

**CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD**

NOTICE OF DECISION - Site Plan Approval

18 and 20 Ayers Village Road

Case No: 2020-6
Date of Application: 10-14-2020
Date of Hearing: 11-10-2020, 12-09-2020
Date of Decision: 12-14-2020

Petition of: Thomas Evangelista, II
2 Waterford Circle
Methuen, MA

Premises Affected: 18 and 20 Ayers Village Road
Assessor's Map 702-72A-4 and 702-72A-4C
Business Highway (BH) Zoning District

Referring to the above petition for Site Plan Approval from the requirements of Section XII of the City of Methuen Comprehensive Zoning Ordinance so as to allow the construction of **three new 10,000 SF contractor buildings, retain the exiting 2,321 SF single-story retail building and one adjoining greenhouse** in the Business Highway (BH) Zone.

At a public hearing held on December 9, 2020, the Community Development Board voted **UNANIMOUSLY** (5-0) to **APPROVE WITH CONDITIONS** this Site Plan Approval.

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 **December 14, 2020**.

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.

John J. Wilson, Methuen City Clerk

FINDINGS OF FACT:

Thomas Evangelista filed an application for Site Plan Approval on October 14, 2020. The applicant submitted a complete application, which was noticed and reviewed in accordance with Section XII Site Plan Approval of the City of Methuen Comprehensive Zoning Ordinance and MGL Chapter 40A, Section 9.

The project site contains approximately 17.52 acres. A significant portion of parcel 4C is in the City of Haverhill with the city line running northwest to southeast through the lot. Most of the work proposed is in the City of Methuen. The site is located along Ayers Village Road, also known as Route 97. The site is bordered by a residential subdivision to the northwest, wooded area to the north and northeast, a solar panel array to the east, private residences to the southeast, Route 97 to the south, Pica's Pub and Grill restaurant to the southwest, and a wooded area to the west.

The site is the current location of the Laschi's Garden Center which includes both indoor and outdoor retail sales area and several greenhouses located near Ayer's Village Road. Further north are several additional greenhouses, sheds, a 2-story house, stockpile areas, and gravel and grass planting beds.

The Applicant proposes to redevelop the site with three new 10,000 SF contractor buildings with 5 bays each. The existing Laschi's Garden Center Building and adjacent greenhouse will remain however much of the outdoor retail area surrounding the building will be reconfigured. The 1,146 SF 2-story house and several miscellaneous sheds will be demolished. Site works includes associated paved driveways and parking areas totaling 70 parking spaces, site grading, erosion control measures, utility connections and construction of a new storm water management system.

The Applicant received a Special Permit from the Zoning Board of Appeals for this use as an indoor contractor's yard. There will be no outdoor storage allowed.

A traffic impact and access study was performed for the site concluding that no additional project specific mitigation is warranted for the site. The Board reviewed the site plans including the lighting and landscape plans.

The project is shown on a plan containing entitled: Proposed Site Re-development Plans for Parcel ID 702-72A-4 & 702-72A-4C 18-20 Ayers Village Road, Methuen, Massachusetts 01844; prepared for Sonny Valley, LLC, 2 Waterford Circle, Methuen, MA 01844; prepared by GPI; dated October 1, 2020, rev. through 11/30/2020.

The public hearing was opened by the Community Development Board on November 10, 2020 at 7:00 PM. Chris Tymula, GPI , David Jordan, GPI and

Attorney Mark Johnson appeared on behalf of the Applicant. Several neighbors spoke in opposition and submitted comments read into the record.

On December 9, 2020, on a motion by Mr. Comei and seconded by Mr. Hatem, the Board voted to close public hearing. Upon a motion by Mr. Boes, seconded by Mr. Hatem, the Board voted unanimously (5-0) to GRANT the Site Plan Approval with Conditions. Board members Stephen DeFeo, Jr., Chairman; Michael Comei, Secretary; Brian Boes, Ron Hatem, and Gisette Beshara were in attendance.

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 XII-C (3), based upon the applicant's testimony, plans submitted and information provided, the Community Development Board has determined that this project meets the requirements of this section.

SPECIAL CONDITIONS:

The Community Development Board finds that this project generally complies with the City of Methuen Zoning Ordinance requirements as listed in Section XII 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) At this time no additional work is proposed on the adjacent parcel in the City Haverhill. Access to the Haverhill parcel is through the subject parcel therefore additional approvals and permits from the City of Methuen may be required in the future.
- 2) **Prior to the endorsement of the plans** by the Community Development Board, the Project Owner must comply with the following:
 - a) The final plans must be reviewed and approved for accuracy and conformance with the terms of this Approval by the City's Engineering Department, the City's Peer Review consultant (as may be required by the Board), and the Community Development Department. The final plans must be revised in accordance with comments received by the City of Methuen staff members and peer review agents including but not limited to the following:

- i) The erosion control limits along the eastern edge of the site must be closed (connected) to establish a clear limit of work in the field.
- ii) The utility plan sheet has been revised to depict a 2" (presumably domestic) water main installed parallel to the proposed 8" main. The design of the water system should be returned to its prior revision where each building has their domestic and fire service connections connected to the proposed 8" main.
- iii) The landscape plan sheet must be revised to show a row of speckled alder and Colorado blue spruce trees or similar tree approved for planting in the wetland buffer zone by the Conservation Commission, in the northwest corner of the property along the edge of pavement to provide an additional buffer to the residential neighborhood on Ballard Lane.

3) Prior to the start of any site work and Building Permit issuance:

- a) The Community Development Board must endorse the final site plan mylars and three (3) copies of the signed, recorded plans must be delivered to the Community Development Office.
- b) One certified copy of the recorded decision must be submitted to the Community Development Office.
- c) A bond in the amount of **five thousand (\$5,000) dollars** shall be posted for the purpose of insuring that the site is constructed in accordance with the approved plan and that a final as-built plan is provided showing the location of all on-site structures.
- d) Prior to any construction activity of any kind associated with the project, the Project Owner shall submit to the Community Development Department a proposed phased construction sequence schedule (timetable/bar chart), said schedule to be used as a guide to activities within the development including construction of roadways, utilities, drainage system, stabilization, earth removal and stockpiling. This schedule once established shall not be deviated from and may only be modified by agreement between the Project Owner and the Community Development Department.
- e) A pre-construction meeting must be held with the developer, their construction employees, Community Development Department, and other applicable departments to discuss scheduling of inspections to be conducted on the project and the construction schedule.

- f)** The Project Owner will provide supervisory contact personnel along with emergency telephone numbers that are answered on a 24-hour basis (answering machines or voice mail are not acceptable).
- g)** The stormwater runoff must be mitigated via two different types of infiltration systems. The Engineer must confirm, at construction, that the soil is suitable to receive stormwater runoff and is not contaminated.
- h)** Proposed work, including landscaping, within the public right-of-way will require coordination with the Methuen DPW. Temporary traffic control may be required to remove the existing gravel driveway and place new loam and seed. The Applicant agrees to coordination prior to construction.
- i)** The origin of the existing 6" pipe that enters the municipal system at the existing catch basin east of the gravel driveway must be explored during construction and removed if deemed necessary by the City DPW.

4) During Construction:

- a)** Construction activities on the site shall conform to the City of Methuen's Ordinances relating to such work.
- b)** Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down, or other proper storage and disposal methods.
- c)** It shall be the responsibility of the Applicant to assure that no erosion from the construction site shall occur which will cause deposition of soil or sediment upon adjacent properties or public ways, except as normally ancillary to off-site construction. Off-site erosion will be a basis for the Community Development Board making a finding that the project is not in compliance with the plan; provided however, that the Community Development Board shall give the Applicant written notice of any such finding and ten days to cure said condition.

5) Prior to the Issuance of the Certificate of Occupancy:

- a)** The Project Owner must submit a letter from the engineer of the project stating that the building, landscaping, lighting, and site layout substantially comply with the plans referenced in this decision as endorsed by the Community Development Board.
- b)** A final as-built plan showing final topography, the location of all on-site utilities, structures, curb cuts, parking spaces and drainage facilities, including invert elevation of all storm water structures shall be submitted to

the Community Development Department and the Engineering Department for review and approval.

- c) If all site related issues, including landscaping, have not been completed at the time the building itself is ready for occupancy, the Community Development Board may authorize the Project Owner to post a security sufficient in the opinion of the Community Development Board, to cover the cost of the City of completing the remaining site items.

6) **Prior to the final release of all funds:** The Community Development Board must, by majority vote, make finding that the site is in conformance with the approved plan and decision.

7) **Other Conditions:**

- a) The site must comply with Section 9-62 of the Municipal Code, Noise Pollution Control Ordinance of the City of Methuen.
- b) To reduce noise levels the Project Owner shall keep in optimum working order, through regular maintenance, any and all equipment that shall emanate sounds from the structures or site.
- c) Any plants, trees, or shrubs that have been incorporated into the Landscaping Plan approved in this decision that die within two years from the date of planting shall be replaced by the owner. All plantings and screening depicted on the approved plans shall remain in perpetuity over the life of the project.
- d) 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.

8) 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.

9) This Site Plan Approval 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.

10) The following documents and plans shall be deemed part of the decision:

- a) Proposed Site Re-development Plans for Parcel ID 702-72A-4 & 702-72A-4C 18-20 Ayers Village Road, Methuen, Massachusetts 01844; prepared for Sonny Valley, LLC, 2 Waterford Circle, Methuen, MA 01844; prepared by GPI; containing 12 sheets, dated October 1, 2020, rev. through 11/30/2020.
- b) The plan set also includes an Overview Site Plan (November 30, 2020), Truck Turn Plan (TTP) (11/30/2020), Lighting Plan (LO-152211)(09-08-2020), Elevation View (2 sheets), and Floor Plan.
- c) Traffic Impact and Access Study, Proposed Contractor Buildings, Methuen, Massachusetts; prepared by GPI; submitted to Sonny Valley LLC; dated October 2020.
- d) Stormwater Management Report, 18-20 Ayers Village Road, Parcels 702-72A-4 & 702-72A-4C, Methuen, Massachusetts; prepared by GPI; prepared for Sonny Valley LLC; dated October 2, 2020.
- e) Operation and Maintenance Plan, 18-20 Ayers Village Road, Methuen Parcels 702-72A-4 & 702-72A-4C, Haverhill Parcel ID 573-1-9, Methuen, Massachusetts 01844; prepared by GPI; prepared for Sonny Valley, LLC; dated October 2, 2020, rev. November 30, 2020.