mr. Pierkarski states the slope is every three feet the garden goes down a foot, with depth of about 4 feet. Mr. Coravos states the garden will be similar to Mascuppic Village and there will be benches for enjoyment. Mr. Hunt states there doesn't seem like much pitch to it and he would like to see Mascuppic Village's design. Chairman Mallory questions the selection of buyers. Mr. Smolak states there are 3 categories, own residents, local business owners and municipal employees. The board agreed upon keeping Dracut residents, municipal employees and veterans. Mr. Smolak states the DHC manages the lottery and qualifications. Mrs. Manugian states they have refined waiver fees in the decision. Mr. DiCarlo questions if the DPW will be using granite all around, Mrs. Manugian states she believes just in the front entrance. Mrs. Manugian states Town department heads have reviewed everything and have made their comments and gave their blessing. Chairman Mallory states he would like to review everything again before making a decision. Mrs. Manugian states there is no current document showing every department head's comments, they do it electronically. Mr. Coravos suggested that Chairman Mallory speak to Mark O'Hara regarding the rain garden and the fence. A date certain for continuing the public hearing was set for March 29, 2023 at 4:30pm in the Dracut Town Hall, Douglas G. Willett Board of Selectmen Chambers. Motion by Mr. Haradji to continue the hearing, seconded by Mr. DiCarlo, the board voted unanimously to continue the hearing.

Minutes: A motion to accept the February 16, 2022 minutes was made by Mr. Lussier and seconded by Mr. Hunt. The Board voted unanimously to accept the minutes.

Zoning By-Laws Committee Report: Chairman Mallory states there was a meeting at the beginning of the month. The committee is making progress with the finer details at this time. Mr. Lussier states there is information on the town website.

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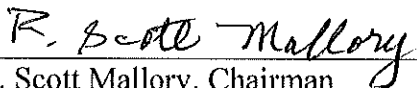
New Business: Chairman Mallory states there is a new 40B project coming up, Murphy’s Farm 40B. Chairman Mallory states he wanted the board to be aware of the project, there is a Facebook page out and the word is getting out. He reminds the board about open meeting law and conflict of interest. Mrs. Manugian states she has filed the department comments back with Mass Housing and she has not heard back from them yet. Locally there has not been an application submitted yet. Chairman Mallory lets the public know that there will be no discussion regarding this project and the board will be moving on to the rest of the agenda.

Old Business: None

Next Meeting: The Board was in agreement that the next meeting will be held on April 20, 2023.

Adjournment: A motion to adjourn was made by Mr. Hunt and seconded by Mr. Brown. The Board voted unanimously to adjourn at 8:20p.m.

Board of Appeals Members



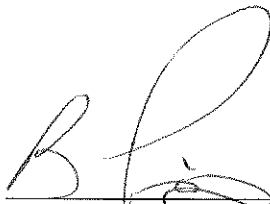
R. Scott Mallory, Chairman



Warren Hunt, Clerk

Joe DiCarlo, Member

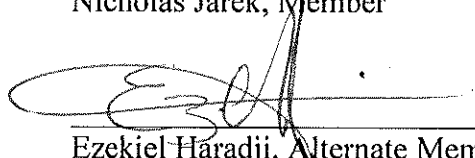
G. Edward Brown, Alternate Member



Brian Lussier, Vice Chairman

Absent

Nicholas Jarek, Member



Ezekiel Haradji, Alternate Member