

**CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD**

NOTICE OF DECISION- SPECIAL PERMIT APPROVAL
Section V-D Table of Uses

Case No. 2022-7
Date of Application: 06-07-22
Date of Hearing: 07-13-22
Date of Decision: 07-14-22

Petition of: DAZH Fitness LLC
17 Twelve Street
Lowell, MA 01850

Owner: INDUSPAD, LLC
46 Stafford Street
Lawrence, MA 01841

Premises Affected: 100 Chase Street
Methuen, MA 01844
Assessor Map Parcel 716-114-13F
IL Zone

Affecting the rights of the owner with respect to the use of approximately 2,262 SF in the existing INDUSPAD building as a gym, health club. At a public hearing held on July 13, 2022 the Community Development Board voted to **GRANT** the special permit with conditions by a **UNANIMOUS (6-0)** vote.

This is to certify that the above action was taken in compliance with the statutory requirements as set forth in Chapter 40A of the General Laws, and that a copy of this decision was filed with the City Clerk on **July 14, 2022**.

CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD

by: _____
Stephen F. DeFeo, Jr.
Chairman, Community Development Board

Any appeal of this decision shall be made pursuant to the requirements of Massachusetts General Laws and shall be filed within twenty (20) days after the date the notice of decision was filed with the Methuen City Clerk.

I hereby certify that no appeal has been filed in the Methuen City Clerk's Office, within the twenty (20) day appeal period.

Anne Drouin, Methuen City Clerk

The application was filed on June 7, 2022. The applicant submitted a complete application which was noticed and reviewed in accordance with Section XI-D of the Methuen Zoning ordinance and MGL Chapter 40A, Section 9.

The location is shown on plans entitled: First Floor Plan Scheme 1; INDUSPAD; Dacob Design/Build

DAHZ Fitness will use approximately 2,262 SF of a total of 596,181 SF of industrial space. A review of all the required parking spaces for INDUSPAD demonstrates that there is sufficient parking available on site.

The public hearing on the above referenced application was opened on and closed on July 13, 2022. Brain Clancy, INDUSPAD and Marcos Gonzalez, DAZH Fitness presented the plan and application to the Board. On a motion made by Mr. Comei and seconded by Mr. Boes, the Community Development Board voted to close the public hearing. On a motion by Mr. Comei and seconded by Mr. Hatem, the Board voted UNIMOUSLY (6-0) to GRANT the Special Permit to allow a gym, health club for DAZH Fitness, LLC.

The following Community Development Board members participated in the public hearing and voted on the application: Stephen F. DeFeo, Chair, Michal Comei, Vice Chair, Neal Hunter, Secretary, Ronald Hatem, Brian Boes, and Heather Plunkett.

This approval is granted subject to the accuracy of the information, reports and data presented. In the instance where the board is of the belief that this material was inaccurate as presented or has subsequently become unreliable the board may conduct a determination hearing to consider requiring further review or mandating current and reliable data and information for subsequent approval.

The motion to approve was subject to the **FINDING OF FACTS** and **SPECIAL CONDITIONS** set forth as follows:

In accordance with **Section XI-B (2)** the Community Development Board has determined that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site. In making their determination the Community Development Board has considered the following:

- A. Social, economic, and community needs which are served by the proposal. A swim school for children will be a positive addition to the community.
- B. Traffic flow and safety, including parking and loading. There is sufficient parking on site for this use.
- C. Adequacy of utilities and other public services. There are no issues with the utilities and public services for this use.

- D. Neighborhood character and social structures. A children's swim school fits in with the character of the Loop Shopping Center.
- E. Impacts on the natural environment. The use will be constructed inside an existing structure therefore there will be no additional impacts on the natural environment.
- F. Potential fiscal impact, including impact on City services, tax base, and employment. There will be no fiscal impacts on the city from this use.
- G. Consistency with the most recent City of Methuen Master Plan. A swim school is consistent with the most recent master plan.

Upon reaching the above findings, the Community Development Board approves this Special Permit based upon the following SPECIAL CONDITIONS:

- 1) One certified copy of the recorded decision must be submitted to the Community Development Office.
- 2) Within five (5) days of the transfer of ownership of this site in whole or in part, the Project Owner shall notify the Community Development Department of the name and address of the new owner(s). The Project Owner shall provide the new owner(s) with a copy of these conditions.
- 3) The Community Development Board hereby reserves the right to serve notice on applicant of a cease-and-desist work order on all roadway and/or utility construction should a violation of the endorsement, the approval, the conditions or the restrictions be found to exist. Such cease-and-desist work order, when served in writing, directing itself to the violation occurring, shall act to prohibit any and all work on the areas as mentioned in such order.
- 4) **This Special Permit approval shall be deemed to have lapsed two years after the date of the grant of this special permit** if a substantial use thereof has not sooner commenced, except for good cause or, in the case of a permit for construction, if construction has not begun by such date, except for good cause. If construction or operation has not begun within six (6) months or if construction is not continuing toward completion in as continuous or expeditious manner as is reasonable during the initial six (6) months, then construction shall conform to any amendment to this ordinance.