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September 19, 2024
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Via E-mail <amanugian@dracutma.gov>
Zoning Board of Appeals
Town of Dracut
c/o Alison Manugian,
Community Development Director
62 Arlington Street
Dracut, MA 01826

Re: Property – Land on Poppy Lane & Elizabeth Drive, Dracut, Massachusetts
Project – The Homes at Murphy's Farm 40B
Owner – O'Brien Homes, Inc.
Applicant – The Homes at Murphy's Farm, LLC

Outline of Principal Substantive Waiver Requests

Dear Zoning Board of Appeals,

I represent The Homes at Murphy's Farm, LLC ("Applicant") in connection with its application for a Comprehensive Permit ("Application") to approve its proposed residential development of land ("Project") located in the Town's Residential 1 Zoning District ("R-1 District") between Poppy Lane and Elizabeth Drive ("Property"). Considering the changes to the scope of the project and amendments to the Town of Dracut Zoning By-law, I write this letter to provide the Board with a concise outline of the principal substantive waivers suggested by the revised site plan concept most recently submitted to the Board. Should this revised Project concept be pursued and a more fully engineered plan set developed, a formal, amended waiver request including all waivers that may be necessary to complete the Project will be submitted at a later date.

1) **Zoning Dimensional Requirements.** Compliance of the Project with the zoning dimensional and parking requirements of the Dracut R-1 District is reflected in the following table,

Zoning Table

Dimension/ Criteria	Requirement	Actual
Minimum Lot Area	40,000 square feet	33.3 acres
Minimum Lot Frontage	175 feet	60 feet (Elizabeth Drive) 52 feet (Poppy Lane) Waiver Required
Minimum Lot Width	50 feet	>50 feet ¹
Minimum Front Setback	30 feet	78 feet
Minimum Side Setback	15 feet	21.8 feet
Minimum Rear Setback	35 feet	N/A ²
Maximum Building Height	36 feet 2.5 stories	<36 feet <2.5 stories
Maximum Lot Coverage	30%	34.9%.
Minimum Parking	2 per unit (268 units * 2 spaces = 536 spaces)	582 spaces

2) **Multi-Family Use.** Under § 3.3 (Table of Permitted Uses) of the Zoning By-Law, multi-family dwellings are prohibited in the R-1 District. Via the Project, Applicant proposes to construct several multi-family dwellings on the Property as shown on the Project plans. As such, the Applicant requests a waiver from the requirements § 3.3 to allow for construction and occupancy of multi-family dwellings. To the extent that § 7.2 et seq of the Zoning By-Law may require additional submittals, analyses, criteria, or processes for multi-family development, Applicant requests a waiver of the same and that the review and approval required be subsumed and incorporated into the Comprehensive Permit.

3) **Multiple Principal Structures.** The Project will include multiple principal structures on a single lot as shown on the Project plans. Applicant requests a waiver from Zoning By-Law § 4.4.1 to allow multiple principal structures on a single lot.

4) **Site Plan Review.** The Applicant expects that Site Plan Review will be considered as part of its submission to the Board. To the extent any of the Site Plan Review provisions of the

¹ It is unclear under the Zoning Bylaw how to determine the precise Lot Width for the Project lot, however, any reasonable determination of Lot Width would appear to greatly exceed the 50 feet requirement.

² It is unclear under the Zoning Bylaw if the Project lot contains a rear lot line and which boundary might constitute a rear lot line. Should the Board determine that one of the Project's building setbacks encroaches within a rear yard, the Applicant requests any necessary waiver. Under the current Project plan, the nearest building setback to a lot line is 21.8 ft.

Zoning By-Law (i.e., §§ 2.4 et seq.) 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, Applicant requests a waiver from the requirements of the same and that the review and approval required by the Site Plan Review provisions be subsumed by and incorporated into the Comprehensive Permit.

- 5) **Soil Removal.** The Project will require soil removal, with the possibility that some soil may be removed from the site. The exact extent of any soil removal and required waiver is not yet known. The required soil removal will be calculated based upon further engineering design. To the extent § 6.3 et seq. of the Zoning By-Law or Chapter 13, § 2 of the Town By-Laws could be interpreted to prohibit, limit, or condition any of Applicant's proposed removal of sod, loam, soil, clay, sand, gravel, or stone, Applicant will request a waiver once more precise information is available.
- 6) **Wetlands Protection.** To the extent Applicant's Project, as proposed, could be determined noncompliant with any of the provisions of Chapter 18 of the Town By-Laws (i.e., the "Wetlands Protection By-Law") or the Wetland Bylaw Regulations, Applicant requests a waiver from the requirements of the same as detailed further below.
 - a. The Project proposes temporary grading and ground disturbance within two (2) feet of a resource area in at least one location. To the extent that § 5.1.4.2 of the Wetland Bylaw Regulations may prohibit ground disturbance within 25 feet of a resource area, Applicant requests a waiver of the same.
 - b. The Project proposes the construction of new structures within the 50-foot no-build buffer zone, including the closest proposed structure being thirty-six (36) feet from a resource area. To the extent that § 5.1.4.3 of the Wetland Bylaw Regulations may prohibit construction within 50 feet of a resource area, Applicant requests a waiver of the same.
 - c. The Project includes stormwater drainage into vernal pools on the site in at least one location. Applicant requests a waiver of the prohibition on stormwater discharge to vernal pools and vernal habitats in Wetlands Bylaw Regulations § 5.1.4.2.5. The nature and extent of such drainage is reflected in the plans and reports submitted to the Board on October 10, 2024.
- 7) **Stormwater.** The Project will alter the current stormwater flow on the site. The nature of this alteration is reflected in the plans and reports submitted to the Board on October 10, 2024. To the extent Applicant's Project, as proposed, could be determined noncompliant with any of the provisions of Chapter 24 of the Town By-Laws (i.e., the "Stormwater and Erosion Control By-Law") or the Town's Stormwater Management Rules and Regulations (i.e., the "Stormwater Regulations"), including, but not limited to, § 7(B) of the Stormwater

Regulations, governing content of stormwater management plans, §§ 5(C), 7(C), 7(D), and 7(G) of the Stormwater Regulations, governing stormwater management performance and design standards, § 8(D), governing content of erosion and sedimentation control plans, § 8(E), governing erosion control design standards, and § 9(B), governing content of operation and maintenance plans, Applicant will request a waiver from the requirements of the same, as needed.

Very truly yours,
JOHNSON & BORENSTEIN, LLC

/s/ *DONALD F. BORENSTEIN*
Donald Borenstein

Cc: The Homes at Murphy's Farm, LLC

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