



# City of Methuen, Massachusetts

## Zoning Board of Appeals

41 Pleasant Street – Suite 217 Methuen, Massachusetts 01844  
Telephone (978) 983-8633 Fax (978) 946-1575

Neil Perry  
Mayor

Matthew J. D'Agostino  
Chairman

Dear Petitioner:

Enclosed, is a copy of the Decision granted by the Methuen Zoning Board of Appeals on your Petition. **The following procedure should be followed:**

- 1) This Petition has been filed with the office of the City Clerk on the date indicated by the time-stamp located in the upper right hand corner of the enclosed document. In accordance with Massachusetts General Laws; Chapter 40A; Section 17; there is a twenty (20) day appeals period in which anyone aggrieved with this decision may appeal to a Court of Law. On the twenty-first day the City Clerk, indicating that twenty days have elapsed and no appeal has been filed may certify this Decision. Certification may be obtained at the Customer Service office located on the first floor of the Searles Building, 41 Pleasant Street, Methuen, MA 01844.
- 2) After receiving final approval from the Board a Mylar of the **approved plan** shall be signed by the Zoning Board and along with the **certified decision** must then be recorded at the Northern Essex District Registry of Deeds, 1 Union Street, Suite #402, Lawrence, MA 01843. **Please note** that the plan should be recorded first so that the Plan # can be added to the decision. Additionally, if you have received a variance to sub-divide a parcel of land, the original (Mylar) plan and five copies must be signed by the Zoning Board and the Community Development Board and **must also be recorded** at the Northern Essex District Registry of Deeds.
- 3) A copy of all recorded documents shall be forwarded to the Zoning Board Office. If you have received approval for a sub-division; additional copies must also be distributed to the Community Development Office and the Assessor's Office

**Please Note The Following Special Circumstances:**

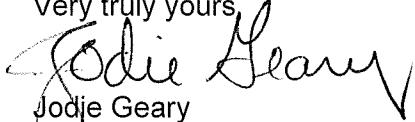
**All approved sub-divisions** will also have to file with the Community Development Board prior to the issuance of any building permits. Your Decision does not become effective unless this process has been completed.

**Variances:** expire one (1) year from the date the Decision was granted.

**Special Permits:** expire two (2) years from the date the Decision was granted.

**Fence Waivers:** If you have received a Fence Waiver from the Board the **Record of Proceedings** must be recorded at the Northern Essex District Registry of Deeds, 1 Union Street, Suite #402, Lawrence, MA 01843. It does not need to be certified by the City Clerk and there is no 20 day appeal period. Once a copy of the recorded document is returned to the Building Department a permit will be issued.

Very truly yours,



Jodie Geary  
Secretary  
Methuen Zoning Board of Appeals

**City of Methuen**  
**ZONING BOARD OF APPEALS**  
The Great Hall in the Searles Building, 41 Pleasant Street, Methuen, MA 01844

#2021- 5

Derek S. Foote  
105 North Street  
Methuen, MA 01844

2021 APR - 8 AM 10:56

CITY CLERK'S OFFICE  
METHUEN, MA

**DETAILED RECORD AND DECISION**

March 31, 2021

The Methuen Zoning Board of Appeals hereby certifies that the following is a detailed record of the Board's proceedings and decision regarding the above captioned application regarding the property located at **#105 North Street, Methuen, MA 01844**. Board Members present were: Chairman Mr. Matthew D'Agostino, Vice Chairman, Ms. Laura Walta, Permanent Member, Mr. Philip Cultrera, and Alternate Member, Mr. David DiNatale. Board Clerk, Mr. Vincenzo Pesce and Permanent Member Mr. Ronald Pitocchelli, Jr. were excused.

Special Permit required per Section IX-B of the Comprehensive Zoning Ordinance of the City of Methuen to change an existing non-conforming use (landscape contractor's yard) to another, less detrimental, non-conforming use (single-family home without required frontage and area) in a RR Zone at **105 North Street, Methuen, MA 01844**.

A notice of public hearing on this application, a true copy of which is on file in the Office of the City Clerk was:

1. Published in the Eagle Tribune, a newspaper of general circulation in the City of Methuen on March 17, 2021 and March 24, 2021; and
2. Posted in a conspicuous place in the City of Methuen on or before March 17, 2021 which was at least 14 days prior to the original hearing; and
3. Mailed, postpaid on or before March 17, 2021, which was at least 14 days before the original hearing to the petitioner, abutters, owners of land directly opposite the property in question on any public or private street or way, and abutters to abutters within 300 feet of the subject property. The notice was mailed to the names and addresses shown on the most recent tax list provided by the assessor's office.

The public hearing was opened on March 31, 2021 at 7:00 PM at which time opportunity was given to all those interested to be heard in favor or opposition to the application. Details of public participation may be found in the Minutes on file in the Office of the City Clerk, 41 Pleasant Street, Methuen, MA 01844. Please note that an on-demand webcast of this meeting, including public participation may be heard at [www.cityofmethuen.net](http://www.cityofmethuen.net).

The public hearing was closed on March 31, 2021

Based on the evidence and testimony presented at the public hearing, the Board made the following findings that:

1. The premises and subject site contains 123,769 sq. ft. of area with 346.69 ft. of frontage on the Northerly side of North Street. According to the submitted application the parcel was purchased by the Applicant on 08/20/2004 and is recorded in the Northern Essex District Registry of Deeds; Book 9006, Page 254.
2. The requested alteration will not create undue traffic congestion or unduly impair pedestrian safety at this time.
3. The requested alteration will not subject the neighborhood to health, fire safety hazards, nor overload the water, drainage or sewer system.
4. The requested alteration will not impair the integrity or character of the neighborhood. Aesthetically the site will be improved by changing the existing non-conforming use which is a landscape contractor's yard to a less detrimental, non-conforming use for a single family home without the required frontage and area.
5. The four member Board voted to grant the requested Special Permit. The Board found that the change or alteration of this non-conforming use will not be substantially detrimental to the neighborhood and will not make the property any more non-conforming.
6. All statutory requirements for issuance of the requested Special Permit have been complied with and the Decision and Plan have been filed with the Methuen Board of Appeals and the Methuen City Clerk.

Philip Cultrera	Yes
David DiNatale	Yes
Laura Walta	Yes
Matthew J. D'Agostino, Chairman	Yes

**Granted per plan with the following condition:**

1. Contractor's yard shall be removed within 90 days following the end of the appeal period for the permit.

CITY OF METHUEN  
ZONING BOARD OF APPEALS

by:   
Matthew J. D'Agostino  
Chairman, Zoning Board of Appeals

ANY APPEAL OF THIS DECISION SHALL BE MADE PURSUANT TO THE REQUIREMENTS OF MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 17, 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 City Clerk's Office within the aforesaid twenty-day period.

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John J. Wilson, Jr., City Clerk

**City of Methuen**  
**ZONING BOARD OF APPEALS**

The Great Hall, in the Seables Building, 41 Pleasant Street, Methuen, MA 01844

#2021- 6

Derek S. Foote  
105 North Street  
Methuen, MA 01844

CITY CLERK'S OFFICE  
METHUEN, MA  
RECEIVED  
2021 APR - 8 AM 10:55

**DETAILED RECORD AND DECISION**

March 31, 2021

The Methuen Zoning Board of Appeals hereby certifies that the following is a detailed record of the Board's proceedings and decision regarding the above captioned application regarding the property located at **#105 North Street, Methuen, MA 01844**. Board Members present were: Chairman Mr. Matthew D'Agostino, Vice Chairman, Ms. Laura Walta, Permanent Member, Mr. Philip Cultrera, and Alternate Member, Mr. David DiNatale. Board Clerk, Mr. Vincenzo Pesce and Permanent Member Mr. Ronald Pitocchelli, Jr. were excused.

Variance required, per Section VI-D of the Comprehensive Zoning Ordinance of the City of Methuen, to subdivide a 123,768 +/- SF parcel of land with 346.69 +/- feet of frontage into two lots leaving one lot without the required area and frontage. Also, to clarify side setbacks of the existing structure at **105 North Street, Methuen, MA 01844**.

A notice of public hearing on this application, a true copy of which is on file in the Office of the City Clerk was:

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2. Posted in a conspicuous place in the City of Methuen on or before March 17, 2021 which was at least 14 days prior to the original hearing; and
3. Mailed, postpaid on or before March 17, 2021, which was at least 14 days before the original hearing to the petitioner, abutters, owners of land directly opposite the property in question on any public or private street or way, and abutters to abutters within 300 feet of the subject property. The notice was mailed to the names and addresses shown on the most recent tax list provided by the assessor's office.

The public hearing was opened on March 31, 2021 at 7:00 PM at which time opportunity was given to all those interested to be heard in favor or opposition to the application. Details of public participation may be found in the Minutes on file in the Office of the City Clerk, 41 Pleasant Street, Methuen, MA 01844. Please note that an on-demand webcast of this meeting, including public participation may be heard at [www.cityofmethuen.net](http://www.cityofmethuen.net).

The public hearing was closed on March 31, 2021

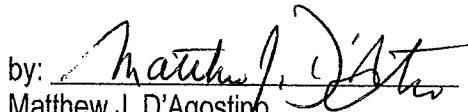
Based on the evidence and testimony presented at the public hearing, the Board made the following findings that:

1. The premises and subject site contains 123,769 sq. ft. of area with 346.69 ft. of frontage on the Northerly side of North Street. According to the submitted application the parcel was purchased by the Applicant on 08/20/2004 and is recorded in the Northern Essex District Registry of Deeds; Book 9006, Page 254.
2. The unique circumstances relating to the configuration of the subject site, the irregular shape and topography of the parcel as well as the location of the existing dwelling all warrant and preclude locating the proposed lot line in any other manner than what was proposed and indicated on the submitted Plan prepared by Peter D. Goodwin R.P.L.S., Andover Consultants, Inc., dated September 18, 2018.
3. The requested alteration will not subject the neighborhood to health, fire safety hazards, nor overload the water, drainage or sewer system.
4. Desirable relief may be granted without substantial detriment to the public and the requested use will not impair the integrity and character of the neighborhood, create undue traffic congestion or unduly impair pedestrian safety. The proposed subdivision of the lot would be a minimal derogation from the current zoning and would be an enrichment to the property and would enhance and beautify the subject site and the surrounding neighborhood. Aesthetically the site will be improved by changing the existing non-conforming use which is a landscape contractor's yard to a less detrimental, non-conforming use for a single family home without the required frontage and area. The four-member Board found that they would grant the requested Variance.
5. All statutory requirements for issuance of the requested Variance have been complied with and the Decision and Plan have been filed with the Methuen Board of Appeals and the Methuen City Clerk.

Philip Cultrera	Yes
David DiNatale	Yes
Laura Walta	Yes
Matthew J. D'Agostino, Chairman	Yes

**GRANTED PER PLAN:**

CITY OF METHUEN  
ZONING BOARD OF APPEALS

by:   
Matthew J. D'Agostino  
Chairman, Zoning Board of Appeals

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John J. Wilson, Jr., City Clerk