



The Commonwealth of Massachusetts  
MASSACHUSETTS SENATE

SENATOR EDWARD J. KENNEDY

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REGIONAL GOVERNMENT

January 12, 2024

Edward Augustus, Secretary  
Executive Office of Housing and Livable Communities  
100 Cambridge St, Suite 300  
Boston, MA 02114

RE: Murphy's Farm 40B Development

Dear Secretary Augustus,

I am writing today to express my concerns regarding the proposed 40B Affordable Housing Development at Murphy's Farm in Dracut, Massachusetts.

In 2017, the developer applied for a permit to develop a subdivision of 33 homes. This permit was met with reasonable pushback from the townspeople and abutters to the property, resulting in the subdivision being reduced to 22 homes and the permit granted. Since permitting, the developer has yet to break ground on the subdivision granted, and is instead pursuing development under the provisions of the Commonwealth's 40B law which would result in a development more than ten times the size of the one granted by permit in 2017.

In April of 2020, every individual parcel in the proposed Murphy's Farm development was served with a recordation of a Taking by the Town of Dracut due to non-payment of 2019 real estate taxes. According to the developer the non-payment of the 2019 real estate taxes was in response to a disagreement of the assessed values for each parcel. Subsequently, Release of Takings were recorded in November of 2021, aligning the developer's plan to construct Murphy's Farm under M.G.L. 40B. This represents a departure from the approved 2017 plan between the developer and the Town of Dracut for the construction of single-family homes on the respective parcels. The reason not to proceed with the approved plan remains unclear given the low single-family home inventory and deep market demand.

Additionally, the Town of Dracut has previous experience with the developer's management of unfavorable conditions. Several years ago, the developer built Paddock Lane, a single-family subdivision located less than one-quarter mile from the proposed site of Murphy's Farm. Ultimately, a foreclosure and several mechanic liens were recorded against Paddock Lane Incorporated, an entity wholly owned by the developer. These circumstances were attributed to a shift in the market, however the risk profile of Paddock Lane Incorporated was significantly less than that of Murphy's Farm.

As proposed, this development is inconsistent with local needs. Residents of Murphy's Farm would not have neighborhood access to basic amenities such as playgrounds and park space, or access to public transportation as the site location renders it fully car dependent. The proposed development abuts an active quarry that produces sub-base materials, crushed stone and recycled concrete and asphalt products. This abutting land use is not one that would be considered in harmony with a mixed-income multifamily property. Finally, the expected influx of new students brought to the town by way of this development will add an additional burden to the town's already struggling school system. The town of Dracut estimates a fiscal deficit of \$2.2 million. This estimated deficit is a projection based on what the Commonwealth determines is an adequate funding level for Dracut's Schools. Nonoperational costs like student transportation would be reasonably expected to rise as a result of the student influx, forcing Dracut to pay more upfront for those costs than they have previously been reimbursed under Chapter 70.

It is for these reasons, Secretary Augustus, I have reservations regarding the 40B Affordable Housing Development at Murphy's Farm. I urge you to do whatever you can to ensure this development is pursued in a reasonable manner. If you have any questions, please call my office at (617) 722-1630.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed K." followed by a stylized flourish.

Edward J. Kennedy  
State Senator  
First Middlesex District