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VIA EMAIL: [gwalsh@ci.Methuen.Ma.us](mailto:gwalsh@ci.Methuen.Ma.us)

Methuen Zoning Board  
The Great Hall  
41 Pleasant Street  
Methuen, MA 01844

Re: The Homes at Murphy's Farm 40B, 90 Wheeler Street, Methuen, No. 2023-25

Dear Members of the Board:

I have been retained by the neighbors whose homes abut the project site, which lies in both Dracut and Methuen. Please consider these preliminary comments on their behalf in your review of the Developer's application for comprehensive permit.

In the application filed last month, Counsel for the Developer notes the project derives its frontage on Wheeler Street in the City of Methuen. (8/15/23 Ltr. Atty. Borenstein, p. 1, n. 2) The project plans submitted with the application show that several acres of the project site are in Methuen along Wheeler Street. (8/18/23 Application, p. 33) The site aerial also shows Wheeler Street providing access to the project site through Methuen. (Id. p. 29)

Because the project's access, frontage, and a portion of the site are all lie within the Methuen city limits, a comprehensive permit is required from the City for the project. The state agency financing this project, MassHousing, recognized the need for the project to be permitted by both Dracut and Methuen in its July 5, 2023 Project Eligibility letter. The agency even solicited comments from the City about the application, which are reflected in the approval letter. (7/5/2023 PEL, p. 2)

Just because MassHousing requires a comprehensive permit and the Developer has applied for one does not mean the ZBA in Methuen has to issue it. The Application does not give you any reason to issue a comprehensive permit for this project. Instead, it asks you to waive nearly every local bylaw, rule or regulation that might benefit the City and its residents, including: fire code and fire land ordinance, wetlands protection, conservation setbacks, stormwater, sewer and water ordinances, as well as ordinances that protect streets, sidewalks, and trench safety. It even seeks blanket waivers from any unspecified local rule, regulation or bylaw that might interfere with project. (8/15/23 Ltr. Atty. Borenstein, pp. 1-4)

But the project offers not one single benefit to the City of Methuen in return. None of the affordable units will be located in Methuen or end up on its SHI. None of the City's residents will be eligible for preferential treatment in the lottery for affordable units. Nothing about this project is designed to help the City.

A similar situation occurred several years ago involving another 40B project on the Stoneham Winchester town line called Forest Ridge. All of the units were to be located in Winchester, but access was required through Stoneham, as shown on the graphic below:



The Stoneham Board of Selectmen opposed the project because it "contains zero (0) affordable dwelling units in Stoneham." (9/14/2016 Ltr. Stoneham BOS to MassHousing, attached) MassHousing agreed and denied project eligibility for Forest Ridge. Methuen is now in the same shoes as Stoneham was and should follow in its footsteps. Because the proposed project in Dracut provides no benefit to the City of Methuen – not a single affordable unit – the Board should deny the application for a comprehensive permit.

Very truly yours,

/s/ Dennis A. Murphy

Dennis A. Murphy

Encl.

cc: Donald F. Bornstein, Esq.