

Waivers

The Applicant submitted a final list of requested waivers from the Town's bylaws, rules and regulations dated September 16, 2025. The ZBA acted on this specific list of requested waivers as follows:

Zoning Bylaws

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

1. **Lot Frontage:** The Applicant has requested a waiver from the applicable Lot Frontage requirement of 175 feet, where the Project Site has Lot Frontage of 60 feet on Elizabeth Drive and 52 feet on Poppy Lane.
2. **Lot Width:** The Applicant has requested a waiver from the applicable Lot Width requirement of 50 feet, where it is unclear how the Lot Width requirement would be applied to the Project Site and to the extent the Project Site does not have the require Lot Width.
3. Maximum Building Height: The Applicant has requested a waiver from the applicable Maximum Building Height requirement of 35 feet, to allow proposed buildings in the Project to have a Maximum Building Height of up to 42 feet. At the request of the Board, the Applicant withdrew its waiver request for buildings numbered 1B; 3B; 5B; 7B; 9B; 11B; and 13B, located between Murphy's Way and the existing abutting homes on Rinzee Road and Poppy Lane, in order to limit the height of buildings in proximity to those abutting homes to only that permitted under the Town's Zoning Bylaw .
4. Maximum Building Stories: The Applicant has requested a waiver from the applicable maximum number of building Stories requirement of 2.5 stories, to allow proposed buildings in the Project to have a up to 3 full stories. At the request of the Board, the Applicant withdrew its waiver request for buildings numbered 1B; 3B; 5B; 7B; 9B; 11B; and 13B, located between Murphy's Way and the existing abutting homes on Rinzee Road and Poppy Lane, in order to limit the number of stories for buildings in proximity to those abutting homes to only that permitted under the Town's Zoning Bylaw.

Zoning Use Restrictions

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

Other Zoning Provisions

7. The Applicant has requested a waiver from the following:
 - a. §§ 7.2 et seq of the Zoning By-Law ("Multifamily Development") to the extent that it may require additional submittals, analyses, criteria, or processes for multi-family development; and

b. §§ 2.4 et seq of the Zoning By-Law (“Site Plan Review”) to the extent any of the Site Plan Review provisions of the Zoning By-Law (i.e., or any of the provisions of the Planning Board’s Rules and Regulations Governing the Granting of Site Plan Review) could be interpreted to prohibit or require any alterations to Applicant’s Project, as proposed, including, but not limited to, alterations to planned lighting (§§ 2.4.3I; 2.4.11), landscaping and drainage (§ 2.4.3E; § 2.4.3L), parking (§ 2.4.3C), access (§ 2.4.3A; § 2.4.3B), screening (§ 2.4.3 G), or grading, or require submission of additional information or materials not provided by the Applicant.

Wetlands Bylaws and Regulations

8. The Applicant has requested a waiver from Chapter 18 of the Town By-Laws (i.e., the “Wetlands Protection By-Law”) and the Wetlands Bylaw Regulations as follows:
 - a. The Project proposes stormwater outlets and associated grading within 25-feet of wetland resource areas. To the extent that § 5.1.4.1.1. of the Wetland Bylaw Regulations does not exempt and allow same, the Applicant requests a waiver of § 5.1.4.1.2 of the Wetland Bylaw Regulations and Art. II of the Wetlands Protection Bylaw to allow same as shown on the Project Plan.
 - b. The Project does not propose construction of any buildings within 50-feet of wetland resource areas but does propose portions of trails, roadways, stormwater system components, utilities, and other grading and excavation within 50-feet of wetland resource areas. To the extent necessary, the Applicant requests a waiver of § 5.1.4.1.3 of the Wetland Bylaw Regulations and Art. II of the Wetlands Protection Bylaw to allow same as shown on the Project Plan.
 - c. The Project proposes 5,181 s.f. of permanent disturbance and 5,528 s.f. of temporary disturbance in the area between 50’ and 100’ of vernal pools, consisting of revegetating existing disturbed areas; grading; seeding; and split rail fencing, but no impervious surfaces. To the extent that § 5.1.4.1.1 of the Wetland Bylaw Regulations does not exempt and allow same, the Applicant requests a waiver of § 5.1.4.1.2 of the Wetland Bylaw Regulations and Art. II and Art. IX of the Wetlands Protection Bylaw to allow same no closer than 50’ from vernal pools, as shown on the Project Plan.

Other Bylaws, Rules, and Regulations

9. Stormwater Bylaw: The Project will alter the current stormwater flow on the site. The nature of this alteration is reflected in the Project Plan and the stormwater reports submitted to the Board. To the extent Applicant’s Project, as proposed, is 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, Stormwater Regulations § 7.B.2.e.- Stormwater runoff peak Volumes for 2 and 10-year storm events, the Applicant requested a waiver therefrom as follows, a.) Design point 5 - 2 year Storm (0 Ac-Ft Pre, 0.006 Ac-ft Post), 10 year storm (0.007 Ac-ft Pre, 0.028 Ac-Ft post); b.) Design point 7 - 10 year storm (0-Ac Ft Pre, 0.002 Ac-Ft Post), the Applicant requested waivers from same and that approval under Chapter 24 of the Town By-Laws be incorporated into the Project’s Comprehensive Permit.
10. Subdivision Regulations: Although the Project is not proposed as a definitive subdivision, to the

extent any provisions of the Planning Board's Subdivision Regulations may be considered applicable to the Project and not met, the Applicant requested waivers therefrom as necessary for the Project as depicted on the Project Plan. These requested waivers specifically included the following items:

- a. Subdivision Regulations 6.2.1.5- Definitive Subdivision application procedure
- b. Subdivision Regulations 7.4.3- Cul-de-sac or two means of egress required, roadway "D"
- c. Subdivision Regulations 6.4.8 #15- Typical street light detail reserved for construction plans
- d. Subdivision Regulations 7.6.5.1- Fire Dept review of certain plan details reserved for construction plans
- e. Subdivision Regulations 6.4.5 #1- Plan scale requirements
- f. Subdivision Regulations 7.4.8- Street names reserved for construction plans
- g. Subdivision Regulations 7.6.2- Street design standards
- h. Subdivision Regulations 6.4.5.3.vi-xi- Street profile plan information
- i. Subdivision Regulations 6.3.1.7/6.4.7- Landscaping Plan details reserved for construction plans
- j. Subdivision Regulations 7.15.4/Stormwater Rules and Regulations 7.B.2.e.- Stormwater runoff peak Volumes for 2 and 10-year storm events
- k. The Applicant also requests the Board's endorsement of the ANR Plan included as sheet ANR-1 of the Project Plan Misc. Local Requirements

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

12. Sewer Connection Fees Calculation – Per Paragraph 1 of the Other Non-Residential Uses in Article XII of Chapter 14- Sewer Regulations of the Town of Dracut General Bylaws; a connection fee of \$7,500 shall be collected for each unit; a unit to be every three (3) thousand square feet of floor space, or major portion thereof, exceeding the initial three (3) thousand square feet.