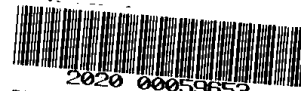




**Town of Dracut
Board of Appeals**

62 Arlington Street
Dracut, MA 01826



2020 00059653
Bk: 34937 Pg: 54 Page: 1 of 4
Recorded: 11/19/2020 12:39 PM

Tel: (978) 454-0603

Fax: (978) 937-9885

email: boardofappeals@dracutma.gov

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF DRACUT

BOARD OF APPEALS

**Extension of Time on Granted
Comprehensive Permit pursuant to M.G.L. Chapter 40B**

The Board of Appeals of the Town of Dracut hereby certifies that a Public Hearing was held on October 15, 2020 and an Extension of Time on a Comprehensive Permit has been granted to:

341 Broadway Road

I, KATHLEEN GRAHAM, CLERK of the TOWN of DRACUT, MASS., HEREBY CERTIFY that the NOTICE of VARIANCE by the DRACUT BOARD of APPEALS has BEEN RECEIVED and RECORDED at this OFFICE and NO APPEAL was RECEIVED DURING the TWENTY DAYS NEXT AFTER SUCH RECEIPT and RECORDING of SAID NOTICE.

On this 15th day of October, 2020

Town of: Dracut Massachusetts

Date

Affecting the rights of the owner with respect to land or buildings at:

341 Broadway Road (2005-13)

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Extension and that copies of said decision and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, pursuant to M.G.L. Chapter 40B provides that no variance and/or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed after the decision has been filed; that it has been dismissed or denied; it is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record; or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

KATHLEEN M. GRAHAM
TOWN CLERK
DRACUT, MA
2020 OCT 29 AM 9:07
RECEIVED
TOWN CLERK'S OFFICE

R. Scott Mallory
Chairman, Board of Appeals

Marjorie Chase
Clerk, Board of Appeals



Town of Dracut Board of Appeals

62 Arlington Street
Dracut, MA 01826

Tel: (978) 454-0603

Fax: (978) 937-9885

Email: boardofappeals@dracutma.gov

BOARD OF APPEALS FOR THE TOWN OF DRACUT RECORD OF PROCEEDINGS

APPLICATION NO: 2005-13 Continued

PETITIONER: First Dracut Development, LLC

PROPERTY LOCATION: 341 Broadway Road

DESCRIPTION: Request for Extension of Time for Granted Comprehensive Permit for 278 rental units with 4 buildings

OWNER: Parekh

DATES OF LEGAL NOTICES: Not applicable

DATE OF HEARING (S): September 17, 2020 and October 15, 2020

MEMBERS PRESENT:

	<u>9/17/2020</u>	<u>10/15/2020</u>
R. Scott Mallory, Chairman	Hybrid Meeting	Hybrid Meeting
Brian Lussier, Vice Chairman	Via Zoom	Present
Merylle Chase, Clerk	Present	Present
John J. Crowley, Member	Present	Present
Warren Hunt, Jr., Member	Via Zoom	Via Zoom
Nicholas Jarek, Alternate Member	Present	Present
Joseph DiCarlo, Alternate Member	Present	Via Zoom
		Absent

I, Clerk of the Board, hereby certify that the following is a detailed record of all its proceedings relative to the petition of First Dracut Development, LLC for a 40B Comprehensive Permit for a Special Permit and Variance waivers from the Dracut Zoning By-laws.

NOTIFICATION

A notice of public hearing was published, posted and mailed to the "Parties in Interest" as indicated below:

- Published in The Lowell Sun;
- Posted in a conspicuous place in the Town Hall not less than 48 hours prior to the date of hearing;
- Mailed by first class mail, postage prepaid, to the applicant, abutters and owners of land within 300 feet of the property line as named in the certificate from assessors and to the Board of Appeals, Building Inspector and the Planning Board of every abutting city and town.

RECEIVED
TOWN CLERK'S OFFICE
OCT 15 2020
10:00 AM
TOWN CLERK
TOWN OF DRACUT
MA 01826

HEARING (S)

As detailed above, hearings were held at the Dracut Town Hall, Douglas G. Willett Board of Selectmen Chambers, 62 Arlington Street, Dracut and also using Zoom Platform on September 17, 2020 and October 15, 2020 at 7:00 p.m. This meeting was held in accordance with the Governor of Massachusetts March 10, 2020 Order Suspending Certain Provisions of the Open Meeting Law M.G.L. Ch. 30A, Section 20.

FINDINGS:

September 17, 2020 hearing;

Mr. Noah Parekh, 50 Newton Street, Boston, MA partner of First Dracut Development and property owner of 341 Broadway. Mr. Parekh stated that they have successfully engaged in a partnership agreement with a local developer and are seeking an extension of the comprehensive building permit so they can secure financing and move forward. Chairman Mallory stated that they were before the Board in 2017 asking for an extension and that they were close at that time and questioned what has happened to cause the delay. Mr. Parekh stated that in 2017, they had a strategy to go with HUD financing but encountered building costs along with labor and material expenses that had skyrocketed. They were not able to find the economics to satisfy the ability to build the project and have continued to look at different strategies and need to partner with a larger more experienced developer. Mr. Lussier asked when this permit will expire that began in 2017 and Mr. Parekh stated December 18, 2020. There was discussion on the water and sewer as far as the revised fees and capacity. Mr. Crowley stated that there should be documentation provided to the Board regarding conversations with their engineers pertaining to the water and sewer. He requested if any final prints have been provided. Mr. Parekh stated no final prints have been put in place because they needed to know the strategy of building this project. This is the largest project in Dracut consisting of 278 units, costing over sixty million dollars to build. They will not be putting final drawings in place until they obtain their financing. They have done 10 years of work and are not looking to jeopardize that work. Mr. Parekh agreed with Mr. Crowley that they are prepared to move along with the changes in Stormwater related to the Zoning by-law section. There was discussion about Conservation and the Order of Conditions which have expired and they will be going before the Conservation Commission once again. Mr. Parekh stated that they are hoping to begin sometime in the spring. Mr. Crowley stated that they should have been receiving periodic updates and Mr. Parekh stated that they will provide monthly reviews to the Board.

Ms. Chase stated that it would be appropriate before granting the extension to continue this hearing to October 15, 2020, so we can receive all of this pertinent information:

- All correspondence from the water and sewer department
- Stormwater compliance
- Orders of conditions from the Conservation Commission

Mr. Parekh also stated that if they do not have sewer available, they will do an on-site sewer system. The Board and Mr. Parekh agreed to a one month continuance to review the extension request.

October 15, 2020 hearing:

Attorney Natasha Ramsingh presented on behalf of First Dracut Development. She stated that in attendance to answer any of the Board's questions were Noah Parek, main principal from First Dracut Development, Matt Hamor, Engineer and Chester Bartels, architect. Attorney Ramsingh

provided updated documents which will address the Board's concerns from the September 17th hearing. She has had numerous conversations with Lori Cahill and dealt with conservation issues. They have executed their Certificate of Compliance which also has been recorded. They are in the process of working on a new Notice of Intent which will be delivered to conservation. Matt Hamor has communicated with Mr. Reynolds, Superintendent of Sewer Commission and confirmed that they have the proper sewer capacity for the project. They are also on the next Water Commission hearing on November 4th to discuss the water supply. They will be complying with the Stormwater as they submit their new Notice of Intent to Conservation.

Mr. Crowley questioned again whether there has been any documentation regarding the discussions in the past three years with these various departments. Attorney Ramsingh stated that they are working with National Heritage and have partnered with an abutter in order to satisfy the conservation commission which has taken over two years to accomplish and is the reason for the delays.

Attorney Ramsingh stated they are trying to finalize their financing and making sure they have adequate time on their permit in order to move forward with this project. She stated that the Governor's Orders does apply to this particular project and provides them with additional days and the expiration on the permit. They want to move forward with this project and that is why they need this extension and have come before the Board. Attorney Ramsingh agreed to provide updated plans once they have been reviewed and approved to the Board.

A motion to grant a three year Extension to extend the Special Permit to December 18, 2023 was made by Mr. John Crowley and seconded by Mr. Brian Lussier. The Board voted unanimously to grant the Extension.

Appeals, if any, shall be made pursuant to G.L.C.40, Subsection 17, and shall be filed within 20 days after the decision filed with the Town Clerk.

Each member voted as following:

R. Scott Mallory, Chairman
Brian Lussier, Vice Chairman
Merylle Chase, Clerk
John Crowley, Member
Warren Hunt, Member
Nicholas Jarek, Alternate Member
Joseph DiCarlo, Alternate Member

Extension of Time on Granted Special Permit

Approved
 Approved
 Approved
 Approved
 n/a
 n/a

Dracut Board of Appeals:

I, KATHLEEN GRAHAM, CLERK of the TOWN of DRACUT, MASS., HEREBY CERTIFY that the NOTICE of VARIANCE by the DRACUT BOARD of APPEALS has BEEN RECEIVED and RECORDED at this OFFICE and NO APPEAL was RECEIVED DURING the TWENTY DAYS NEXT AFTER SUCH RECEIPT and RECORDING of SAID NOTICE

Date

Town Clerk, Dracut, Mass.

R. Scott Mallory
 R. Scott Mallory, Chairman

Brian Lussier
 Brian Lussier, Vice Chairman

RECEIVED
 TOWN CLERK'S OFFICE
 2020 OCT 29 AM 9:07
 KATHLEEN M. GRAHAM
 TOWN CLERK
 DRACUT, MA

Copies of this record of Proceedings and Decision with all attachments and plans referred to in the Decision, if any, must be filed with the Town Clerk.

Date filed with Town Clerk: