

RECEIVED
OWN CLERK'S OFFICE
TOWN CLERK
DRACUT, MA

25 DEC 29 PM 2:48

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

LAND COURT
MISC. CASE NO:

CITY OF METHUEN, by and through its
MAYOR, DAVID B. "D.J." BEAUREGARD,
JR.,

Plaintiff

v.

THE HOMES AT MURPHY'S FARM, LLC,
and DRACUT ZONING BOARD OF
APPEALS and its voting members, BRIAN
LUSSIER, R. SCOTT MALLORY, WARREN
HUNT, and EZEKIEL HARADJI,

Defendants

COMPLAINT

NATURE OF THE ACTION

1. This is an appeal, pursuant to G.L. c. 40B, § 21 and G.L. c. 40A, § 17, of a decision by the defendant, Dracut Zoning Board of Appeals, filed with the Dracut Town Clerk on December 8, 2025 granting a comprehensive permit to the defendant, The Homes at Murphy's Farm, LLC to construct a 200-unit rental development at a project site located off Wheeler Street in Dracut, partially along the border between Dracut and Methuen. A true copy of the decision is attached hereto as Exhibit A.

2. The plaintiff, City of Methuen, is aggrieved by the decision and seeks judicial review and reversal of the decision.

PARTIES

3. The Plaintiff is the City of Methuen ("City"), by and through its Mayor, David P. "D.J." Beauregard, Jr., with a usual place of business at Methuen City Hall, 41 Pleasant Street, Methuen, MA 01844.

4. Defendant, The Homes at Murphy's Farm, LLC is the applicant ("Applicant") which applied for and was granted a comprehensive permit by the Dracut Zoning Board of Appeals and has a usual place of business at 18 Cassimere Street, Andover, MA 01810.

5. Defendant, Dracut Zoning Board of Appeals ("Board") is a municipal board with a usual place of business at Dracut Town Hall, 62 Arlington Street, Dracut, MA 01826, with jurisdiction to hear and decide Chapter 40B permit applications.

6. Defendant, Brian Lussier, resides at 57 Spruce Lane, Dracut, MA, is sued in his capacity as a voting member of the Board, and not individually.

7. Defendant, R. Scott Mallory, resides at 70 Cornstalk Road, Dracut, MA, is sued in his capacity as a voting member of the Board, and not individually.

8. Defendant, Warren Hunt, resides at 9 Cornstalk Road, Dracut, MA, is sued in his capacity as a voting member of the Board, and not individually.

9. Defendant, Ezekiel Haradji, resides at 32 Gunther Court, Dracut, MA, is sued in his capacity as a voting member of the Board, and not individually.

STATEMENT OF FACTS

10. The City is an abutter to the project site which is the subject of the comprehensive permit decision on appeal.

11. The Applicant has also applied for a comprehensive permit from the Methuen Zoning Board of Appeals for the same project, which is currently stayed pending resolution of

the Applicant's appeal to the Massachusetts Housing Appeals Committee seeking to overturn the Methuen Zoning Board's determination that denial of the project is consistent with local needs.

12. Given the location of the project along the municipal boundary lines and considering the predominant travel trends to the regional highway network and key retail and services to the east, the City will be acutely and severely impacted by a substantial majority of the vehicle trips that will be generated by the project. These trips will be prominently directed to Wheeler Street, a City-owned roadway, before reaching the broader network of State Highway routes via Routes 110 and 113, both of which lead directly to Interstate 93.

13. The City will have no benefit from the 200 units of proposed housing which will be located in Dracut but will sustain all of the adverse traffic and safety impacts of all project-related travel through already overburdened travel routes located solely in Methuen.

14. The decision exceeds the Board's authority in failing to account for and mitigate adverse impacts upon the City.

15. The City retained a traffic peer review consultant who made several recommendations concerning intersection and roadway improvements directly necessitated by the project which should be funded in full by the Applicant.

16. The Board failed to implement said recommendations as conditions of approval in the decision on appeal, which will result in substantial economic impact upon the City in having to fund intersection and roadway improvements which should have been funded by the Applicant.

COUNT I – G.L. c. 40B, § 21 and G.L. c. 40A, § 17

17. The City repeats and incorporates paragraphs 1 – 16.

18. The City is aggrieved and will sustain substantial particularized harm as a result of the Board's decision which exceeds its authority in failing to address adverse impacts on the City as an abutter to the project.

WHEREFORE, the City respectfully requests that the Court reverse and vacate the Board's decision and remand the application to the Board for reconsideration and revision of its decision to adequately address adverse impacts upon the City, and such further relief as the Court deems just.

PLAINTIFF,

By its attorneys,



George X. Pucci (BBO# 555346)
Miranda P. Cecil (BBO# 714604)
KP Law, P.C.
101 Arch Street
12th Floor
Boston, MA 02110-1109
(617) 556-0007
gpucci@k-plaw.com
mcecil@k-plaw.com

Date: December 29, 2025

1011947/18108/0044

EXHIBIT A

COMPREHENSIVE PERMIT DECISION

Land on Elizabeth Drive and Poppy Lane in Dracut, Massachusetts

Decision Number: 2023-7

Date Application Filed: July 31, 2023

Applicant: The Homes at Murphy's Farm, LLC

Premises Affected: Land off Elizabeth Drive and Poppy Lane, Dracut, MA, consisting of Dracut Assessors' Parcels Map 39, Block 53, Lots 1 through 23 inclusive, abutting portions of Murphy Way and Elizabeth Drive, and a portion of Map 22, Lot 53 shown as Lot Y-2 on Sheet C-8 of the Project Plans (the "Site")

Relief Requested: Comprehensive Permit, G.L. c. 40B, §§ 20-23

Public Notice: August 10 & 17, 2023

Public Hearing(s) held: Opened 8/24/2023 & Closed on 11/6/2025 (full list below)

Decision of the Board: Approved with Conditions

Members Voting: Brian Lussier, R. Scott Mallory, Warren Hunt, Ezekial Haradji

Date of Decision: December 4, 2025

The Project

The Applicant has applied to the Zoning Board of Appeals (the "ZBA" or the "Board") of the Town of Dracut (the "Town") for the issuance of a Comprehensive Permit pursuant to General Laws Chapter 40B, §§20-23 for property located off of two public ways, Elizabeth Drive and Poppy Lane. The property as currently configured and included with the Applicant's Comprehensive Permit application consists of Dracut Assessors' Parcels Map 39, Block 53, Lots 1 through 23 inclusive, abutting portions of unconstructed private subdivision ways, Murphy Way and Elizabeth Drive, and a portion of Map 22, Lot 53, shown as Lot Y-2 on Sheet C-8A of the Project Plans (the "Site"). The Site includes 33.30 acres of land located within the Residential 1 (R-1) zoning district. The Applicant presented several iterations of its project as the public hearing on this application progressed. As initially submitted to the Board, the Applicant sought to construct three hundred (300) four (4) bedroom rental units, with a total of 1,200 bedrooms in 46 buildings on a site consisting of 50.75 acres.

Through the course of the Board's hearing, the Applicant ultimately revised its proposal to include 268 rental units, with a minimum of 10% 1-bedroom and 10% 3-bedroom units. The remainder shall be 2-bedroom units for an approximate total of 536 bedrooms in 28 buildings on a Site consisting of 33.3 acres ("Project").

The Project includes three building types, two building types each having three stories and a Building Height of no greater than 42 feet and a third building type having 2.5 stories and a Building Height of no greater than 35'. Building type one has 1-bedroom and 2-bedroom units and a footprint of approximately 72 feet by 70 feet. Building type two has 3-bedroom units and a footprint of approximately 66 feet by 50 feet. Building type three has 1-bedroom and 2-bedroom units and a footprint of approximately 72 feet by 62 feet. All building types will be accessed by a central entrance lobby and common stairways and have a common mail/package area. Some of the buildings will contain administrative, custodial, and storage space accessory to the operation of the rental community, as well as tenant common areas, such as studio space and event rooms, on their first floors.

The Site was previously approved for development as a 22 lot, single-family subdivision, pursuant to a definitive subdivision plan approval endorsed by the Dracut Planning Board on September 27, 2017, and a wetlands Order of Conditions originally issued by the Dracut Conservation Commission on July 21, 2017. The Order of Conditions for the approved subdivision permitted permanent disturbance as close as 39.5' from vernal pools on the Site and permitted 31,300 s.f. of permanent disturbance within 100' of vernal pools. The current Project proposes to permanently revegetate much of this area and proposes a total of 5,528 s.f. of temporary disturbance and 5,181 s.f. of permanent disturbance within 50' - 100' of vernal pools, a 61 % reduction in total disturbance from the approved subdivision development.

The Site is adjacent to existing, single-family subdivision developments located to the east of the Site (Poppy Lane and Rinzee Road) and to the west of the site (Elizabeth Drive). The site is also bounded by agricultural field operations to the north and west of the Site and by the Brox Quarry and materials processing operation to the south of the site. The Site is also located near the Town's boundary with the City of Methuen.

Topographically, the Site has minimal slopes. The site generally slopes in a gradual manner towards the south and east. Three vernal pools have been delineated in the central portion of the site and there are small to moderately sized wetland systems in the southwest and central portions of the Site.

Outside of the wetlands areas, the geology on the Site is characterized by extensive sandy soils. Presently, the Site is substantially disturbed, having been rough graded in accordance with the permitting for the previously approved subdivision project.

Governing Law

1. The law governing this application is the Comprehensive Permit Law, Massachusetts General Laws, Chapter 40B, §§ 20-23 (the "Act"), and the regulations promulgated by the Executive Office of Housing and Livable Communities ("EOHLC") 760 CMR 56.00 et seq. (the "Regulations").
2. The Act promotes regional distribution of low- or moderate-income housing by preventing individual cities and towns from using exclusionary zoning to block construction of such housing. Toward these ends, the purposes of the Act are satisfied if:
 - (a) a town has low or moderate income housing in excess of 10 percent of the total

number of year-round housing units reported in the latest decennial census or (b) on sites comprising 1 ½ percent or more of the town's total land area zoned for residential, commercial, or industrial use, or (c) the application results in the commencement of low and moderate income housing construction on sites comprising more than 0.3 percent of such total area or 10 acres, whichever is larger, in one year.

3. EOHL's Regulations expand the definition of what constitutes satisfaction of the statute to include such methods as "recent progress" toward the statutory minima or compliance with a EOHL-approved housing production plan, all as described in 760 CMR 56.03(1).
4. At the time of the filing of this comprehensive permit application, the Town did not meet the statutory minima set forth in G.L. c. 40B § 20 or the "safe harbor" provisions of 760 CMR 56.03(3). Specifically:
 - a. At the time of the filing of the application, the number of low- or moderate-income housing units in Dracut constituted 4.93 percent of the total year-round units in the Town, based on the then most recent decennial census. Thus, the Town does not meet the 10 percent statutory minimum.
 - b. Existing affordable housing units are on sites which comprise less than one and one half percent of the total land area of the Town which is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof).
 - c. Granting the Applicant's request for a comprehensive permit will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of a percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.
 - d. At the time of the filing of the application, the Town did have a Chapter 40B Housing Production Plan approved by EOHL under 760 CMR 56.03(4). However, the Town had not made "recent progress" as that term is defined in 760 CMR 56.03(5).
 - e. The proposed development does not constitute a "large project" as defined in 760 CMR 56.03(6).
 - f. The Site is not subject to any "related applications" as that term is defined in 760 CMR 56.03(7).
5. Given the foregoing, the ZBA's decision on this comprehensive permit application must balance the regional need for low- or moderate-income housing against the Town's long-range planning goals, local requirements and regulations to the extent that they are applied equally to subsidized and unsubsidized housing, and valid concerns about the health and safety of residents of the proposed housing, the surrounding neighborhood, or the Town as a whole, and determine whether significant local concerns outweigh the regional need for housing.

6. The Applicant submitted to the ZBA a Project Eligibility Letter from Mass Housing dated July 5, 2023. Pursuant to 760 CMR 56.04, the issuance of this letter establishes as a matter of law that the Applicant is a limited dividend organization, that the Project is fundable by a Subsidizing Agency under a low or moderate income housing program, and that the Applicant has control of the Site. The issuance of this letter by Mass Housing allows the Applicant to file its comprehensive permit application with the ZBA. During the course of the Board's hearing, the Applicant submitted a Notice of Project Change to MassHousing. By letter decision dated October 1, 2024, MassHousing determined that the proposed project changes did not constitute a Substantial Change and that its Project Eligibility Letter remained effective.

Procedural History

The Applicant submitted its application to the ZBA on July 31, 2023. The ZBA published notice on August 10th and August 17th, 2023, and sent notice to all parties in interest. The ZBA opened the public hearing on this application on August 24, 2023 and held continued sessions of the hearing on 10/19/2023, 12/21/2023, 3/21/2024, 5/2/2024, 6/20/2024, 8/29/2024, 10/17/2024, 2/27/2025, 6/5/2025, 9/18/2025, 10/16/2025, and 11/6/2025. Hearing sessions were posted but summarily continued by the Board on 9/21/2023, 11/16/2023, 9/26/2024, 11/21/2024, 12/19/2024, 3/20/2025, 4/17/2025, 5/1/2025, 7/17/2025, 8/28/2025. Hearing sessions were posted for the Board's meetings of 2/14/2024 and 1/16/2025 but those meetings were cancelled. The Board held public workshop sessions on 7/18/2024, 8/6/2024, 8/22/2024, 3/12/2025, 6/16/2025, 7/9/2025, 8/27/2025, and 10/22/2025. The Board also conducted site walks on 9/5/2024 and 10/8/2025. On several occasions, the Applicant agreed in writing to extend the time for the ZBA to conduct the public hearing on this application, the most recent dated October 20, 2025, extending that deadline through November 14, 2025. The ZBA voted to close the public hearing on November 6, 2025.

Over the course of the public hearing, the ZBA heard and considered extensive testimony from the Applicant and its consultants. The ZBA also received guidance from, its M.G.L. c. 40B consultant Joseph Peznola, P.E. of Hancock Engineering; retained and received civil engineer peer review of the Applicant's submittals from James Thorne, P.E., of Green International; and retained and received traffic engineer peer review of the Applicant's submittals from Michael A. Santos, PE, PTOE, and Vinod K. Kalikiri, PE, PTOE, of Vanasse, Hangen, Brustlin, Inc. The Board was also represented and advised by Town Counsel throughout its consideration of the Application and in the preparation of this decision.

The ZBA also heard a considerable amount of testimony from abutters and residents from the surrounding neighborhood, as well as, persons representing C.A.R.D.D. an association of people in opposition to the Project. During each session of the public hearing, these neighbors raised various objections to the Project. Consultants, John Chessia, PE, of Chessia Consulting Services LLC, and Patrick C. Garner of Patrick C. Garner Company, Inc., were retained by C.A.R.D.D. and presented their own comments and opinions to the Board regarding the Project. The ZBA acknowledges the concerns expressed with respect to the Project, and notes that the impacts the neighbors cited may well have supported a denial of the Project in some other permitting context. After applying the standard of review

under M.G.L. c.40B, §§20-23 and 760 CMR 56.00, however, the ZBA determined that the Project could be conditioned in such a way so as to minimize its negative impacts and therefore that the evidence in the record did not support a denial of the application. With the understanding that this decision does not represent the desired result of the neighbors, the ZBA acknowledges their participation, concerns and input in the public hearing.

Following closure of the public hearing on November 6, 2025, four members of the Zoning Board of Appeals remained eligible to vote – Brian Lussier, R. Scott Mallory, Warren Hunt and Ezekial Haradji. At a meeting held on December 4, 2025 these members of the ZBA voted 4 - 0 to approve the Project subject to the findings, the action on the requested waivers, and the conditions set forth herein. The Board considered waivers and conditions it felt would best ameliorate the issues raised by the construction and operation of the Project, including concerns regarding health and safety of the occupants of the Project and occupants of neighboring properties, and environmental issues. The Board finds that the waivers and conditions, as approved, strike the appropriate balance between protecting health, safety and welfare of the residents of the Town, the Project, and the abutters, and providing for additional affordable housing in Dracut.

Findings of Fact

1. Zoning

a. Use Requirements

The Project is located in an R-1 zoning district. Among the uses allowed in the R-1 district are: (1) single-family dwellings; (2) municipal uses; (3) recreation uses; (4) religious uses and cemeteries; (5) agriculture; (6) accessory uses customary to the allowed uses; and (8) certain other specialized uses upon the granting of a special permit, such as, lodge or club; educational uses; and day care facilities.

The multiple, multi-family residential buildings proposed in the Project are not an allowed use in the R-1 district, and this gives rise to the first principal waivers requested under the Comprehensive Permit statute, G.L. c.40B §§ 20-23.

b. Dimensional Requirements

The Zoning Bylaw provides zoning district dimensional requirements, for the Site, for the placement of buildings and structures on the Site, and for the buildings proposed on the Site. The dimensional requirements for the R-1 district, and the corresponding dimensional information from the Project are summarized in the Land Use Table included on Sheet C-1 of the Project Plans.

With respect to the dimensional requirements for the Site, the Project meets the R-1 zoning district requirement for lot area but does not meet the lot frontage requirement. With respect to those requirements for the placement of the proposed buildings on the Site, the Project meets all set back requirements, front, side, and rear. Since it is unclear how the Zoning Bylaw's lot width requirement should be applied to the Project, a waiver from that requirement has been requested. However, the Project would appear to exceed any reasonable application of the Bylaw's lot width requirement. For the dimensional

requirements for the buildings themselves, the Project meets the maximum lot coverage requirement for the R-1 zoning district, but where 3-story buildings are proposed, the Project's buildings exceed the Bylaw's 2.5 stories limit. The maximum Building Height in the R-1 District is 35 feet. The proposed buildings are approximately 32' and 35' high, measured from top of foundation to the median point between soffit and roof ridge. The method for determining Building Height, as applied by the Town's Building Inspector, measures Building Height from average finished grade at the foundation to the median point between soffit and roof ridge. As finished grade will vary at each proposed building location, the Applicant has requested a waiver from the maximum Building Height to allow Building Heights for most of the buildings in the Project to be up to 42 feet.

2. Land Use and Planning

As noted above, under the Zoning Bylaw, multi-family dwellings are not allowed in the R-1 district. In fact, multi-family dwellings are prohibited in all zoning districts in the Town, except in the R-3 district where they are permitted only upon grant of a special permit. The Town's 2020-2024 Housing Production Plan ("20-24 HPP") was approved on October 23, 2019 and is effective through October 3, 2024.

3. Traffic

To assess the traffic impacts of the Project, the Applicant commissioned the "Transportation Impact Assessment" prepared by Vanasse & Associates, Inc. dated October 2, 2023, revised July, 2024 (the "TIA"). The TIA was prepared in consultation with the Massachusetts Department of Transportation (MassDOT), the Town of Dracut, and the City of Methuen; was performed in accordance with MassDOT's Transportation Impact Assessment Guidelines and the traffic review standards for a Project of Significant Impact as defined in the Zoning Bylaw; and was conducted pursuant to the standards of the traffic engineering and transportation planning professions for the preparation of such reports.

The TIA evaluated i) access requirements; ii) potential off-site improvements; and iii) safety considerations; under existing and future conditions, both with and without the Project.

The ZBA engaged Vanasse, Hangen, Brustlin, Inc. ("VHB") to perform a peer review of the TIA, and after several rounds of review, VHB concluded that the information contained in the TIA is both technically accurate and portrays the likely impacts of the Project on the surrounding roadway system.

The findings of the TIA for vehicular traffic, were as follows:

1. Using trip-generation statistics published by the Institute of Transportation Engineers (ITE),¹ the Project is expected to generate approximately 1,992 vehicle trips on an average weekday (two-way, 24-hour volume), with 134 vehicle trips expected during the weekday morning peak-hour and 157 vehicle trips expected during the weekday evening peak-hour;
2. The Project will not result in a significant impact (increase) on motorist delays or vehicle queuing over Existing or anticipated future conditions without the Project

(No-Build condition), with the majority of movements at the study area intersections shown to continue to operate at a level-of-service (LOS) B or better with the addition of Project-related traffic, where an LOS of "D" or better is generally defined as "acceptable" traffic operations;

3. Independent of the Project, specific movements at the Route 113/Wheeler Street and Route 110/Wheeler Street intersections are currently or are predicted to operate at or over capacity (i.e., LOS "E" or "F", respectively), with Project-related impacts on the critical movements at these intersections defined as a predicted increase in average motorist delay that resulted in a corresponding increase in vehicle queuing of between one (1) and five (5) vehicles;
4. All movements at the intersections that will convey traffic to/from the Project site are predicted to operate at LOS B or better with vehicle queuing limited to one (1) vehicle;
5. Independent of the Project, the Wheeler Road/Wilshire Circle/Paddock Lane intersection was found to have a motor vehicle crash rate that exceeds both the MassDOT statewide and District average crash rates for similar intersections based on a review of motor vehicle crash data for the period 2015 through 2019, inclusive. As such, safety-related enhancements have been recommended for this intersection and will be advanced in conjunction with the Project (see Recommendations); and
6. Lines of sight at the intersections along Wheeler Street and Wheeler Road that will provide access to the Project site were found to exceed, or can be made to meet or exceed, the recommended minimum distances for the intersections to operate in a safe manner based on the appropriate approach speed.
7. In consideration of the above, the Project can be accommodated within the confines of the existing transportation infrastructure in a safe and efficient manner with implementation of the recommendations that follow.

The TIA also included a transportation improvement program. The Board's peer reviewer made various comments and suggested revisions to the program as proposed, which were adopted by the Applicant's traffic engineer and are reflected in Vanasse & Associates, Inc. letter response dated January 23, 2025.

4. Stormwater Management

The Project's stormwater runoff is proposed to be treated and controlled by a private stormwater management system as depicted in the Project Plans and Drainage Report dated April 22, 2024, revised through September 15, 2025 (other sheets revised through October 2, 2025). The stormwater drainage system was designed by the Applicant's civil engineering consultant and reviewed by the Board's civil engineering peer review consultant. Comments on the stormwater drainage design were also received from a civil engineer retained by members of the public and certain of those comments were incorporated into the final design of the system. The Board's peer review consultant has determined that the final design of the system as proposed by the Applicant is satisfactory,

with the included conditions below, and will adequately control stormwater runoff from the Project.

5. Wetlands

The Applicant proposes work within buffer zone to wetland resource areas regulated under the Massachusetts Wetlands Protection and the Town's Wetland Bylaw, including within 100 feet of a series of 3 vernal pools located in the central portion of the Project Site. Over the course of the Board's hearings, the Applicant has revised its proposal to comply with the requirements of the Town's wetlands bylaw and regulations except as specifically waived in this decision. The Project as conditionally approved herein complies with the Town's 25' no disturbance requirement, proposing only stormwater outlet structures within the 25' zone; does not propose any buildings within the Town's 50' no build zone; and maintains a 50' no disturbance area to the vernal pools and limits work within 50-100' of the vernal pools to grading, seeding, and revegetation of previously disturbed areas. The Project now proposes substantially less disturbance within 100' of vernal pools than was permitted by the Town Conservation Commission's Order of Conditions issued for the 22 lot subdivision previously approved for the Site and revegetates certain areas previously disturbed under this Order of Conditions.

6. Water and Sewer

The Project has access to and will be served by Town of Dracut sanitary sewer and is located within and will receive its water service from the Kenwood Water District. The Applicant has met with the Dracut Sewer Commission and the Kenwood Water District and confirmed the availability of service capacity.

Waivers

The Applicant submitted a revised list of requested waivers from the Town's bylaws, rules and regulations dated September 16, 2025, and discussed these and certain other requested waivers with the Board at the Board's subsequent hearing sessions. The ZBA acted on the Applicant's requested waivers as follows:

Zoning Bylaws

Dimensional Requirements, Zoning Bylaw § 4.1 (Standard Dimensional Requirements) and §4.4 (Table of Standard Dimensional Requirements)

1. Lot Frontage: The Applicant has requested a waiver from the applicable Lot Frontage requirement of 175 feet, where the Project Site has Lot Frontage of 60 feet on Elizabeth Drive and 52 feet on Poppy Lane.
2. Lot Width: The Applicant has requested a waiver from the applicable Lot Width requirement of 50 feet, where it is unclear how the Lot Width requirement would be applied to the Project Site and to the extent the Project Site does not have the required Lot Width.

3. Maximum Building Height: The Applicant has requested a waiver from the applicable Maximum Building Height requirement of 35 feet and 2.5 Stories. There is no waiver granted for units along the eastern side of Murphy's Way proximate to the abutting properties on Rinzee Road. Waiver is granted to allow other proposed buildings in the Project to have a Maximum Building Height of up to 42 feet and up to 3 full Stories.

Zoning Use Restrictions

4. Multi-Family Use. The Applicant has requested a waiver from § 3.3 (Table of Permitted Uses) of the Zoning By-Law, to allow for construction and occupancy of multi-family dwellings where same are prohibited in the R-1 District.
5. Multiple Principal Structures. The Applicant has requested a waiver from § 4.4.1 of the Zoning Bylaw prohibiting multiple principal structures on a single lot.

Other Zoning Provisions

6. The Applicant has requested a waiver from the following:
 - a. §§ 7.2 et seq of the Zoning By-Law ("Multifamily Development") to the extent that it may require additional submittals, analyses, criteria, or processes for multi-family development; and
 - b. §§ 2.4 et seq of the Zoning By-Law ("Site Plan Review") to the extent any of the Site Plan Review provisions of the Zoning By-Law (i.e., or any of the provisions of the Planning Board's Rules and Regulations Governing the Granting of Site Plan Review) could be interpreted to prohibit or require any alterations to Applicant's Project, as proposed, including, but not limited to, alterations to planned lighting (§§ 2.4.3I; 2.4.11), landscaping and drainage (§ 2.4.3E; § 2.4.3L), parking (§ 2.4.3C), access (§ 2.4.3A; § 2.4.3B), screening (§ 2.4.3 G), or grading, or require submission of additional information or materials not provided by the Applicant.

Wetlands Bylaws and Regulations

7. The Applicant has requested a waiver from Chapter 18 of the Town By-Laws (i.e., the "Wetlands Protection By-Law") and the Wetlands Bylaw Regulations as follows:
 - a. The Project proposes stormwater outlets and associated grading within 25-feet of wetland resource areas. To the extent that § 5.1.4.1.1. of the Wetland Bylaw Regulations does not exempt and allow same, the Applicant requests a waiver of § 5.1.4.1.2 of the Wetland Bylaw Regulations and Art. II of the Wetlands Protection Bylaw to allow same as shown on the Project Plan.
 - b. The Project does not propose construction of any buildings within 50-feet of wetland resource areas but does propose portions of trails, roadways, stormwater system components, utilities, and other grading and excavation within 50-feet of wetland resource areas. To the extent necessary, the Applicant requests a waiver of § 5.1.4.1.3 of the Wetland Bylaw Regulations and Art. II of the Wetlands Protection Bylaw to allow same as shown on the Project Plan.

- c. The Project proposes 5,181 s.f. of permanent disturbance and 5,528 s.f. of temporary disturbance in the area between 50' and 100' of vernal pools, consisting of revegetating existing disturbed areas; grading; seeding; and split rail fencing, but no impervious surfaces. To the extent that § 5.1.4.1.1 of the Wetland Bylaw Regulations does not exempt and allow same, the Applicant requests a waiver of § 5.1.4.1.2 of the Wetland Bylaw Regulations and Art. II and Art. IX of the Wetlands Protection Bylaw to allow same no closer than 50' from vernal pools, as shown on the Project Plan.

Other Bylaws, Rules, and Regulations

- 8. Stormwater Bylaw: The Project will alter the current stormwater flow on the site. The nature of this alteration is reflected in the Project Plan and the stormwater reports submitted to the Board. The Applicant requests waivers, Stormwater Regulations § 7.B.2.e.- Stormwater runoff peak Volumes for 2 and 10-year storm events, as follows,
 - a.) Design point 5 - 2 year Storm (0 Ac-Ft Pre, 0.006 Ac-ft Post),
10 year storm (0.007 Ac-ft Pre, 0.028 Ac-Ft post);
 - b.) Design point 7 - 10 year storm (0-Ac Ft Pre, 0.002 Ac-Ft Post).
- 9. Subdivision Regulations: Although the Project is not proposed as a definitive subdivision, to the extent any provisions of the Planning Board's Subdivision Regulations may be considered applicable to the Project and not met, the Applicant requested waivers therefrom as necessary for the Project as depicted on the Project Plan. These requested waivers specifically included the following items:
 - a. Subdivision Regulations 6.2.1.5- Definitive Subdivision application procedure
 - b. Subdivision Regulations 7.4.3- Cul-de-sac or two means of egress required, roadway "D"
 - c. Subdivision Regulations 6.4.8 #15- Typical street light detail reserved for construction plans
 - d. Subdivision Regulations 7.6.5.1- Fire Dept review of certain plan details reserved for construction plans
 - e. Subdivision Regulations 6.4.5 #1- Plan scale requirements
 - f. Subdivision Regulations 7.4.8- Street names reserved for construction plans
 - g. Subdivision Regulations 7.6.2- Street design standards – roadway minimum grade of 1.5% reduced to 1%
 - h. Subdivision Regulations 7.6.2- Street design standards – centerline radius and maximum curb return radius requirements for neighborhood street classification
 - i. Subdivision Regulations 6.4.5.3.vi-xi- Street profile plan information

- j. Subdivision Regulations 6.3.1.7/6.4.7- Landscaping Plan details reserved for construction plans
- k. Subdivision Regulations 7.15.4/Stormwater Rules and Regulations 7.B.2.e..- Stormwater runoff peak Volumes for 2 and 10-year storm events
- l. Subdivision Regulations 7.7 – Curbing - substitute bituminous or concrete curbing in place of granite curbing in all locations.
- m. The Applicant also requests the Board's endorsement of the ANR Plan included as sheet C-8 of the Project Plan

Misc. Local Requirements

- 10. Soil Removal: The Project will require import and removal of soil and other earth materials, with the possibility that some soil may be removed from the site. The exact extent of import and removal is not currently determined and will be determined upon completion of construction plans for the Project. The Applicant requested a waiver from § 6.3 et seq. of the Zoning By-Law and Chapter 13, § 2 of the Town By-Laws to allow for the removal of soil and the import and removal of other earth materials as necessary to construct the Project according to the Project Plan and that approval of soil and earth materials removal under Chapter 13, § 2 of the Town By-Laws be incorporated into the Project's Comprehensive Permit.

Conditions to the Comprehensive Permit

The ZBA's approval of the Comprehensive Permit for the Project is subject to the Applicant's and the Project's compliance with the following conditions. All requirements imposed by these conditions or this Comprehensive Permit shall be applicable to the Applicant, its successors and assigns, and all tenants and residents of the Project, regardless of whether the condition specifically identifies the Applicant or an entity as having responsibility for a particular condition.

General

- 1. This Permit authorizes the construction, use and occupancy of up to 28 buildings as shown on the Approved Project Plan listed and defined in Condition 2 below. The Project shall not exceed 200 residential units in total. A minimum of 10% of the units shall be one-bedroom. A minimum of 10% of the units shall be three-bedrooms. The remainder of the units shall have two bedrooms each.
- 2. Except as may be further conditioned below, the Project shall be constructed in accordance with the following plans and written materials:

Plan Number	Drawing Title	Date of Issue	Prepared By	Final Date of Revision
C-1	Cover Sheet	4/22/202	TWS	10/30/202
C-2A	Existing Conditions Plan	10/2/202	MEY/EA	10/2/2025
C-2B	Existing Conditions Plan	10/2/202	MEY/EA	10/2/2025
C-3	Layout & Materials Plan	4/22/202	TWS	10/30/202
C-4A	Grading, Drainage &	4/22/202	TWS	10/30/202
C-4B	Grading, Sewer & Utilities	4/22/202	TWS	10/30/202
C-4C	Overall Grading & Utilities	4/22/202	TWS	10/30/202
C-5A	Plan & Profile	4/22/202	TWS	10/30/202
C-5B	Plan & Profile	4/22/202	TWS	10/30/202
C-5C	Plan & Profile	4/22/202	TWS	10/30/202
C-6	Erosion Control Plan	4/22/202	TWS	10/30/202
C-7	Fire Truck Turning Plan	4/22/202	TWS	10/30/202
C-8	Approval Not Required	9/15/202	GBB	--
D-1	Construction Details	4/22/202	TWS	10/30/202
D-2	Construction Details	4/22/202	TWS	10/30/202
D-3	Construction Details	4/22/202	TWS	10/30/202
D-4	Construction Details	4/22/202	TWS	10/30/202
D-5	Construction Details	4/22/202	TWS	10/30/202
D-6	Construction Details	4/22/202	TWS	10/30/202

3. If necessary, the plans and materials identified in Condition 2, herein, shall be revised for approval by the Community Development Director to accommodate the limitation on the number of units stated in Condition 1, not to exceed 200 units.
4. All dwelling units approved under this Comprehensive Permit shall be rental units.
5. At least twenty-five percent (25%) of the dwelling units in the Project shall be reserved in perpetuity as Low or Moderate Income Housing restricted for lease and occupancy by Income Eligible Households as these terms are defined in 760 CMR 56.02. At least twenty-five percent of each apartment type (one-, two- and three bedrooms) shall be Low or Moderate Income Housing. The initial rents of the Affordable Units shall be established by the Subsidizing Agency.
6. Units along the eastern side of Murphy's Way proximate to the abutting properties on Rinzee Road will meet the height requirements of the Town of Dracut Zoning Bylaw. The Rear View of these units shall have the appearance of two story buildings and shall have windows present only on the first and second floors. The elevations shall appear as shown in the submission plan in Appendix A.
7. There shall be no pavement added to the Project beyond that which is depicted on the Approved Plans and there shall be no additional accessory structures added to the Project or to the Site other than what is shown on the Approved Plans. This condition shall not apply to improvement of areas designated on the Approved Plans

as "Playground", "Dog Park", or "Recreation" area, provided the final design of such improvements are approved by the Community Development Director consistent with the Conditions of this Decision.

8. The water, wastewater, drainage, and stormwater management systems servicing the buildings shall be installed and tested in accordance with applicable Town standard requirements and protocols.
9. The stormwater design shall be consistent with the Approved Plans, as revised, and with the Stormwater Report, prepared by Civil Design Consultants, Inc. dated September 15, 2025, inclusive of conditions.

Submission Requirements--Prior to Commencement of Any Construction Activity

10. Following the issuance of this Comprehensive Permit, and notwithstanding prior permits which authorize similar or compatible work at the Site, until such time as the Applicant complies with the requirements of Conditions 11-18 & 20-21, work at the Site shall be limited to that which is necessary to ensure the security and stability of the site, and to minimize the possibility of erosion and sedimentation, or other harms to the environment. Other interim sitework as may be reasonably necessary may be authorized in writing by the Community Development Director.
11. No construction activities for the Project shall commence on the Site until the Applicant has submitted evidence that it is in good standing with the Corporations Division of the Secretary of the Commonwealth's Office.
12. No construction activities for the Project shall commence on the Site until the Applicant has obtained Final Approval of its Subsidizing Agency and presented evidence of same to the Building Inspector.
13. No construction activities for the Project shall commence on the Site until the Applicant has recorded at the Middlesex North District Registry of Deeds copies of this Comprehensive Permit and the Regulatory Agreement for the Project and delivered recorded copies of the Regulatory Agreement and Monitoring Services Agreement to the Building Inspector.
14. No construction activities for the Project shall commence on the Site until the Applicant has properly marked the limits of disturbance around the Site. The Building Inspector shall inspect the Site after such marking prior to any disturbance.
15. No construction activities for the Project shall commence on the Site until the Applicant has submitted to the Building Inspector a Phasing and Construction Management Plan and Schedule ("CMP") as necessary to conform to accepted industry practice and to address all construction-related conditions specifically set forth in this Comprehensive Permit.

16. The CMP shall be included or incorporated by reference in the general construction contract and all sub-contracts, and compliance with its terms shall be a contract condition for all contractors working at the Site.
17. No construction activities for the Project shall commence on the Site until the Applicant has provided to the Building Commissioner, Stormwater Manager and the Conservations Commission a final Stormwater Pollution and Prevention Plan (SWPPP) to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as hay socks, silt fence, sedimentation basins, and all other erosion controls on the plans, and provides detailed construction sequencing and methods to protect the infiltration capacity of each infiltration system, all in conformance with the requirements of the Conservation Commission and consistent with any issued Order of Conditions.
18. No construction activities for the Project shall commence on the Site until the Applicant has obtained coverage under the National Pollutant Discharge Elimination System Construction General Permit (NPDES) from the United States Environmental Protection Agency and the final SWPPP is posted at the site.
19. The bottom of all infiltration basins shall consist of 6" of peastone over 6" of sand over the parent soil layer. As part of the operation and maintenance plan, if the infiltration basin does not infiltrate as designed due to clogging corrective action shall be taken such as replacing the peastone and/or sand layers. Inlet protection within Poppy Lane via catch basin filter bags or similar are often problematic due to lack of maintenance and are unlikely to receive approval from the DPW for their use there. Additionally silt-laden stormwater runoff or the discharge of other pollutants from the site entering Town roadways is prohibited, as it is a violation of the Town's Illicit Discharge By-Law (Chapter 25).
20. The Applicant shall provide plans for any foundation drains. Foundation drains, or other drains that intercept groundwater, are prohibited from connecting to the stormwater system.
21. No construction activities for the Project shall commence on the Site until the Applicant has submitted to the Stormwater Manager a stand-alone Operation and Maintenance Plan designed to ensure compliance with the Permit and these regulations for the life of the system. The Operation and Maintenance Plan shall remain on file with the Stormwater Authority and shall be an ongoing requirement. The Applicant shall provide copies of the Operation and Maintenance Plan to all persons responsible for maintenance and repairs.

The Operation and Maintenance Plan shall include:

- The name(s) of the owner(s) for all components of the system;
- A map showing the location of the systems and facilities including all structural and nonstructural stormwater best management practices (BMPs), catch basins, manholes/access lids, pipes, and other stormwater devices.

- Maintenance Agreement that specifies:
 - The names and addresses of the person(s) responsible for operation and maintenance and emergency repairs;
 - An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed. Where applicable, this schedule shall refer to the Maintenance Criteria provided in the Stormwater Handbook or the EPA National Menu of Stormwater Best Management Practices or equivalent;
 - Instructions for routine and long-term operation and maintenance shall have sufficient detail for responsible parties to perform necessary maintenance activities and prevent actions that may adversely affect the performance of each structural and/or nonstructural stormwater BMP; and
 - The signature(s) of the owner(s) and all persons responsible for operation and maintenance, financing, and emergency repairs, as defined in the Maintenance Agreement, if maintenance is to be performed by an entity other than the owner.

The Conditions above shall not be interpreted to prohibit ongoing or continued activities on the Site permitted under other permits or approvals previously issued and outstanding, such as, grading; erosion control; and earth movement.

Submission Requirements-Prior to Issuance of a Building Permit

Prior to issuance of Building Permits, the Applicant shall:

22. Submit plans showing the location(s) of centralized mailbox units for Project residents shall be approved by the USPS and installation(s) completed prior to issuance of occupancy permits for serviced units.
23. Submit detailed design development and construction drawings (including without limitation civil, structural, mechanical, electrical, landscaping and architectural plans) that have been revised in accordance with the terms of this Comprehensive Permit, and said construction drawings have been reviewed and approved by the Building Inspector and others as specifically provided for below, solely for consistency with this Comprehensive Permit.
24. Submit a School Bus Service Plan showing location(s) and intent for pupil transport; which has been approved by the Superintendent of the Dracut Public Schools.
25. Submit detailed plans of the following utilities and services in accordance with all applicable regulations and requirements for review and endorsement by the listed authorities:
 - A. Water mains - Kenwood Water District;
 - All valves and fire hydrants must open to the right;

- All meters must be compatible with the current system;
- Service lines must be plastic;
- Fire service lines must be installed separately from domestic water lines;
- Backflow prevention devices are required on all services, including outdoor spigots.

B. Sewer mains – Dracut Sewer Commission

- The Applicant shall reimburse the Town for the material acquisition cost of two (2) replacement pumps for the Town to install as replacements for the existing pumps in the Wheeler Street sewer pump station. The pumps shall be Flygt NP 3127 HT or approved equal. Such payment shall be made upon issuance of the first building permit for the Project.

C. Dracut Fire Department

- All Fire Hydrant locations shall be approved by the Town of Dracut Fire Chief, and fully accessible for Fire Department Use.
- Primary and secondary electrical cables including distributions boxes and transformers, telephone cables and street lighting - Wiring Inspector.

26. The Applicant shall submit with the subsequent detailed design development and construction drawings provided for herein an itemization of all revisions to the Approved Plans and a certification from the Engineers of Record that these plans fully incorporate all requirements of these conditions as set forth herein.

Conditions on Construction

27. Except as specifically waived by this decision or by the relevant state or federal authority, the Project shall conform to all applicable state and federal laws, codes, regulations, and standards including, but not limited to, the following:

- a. International and Massachusetts Building, Plumbing, Fire Protection, Elevator, Access and Electrical Codes;
- b. The Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the associated Regulations 310 CMR 10.00 and the Order of Conditions granted by the Dracut Conservation Commission or Massachusetts Department of Environmental Protection.
- c. Massachusetts Department of Environmental Protection Wastewater Regulations;
- d. EPA and DEP Stormwater requirement and accepted industry best management practices for construction of the drainage infrastructure; and

- e. M.G.L. Chapter 21E, the Massachusetts Oil and Hazardous Material Release Prevention Act ("21 E"), and its regulations, 310 CMR Part 40, the Massachusetts Contingency Plan ("MCP").
- f. Massachusetts Division of Fisheries and Wildlife Priority or Estimated Habitat for Rare Species under the Natural Heritage and Endangered Species Program.

28. All utility work and any other roadwork, within any public right of way shall be performed and conducted in conformance with the regulations of the Town and MassDOT, if applicable, including requirements for street opening permits and trench permits. Contractors shall be duly licensed as required by the Town of Dracut. All such work shall be performed in accordance with the approved Plans of Record.

29. Site Security. During construction, the Property entrance shall be secured against unauthorized entry or vandalism by a gate, or other appropriate means, at the proposed driveway entrance, and all construction materials shall be stored or stockpiled in a safe manner outside of Zoning Bylaw setbacks and 100' wetland resource area buffers .The Applicant shall be responsible to ensure that nuisance conditions do not exist in and around the site during the construction operations. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.

30. Prior to the commencement of any construction activities for the Project, the Applicant and site general contractor shall attend a preconstruction meeting with the Building Inspector, Conservation Agent, Stormwater Manager and other Town Staff as may be determined.

31. The Applicant shall notify the Stormwater Manager at least two (2) working days before each of the following events to provide opportunity for inspection:

1. Erosion and sedimentation control measures are in place and stabilized;
2. Site Clearing has been substantially completed;
3. Rough Grading has been substantially completed;
4. Final Grading has been substantially completed;
5. Close of the Construction Season; and,
6. Final Landscaping (permanent stabilization) and project final completion.

32. Applicant Inspections. During construction the Applicant or his/her agent shall conduct and document inspections of all control measures no less than weekly and prior to and following anticipated storm events. The Applicant or his/her agent shall submit weekly reports to the Stormwater Manager.

33. Quarterly construction updates shall be provided in writing to the Building Inspector and Community Development Director.

34. Site work and construction shall be restricted to the hours between 7:00am and 6:00pm, Monday through Friday and between the hours of 8:00am and 4:00 pm on Saturday. There shall be no construction on Sundays, or on state or federal holidays. Additionally, construction vehicles and/or equipment shall not be started or operated prior to, or after the times stated herein. For this condition, construction activities shall be defined as, but not limited to: start-up of equipment or machinery, delivery of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and the erection of new structures.
35. Erosion control shall be employed on the Site to stop erosion during construction and prevent sedimentation from entering the abutting public ways and adjacent wetland areas.
36. No stumps or construction debris shall be buried or disposed of at the Property.
37. The Applicant shall regularly remove construction trash and debris from the Site in accordance with good construction practice.
38. All potential safety hazards that may exist on the Site from time to time during the period of construction shall be adequately secured prior to the end of each work day.
39. The Applicant shall implement measures to ensure that noise from Project construction activities does not exceed permissible regulatory levels.
40. During construction the Applicant shall ensure that dewatering activity does not create (a) offsite issues or (b) problems for the proposed stormwater recharge system.
41. The Applicant shall be permitted to remove and/or replace earth from the Site incidental to the construction of the residential buildings, the construction of the drainage and underground infiltration system and the construction of the Project's roadways and utility infrastructure as shown on the Approved Plans.
42. The Applicant may locate trailers and temporary marketing and directional signage on the Site in connection with construction activity.
43. The Applicant shall maintain all portions of any road used for construction access free of soil, mud or debris due to use by construction vehicles associated with the Project. Any material tracked onto a public way shall be swept up and removed by the Applicant on a daily basis.
44. All trucks shall be covered to prevent disbursement of materials.
45. A temporary construction sign no greater than twenty (20) square feet in size may be erected on the Site at the time of issuance of a building permit. This sign shall include contact information.

46. No construction workers or contractors may park on the public ways adjoining the Project site. Trucks and other construction related vehicles shall not idle or queue in public ways.
47. Any idling of vehicles on the Site shall be limited to five minutes or less in accordance with M.G.L. c.90, §16A, and the Applicant shall post clearly visible signage on the Site, to be maintained for the duration of the construction period, noting this requirement.
48. Construction shall conform to all applicable local, state and federal laws and regulations regarding noise, vibration, dust and sedimentation, use and interference with Town roads, except as specifically waived by the Board herein.
49. The Applicant shall implement dust control operations as necessary to comply at all times with applicable law. Methods of controlling dust shall meet all applicable air pollutant standards as set forth by Federal and State regulatory agencies.
50. The Applicant shall, upon advance notice, permit Town and Board members, agents, and representatives to observe and inspect the Site and construction progress until such time as the Project has been completed.
51. The Applicant shall notify the relevant Town departments of installation of utilities and infrastructure for inspections prior to backfilling.
52. Upon completion of the Project, soil material used as backfill for pipes, access drives, infiltration beds, and other underground drainage structures shall be certified by the Engineer of Record to the Building Inspector as meeting design specifications.
53. The Project shall conform to all pertinent requirements of the Americans with Disabilities Act and the Architectural Access Board Regulations (521 CMR 1.0 et seq), except as may be waived, in accordance with applicable law and regulation.

Legal Requirements

54. The Applicant has proposed, and the ZBA hereby requires; that the following common facilities and services of the Project, to the extent located on the Site, shall be and shall remain forever private, and that the Town shall not have, now or ever, any legal responsibility for operation or maintenance of same:
 - a) All internal site drives, walkways and parking areas;
 - b) Stormwater management system, including the maintenance of catch basins, detention basins, infiltrator units, bio-swales, underground infiltration structures and the like;
 - c) Snow removal; Snow not able to remain in designated storage areas shall be removed from site.
 - d) Landscaping and landscape maintenance;

- e) Trash and recyclables removal;
- f) Fencing;
- g) Play structures and base material;
- h) Water system within the Site for both domestic use and fire protection, including hydrants; and
- i) h. Wastewater infrastructure within the Site.

55. The common facilities referred to above shall be maintained in perpetuity by the Applicant or its successor to ownership of the Project Site.

56. The Applicant shall either arrange for itself, or contract with a qualified management company, for the maintenance and repair all common areas and facilities, stormwater management system, wastewater disposal systems, landscaping, and other improvements within the Site.

57. The Applicant shall assure that the proper conditions are included in the unit leases to address the following:

- a) To the extent permitted by law, there shall be no conversion of interior space into additional bedrooms not reflected in the Approved Plans.
- b) Trash and recycling receptacles shall be stored inside the designated area shown on the Approved Plans except during collection.
- c) All Town bylaws and regulations concerning home-based businesses shall be applicable to the units.
- d) Pet waste shall be picked up on the Site and disposed of in the toilet or in provided waste receptacles.
- e) The storage, use and disposal of any household hazardous wastes shall be properly and safely conducted.
- f) There shall be no rentals of the market rate dwelling units for terms shorter than six (6) months; any rentals of affordable units shall comply with the terms of the Regulatory Agreement and Deed Rider.

58. All necessary easements shall be granted by the Applicant if and where required by public utility companies or the Town. Any such easements shall be recorded in a timely manner and shall be submitted to the Building Inspector prior to occupancy.

59. All landscaping required by this Permit shall be guaranteed for a period of twelve (12) months by the Applicant. The Applicant shall be responsible for replacing dead, dying and/or diseased plantings within this time period. Verification of the dates of planting must be submitted to the Building Inspector.

60. This Comprehensive Permit and the Project's Regulatory Agreement shall be recorded at the Middlesex North Registry of Deeds senior to all other liens or encumbrances other than pre-existing easements of record and existing mortgages.
61. If at any time during construction, the Building Inspector, Town Engineer or the ZBA determines that a violation of the Approved Plans or this Comprehensive Permit has occurred, the Town, through the Building Inspector or the ZBA, shall notify the Applicant and the Applicant shall be given thirty (30) days (or lesser time period if in the sole opinion of the Town that said violation creates an emergency condition) to rectify said violation or construction activities shall be ordered to cease until the violation is corrected.
62. The Applicant shall pay all usual and customary permit application fees normally charged by the Town in connection with any future application filings required for the Project unless specifically provided otherwise herein.
63. Sewer Connection Fees Calculation – Each dwelling unit in a multiple dwelling, whether connected to the Town Sewer mains directly or indirectly, and whether in one or more buildings, shall be assessed as one unit. Each Market Rate unit shall pay a fee of \$7,500 and sewer connection fees shall be waived for the 25% of the units that qualify as Affordable Units. The estimated total for 200 units is \$1,125,000. The connection fee for each building must be paid in full prior to connection to the Town system.
64. Water Connection Fees Calculation - Water Connection fee shall be \$5,500 for the first unit and \$4,125 per additional unit. The estimated total for 200 units is \$826,375. The connection fee for each building must be paid in full prior to connection to the Town system.

Affordability Requirements

65. Twenty five percent (25%) of the total units in this development shall be available in perpetuity for rent and occupancy by low and moderate income households as defined in EOHLC's regulations (the "Affordable Units").
66. A Massachusetts Housing Finance Agency Regulatory Agreement or a regulatory agreement with another qualifying subsidizing agency, shall be executed prior to the issuance of Building Permits for the Project. This Regulatory Agreement shall set forth the terms and agreements relative to the rental of the Affordable Units in the development. the Regulatory Agreement and Monitoring Services Agreement shall be submitted to the Building Inspector prior to its recording.
67. To the maximum extent permitted by law, and applicable regulation local preference for the occupancy of the Affordable Units shall be given to residents of the Town satisfying all applicable eligibility requirements. For the purpose of this condition, and subject to any legal requirements, "residents of the Town" shall, to the extent not otherwise prohibited or limited by the provisions of relevant governing regulations or requirements, include, but not be limited to, the following: current Dracut residents; employees of the Town, Dracut Public Schools; and members of the household of

children attending the Dracut Public Schools. This Condition shall be enforceable only to the extent the local preference requirement set forth herein is approved by the Subsidizing Agency based on information that the Town shall be responsible to provide in accordance with the requirements of EOHLIC set forth in its Chapter 40B Guidelines. The Board generally seeks preference within residents for employees of Town and Schools and Veterans.

68. The Affordable Units shall have similar amenities as the market-rate units and the Subsidizing Agency shall approve the distribution of the Affordable Units throughout the Project. Certificates of Occupancy shall be issued such that the appropriate ratio of Market Rate to Affordable units is approximately 3:1.

Miscellaneous

69. Prior to issuance of any Certificates of Occupancy Street Name signs shall be installed for Emergency Access.

70. Accessible units shall be provided in accordance with CMR 521. Such units shall be spread throughout the development and constructed in proportion with remaining units.

71. Traffic Mitigation and Improvement Program: The Applicant shall provide the traffic mitigation and improvement plan measures as described in the Applicant's Traffic Engineering Consultant's letters dated December 23, 2024 and January 23, 2025, as outlined below:

Prior to issuance of any building permits, the Applicant shall submit an updated plan showing locations of 20 MPH Speed Limit signs and locations and detail for speed control structures on the extended portion of Elizabeth Drive. Such shall be in compliance with the traffic review comments.

The Applicant shall implement the following improvements prior to the issuance of any Certificates of Occupancy for the Project, subject to receipt of all necessary rights, permits and approvals:

Route 113 at Wheeler Street Improvements

- A. Intersection ahead warning signage will be installed on the Route 113 approaches to indicate the presence of Wheeler Street.
- B. Vegetation will be trimmed and/or removed within sight triangle areas of the intersection within the public right of way.
- C. Remove the stop-sign along the Wheeler Street northbound approach that is currently located on a utility pole and install a new sign on a break-away signpost and a new marked stop-line.
- D. Reapply the centerline pavement markings along the Wheeler Street approach to Route 113 for a distance of 100 feet.

Wheeler Road at Wilshire Circle and Paddock Lane Improvements

- E. Install new 12-inch wide, high-visibility stop-lines on the Wilshire Circle and Paddock Lane approaches
- F. Replace and relocate the stop sign on the Wilshire Circle approach adjacent to the stop line
- G. Install a stop sign on the Paddock Lane approach adjacent to the stop line
- H. Install intersection ahead signs on the Wheeler Road eastbound approach to the intersection

Wheeler Road at Wilshire Circle (East Location) Improvements

- I. Install a new 12-inch wide, high-visibility stop-line on the Wilshire Circle approach
- J. The Applicant will coordinate with the Town of Dracut and the adjacent property owners to establish sight line easements to allow for the maintenance of adequate sight lines at the intersection. To the extent that the sight line easements are obtained by the Town and the required approvals are granted, the Applicant will undertake the vegetation maintenance activities to improve sight lines at the intersection.

Wheeler Street at Rinzee Road Improvements

- K. Install a new stop sign and a new 12-inch wide, high-visibility stop-line on the Rinzee Road approach
- L. The Applicant will coordinate with the Town of Dracut, the City of Methuen, and adjacent property owners at the intersection to establish sight line easements to allow for the maintenance of adequate sight lines at the intersection. To the extent that the sight line easements are obtained by the Town/City and the required approvals are granted, the Applicant will undertake the vegetation maintenance activities to improve sight lines at the intersection.

Wilshire Circle at Elizabeth Drive Improvements

- M. Install a new stop sign and a new 12-inch wide, high-visibility stop-line on the Elizabeth Drive approach
- N. The Applicant will coordinate with the Town to provide pedestrian connectivity between the sidewalks along Elizabeth Drive and Wilshire Circle and the project. These connections will be shown on the Construction Site Plans for the Project.

Rinzee Road at Poppy Lane Improvements

- O. Install a new stop sign and a new 12-inch wide, high-visibility stop-line on the Rinzee Road approach to Poppy Lane
- P. The Applicant will coordinate with the Town to provide pedestrian connectivity between the sidewalks along Rinzee Road and Poppy Lane and the project. These connections will be shown on the Construction Site Plans for the Project.

Wheeler Street at Wheeler Road Improvements

- Q. The Applicant will coordinate with the City of Methuen to trim and/or remove vegetation within the sight triangle areas at the intersection to provide the required stopping sight distances along Wheeler Street.
- R. The Applicant should also coordinate with the City of Methuen to determine the need for regrading the embankment along the west side of Wheeler Street north of Wheeler Road. To the extent that the regrading of the embankment is determined to be necessary in order to provide the required sight lines for safe operation of the intersection (defined as the stopping sight distance of 115 feet), the Applicant will undertake the improvements to the extent that they can be completed within the public right-of-way and subject to receipt of all necessary rights, permits and approvals.

Route 110 at Wheeler Street

- S. Reapply the pavement markings for the stop line on the Wheeler Street approach, the crosswalk across Wheeler Street, and the centerline pavement markings along the Wheeler Street approach for a distance of 100 feet
- T. Applicant's "Fair-Share" Cost Contribution Towards Future Off-Site Traffic Improvements in Lieu of Post-Construction Traffic Monitoring Program - In lieu of the Post-Construction Traffic Monitoring Program outlined in the communications between the Applicant's traffic engineer and the Board's traffic peer review engineer, the Applicant shall pay the Town the sum of \$300,000.00 as its "Fair-Share" contribution towards the Project's impacts on traffic infrastructure. The contribution amount shall be paid by the Applicant to the Town upon issuance of the 100th occupancy permit issued in the Project. Funds shall be used by the Town at its discretion towards the cost of traffic improvements or the study or design thereof in the vicinity of the Project.

Particular obligations of the Applicant under this condition are subject to the Applicant receiving the necessary permits and approvals from the Town of Dracut, the City of Methuen, MA-DOT, and/or abutting landowners, as applicable, for work or alterations within their respective jurisdictions or ownership. Should such permits or approvals not be forthcoming, the Applicant shall not be denied the issuance of occupancy permits so long as it has made all good faith efforts to obtain such permits and approvals necessary for such work or alterations.

72. Landscaped Screening Buffer and Boundary Fence: Applicant shall install a landscaped screening buffer along a portion of the Project's boundary with neighboring homes located on Rinzee Road and Poppy Lane as shown on the plan entitled "Vegetative Screening, Murphy's Farm, Dracut, Massachusetts" dated October 10, 2024. In addition, the Applicant shall also install a 6' tall stockade fence of vinyl or composite construction along this same portion of the Project's boundary to discourage and prevent a barrier to passage between the Project Site and the rear yards of these neighboring homes.

73. Recreation Areas: Prior to issuance of building permits for the Project, the Applicant shall submit plans depicting the design and improvement of the "prop playground", "prop dog park", "proposed trailhead/recreation areas" and any other proposed improvement of areas designated for recreation shown on the Approved Plans, reasonably adequate to serve the expected residents of the Project, for review and approval by the Town Planner. The Town Planner shall reasonably and promptly conduct such review and approval. Final design plans for the proposed playground areas shall be at a level equivalent to the schematic plans and renderings submitted by the Applicant, prepared by UltiPlay dated 30-Sep-2025. The Applicant shall also propose recreational improvements within the designated areas appropriate for use by teenagers and adults. Said recreation areas or equivalent upgrades or replacement amenities shall remain in place and not devoted to other, non-recreational use(s) for so long as this Project remains in existence.

74. Proposed playground areas shall be delineated from adjacent roadways or parking with a line of bollards or fencing sufficient to prevent vehicle incursion.

75. Underground Gas Pipeline Easement: Prior to commencing any work or excavation within the existing underground gas transmission easement located on the Project Site, the Applicant shall seek and receive approval for such work from the holder of the easement pursuant to the terms of the easement instrument and provide written confirmation of same to the Building Inspector.

76. MA Wetlands Protection Act: As required by the Massachusetts Wetlands Protection Act, the Applicant shall obtain an Order of Conditions for the Project to the extent required by such Act and the regulations promulgated thereunder.

77. Enforcement of the conditions of this decision shall be by the Building Inspector or the ZBA to the extent permitted pursuant to the terms of M.G.L. c.40B, §§20-23 and 760 CMR56.

Deliverables prior to issuance of final Certificate of Occupancy

78. Prior to issuance of the final certificate of occupancy, the Applicant shall submit a report from a registered Professional Engineer (PE), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies from the approved project intents and plans should be noted in the

report. The Stormwater Permitting Authority shall issue a letter certifying completion upon receipt and approval of the final reports.

79. Prior to issuance of the final certificate of occupancy, the Applicant shall revegetate the center area of each existing cul-de-sac disturbed by construction.
80. Prior to issuance of the final certificate of occupancy the DPW Director and Town Engineer shall inspect Elizabeth Drive, Rinzee Road and Poppy Lane. If repairs or reconstruction are needed due to damage caused by Project related construction traffic, such shall be made by the Applicant.
81. Prior to issuance of the final certificate of occupancy all catch basins and detention basins shall be cleaned at the end of construction. Thereafter, the Applicant shall be responsible for maintaining the site's stormwater management system in accordance with generally accepted practices and any applicable Order of the Conservation Commission and in compliance with the Operation and Maintenance Plan described earlier.
82. Prior to issuance of the final certificate of occupancy, plantings and revegetation shall be completed in accordance with the Landscaping Plan(s).
83. This Permit is granted to the Applicant and, prior to substantial completion of the Project, this Comprehensive Permit may not be transferred or assigned to any party without approval of the Subsidizing Agency and notice to the ZBA, as required by 760 CMR 56.05(12)(b). The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the Applicant and the successors and assigns of the Applicant, and the obligations contained herein shall run with the land. In the event that the Applicant sells, transfers, or assigns a portion or all of its interest in the development, this Comprehensive Permit shall be binding upon the purchaser(s), transferee(s), or assignee(s) and any successor purchasers, transferees or assignees.
84. Any and all references to the "Applicant" herein shall include any authorized successors or assigns of the Applicant, including, but not limited to, all individual unit tenants. The terms, provisions and conditions of this Permit shall burden and benefit the successors and assigns of the Applicant with the same effect as if mentioned in each instance where the Applicant is named or referred to.
85. Changes to the Project must be reviewed by the ZBA in accordance with the procedure set forth in 760CMR 56.05(11).
86. The Applicant shall comply with all local regulations and bylaws in effect as of the filing date of the Application for the Project, except for those which are specifically waived in accordance with the Exceptions granted in "Waivers" section above or as otherwise expressly set forth in this Decision or specifically reflected in the Approved Project Plans.
87. This Permit shall expire if the Applicant does not commence with development of the Project as approved herein within five (5) years of the date this Permit becomes final, in accordance with 760 CMR56.05(12). Commencement of development shall

mean that the Applicant obtains a building permit to commence construction of the Project and commences substantive construction work under that permit. The ZBA may grant extensions for good cause if application is made prior to expiration. This time period shall be tolled during any time period that any permitting approval that is necessary for or is a precursor to commencement of development is subject to appeal.

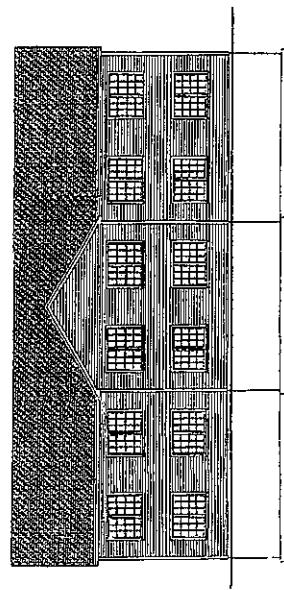
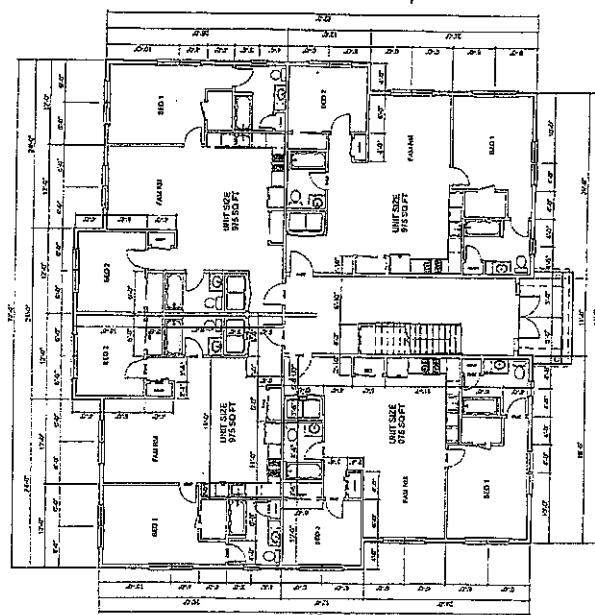
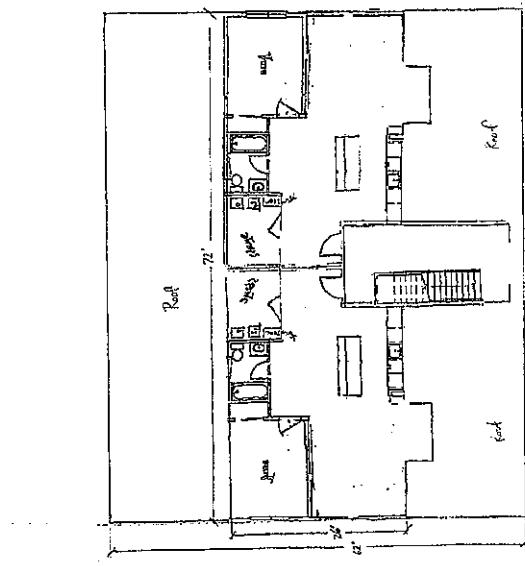
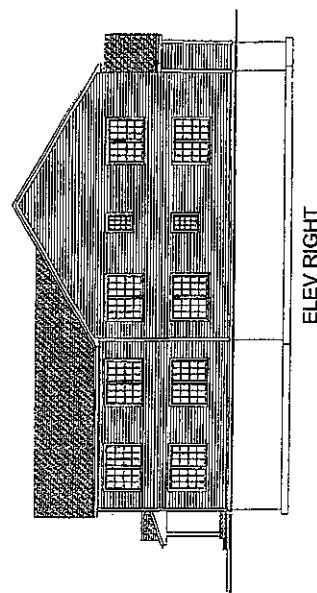
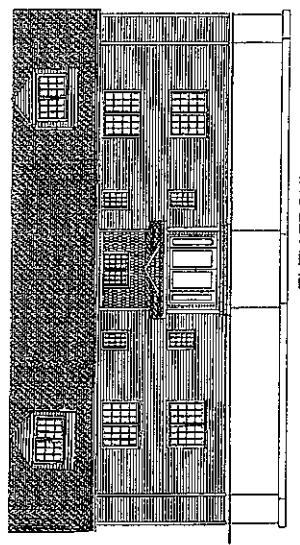
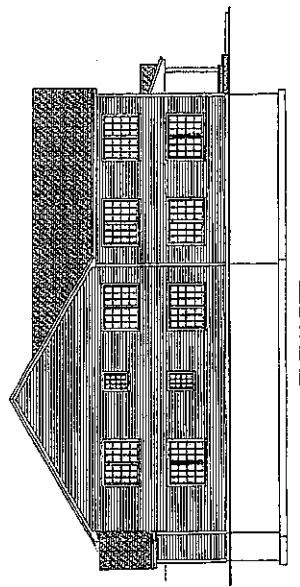
88. All construction of the Project shall be completed within five (5) years from the date of issuance of the first occupancy permit unless a request is filed with, and approved by, the ZBA extending such time. Said period shall be extended upon the Applicant's request for any period during which the Applicant is unable to proceed with the Project for reasons beyond its control, such as, governmental emergency order; pending appeal; or court order.
89. Following completion of construction, the Applicant shall file an annual Operation and Maintenance Report with the Stormwater Manager documenting the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures. Such report shall be accompanied by an annual filing fee established by the Stormwater Authority for administration and enforcement of the Operation and Maintenance plan.
90. If any provision of this Comprehensive Permit or portion of such provision or the application thereof to any person or circumstances is for any reason held invalid or unenforceable, the remainder of this Comprehensive Permit (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.

Additional Conditions

91. Prior to issuance of any Building Permits, the Applicant shall submit final construction plans for all buildings, roadways, stormwater management system, and other infrastructure to Dracut town staff or officials for final comprehensive permit review and approval pursuant to 760 CMR 56.05(10)(b).
92. Prior to issuance of any Building Permits, the Applicant shall submit a Landscape and Planting Plan and a Lighting Plan with detailed photometric lighting plans and Dark Sky compliant fixtures.
93. The Applicant shall submit a plan showing sidewalk connections to Poppy Lane, Rinzee Road and to the existing sidewalks on Elizabeth Drive and Wilshire Circle. The connections and the associated sidewalk improvements will be designed and constructed as a part of the Project commensurate with the construction phase that includes the roadway infrastructure connections to these roadways and subject to receipt of all necessary rights, permits and approvals.
94. Upon the issuance of this decision, the Board shall endorse the ANR Plan included in the Project Plans and Applicant may record same at the Middlesex County Registry of Deeds.

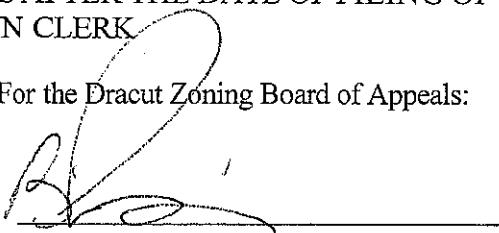
95. The subsidizing agency or project administrator may impose additional requirements for site and building design so long as they do not result in less protection of local concerns than imposed by this decision.
96. If anything in this decision should seem to permit the construction or operation of housing in accordance with standards less safe than the applicable building and site plan requirements of the subsidizing agency, the standards of such agency shall control.
97. Construction and marketing in all particulars shall be in accordance with all presently applicable state and federal requirements, including, without limitation, fair housing requirements.
98. No construction shall commence until detailed construction plans and specifications have been reviewed and have received final approval from the subsidizing agency, until such agency has granted or approved construction financing, and until subsidy funding for the project has been committed.
99. This comprehensive permit is subject to the cost certification requirements of 760 CMR 56.00 and EOHLC guidelines issued pursuant thereto.

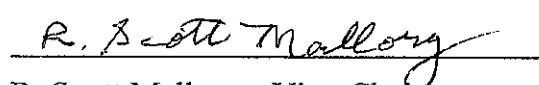
APPENDIX A

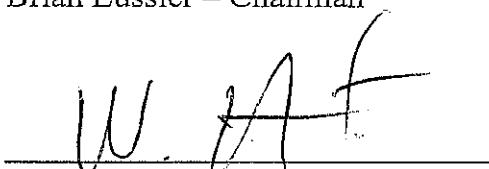


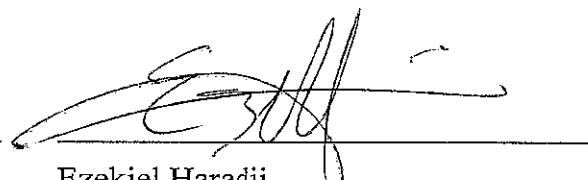
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK

For the Dracut Zoning Board of Appeals:


Brian Lussier – Chairman


R. Scott Mallory – Vice-Chairman


Warren Hunt


Ezekiel Haradji

Non-Voting

Joe DiCarlo

Non-Voting

Nicholas Jarek

Non-Voting

Ed Brown

Applicant The Homes at Murphy's Farm, LLC

Address Land on Poppy Lane and Elizabeth Drive

RECEIVED
OWN CLERKS OFFICE
TOWN CLERK
DRACUT, MA

205 DEC -8 PM 2:32

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Dracut, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date: _____

Attest: _____

Jared LaLiberte, CMMC