

APPLICATION FOR COMPREHENSIVE PERMIT

*Pursuant to M.G.L. c.40B, §§ 20-23,
and 760 CMR 56.00 et seq*

LOUIS FARM VILLAGE
133 PHINEAS STREET
DRACUT, MASSACHUSETTS



APPLICANT: 133 PHINEAS STREET LLC
STEPHEN CORAVOS AND
THOMAS PIEKARSKI, MANAGERS
2100 LAKEVIEW AVENUE
DRACUT, MASSACHUSETTS

DATE: FEBRUARY 25, 2022

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PART I: SUMMARY OF THE APPLICANT, DEVELOPMENT PROPOSAL, LOCAL NEED AND PERMIT REQUEST

A. DESCRIPTION OF APPLICANT AND PROJECT (GENERALLY)

The Applicant, 133 Phineas Street LLC (the “Applicant”), is a Massachusetts limited liability company that is qualified to undertake the planning, design, construction, ownership and operation of the proposed residential community to be known as Louis Farm Village. The Applicant proposes to create a townhouse condominium community on a 20.74-acre parcel of land located at 133 Phineas Street in Dracut, MA (the “Project”) pursuant to the Massachusetts Comprehensive Permit Law (M.G.L., c. 40B, §§20-23, or Chapter 40B), Section 56.00 of the Rules and Regulations of the Housing Appeals Committee (760 CMR § 56.00), and the Rules and Regulations Zoning Board of Appeals, Town of Dracut.

Louis Farm Village will consist of a total of twenty (20) 2-bedroom attached duplex style condominium units contained in ten separate 2-unit buildings. The units will range between 1,925 Square Feet and 1,990 Square Feet in size and will include 4 parking spaces per unit for a total of 80 parking spaces. Five units, being 25% of the total number of units, will be set aside for those households earning no more than 80% of Area Median Income (AMI), as determined by the Department of Housing and Community Development (DHCD) through its Local Initiative (LIP) Program, for the Lowell MA HMFA (HUD Metro FMR Area). The projected sales price for the Affordable Units is \$232,759, and the projected sales price for the Market Units is \$519,900. The Applicant will enter into a Regulatory Agreement in accordance with the DHCD’s LIP Program Guidelines, and affordability will be preserved for the maximum period permitted by law through a Deed Rider attached to each of the affordable units upon initial sale and any subsequent resale. The maximum percentage of Local Preference Affordable Units allowed by DHCD (70% of the total number of Affordable Units) will be prioritized for sale under DHCD’s Local Preference Guidelines in accordance with an Affirmative Fair Housing Marketing Plan (AFHMP) to be approved by DHCD.

B. LOCAL NEED

According to the latest Massachusetts Department of Housing and Community Development Subsidized Housing Inventory (SHI) dated December 21, 2020, the Town of Dracut's Chapter 40B Subsidized Housing Inventory is 590 units, which constitutes 5.2 percent of Dracut's total year-round housing stock. This percentage is below the ten percent (10%) threshold established by the Massachusetts Comprehensive Permit Law (Chapter 40B).

C. DEVELOPMENT PROPOSAL

The proposed Louis Farm Village community consists of a 20-unit duplex condominium community, along with landscaping, sidewalks, parking areas and other improvements as shown on the preliminary site plans and architectural plans attached in Sections 12 and 13 of this Application (the "Project"). The Project will be located on a 20.74-acre parcel of land located at 133 Phineas Street in Dracut, MA (the "Property").

The Project units will range between 1,925 square feet and 1,990 square feet in size and all will be 2-bedroom units with 2-car attached garages for each unit. Five of the units, or 25% of the approved units, will be set aside for households earning no more than 80% of Area Median Income for the Lowell HMFA, adjusted for household size, as determined by DHCD through its LIP Program Guidelines.

A tabulation of proposed units is attached at Section 8 of this Application. The Applicant will enter into a Regulatory Agreement in accordance with the LIP Program Guidelines which limit profit to no more than 20% of total cost certified development costs. Affordability will be preserved through a Deed Rider required for the initial sale and subsequent resale of each of the Affordable Units.

The Louis Farm Village community will be designed to offer residents a sense of living in a New England-style village, which will include amenities such as walking paths and passive recreation opportunities in the designated open space areas. Through the use of exterior building design elements, interconnected walkways, landscaping features and site lighting, the Project will create an attractive new neighborhood village, and this residential community should blend in with the existing residential uses in the neighborhood.

The proposed site consists of a 20.74-acre parcel of land located at 133 Phineas Street and is currently shown on the Town of Dracut Assessors Maps as Map 48, Lot 24. The Property is currently zoned Residential 1 (R-1). The Property is immediately surrounded by land which is zoned R-3. Single family and multifamily residential uses are located off Flower Lane and Rose Terrace to the north. Beaver Brook is located south of the Property, Phineas Street is located to the east beyond which is Goodhue Avenue. Additional residential properties, open space, and Meadow Brook are located to the west. See Locus Plan attached as Section 9 of this Application.

The proposed site development plan has been designed to accomplish a number of overall goals and objectives. Among them are:

1. To fulfill an important need to provide both affordable and market-rate senior age-restricted (55+) housing with a suitable site plan, building design, and unit design for senior residents of the Town of Dracut and surrounding areas;
2. To redevelop the site and offer an architectural design that will complement the parcel's natural setting and surrounding neighborhood, and provide a link to the adjacent residential area;

3. To preserve, to the maximum extent practicable, usable open space for use as passive recreation and buffer areas to adjacent uses, and to employ the use of cluster development techniques to minimize developed areas;
4. To minimize impacts to wetland resource areas by avoiding work within wetlands to the extent practicable, implementing stormwater management controls where no controls currently exist today, complying with MassDEP Stormwater Management Standards, minimizing impervious areas, and ensuring that the developed site will improve stormwater quality throughout the site; and,
5. To further the Town's housing goals by expanding affordable and market-rate senior housing choices, consistent with the Town of Dracut Housing Production Plan (2020-2024), and also complement the uses within surrounding neighborhood.

D. PROPOSED FINDINGS OF FACT

The Applicant respectfully requests the Dracut Board of Appeals to make the following proposed findings of fact in connection with the action of the Board on this Application:

1. 133 Phineas Street LLC, a limited dividend organization within the meaning of Massachusetts General Laws, Chapter 40B, is eligible to receive a subsidy under a state or federal affordable housing program after a Comprehensive Permit has been granted.
2. The DHCD will be the Subsidizing Agency within the meaning of Section 56.02 of the Chapter 40B Regulations (760 CMR §56.02), pursuant to the Local Initiative Program;
3. The Project is fundable by a Subsidizing Agency within the meaning of Section 56.04(1)(b) of the Chapter 40B Regulations since the Subsidizing Agency, DHCD, issued a written Determination of Project Eligibility, dated November 23, 2021, under a Low or Moderate Income Housing subsidy program;
4. The Applicant controls the site, as evidenced by the Deed attached at Section 7, sufficient to qualify it as a recipient of a Comprehensive Permit for this Project as required under Section 56.04(1)(c) of the Chapter 40B Regulations;
5. The number of affordable housing units in the Town of Dracut constitutes less than ten percent (10%) as reported in the latest Subsidized Housing Inventory of the Town as reported by the Department of Housing and Community Development as of December 21, 2020; and,
6. The Project as proposed in the Application and other supporting documentation is "Consistent With Local Needs" within the meaning of Massachusetts General Laws, Chapter 40B, Section 20, and Section 56.02 of the Chapter 40B Regulations (760 CMR §56.02).

E. REQUEST FOR COMPREHENSIVE PERMIT

The Applicant and the Project are more particularly described in the preliminary plans, drawings and other exhibits included with this Application, and also submitted under separate cover with this

Application, and which may be supplemented by the Applicant during the hearing process, all of which are incorporated herein by reference and constitute the documents required to be submitted by the Comprehensive Permit Law (MGL c. 40B), and Section 56.00 of the Rules and Regulations of the Housing Appeals Committee (760 CMR § 56.00).

For the reasons presented in this Application, and the additional reasons that the Applicant will present at the scheduled public hearing on the application, the Applicant respectfully requests that the Zoning Board of Appeals, after complying with the procedures as required by law, including G.L. c.40B, §§20-23, 760 CMR 56.00, vote to make the Findings of Fact set forth in Section 1.5 above, and issue a Comprehensive Permit to the Applicant for the proposed project.

Respectfully submitted,

133 Phineas Street LLC

By: _____
Stephen Coravos, its Manager

By: _____
Thomas Piekarski, its Manager

PART II: JURISDICTIONAL REQUIREMENTS

A. APPLICANT STATUS

The Applicant agrees to conform to the “reasonable return” requirements of Chapter 40B and the Chapter 40B Regulations which, in turn, require that the Applicant conform to the requirements of the Subsidy being proposed by the Subsidizing Agency. A Regulatory Agreement with subsidy provided through the LIP Program administered by the DHCD will be finalized, signed and resubmitted to the Board of Appeals as part of Final Approval after the issuance of a Comprehensive Permit, but prior to the commencement of building construction, as required by Section 56.04(7) of the 40B Regulations. The Town of Dracut will be a party to the LIP Regulatory Agreement.

The Regulatory Agreement will stipulate that the Applicant “shall be limited to a reasonable return relative to the total development costs” as required by Chapter 40B, Section 56.04(8)(c) of the Chapter 40B Regulations, and the Subsidy requirements for the LIP Program administered by the DHCD, all as determined from audited financial statements provided to the DHCD or its appointed monitoring agent.

B. SITE CONTROL

The Applicant’s control of the Properties within the meaning of 760 CMR 56.04(1)(c) of the 40B Regulations is evidenced by DHCD’s issuance of a written determination of Project Eligibility, and is further evidenced by a Deed for the Property. (*See Site Control Documents attached in Section IV.E*)

C. PROJECT ELIGIBILITY

As evidenced by the written determination of Project Eligibility issued by the DHCD, pursuant to 760 CMR § 56.04(7), the Project is presumed fundable under the LIP Program administered through the DHCD (the “Project Eligibility Letter”). (*See Project Eligibility Letter attached in Section 2*).

PART III: SITE CONDITIONS REPORT

As required under Section 56.054(2)(b) of the 40B Regulations, the following is a report on existing site and neighborhood conditions, including a description of the location and nature of the existing site and surrounding area, existing street elevations, the location and nature of existing buildings, traffic patterns, and the character of open areas in the neighborhood.

A. SITE LOCATION

The proposed site consists of a 20.74-acre parcel of land located at 133 Phineas Street and is currently shown on the Town of Dracut Assessors Maps as Map 48, Lot 24. The Property is currently zoned Residential 1 (R-1). The Property is immediately surrounded by land which is zoned R-3. Single family and multifamily residential uses are located off Flower Lane and Rose Terrace to the north. Beaver Brook is located south of the Property, Phineas Street is located to the east beyond which is Goodhue Avenue. Additional residential properties, open space, and Meadow Brook are located to the west. See Locus Plan attached as Section 9 of this Application.

B. SITE CONDITIONS, TOPOGRAPHY AND UTILITIES

A portion of the Property includes the site of a former single family house which was demolished in 2015, and which was associated with the Property's former use as a farm for the past 100 years. Of the Property's 20.74 acres, approximately 12.74 acres are buildable upland and approximately 8 acres consist are wetlands. The site generally slopes from northeast to southwest towards the onsite bordering vegetated wetlands and riverfront areas. Slopes range from 6-12% across the Property.

Telephone, electrical service, and public water, sewer and natural gas will be provided to the Property. GIS records available through the Dracut Water Supply District indicate there is existing water service located adjacent to the site along Phineas Street (via a 6-inch water main) as well as a hydrant at the Property along Phineas Street. Water demand will be projected as approximately 3,000 gallons per day. Hydrant flow tests will be performed in the area to confirm adequate flow and volume exist prior to design of the fire suppression system. The proposed water connections are identified in the Site Plans attached hereto in Section 10. The Dracut Water Supply District has confirmed the availability of water for domestic and fire protection for the Project. See letter from Michael Sheu, Superintendent, of the Dracut Water Supply District, dated January 26.2022, a copy of which is attached in Section 3 of this Application.

The Project will include the approximately 900 foot extension of the municipal sewer from an existing sewer manhole in Phineas Street into the site via an 8-inch schedule 40 PVC pipe to serve the Property. The Project sewer is designed as gravity flow, and design flow needs are projected to be 3,000 gallons per day based on Title 5 design flows for age-restricted development. The existing sewer line in Phineas Street is an 8-inch line. We are unaware of any existing capacity issues with this line but will work with the Dracut Sewer Department to ensure adequate capacity exists to manage the Project flows. Detailed construction drawings will be submitted for review and approval by the Dracut Sewer Department as a part of the final construction plans submitted with the Building Permit application. Proposed sewer connections are identified in the Site Plans attached hereto in Section 10.

C. WETLAND RESOURCES

Wetland resource areas surround the buildable portion of the Property to the north, south and west of the site, which is bordered by Beaver Brook to the south and Meadow Brook to the north and west. Meadow Brook feeds into Beaver Brook. The wetland boundary will need to be confirmed by the Dracut Conservation Commission through the issuance of an Order of Resource Area Delineation (“ORAD) and/or an Order of Conditions for work to be performed in identified wetland resource areas.

Best Management Practices (BMP’s), as defined under the Massachusetts DEP Stormwater Management Policy and guidance, will be employed for the Project and will include, but will not limited to, street sweeping, the installation of hoods in each catch basins with 4’ deep sumps, and stormwater infiltration area and grass swales/sediment traps, all of which will be reviewed by the Dracut Conservation Commission through the filing of a Notice of Intent (NOI).

Based upon a review of the most recent Priority & Estimated Habitats (15th Edition Natural Heritage Atlas, August 1, 2021), the site is not located within a mapped Priority Habitat of Rare Species, Estimated Habitats of Rare Wildlife, or Certified Vernal Pools.

D. STORMWATER DRAINAGE

Under existing site conditions, stormwater runs from the site via sheet flow over the existing site in a southerly direction to vegetated wetlands at the southern boundary of the Property. The proposed preliminary stormwater management system is designed to collect, convey and infiltrate stormwater entering the site. Additionally, the proposed system is designed to treat stormwater landing on impervious non-roof surfaces before infiltration. The stormwater management system is comprised of area drains, deep sump hooded catch basins, a roof drain system, and an infiltration basin.

The stormwater management system will be designed and operated in full compliance with MassDEP Stormwater Management Policy and regulations. Please refer to a full Stormwater Management Report contained in the Appendix of this Application attached hereto in Section 11. Stormwater management improvements for the Property are largely depicted on the Site Plans attached hereto in Section 12.

E. SOIL CONDITIONS

A review of the site soils indicates that a portion of the Property has been previously disturbed through past agricultural operations on the Property but these areas should be able to support the Project. The interim SCS map for this area indicates the upland soils to be Scituate series, which are deep, moderately well-drained soils formed in glacial till. Soil observations have not been completed as of this date. However, Soil Data Sheets indicate the presence of a fragipan area with a perched water table with a depth to mottles ranging from 14 to 30 inches. Underlying soils consist of gravelly loamy sands.

F. TRAFFIC AND PARKING SUMMARY

As an age-restricted senior housing project consisting of 20 units, traffic generation is expected to be low volume with much of the traffic generation occurring during non-peak hours. Each Project unit will have a total of 4 parking spaces per unit, of which 2 will consist of enclosed garage parking, and two spaces will consist of surface parking spaces, well above the required number of parking spaces under the R-1 District

provisions of the Zoning Bylaw. It is anticipated, based upon actual data from Mascuppic Village, that the average number of vehicles will be less than two cars per unit. The site plan for the housing is designed with a circular drive to enable emergency vehicles to enter and exit easily and safely.

Access will be provided via an improved 25-foot wide paved driveway extending from the intersection at Phineas Street, which will be aligned with Goodhue Avenue, westerly through the site and ending in a circular cul-de-sac which will provide for adequate maneuverability for Dracut Fire Department and other emergency vehicle apparatus.

The proposed Project is expected to have imperceptible and insignificant impact on adjacent area roadways, following implementation of traffic control installations (such as a stop sign and related markings), as well as vegetation/plant maintenance to maintain adequate sight distance along Phineas Street which is generally a straight roadway running north to south by the Property.

G. Approach to Site and Building Architectural Design

The Project design incorporates both traditional and contemporary architectural features to create this attractive community for seniors. To build on the notion of village and residential scale, the buildings have been designed using features found typically in New England style residential architecture – such as pitched roofs, gables and gable end siding patterns, and a combination of cementitious clapboard and shingle siding with some paneling used on the interconnecting links which fits into the surrounding neighborhood. Please see photographs attached hereto in Section 14. The building is oriented on a north-south axis so that each unit gets some sun during the day. Each unit will have an outdoor deck.

H. Landscape Design

The existing site has a mix of mature specimen trees and open lawn. The landscape design approach will be to provide additional trees and low maintenance, drought tolerant landscape that provides seasonal interest throughout the year. Primarily native plant materials will be used and will require minimal watering and upkeep once they are established. Plant materials will be located to perform a variety of important functions related to seasonal interests (flower color, texture), habitat (size, shape, evergreen, deciduous) and growth requirements (full sun, shade). These functions include screening views into the site, blocking headlights from automobiles and buffering neighboring properties.

The landscape approach will include a variety of formal planting and lawn areas around the perimeter of the building more in keeping with other landscapes within the neighborhood. The Landscape Plan for the properties is attached hereto in Section X (to be completed).

I. Lighting

Site lighting will be designed to provide safe and pleasant pedestrian and vehicular circulation throughout the site, while minimizing the glare or spillage of lights off-site. These objectives will be accomplished with strategically placed lower wattage fixtures with glare blocking shields and timers, as needed, to ensure that lights are only operating at appropriate times. Lighting provided will be consistent with lighting for similar multifamily dwellings within the surrounding neighborhood.

Site lighting will be provided by a mix of building mounted lighting, pole lighting, and attractive illuminated bollards. All lighting elements will be dark sky approved to minimize light pollution and impacts to adjacent properties and residents of the development. Lighting will be used to provide enhanced visibility for

security reasons along the driveway, the parking lot, walkways, and at building entries. As the exterior lighting design is further developed with our engineers, a photometric diagram with our proposed exterior lighting layout can be provided if desired by the Board.

PART IV: OTHER AGREEMENTS

4. NARRATIVES AND EXHIBITS

A. Preliminary Site Civil Engineering Plans

As required under Section 56.05(2)(a) and (2)(f) of the 40B Regulations, attached are preliminary site development plans showing the locations and outlines of proposed buildings; the lot division; the proposed locations, general dimensions and materials for drives, parking areas, walks and paved areas.

B. Preliminary Architectural Plans and Elevations

As required under Section 56.05(2)(c) of the Chapter 40B Regulations, attached are preliminary, scaled, architectural drawings. The drawings for the Building have been prepared by a registered architect, and include typical floor plans, typical elevations, and sections, and identify construction type and exterior finishes as required under the Chapter 40B Regulation.

C.**Tabulation Data**

As required under Section 56.05(2)(d) of the Chapter 40B Regulations, below is a tabulation of the buildings, including type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the site to be occupied by buildings, by parking and other paved vehicular areas, and by open areas.

BUILDING TYPE	Number of Buildings
Duplex (2 Units)	10

UNIT TYPE	No. of Units	Unit Sq. Ft.	Bedrooms/ Unit	Garage Spaces/Unit	Decks/ Unit
Attached Townhouse Units					
Affordable	5	1,926 s.f.	2	2	1
Market	<u>15</u>	1,990 s.f.	2	2	1
Total in Project	20		40	40	20

Percentage of Property Occupied by Buildings, Parking
and Other Paved Vehicular Areas: 9 %

Percentage of Property as Open Space: 91 %

Ground Coverage (Buildings): 4%

D. Applicant Entity Information

Although Section 56.04(6) of the 40B Regulations states that the issuance of a Determination of Project Eligibility (PEL Letter) shall be considered by the Zoning Board of Appeals as conclusive evidence that the Project and the Applicant have satisfied the Project Eligibility requirements of 760 CMR 56.04(1), the Applicant has attached information demonstrating its corporate status.

133 Phineas Street LLC, as the Applicant, is requesting the Board to include as a condition within the Decision, to allow the Applicant to assign all rights under the Comprehensive Permit Decision to a single purpose entity in order to facilitate the Applicant's receipt of Project funding, which should not be considered a "substantial change" within the meaning of 760 CMR 56.05(12)(b), provided that the Applicant maintains a relationship with the new entity to be formed. It is anticipated that the new entity will be formed prior to submission of financing or transfer of the Property, and prior to closing on any financing and prior to construction. The entity will be compliant as a limited dividend organization as required by 760 CMR 56.04.

E.

Evidence of Site Control

Although Section 56.04(6) of the 40B Regulations states that the issuance of a Determination of Project Eligibility shall be considered by the Zoning Board of Appeals as conclusive evidence that the Project and the Applicant have satisfied the Project Eligibility requirements of 760 CMR 56.04(1), the Applicant has attached a copy of the Property Deed in Section IV. E.

F.

Determination of Project Eligibility

G. Waivers

The Applicant requests that a Comprehensive Permit for the Project, as shown on the Plans, be issued in lieu of the requirement that the Applicant apply to the individual local boards, departments and officials separately and that waivers from Local Requirement and Regulations, as defined under Section 56.02 of the Chapter 40B Regulations (760 CMR 56.00), be granted as set forth below.

Applicant seeks waivers for the proposed Louis Farm Village Project, a 20-unit condominium ownership project (“Project”), as shown on the plans submitted by the Applicant (and as they may be revised during the public hearing process) (“Plans”), from the Town of Dracut’s Local Requirements and Regulations in effect as of the date of the filing of the Comprehensive Permit Application with the Town of Dracut Board of Appeals, as set forth below, for all municipal Boards and Departments, including, but not limited to, the following Boards: Board of Health, Board of Selectmen, Conservation Commission, Historical Commission, Local Historic District Commission, Planning Board and the Zoning Board of Appeals and the following Departments: Building Department, Fire Department, Police Department, Community Development Department, Health Department, Highway Department, Planning Department, Public Works Department, and Water and Sewer Department.

The Applicant reserves the right to amend the requested Waivers during the public hearing process.

The Applicant requests the following specific waivers from the Board of Appeals (“ZBA”) for the Project from the following Local Requirements and Regulations:

Note 1: Pursuant to the Chapter 40B Rules described under 760 CMR 56.05(7), “Zoning waivers are required solely from the “as-of-right” requirements of the zoning district where the Project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.” Accordingly, any waivers which reference special permit requirements are included for informational purposes only.

See Waiver List addendum attached hereto

H. Project Team

DEVELOPER

Name
Address
Contact Person
Telephone/Fax
E-Mail Address

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I. Project Pro Forma

See Attached.

J. Consistency With Sustainable Development Principles

Sustainable Development Considerations:

1. Concentrate Development and Mix Uses. The Project involves an exciting opportunity for redeveloping underutilized infill sites. The project will make use of existing utilities including water and sewer infrastructure, and better utilize the currently vacant, underutilized land.
2. Advance Equity. Quality housing opportunities will be provided to low and moderate income individuals and households.
3. Make Efficient Decisions. The proposed project has the support of the Town of Dracut, through its Select Board, and is consistent with the Town's plans to increase the affordable housing stock in the Town.
4. Protect Land and Ecosystems. The project involves the clustering of Project units, and as a result of the construction of a more compact Project, there will be no significant impact on environmentally sensitive lands.
5. Use Natural Resources Wisely. The initiative involves new construction on an urban infill site and provides the opportunity to design to a high level of energy and water conservation while utilizing existing infrastructure and land.
6. Expand Housing Opportunities. The project will include a total of 20 age-restricted condominium units located in ten duplex buildings. 25% of the units will be Affordable Units.
7. Provide Transportation Choice.
8. Increase Job and Business Opportunities.
The Project will create construction jobs through the various trades required.
9. Promote Clean Energy. The project has an energy efficient building envelope design with efficient building systems such as a high efficiency ductless heating and air conditioning systems (mini-splits), LED lighting, low-flow water fixtures, and low-VOC paint.

10. Plan Regionally. The Town is supportive of the project because it is responsive to the Town's goals of addressing the housing concerns of diverse population groups, including seniors.

K. Endorsement Letters and Other

1. Dracut Board of Selectmen LIP Endorsement Letter;
2. Dracut Affordable Housing Partnership Committee Endorsement Letter; and,
3. Enterprise Bank Letter of Interest.

L. Certified List of Abutters