



Town of *Dracut*
MASSACHUSETTS

2025 Annual Town Meeting Warrant

June 2, 2025

**ANNUAL TOWN MEETING WARRANT
TOWN OF DRACUT
JUNE 2, 2025**

TO: ANY CONSTABLE IN THE TOWN OF DRACUT

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in elections and in Town affairs to meet at the Lester G. Richardson Center for the Performing Arts, Dracut High School, 1540 Lakeview Avenue, On Monday June 2, 2025 at 7:00 PM, then and there to act on the following articles:

**ARTICLE #1
READING OF TOWN MEETING ARTICLES**

To determine whether the Town will vote to waive the reading of the Town Meeting Articles as printed in the warrant, or act in any other way relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

**ARTICLE #2
READING OF REPORTS**

To determine whether the Town will vote to hear the report of the Town Accountant, the Board of Selectmen, and any other committee having a direction from previous Town Meetings, or act in any other way relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

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**ARTICLE #3
COMPENSATING BALANCE AGREEMENTS**

To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements during the fiscal year beginning July 1, 2024, as permitted by General Laws, Chapter 44, Section 53F, or act in any other way relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

**ARTICLE #4
SALARIES & COMPENSATION ELECTED OFFICIALS**

To see if the Town will vote to fix the salaries and compensation of all elective officers of the Town, as provided by General Laws, Chapter 41, Section 108, as amended, to be effective July 1, 2025, and to raise and appropriate such sums of money under the various Town Departments; or act in any other way relative thereto.

Moderator: \$ 550.00

Board of Selectmen: \$ 2,000.00

School Committee: \$ 2,000.00

Submitted by: Kate Hodges, Town Manager

Recommendations:

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**ARTICLE #5
TOWN BUDGET**

To determine whether the Town will vote to raise and appropriate or transfer from available funds, the sum of one hundred thirty-two million, two hundred ninety-seven thousand, seven hundred and twenty-eight dollars (\$132,297,728), or any other sum, for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2026;

General Government	\$4,991,448
Public Safety	\$11,879,290
Public Works	\$8,058,538
Education	\$69,871,780
Health & Human Services	\$805,633
Culture & Recreation	\$1,016,893
Debt, Insurance, and other Expenses	\$35,674,146

and that the Town transfer the following sums to meet, in part, appropriations made at this Town Meeting:

- \$32,000 from the Technology Stabilization Fund to offset the cost of technology equipment and upgrades.
- \$10,600 from the Cemetery Sale of Lots Fund
- \$840,000 from the Sewer Enterprise Fund
- \$191,000 from the Water Enterprise Fund
- \$300,000 from the School Cafeteria Fund
- \$86,613 from the Town Hall Stabilization Fund
- \$5,000 from Conservation/Wetlands Protection Fund

Or take any other action relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

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**ARTICLE #6
TRANSFER OF FREE CASH**

To determine whether the Town will vote to transfer from free cash, the sum of \$3,833,571, or any other sum, to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2026, or take any other action relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

**ARTICLE #7
APPROPRIATE FY2026 ENTERPRISE FUNDS BUDGETS**

To determine whether the Town will vote to appropriate a sum of money to fund the operations of the Kenwood Water, Town of Dracut Sewer Divisions and Stormwater Division; determine whether the money shall be provided by the estimated income to be derived in FY2026 from the operations of the related enterprise, by the tax levy, by transfer from available funds, including the retained earnings of the relevant enterprise fund, or by any combination of these methods; or act in any other manner in relation thereto.

Expense	Kenwood Water	Dracut Sewer	Stormwater
Personnel	\$ 48,026	\$ 283,500	\$262,805
Expenses	\$ 2,361,550	\$ 7,979,821	\$161,000
NET	\$ 2,409,576	\$8,263,321	\$423,805

Submitted by: Kate Hodges, Town Manager

Recommendations:

**ARTICLE #8
AUTHORIZE EXPENDITURE FROM PEG ACCESS & CABLE-RELATED FUND**

To determine whether the Town will appropriate \$480,000 from the PEG Access and Cable-Related Fund, to be expended during the fiscal year ending June 30, 2026 under the direction of the Town Manager, to be used for necessary and expedient cable-related purposes, consistent with the Town's license agreement with Comcast and Dracut's Cable Access operation ; or take any other action relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

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**ARTICLE #9
APPROPRIATE AND TRANSFER FUNDS IN RECREATION REVOLVING
TO GENERAL FUND**

To determine whether the Town will vote to appropriate the sum of \$45,000, or any other sum, from Dracut's Recreation Revolving Account receipts to fund expenses related to the Recreation Department Fiscal Year 2026 budget; or take any other action relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

**ARTICLE #10
UNPAID BILLS**

To determine whether the Town will raise and appropriate, or transfer from available funds, a sum of \$1,806 to pay any unpaid bills of the prior fiscal year including those outlined herein

Vendor	Department	Amount
Encore Fire Protection	32125- Building Maint.	\$1,806

or take any other action relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

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**ARTICLE #11
APPROPRIATE FOR THE FY2026 COMMUNITY PRESERVATION COMMITTEE
OPERATING BUDGET AND CPA PROJECTS**

To determine whether the Town will vote to approve the FY2026 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations; for the debt service on previously authorized financing; for the administrative expenses of the Community Preservation Committee for FY2026; for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing acquired or created with moneys from the Community Preservation Fund; to appropriate funds for such projects and determine whether the money shall be provided by the tax levy, or from estimated Community Preservation Act surcharges and the state match for the upcoming fiscal year, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

FUNDS REQUESTED:

- a. Administrative Expenses - \$39,690
- b. Debt Payments - \$497,440
- c. Transfers to Reserves
 - a. Historic Reserve - \$141,260
 - b. Affordable Housing Reserve - \$141,260

Submitted by: Kate Hodges, Town Manager

Recommendations:

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**ARTICLE #12
RESCIND PRIOR BORROWING**

To see if the Town will vote to rescind the unused borrowing authority voted under previous Town Meeting articles;

Project	Town Meeting	Article	Amount
Fire Engine	2022 ATM	14	\$1,340,000
CPA – 144 Greenmont Ave	2015 ATM	20	\$3,000,000
Solar Panels	2023 ATM	40	\$1,100,000

or act in any other manner in relation thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

**ARTICLE #13
APPROPRIATION OF COMMUNITY PRESERVATION
AFFORDABLE HOUSING FUNDS**

To determine whether the Town will vote to transfer from the Community Preservation Account within the Town of Dracut's Community Preservation Fund, the sum of \$3,000,000, or any other sum, to be used to supplement one or more affordable housing projects within Dracut or take any other action relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

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ARTICLE #14

APPROPRIATION OF COMMUNITY PRESERVATION- LAND PURCHASE

To appropriate Seven Hundred Fifty Thousand Dollars (\$750,000.00) under the Community Preservation Program for purchase of approximately 41 acres, formally known as the Brox Wood Lot, (Book 08408, Page 155) located at 461 Methuen Road as open space, including all related incidental costs; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Open Space Reserve fund and Undesignated Fund Balance of the Community Preservation Fund; or take any other action relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

ARTICLE #15

**ESTABLISH AND AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER
MASS. GEN. LAWS c. 44, § 53E ½**

To determine if the Town will vote pursuant to the provisions of G.L. Chapter 44, section 53 E1/2, as most recently amended, to amend the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes of programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaws to provide as follows:

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ARTICLE #15 (Continued)

**ESTABLISH AND AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER
MASS. GEN. LAWS c. 44, § 53E ½**

Program or Purpose	Representative of Board Authorized to Spend	Department Receipts
Council on Aging Revolving Fund	Council on Aging Board	Fees and charges from residents participating and programs and activities.
Library Revolving Fund	Library Board of Trustees	Fees and charges from late book fines, material rental fees and room rental fees.
Recreation Revolving Fund	Recreation Commission	Fees for participation in programs and activities sponsored by the Recreation Department.
Town Flag Revolving Fund	Veterans Officer	Fees and donations
Veterans Concessions Revolving Fund	Recreation Commission	Fees and charges related to operations and activities associated with Veterans Park

Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. Chapter 44, section 53 E1/2.

And, further, to set FY 2026 spending limits for such revolving funds as follows:

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**ARTICLE #15 (Continued)
ESTABLISH AND AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER
MASS. GEN. LAWS c. 44, § 53E ½**

Program or Purpose	Use	Proposed Amount
Council on Aging	Programs, trips & senior center needs	\$20,000
Recreation	Programs, events & sports scholarships, camps, etc.	\$225,000
EV Charging	Purchase of energy and energy conservation efforts.	\$150,000
Solar Panels	Expenses related to solar	\$500,000
Town Flag Program	Flags for veterans, celebrations and other materials	\$300
Library	Materials, supplies, and programs for library	\$15,000
Veterans Field Concessions	Programs & events held at Veterans Park	\$6,000

or take any other action relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

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**ARTICLE #16
AMEND FY2025 OPERATING, ENTERPRISE AND CPA BUDGETS**

To determine if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 6, 7 and 13 of the 2024 Annual Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by transfer from available funds including the Community Preservation Fund; or act in any other manner in relation thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

Unknown until press time.

**ARTICLE #17
EASEMENT – 144 Greenmont Avenue/1530 Bridge Street**

To determine if the Town will vote to authorize the Board of Selectmen to grant, on behalf of the Town, easements to public utility companies for the purpose of installing and maintain utility company infrastructure on property located at 144 Greenmont Avenue and 1530 Bridge Street, Dracut (as recorded with the Registry in Book 32840, Page 275), inclusive of the rights and privileges as follows:

FIRST: The permanent and perpetual easement, right, privilege and authority to construct, reconstruct, relocate, operate, repair, maintain and remove underground and/or grade level gas systems, including but not limited to gas mains, and gas service lines and pipes, together with all necessary appurtenances and accessories thereto (collectively, the “Gas Facilities”) to serve the Grantor’s Land and others, as Grantee may now and from time-to-time deem necessary, all within the Easement Area.

SECOND: The right to attach to the Gas Facilities installed or to be installed within the Easement Area other gas pipes and appurtenant facilities in the locations within the Easement Area for the purpose of providing gas to Grantor and Grantees’ other customers.

THIRD: The privilege of such access from the street over and across the Grantor’s Land to the Easement Area as is necessary for the enjoyment of the easement herein granted.

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**ARTICLE #17 (Continued)
EASEMENT – 144 Greenmont Avenue/1530 Bridge Street**

FOURTH: Grantor agrees not to erect or maintain within the Easement Area where the Gas Facilities are located any new building, permanent structure or physical obstruction of any kind or nature whatsoever, including trees and shrubbery or permit the same to be so erected or maintained, except such as Grantee may specifically consent to in writing, which consent shall not be unreasonably withheld or delayed.

FIFTH: The Gas Facilities and other appurtenances which are installed, constructed and maintained by Grantee in the Easement Area shall at all times be and remain the property of Grantee, and shall be maintained and serviced exclusively by Grantee.

SIXTH: Grantor represents that it is seized of Grantor's Land, for itself, its successors and assigns, forever warrants its title thereto and will forever defend the easement and right-of-way herein granted against all lawful claims and demands.

SEVENTH: In the event the surface of the Easement Area is disturbed at any time and from time-to-time by Grantee or any party acting on behalf of Grantee, then Grantee, at its sole cost and expense, within a reasonable time thereafter, shall repair and restore the surface of the Easement Area where the Gas Facilities are located to the condition which existed prior to any such disturbance.

EIGHTH: Grantor and Grantee shall comply with all applicable codes, rules, regulations and laws.

The easement herein granted is non-exclusive and shall be binding upon and inure to the benefit of the successors and assigns of Grantor and Grantee;

or act in any other way relative thereto.

Submitted by: Alison Manugian, Assistant Town Manager/Community Development Director
Recommendations:

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**ARTICLE #18
SELECTMEN TO ACCEPT EASEMENTS**

To determine if the Town will vote to authorize the Selectmen to acquire on behalf of the Town, easements for the following purposes: roads, sidewalks, vehicular, bicycle or pedestrian access or passage, water, drainage, sewer, fiber-optic cable, electricity and other utilities, where such easements are acquired at no cost to the Town and are required pursuant to a land use permit, site plan review, agreement for utility or drainage, agreement for construction, use, operation and maintenance of infrastructure, or memorandum of understanding; or take any other action relative thereto.

Submitted by: Alison Manugian, Assistant Town Manager/Community Development Director
Recommendations:

**ARTICLE #19
COMMUNITY PRESERVATION BYLAW AMENDMENT**

To determine if the Town will vote to amend Chapter 20, § 20.1 (a) of the Town Bylaws by striking the word 'four' and the section number '6' in section §20.1 (a)(6) and replacing it with the word 'three' and section number '7'; and to add a new subsection '6' which reads, "one member of the Open Space Committee as established by the Town of Dracut and as designated by the Committee as follows:

CHAPTER 20 - COMMUNITY PRESERVATION ACT

20.1 ESTABLISHMENT; APPOINTMENT OF MEMBERS; MEMBERSHIP; TERMS OF OFFICE There is hereby established a Community Preservation Committee, consisting of nine (9) voting members, pursuant to the provisions of MGL, Ch.44B, Sec.5, whose purpose is to make recommendations to the Town Meeting for community preservation. The composition of the Committee, the appointing authority and the terms of office for the Committee Members shall be:

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**ARTICLE #19 (Continued)
COMMUNITY PRESERVATION BYLAW AMENDMENT**

EXISTING LANGUAGE:

A. Membership

- (1) One member of the Conservation Commission established under Section 8C of Chapter 40 as designated by the Commission;
- (2) One member of the Recreation Commission established under Section 2 of Chapter 45 as designated by the Commission;
- (3) One member of the Historical Commission established under Section 8D of Chapter 40 as designated by the Commission;
- (4) One member of the Planning Board established under Section 81A of Chapter 41 as designated by the Board;
- (5) One member of the Housing Authority established under Section 3 of Chapter 121B as designated by the Authority;
- (6) Four members appointed by the Board of Selectmen, all of whom must be Town Residents

NEW LANGUAGE: (proposed change appears in bold print)

- (1) One member of the Conservation Commission established under Section 8C of Chapter 40 as designated by the Commission;
- (2) One member of the Recreation Commission established under Section 2 of Chapter 45 as designated by the Commission;
- (3) One member of the Historical Commission established under Section 8D of Chapter 40 as designated by the Commission;
- (4) One member of the Planning Board established under Section 81A of Chapter 41 as designated by the Board;
- (5) One member of the Housing Authority established under Section 3 of Chapter 121B as designated by the Authority;
- (6) One member of the Open Space Committee established by the Town of Dracut and as designated by the Committee; and**
- (7) Three members appointed by the Board of Selectmen, all of whom must be Town Residents;**

or take any other action relative thereto.

Submitted by: Tony Archinski, Selectman
Recommendations:

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**ARTICLE #20
EXEMPTION FROM CERTAIN PARTS OF CH.135 OF
MA SPECIAL ACTS OF 2024**

To determine whether the Town of Dracut will vote to exempt itself in accordance with the terms of Chapter 135 of the Massachusetts Special Acts of 2025, specifically Section 124(k)(2)(i), of 'An Act Modernizing Firearm Statute,' so called, whereby permitting licensed firearm owners to legally carry their personal firearms within municipal buildings and facilities, excluding schools and school events held on school property; or take any other action relative thereto.

Submitted by: Josh Taylor, Selectman

Recommendations:

**ARTICLE #21
ZONING BYLAW AMENDMENTS
FLOODPLAIN AND FLOODWAY OVERLAY DISTRICT**

To determine if the Town will vote to amend Section 5.1 Floodplain and Floodway Overlay District of the Dracut Zoning Bylaw:

5.1 Floodplain and Floodway Overlay District.

The Floodplain and Floodway District is herein established as an overlay district. The District includes all special flood hazard areas within Dracut designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) dated July 8th, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1% chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 8th, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission. The base flood elevations for A Zones shall be determined based on hydrologic and hydraulic analyses of the development area by a Registered Professional Engineer. However, where appropriate, and with the approval of the Town Engineer and Building Inspector, base flood elevations for un-numbered A Zones may also be based upon the best available information from any Federal, State, Local, or other source.

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**ARTICLE #21 (Continued)
ZONING BYLAW AMENDMENTS
FLOODPLAIN AND FLOODWAY OVERLAY DISTRICT**

5.1.1 Purpose.

The purpose of the Floodplain and Floodway Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

5.1.2 Designation of Floodplain Administrator.

The Town of Dracut hereby designates the position of Inspector of Buildings to be the official floodplain administrator for the Town.

5.1.3 Floodplain Use Regulations.

The Floodplain District shall be considered as overlying other Districts. Any use permitted in the portions of the District so overlaid shall be permitted subject to all of the provision of Sections 5.1.3.

A. Prohibited Uses in the Flood Plain District.

No new building shall be erected or constructed, no existing building shall be altered, enlarged or moved, there shall be no placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving, or any other development that might increase flooding or adversely impact flood risks to other properties except as allowed by Section 5.1.3 B or as allowed by Special Permit in Section 5.1.3 C.

B. Uses Allowed in the Flood Plain. (Excluding the Floodway)

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**ARTICLE #21 (Continued)
ZONING BYLAW AMENDMENTS
FLOODPLAIN AND FLOODWAY OVERLAY DISTRICT**

A Flood Plain Permit must be obtained prior to the commencement of any construction or development in the Flood Plain Overlay District. The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development.

The following uses shall be allowed in the Flood Plain Overlay District, provided that a Flood Plain Permit is obtained for all structures and development, as noted above.

1. Conservation of water, plants and wildlife.
2. Outdoor recreation, including play areas, nature study, boating, fishing and hunting, where otherwise legally permitted, but excluding buildings and structures.
3. Non-commercial signs (as permitted in the residential districts), wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided that such uses do not affect the natural flow pattern of watercourses, or would result in any increase in flood levels within the community during the occurrence of the base flood.
4. Grazing and farming, including truck gardening and harvesting of crops.
5. Forestry and nurseries.
6. Maintenance and repair of municipal and private water supply structures, municipal sewer structures, and other utility structures.
7. Maintenance and repair of existing structures and improvement of existing structures provided that any such improvement is either within the existing structure or above the base flood elevation. The provisions of the MA State Building Code 780 CMR shall apply. See also "Substantial Repair", in Section 5.1.15.

C. Uses allowed by Special Permit in the Flood Plain District (Excluding the Floodway).

The following uses may be allowed within the Flood Plain District, not to include the Floodway, upon the issuance of a Special Permit by the Planning Board.

Any use permitted in the underlying district in which the land is located, including grading, filling or excavating, subject to the same use and development regulations as may otherwise apply thereto provided that the Planning Board finds that:

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**ARTICLE #21 (Continued)
ZONING BYLAW AMENDMENTS
FLOODPLAIN AND FLOODWAY OVERLAY DISTRICT**

1. The proposed use and development does not significantly conflict with the purposes of this Section.
2. Any proposed structures fully comply with the provisions of the MA State Building Code 780 CMR.
3. One Hundred (100) Percent of the natural flood storage volume of the flood plain on the site is preserved with the use of compensatory storage techniques and disturbance of the natural characteristics of the flood plain on the site is kept to a minimum.
4. The elevation of the lowest point of any new vehicular or pedestrian access from a street to any building, including garages, used for human occupancy is at or above the base flood elevation.
5. Any new or reconstructed utilities, such as water, sewer mains, drainage systems, fuel storage facilities, gas, electric or other utilities, are anchored to prevent flotation and designed to avoid impairment during the base flood.

D. Procedures for applying for a Special Permit pursuant to Section 5.1.3.C.

Any person who desires to erect any structure or excavate, fill, grade or otherwise develop land in accordance with Section 5.1.3.C shall submit a written application to the Planning Board. Each such application shall be accompanied by the following:

1. A written statement indicating any special permits previously granted under this section for the subject lot, for any portion of the subject lot or for any larger lot which formerly included the subject lot.
2. A site plan prepared and stamped by a MA Registered Professional Engineer for the entire area to be developed, showing existing and proposed buildings, structures, signs, parking spaces, driveway openings and driveways (existing and proposed to be shown on separate sheets); the Flood Plain District boundary; existing and proposed topography at one foot intervals within the Flood Plain District and two foot intervals outside the District; the floodway boundary; all facilities for surface and subsurface water drainage and sewage disposal; electrical, telephone and other utilities; all

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**ARTICLE #21 (Continued)
ZONING BYLAW AMENDMENTS
FLOODPLAIN AND FLOODWAY OVERLAY DISTRICT**

existing and proposed landscape features; and an affidavit that the proposal will fully comply with 780 CMR.

3. Detailed calculations and supporting materials prepared by a MA Registered Professional Engineer showing the existing and proposed flood storage volume of the site between the elevation of the property as it existed on July 2, 1980 and the elevation(s) of the base flood according to the flood insurance rate maps. In un-numbered A-Zones the supporting materials shall include the methods and all data used in determining the elevation of the base flood.
4. Where floodproofing is used, certification by a MA Registered Professional Civil Engineer or a MA Registered Professional Architect shall be provided to show that the new construction will be compliant with 780 CMR, is adequate to withstand the forces associated with the base flood and that the methods used are adequate to withstand flood depths, pressures and velocities, impact and uplift forces and other factors associated with the base flood.
5. Other Conditions.

The Planning Board shall impose such conditions and safeguards as public safety, welfare and convenience may require. Upon completion of any authorized work, an "as-built" plan, prepared by a MA Registered Professional Engineer or a MA Registered Land Surveyor, as appropriate to the data, of all improvements in the Flood Plain District shall be submitted to the Building Inspector and shall specify the elevation of the lowest floor including basement, the elevation to and method by which any structure has been floodproofed and the finished grades of all disturbed areas.

5.1.4. Floodway encroachments.

Floodway Regulations.

The Floodway shall be considered as overlying other districts and a separate part of the Floodplain and Floodway District. It shall be defined as noted in Section 5.1.15

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**ARTICLE #21 (Continued)
ZONING BYLAW AMENDMENTS
FLOODPLAIN AND FLOODWAY OVERLAY DISTRICT**

In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zone AE, along watercourses that have a regulatory floodway designated on Dracut's FIRM, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

5.1.5 Subdivision proposals.

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

5.1.6 Recreational vehicles.

In A and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

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**ARTICLE #21 (Continued)
ZONING BYLAW AMENDMENTS
FLOODPLAIN AND FLOODWAY OVERLAY DISTRICT**

5.1.7 Watercourse alterations or relocations in riverine areas

In a riverine situation, the Inspector of Buildings shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
NH NFIP State Coordinator,
New Hampshire Office of Planning and Development.
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

5.1.8 Requirement to submit new technical data

If the Town of Dracut acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.)

Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

5.1.9 Variances to State Building Code floodplain standards

If the State Building Code Board of Appeals issues a variance to the Building Code Floodplain standards, the Town will request from them a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood

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insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

5.1.10 Variances to Dracut Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law and Section 2.2.2.1, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

5.1.11 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

5.1.12 Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

5.1.13 Severability section

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

5.1.14 Enforcement.

This Section of the Zoning By-law shall be enforced by the Inspector of Buildings

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5.1.15 Definitions.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height [780 CMR Chapter 2]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

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NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see **FLOODWAY**.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A or AE. [780 CMR, Chapter 2.]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [780 CMR, Chapter 2]

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STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59];

or act in any other way relative thereto.

Submitted by: Alison Manugian, Assistant Town Manager/Community Development Director
Recommendations:

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**ARTICLE #22
ZONING BYLAW AMENDMENTS
ACCESSORY DWELLING UNITS**

To determine if the Town will vote to amend the Zoning Bylaw as follows:

1. Amend the Zoning Bylaw by deleting Section 7.4 Accessory Dwelling Units in its entirety and replacing it with the following:

7.4 Accessory Dwelling Units

7.4.1 Purpose and Intent

- A. Provide homeowners with alternatives to allow them to remain in their existing home and neighborhood.
- B. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing.
- C. Develop more sustainable housing units in single family neighborhoods that are appropriate for households at a variety of stages in their life cycle, including providing housing units for persons with disabilities.

7.4.2 Use and Dimensional Regulations

- A. The Zoning Enforcement Officer shall approve a Building Permit authorizing Protected use ADU installation and use within, or on a lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Pre-existing Non-conforming Structure, if the following conditions are met:
 1. The Accessory Dwelling Unit will be a complete, separate dwelling unit containing sleeping, cooking, bathing, and other living facilities.
 2. Only one (1) Accessory Dwelling Unit may be permitted as of right on a lot.
 3. Accessory Dwelling Units must remain an accessory use to the principal dwelling unit.
 4. An Accessory Dwelling Unit shall maintain at least one (1) separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the State Building Code for safe egress.
 5. The gross floor area of an Accessory Dwelling Unit (including any additions) shall not be greater than nine hundred (900) square feet.

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6. Any Accessory Dwelling Unit must be connected to the public sewer system or be in conformity with the State Building Code, Title V of the State Sanitary Code, and other local bylaws and regulations.
7. Any new construction of an Accessory Dwelling Unit shall be in accordance with current height, setback and lot coverage requirements for the zoning district where it is located.
8. Sufficient and appropriate area to accommodate one (1) additional parking space over the required minimum for the principal dwelling unit shall be provided if the property is more than $\frac{1}{2}$ mile from any transit station as defined in 760 CMR 71.02.

- B. To encourage the development of housing units for disabled and handicapped individuals, and persons with limited mobility as defined in M.G.L. Chapter 22, Section 13, reasonable deviations from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons as provided in M.G.L. Chapter 40A, Section 3 are permitted.
- C. No Accessory Dwelling Unit may be advertised or used for a short-term rental as defined in M.G.L. Chapter 64G, Section 1.
- D. No more than one (1) Accessory Dwelling Unit shall be permitted on a parcel unless a Special Permit from the Planning Board has been issued. Each additional Accessory Dwelling Unit must be in compliance with the provisions of this section.

7.4.3 Administration and Enforcement

- A. Existing in-law suites subject to Special Permits shall be unaffected by this section of the Bylaw. However, upon issuance of a Building Permit in accordance with this section and the relevant portions of 780 CMR MA State Building Code, existing in-law suites, permitted or otherwise, may be converted to Accessory Dwelling Units.
- B. No permit shall be issued unless the unit is permitted to connect to the public sewer system or until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health, and the proposed building and location thereof conform with the town's laws and bylaws.
- C. All terms within Section 7.4 Accessory Dwelling Units shall be as defined in 760 CMR 71.02.

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**ARTICLE #22 (Continued)
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ACCESSORY DWELLING UNITS**

2. Amend Section 3.3 Table of Permitted Uses by deleting the row under the heading Other Uses, Accessory Dwelling Units #8 and inserting the following in its place:

Principal Uses	Residential			Business			Industrial	
	R-1	R-2	R-3	B-1	B-3	B-4	B-5	I-2
<u>Other Uses</u>								
First Accessory Dwelling Unit	P(#8)	P(#8)	P(#8)	P(#8)	P(#8)	P(#8)	P(#8)	P(#8)
Additional Accessory Dwelling Unit(#12)	PB(# 8)	PB(# 8)	PB(# 8)	PB(# 8)	PB(# 8)	PB(# 8)	PB(# 8)	PB(# 8)

And replace the existing footnote #8 with a new footnote #8 as follows:

#8 - Accessory Dwelling Units shall only be allowed in conjunction with an existing dwelling.

And add a new footnote #12 as follows:

#12 - See Section 7.4.2.D.

3. Amend Section 9. Definitions by inserting the following in alphabetical order:

Accessory Dwelling Unit (ADU): A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the State Building Code for safe egress; (ii) is not larger in gross floor area than 900 square feet, and (iii) is subject to such additional restrictions, including, but not limited to, additional size restrictions, and restrictions or prohibitions on short-term rental, as defined in M.G.L. Chapter 64G, Section 1.

Accessory Dwelling Unit, Attached: An Accessory Dwelling Unit contained within or part of an expanded or remodeled principal dwelling unit.

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Accessory Dwelling Unit, Detached: An Accessory Dwelling Unit contained within or part of a building or structure on a residential lot not physically connected to the principal dwelling unit, yet by definition still "accessory", such may be a new building or structure, or part of an existing detached building or structure; or act in any other way relative thereto.

Submitted by: Alison Manugian, Assistant Town Manager/Community Development Director
Recommendations:

**ARTICLE #23
ZONING BYLAW AMENDMENTS
ACCESSORY USES – ANIMALS**

To see if the Town will vote to amend '**Section 3.4.1 (A) 4 within 3.4.1 Accessory Uses Permitted** of the Dracut Zoning Bylaw, adding the word **NOT** as highlighted below, to read

C. Amend **Section 3.4.1 (A) 4 within 3.4.1 Accessory Uses Permitted** to add the word **NOT** as shown below capitalized and underlined.

*"The keeping of **NOT** more than one small animal per four-thousand square feet of lot area upon which said animals are kept or **NOT** more than one large animal, in excess of four-hundred pounds, per ten-thousand square feet of lot area upon which they are kept, excepting domestic dogs and cats which are not regulated herein.";* or act in any other way relative thereto.

Submitted by: Alison Manugian, Assistant Town Manager/Community Development Director
Recommendations:

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**ARTICLE #24
ALTERNATIVE METHODS FOR NOTICE OF PUBLIC HEARINGS**

To determine whether the Town will vote to amend the Town Bylaw Chapter 2, Sections 4 & 5 to provide alternative means of publishing legal notices for public hearings as outlined within M.G.L. Ch 40A S11, as follows:

SECTION 4: At least three days before the day fixed on the Warrant for any Special Town Meeting, the Selectmen shall cause a notice of the meeting to be advertised ~~in at least one newspaper having circulation in Dracut~~ **on the Town Website and on the Town Hall Meeting Posting Board** located at 62 Arlington St. in Dracut.

SECTION 5: As soon as practicable after the adjournment of any Town Meeting on a vote to adjourn to another day, the Town Clerk shall cause a notice a brief statement of the day and hour to which the adjournment was voted to be posted at each of the polling places within the Town and at the Town Office. In addition, the Town Clerk, when determined by him/her to be possible, shall cause a similar notice to be advertised ~~in at least one newspaper having circulation in Dracut~~ **on the Town Website and on the Town Hall Meeting Posting Board** located at 62 Arlington St. in Dracut.

And, as necessary, amend all Bylaw Chapters/Sections relative to advertising procedures or the calling of meetings subject to the MA Open Meeting Law, to replace the word "newspaper" with the term "Town Website" or "Town Hall Meeting Posting Board", or both, as applicable; or take any other action relative thereto.

Submitted by: Kate Hodges, Town Manager

Recommendations:

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**ARTICLE #24 (Continued)
ALTERNATIVE METHODS FOR NOTICE OF PUBLIC HEARINGS**

Background:

At the June 5, 2023 Annual Meeting, the Town unanimously voted to petition the Great and General Court of the Commonwealth to enact legislation which adopts alternative methods for noticing public hearings; the act was to take effect upon its passage. The Governor Signed Dracut's House Bill 4430 on January 8, 2025, which read as follows:

House Bill 4430.

AN ACT AUTHORIZING THE TOWN OF DRACUT TO ADOPT ALTERNATIVE METHODS FOR NOTICE OF PUBLIC HEARINGS:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding section 11 of chapter 40A of the General Laws or any general or special law to the contrary, the town of Dracut may adopt and further amend its general by-laws that regulate the publishing of legal notices of public hearings on the official website operated by the town.

SECTION 2. The town may allow all legal notices of public hearings to be published: (i)(A) in a local newspaper, either in electronic or paper format; or (B) on the bulletin outside the town clerk's office; and (ii) on the town's website.

SECTION 3. This act shall take effect upon its passage.

Approved, January 8, 2025.

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**ARTICLE #25
INCREASE SEWER DEPARTMENT INSPECTION FEE RATE**

To determine whether the Town will vote to increase the Sewer Department Inspection Fee rate from \$22/hour to \$50/hour with a two (2) hour minimum. This request is directly related to increased wages and operating costs since the existing Inspection Fee was set in 2012; or take any other action relative thereto.

Submitted by: Dracut Sewer Commission
Recommendations:

**ARTICLE #26
INCREASE SEWER DEPARTMENT IMPACT FEE RATE**

To determine whether the Town will vote to approve a Sewer Department Impact Fee for new additions to existing residential homes that will add a bedroom(s). The fee is proposed at \$500 per additional bedroom, as a one-time fee at time of construction; or take any other action relative thereto.

Submitted by: Dracut Sewer Commission
Recommendations:

**ARTICLE #27
RECONSIDERATION OF PREVIOUS ARTICLE
ZONING BYLAW AMENDMENTS
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

To determine whether the Town will vote, per the requirements of the Town of Dracut Charter - Article 2 Section 2, to consider the MBTA Communities Overlay District Warrant Article, as recommended by the Planning Board, per M.G.L. Chapter 40A Section 5; or act in any other way relative thereto.

Submitted by: Alison Manugian, Assistant Town Manager/Community Development Director
Recommendations:

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**ARTICLE #28
ZONING BYLAW AMENDMENTS
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

To see if the Town will vote to amend 'Section 3.1 Establishment of Districts' of the Dracut Zoning Bylaw to add the MBTA Communities Overlay District (MBTA) to the existing list of Special Overlay Districts; and

To see if the Town will vote to amend 'Section 3.2.2 Uses Not Listed' of the Dracut Zoning Bylaw to read

"3.2.2 Uses Not Listed.

If a particular use or activity is not listed in Section 3.3 Table of Uses and further identified in Section 9, Definitions such use is prohibited, except that Principal Use Regulations pertaining to Special Overlay Districts are contained in Section 5 Overlay Districts. If an activity might be classified under more than one of the Principal Use Definitions, the more specific definition shall determine whether the use is permitted. If the activity might be classified under equally specific definitions, it shall not be permitted unless both Principal Uses are permitted in the district. Uses accessory to the principal use by zone are listed in Section 3.4."; and

To see if the Town will vote to add the MBTA Communities Overlay District to the Town of Dracut Zoning Map as shown in the plans at the end of this article; and

To see if the Town will vote to add 'Section 5.5 MBTA Communities Overlay District (MBTA)' following the existing sections within Chapter 5 of the Town of Dracut Zoning Bylaw as follows:

5.5. MBTA Communities Overlay District

5.5.1 Purposes. The purpose of the MBTA Communities Overlay District (MBTA) is to provide for multifamily housing development in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC), as may be amended from time to time. In addition, Section 5.5 is intended to achieve the following purposes:

- A. Implement the Dracut Housing Production Plan;
- B. Encourage a variety of housing sizes and types to provide access to new housing for people with a variety of needs, ages, household types, and income levels;

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**ARTICLE #28 (Continued)
ZONING BYLAW AMENDMENTS
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

- C. To increase the supply of housing in Dracut that is permanently available to and affordable for low- and moderate-income households; and
- D. Increase the tax base through private investment in new housing development.

5.5.2 Establishment of District. The MBTA is shown on the map entitled, MBTA Communities Overlay District, dated November 18, 2024, which is hereby made part of the Zoning Map of the Town of Dracut.

5.5.3 Applicability

- A. The MBTA does not replace the existing underlying zoning district(s) but is superimposed over them. At the option of the Applicant, development of land within the MBTA may be undertaken subject to the requirements of this Section 5.5 or by complying with the requirements of the underlying district. Developments proceeding under this Section 5.5 shall be governed solely by the provisions herein, and the standards or procedures of the underlying districts shall not apply unless otherwise specifically incorporated within this Section 5.5. Where the MBTA authorizes uses not otherwise allowed in the underlying district, the provisions of the MBTA shall control. Where the MBTA authorizes uses and dimensional controls not otherwise allowed in any other applicable overlay districts, the provisions of the MBTA shall control.
- B. Multifamily housing in the MBTA shall not be subject to Section 7.2 of this Bylaw .
- C. Uses and dimensional controls of the MBTA shall not be subject to any special permit requirements of the underlying district or applicable overlay districts except for certain nonresidential uses as provided in Section 5.5.4.
- D. The MBTA shall include the following subdistricts as shown on the MBTA Communities Overlay District Map:
 1. Tennis Plaza
 2. Broadway/Loon Hill

5.5.4 Use Regulations.

- A. The following uses are permitted as of right in the MBTA Tennis Plaza and Broadway/Loon Subdistricts:

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ZONING BYLAW AMENDMENTS
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

1. Multifamily Housing. For purposes of this Section 5.5, "multifamily" shall include a building with three or more dwelling units or two or more residential buildings on a lot, each with two or more dwelling units.
2. Accessory residential uses permitted as of right in the underlying district(s) as provided in Section 3.4.1(A).

B. In the Loon Hill/Broadway Subdistrict, mixed-use development is allowed subject to the provisions of this Section 5.5.4:

1. Any of the following nonresidential uses permitted shall be permitted on the ground floor of a mixed-use building:
 - a. Agriculture, Conservation, or Recreation
 - b. Municipal
 - c. Museums
 - d. Non-Profit Educational
 - e. For-Profit Educational Use
 - f. Nursing Home
 - g. Retail Store < 5,000 sq. ft.
 - h. Professional Office
 - i. Financial Service
 - j. Restaurant
 - k. Hotel, Inn or Motel
 - l. Personal Services
 - m. General Services
 - n. Studio
2. Any of the following nonresidential uses may be allowed on the ground floor of a mixed-use building subject to the grant of a special permit from the Planning Board:
 - a. Retail Store > 5,000 sq. ft.
 - b. Commercial and Trade School
 - c. Commercial Broadcast Facility (not including studio)
 - d. Day Care Facility
 - e. Domestic Pet Services

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ZONING BYLAW AMENDMENTS
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

- f. Assisted Living Facility
- g. Restaurant-Fast Food

3. Any of the following nonresidential uses may be allowed on the ground floor of a mixed-use building subject to the grant of a special permit from the Select Board:
 - a. Commercial Recreation
 - b. Amusement Facility, Indoor or Outdoor
 - c. Body Art Establishment
4. Nonresidential uses shall occupy the front façade facing the street; and
5. Multifamily housing shall be located only on floors above the ground floor.

5.5.5 Density and Dimensional Regulations.

- A. Development in the MBTA shall comply with the density and dimensional regulations in Section 4, except that the table below shall replace Table 4.4, Table of Standard Dimensional Requirements.

Minimum lot area (sq. ft.)	10,000 sq. ft.
Maximum lot coverage (% lot)	50%
Minimum open space:	30%
Maximum height	
Stories (maximum)	3
Feet (maximum)	40'
For mixed-use building:	
Minimum height, ground floor (feet)	11'
Maximum height, ground floor (feet)	14'
For accessory structure:	
Maximum height:	12'
Maximum height with gabled, pitched, or sloped	18'
Minimum frontage:	70'
Minimum setbacks:	
Front	30'
Side	15'
Rear	20'
Maximum units per acre:	15

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MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

- B. More than one residential or accessory building or structure shall be allowed on a lot in the MBTA. All structures must conform to the Massachusetts Building Code with respect to building separation and firewalls.
- C. The front yard setback in Residential Districts may be reduced to a prevailing setback for a new structure on a lot. The prevailing setback shall be computed by calculating the average of the front yard setbacks of the adjacent buildings on the same side of the street, within a two hundred (200) foot distance from each side yard of the subject property. If the two hundred (200) feet is interrupted by an intersection, only the front setbacks up to that intersection shall be used in calculating the average. For vacant lots or existing buildings having a greater front setback than the required front yard setback, the required front yard setback shall be used in the calculation.

5.5.6 Affordable Housing. Development in the MBTA shall provide affordable dwelling units in accordance with this Section 5.5.

- A. In any multifamily development under Section 5.5 resulting in a net increase of 10 or more dwelling units on any parcel or contiguous parcels comprising a proposed development site, at least 10 percent shall be affordable dwelling units as defined in Section 9 of this Bylaw. Fractions shall be rounded down to the next whole number.
- B. Developments shall not be segmented to avoid compliance with this Section 5.5. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of 10 or more lots or dwelling units above the number existing 36 months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this Section 5.5.
- C. All the affordable units shall be located within the development site.
- D. All affordable units created under this Section 5.5 shall be subject to an affordable housing restriction approved by the Planning Board, Town Counsel, and the Executive Office of Housing and Livable Communities (EOHLC). The restriction shall run with the land in perpetuity and shall be recorded with the Middlesex County Registry of Deeds or Registry District of the Land Court. All affordable units shall be approved for inclusion in EOHLC's Subsidized Housing Inventory for the Town of Dracut.

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**ARTICLE #28 (Continued)
ZONING BYLAW AMENDMENTS
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

- E. Comparability. All on-site affordable housing units shall be dispersed throughout the development site, indistinguishable from market-rate units, and constructed in proportion to market-rate units in the development. The number of bedrooms in affordable units shall be comparable to the bedroom mix in market-rate units in the development.
- F. The selection of qualified purchasers or qualified renters shall be carried out under an Affirmative Fair Housing Marketing Plan (AFHMP) submitted by the Applicant for review by the Planning Board and approval by the Executive Office of Housing and Livable Communities (EOHLC) under the Local Initiative Program (LIP) Guidelines.

5.5.7 Site Development Standards.

- A. Developments in the MBTA shall conform to the Section 2.4, Site Plan Review, except as modified by Section 5.5.8
- B. Developments in the MBTA shall comply with the following General Requirements under Section 6 of this Bylaw:
 1. Section 6.1, Off-Street Parking and Loading, except as modified by Subsection C below.
 2. Section 6.2, Sign Regulations.
 3. Section 6.4, Environmental Performance Standards
- C. The following design standards shall apply to off-street parking facilities in the MBTA in addition to the standards in Section 6.1. These standards are intended to supplement the standards in Section 6.1. Any conflict between this Section 5.5 and Section 6.1 shall be resolved in favor of this Section 5.5.
 1. Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the street or internal access drive.
 2. For a parking structure with three or more parking spaces, integrated within or under a multifamily building, the principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.

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**ARTICLE #28 (Continued)
ZONING BYLAW AMENDMENTS
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

3. A separate, free-standing parking garage of no more than one story at grade, on the same lot as one or more multi-family buildings shall be located behind or beside the multi-family building(s). No parking structure shall be located forward of the front building line of the multifamily building closest to the street.
4. Parking and circulation shall be organized to reduce impervious surfaces on the site. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- D. Lighting. Light levels shall provide illumination necessary for safety and convenience, prevent glare and light trespass or overspill onto adjoining properties, reduce the amount of skylight, and conform to Dark Sky standards.
- E. Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened from view from public vantage points.
- F. Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings.
- G. Buildings.
 1. In developments with multiple buildings, a paved pedestrian network shall connect parking to the entrances to all buildings and the buildings to each other, and the buildings to sidewalks. The minimum sidewalk width shall be five feet.
 2. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention regarding entries, fenestration, and materials.
 3. For building(s) adjacent to a public street or way, the principal entrance shall face the public street or way and should be visually prominent. Similarly, building(s) adjacent to the principal access drive in the development shall have a pedestrian entry facing the access drive.
 4. Mixed-Use Buildings.
 - a. The front façade and entrance of a mixed-use building shall be parallel to a street right-of-way line or to the tangent of a curved street right of way line. On a corner lot, the building façade may be retracted at a 45-degree angle between the curb radii to allow for outdoor amenity space, such as landscaped open space or a pedestrian plaza, and for clear site distance at the corner.

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**ARTICLE #28 (Continued)
ZONING BYLAW AMENDMENTS
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

- b. In buildings with multiple ground-floor tenants, entries should provide a coordinated design theme such as a common frieze or sign band, architectural projection, or awning design.
- H. Shared outdoor space. Multifamily housing shall have common outdoor space that all residents can access and use.
- I. All development within the MBTA shall comply with Section 5.1, Flood Plain and Floodway District, and Section 5.2, the Wellhead Protection District to the maximum extent practicable. The Planning Board shall review for compliance through Site Plan Review. Development projects in the MBTA are exempt from any special permitting requirements in Sections 5.1, and 5.2.
- J. Waivers. The Planning Board may waive by majority vote the requirements of this Section 5.5.7 in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MBTA.

5.5.8 Development within the MBTA shall be subject to Section 2.4, Site Plan Review, except as provided below.

- A. Within 60 days of the date of filing of the complete Site Plan application with the Town Clerk, the Planning Board shall by majority vote approve the Site Plan, together with any reasonable terms and condition, and shall file its decision in writing with the Town Clerk no later than 14 days following the date of the vote.
- B. If the Board does not approve or approve with conditions the site plan within the 60-day period provided above or fails to file its written decision with the Town Clerk within 14 days thereafter, the site plan shall be deemed approved.
- C. The decision and filing deadlines in this section may be extended by mutual agreement of the applicant and Planning Board. Such agreement shall be in writing and shall be filed with the Town Clerk.
- D. Any person aggrieved by the Planning Board's decision may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within 20 days after the MBTA Development Plan Approval decision has been filed with the Town Clerk.

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**ARTICLE #28 (Continued)
ZONING BYLAW AMENDMENTS
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

5.5.9 Design Guidelines

The Planning Board may adopt Design Guidelines for Development in the MBTA and shall file a copy with the Town Clerk. The purpose of the Design Guidelines is to communicate, through text and graphics, the Board's preferences for developments in the MBTA and any of its subdistricts. During its review of a proposed Development in the MBTA, the Planning Board may request but not require building and site design modifications to incorporate the Design Guidelines;

or act in any other way relative thereto.

Submitted by: Alison Manugian, Assistant Town Manager/Community Development Director
Recommendations:

**ANNUAL TOWN MEETING WARRANT
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**ARTICLE #29
ZONING DESIGNATION – 10 DINLEY STREET**

To see if the Town will vote to amend the Zoning Map and Zoning By-Law by changing the district designation of the parcel known as 10 Dinley Street, which is currently a split zoning designation of B-3 and R-3 as shown on the zoning map attached, to all B-3 zone.

The description of the parcel is as follows:

DESCRIPTION
10 DINLEY STREET, DRACUT, MA 01826

The land in Dracut, Middlesex County, Massachusetts, with the buildings thereon, situated on the northeasterly side of Dinley Street and the southeasterly side of Hamblett Avenue, and bounded and described as follows:

Beginning at a stone bound at the intersection of the northeasterly corner of Dinley Street and the southeasterly corner of Hamblett Avenue,

THENCE northeasterly along Hamblett Avenue, 167 feet, more or less, to a point at land now or formerly of Keefe;

THENCE about easterly along said Keefe land, 135 feet, more or less, to a point at land now or formerly of Hovey;

THENCE southwesterly along said Hovey land, 147 feet to a point at land formerly of Hamblett now of Litchfield Realty Company;

THENCE northwesterly still along said Litchfield property, 37 feet to a point;

THENCE southwesterly still along said Litchfield property, 99.45 feet to the northeasterly side of Dinley Street;

THENCE northwesterly along said Dinley Street 80 feet, more or less, to the point of beginning.

CONTAINING 20,500 square feet, more or less.

Being the same premises conveyed to Charles J. Coughlin by Quitclaim Deed of Charles J. Coughlin and Carol A. Coughlin, dated February 5, 2002, recorded in Middlesex County North District Registry of Deeds in Book 2836, Page 122; or act in any other way relative thereto.

Submitted by: Voter Petition

Recommendations:

**ANNUAL TOWN MEETING WARRANT
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**ARTICLE #30
ZONING DESIGNATION – 14 DINLEY STREET**

To see if the Town will vote to amend the Zoning Map and Zoning By-Law by changing the district designation of the parcel known as 14 Dinley Street, which is currently a split zoning designation of B-3 and R-3 as shown on the zoning map attached, to all B-3 zone.

The description of the parcel is as follows:

DESCRIPTION
14 DINLEY STREET, DRACUT, MA 01826

A certain parcel of land situated in Dracut, Middlesex County, Massachusetts on the northerly side of Dinley Street and being shown on a plan of land entitled "Plan of Land in Dracut, Mass., compiled for Litchfield Realty Co., April 13, 1963, Highland Survey Co.", which plan is recorded with the Middlesex North District Registry of Deeds in Plan Book 116, Plan 68, and bounded and described as follows:

SOUTHERLY by said Dinley Street 69.84 feet;

WESTERLY by land of Parsons Realty Co., Inc., as shown on said plan, 99.18 feet;

NORTHERLY by land of said Parsons Realty Co., Inc., and land of Hovey as shown on said plan, 53.20 feet; and

EASTERLY by land of Rafferty as shown on said plan, 100.29 feet.

Containing 6,070 square feet of land.

Being the same premises conveyed to FEI'S LZ, LLC by Quitclaim Deed of CHARLES J. COUGHLIN, dated October 25, 2024, recorded in Middlesex County North District Registry of Deeds in Book 38850, Page 140; or act in any other way relative thereto.

Submitted by: Voter Petition

Recommendations:

**ANNUAL TOWN MEETING WARRANT
TOWN OF DRACUT
JUNE 2, 2025**

Given under hands this 13th day of May, 2025

Dracut Board of Selectmen

Signature on File

Josh Taylor

Signature on File

Alison Genest

Signature on File

Tony Archinski

Signature on File

Heather Santiago-Hutchings

Signature on File

Don Plummer

I have this 15th date May posted up attested copies of the above warrant at the following places as designed in the Bylaws of the Town of Dracut:

Precincts 1, 5, & 6A

Senior Center, 951 Mammoth Road

Precincts 2, 3, 6, 7, and 9

Richardson Middle School, 1570 Lakeview Ave

Precincts 4 & 8

Parker Memorial Library, 28 Arlington St

Town Hall, 62 Arlington Street

Inside and Outside

Signature on File

A True Copy Attest: