

**CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD**

NOTICE OF DECISION- SPECIAL PERMIT APPROVAL

Section XI-D (12) (d)(iii) Drive-up Retail, Business or Service Establishment, Drive-up or Drive-through Restaurant, and Stand-Alone Kiosk, Drive-through or Walk-up

Operate after Midnight

170 Haverhill Street

Case No. 2022-10
Date of Application: 06-07-22
Date of Hearing: 07-13-22
Date of Decision: 07-14-22

Petition of McDonald's USA, LLC
110 Carpenter St.
Chicago, IL 60607

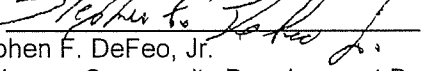
Premises Affected: 170 Haverhill Street, Methuen
Assessor's Map 516-153A-36DD
Business Highway (BH) Zoning District

Referring to the above petition for a Special Permit from the requirements of Section XI-D (12) (d)(iii) of the City of Methuen Comprehensive Zoning Ordinance to continue the operation of a drive-up window after midnight at the existing McDonald's Restaurant at 170 Haverhill Street in the BH (Business Highway) Zone.

At a public hearing held on July 13, 2022 the Community Development Board voted **UNANIMOUSLY** (6-0) to **APPROVE WITH CONDITIONS** the special permit for the drive-up window to operate after midnight.

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 J. Drouin, Methuen City Clerk

2022 JUL 14 PM 4:21

RECEIVED
CITY CLERK'S OFFICE
METHUEN, MA

FINDINGS OF FACT:

McDonald's USA, LLC filed an application for a Special Permit on June 7, 2022. The applicant submitted a complete application, which was noticed and reviewed in accordance with Section XI Special Permits of the City of Methuen Comprehensive Zoning Ordinance and MGL Chapter 40A, Section 9.

McDonald's is proposing to remodel the existing restaurant, reconfigure the existing drive-through layout and site work required to bring the site into compliance with ADA/AAB regulations. Under existing conditions, the site features a $\pm 4,780$ SF restaurant and a single order drive through with associated 37 parking spaces. The site has two full access drives to the existing shopping plaza drives.

The proposed building improvements include a remodel of the interior and exterior of the building including a ± 45 SF addition to relocate the drive-through payment window resulting in a total building footprint of $\pm 4,825$ SF. The exterior building work will bring the building up to McDonald's current architectural standard.

The proposed drive-through improvements will reconfigure the existing single order point and single lane drive-through to a dual order point with two (2) lanes and two (2) order points. The dual order point drive-through layout is intended to better manage existing drive-through operations more efficiently. The parking count will be reduced by seven (7) spaces. (37 existing; 30 proposed; 24 required)

The project is shown on a plan entitled: Proposed Site Plan Documents for Existing McDonald's with Drive-thru; Location of Site: 170 Haverhill Street, City of Methuen, Essex County, Massachusetts; Map 516, Block 153A, Lot 36DD; prepared by: Bohler; dated 04/28/22

The public hearing on the above referenced application was opened and closed on July 13, 2022. Eric Dubrule, Bohler Engineering presented the plan to the Board. The Board reviewed correspondence from the City's Engineering Department and the Board's peer review agent TEC. Upon a motion by Mr. Comei and seconded by Mr. Boes, the Board voted unanimously (6-0) to close public hearing. Upon a motion by Mr. Comei, seconded by Mr. Boes, the Board voted unanimously (6-0) to GRANT the Special Permit with Conditions.

The following Board members participated in the hearing and voted on the decision: Stephen DeFeo, Chair, Michael Comei, Vice Chair, Neal Hunter, Secretary, Brian Boes, Ronald Hatem, 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.

As required by the City of Methuen Comprehensive Zoning Ordinance Effective July 28, 2008 **Section XI-B**, based upon the applicant's testimony, plans submitted and information provided, the Community Development Board makes the following findings:

- A. The proposal serves social, economic and community needs. The drive-through will operate similar hours as the surrounding drive-through restaurants.
- B. The proposed use will result in no impact on traffic flow.
- C. The proposed use will utilize no public services.
- D. The neighborhood character and social structure will not be impacted by the proposal. The drive-through restaurant is located within an existing shopping plaza.
- E. The proposed use has no impact on the natural environment.
- F. The proposed use will have no impact on City services.
- G. The proposal is consistent with the most recent City of Methuen Master Plan.

SPECIAL CONDITIONS:

The Community Development Board finds that this project generally complies with the City of Methuen Zoning Ordinance requirements as listed in Section XI-B but requires conditions to be fully in compliance. The Community Development Board hereby grants an approval to the applicant provided the following conditions are met:

- 1) **The drive-through will operate as follows: Open 24 Hours**
- 2) One certified copy of the recorded decision must be submitted to the Community Development Office.
- 3) The Applicant must comply with the Methuen Municipal Code Article VI Section 9-61. Regulation of Loudspeakers, Amplifiers, and Paging Systems.
- 4) To reduce noise levels the Project Owner shall keep in optimum working order, through regular maintenance, all equipment that shall emanate sounds from the structures or site.
- 5) 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.
- 6) The Community Development Board hereby reserves the right to serve notice on applicant of a cease-and-desist work order 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 all work on the areas as mentioned in such order.

- 7) This Special Permit shall be deemed to have lapsed two years after the date of the grant of this approval if a substantial use thereof has not sooner commenced, except for good cause. Such approval may, for good cause, be extended in writing by the Community Development Board upon the written request of the applicant.
- 8) The following documents and plans shall be deemed part of the decision:
 - a) Proposed Site Plan Documents for Existing McDonald's with Drive-thru; Location of Site: 170 Haverhill Street, City of Methuen, Essex County, Massachusetts; Map 516, Block 153A, Lot 36DD; prepared by: Bohler; dated 04/28/22