

23 Hampstead Street
Methuen, MA

Definitive Subdivision

City of Methuen
COMMUNITY DEVELOPMENT BOARD

CERTIFICATE OF APPROVAL WITH CONDITIONS

23 Hampstead Street –Definitive Subdivision Plan

Owner/Applicant: JR Builders Inc.
16 Industrial Way
Salem, NH

Premises Affected: 23 Hampstead Street, Methuen, MA
Assessors Map 808-75-4
RA Zoning District

2022 MAR 13 AM 08:15

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At a public meeting held on March 9, 2022, the Community Development Board voted (5 in favor, 1 abstention) to **APPROVE WITH CONDITIONS** the Definitive Subdivision Plan for a 4-lot subdivision (3 new lots) located on a 4.87 acre (212,260 S.F.) ± parcel of land located at 23 Hampstead Street in Methuen, Massachusetts.

This is to certify that the above action was taken in compliance with the statutory requirements as set forth in Chapter 41 of the Massachusetts General Laws, and that a copy of this decision was filed with the City Clerk on **March 13, 2022**.

CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD

By: Stephen F. DeFeo, Jr.
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

On October 6, 2021 the Applicant submitted a completed application and plan. This application and plan were noticed and reviewed in accordance with the procedures set forth in the City of Methuen, Massachusetts, Subdivision Rules and Regulations (revised through September 1988), and M.G.L. c. 41 (the “Subdivision Control Law”).

The subject parcel is 4.87 acres in size. Elevations on the site range from 198.00' to the south end of the parcel to 176.00' at the north end of the site. The project consists of the construction of a new residential road, a garage addition to the existing dwelling and the construction of 3 single-family dwellings. A 311' roadway will provide frontage for the four residential lots. The proposed stormwater management system for the project includes catch basins, sediment forebay, subsurface structures, and an infiltration basin. The catch basins and sediment forebay will remove suspended solids prior to discharging to the infiltration areas. The infiltration areas will provide stormwater recharge to the groundwater and mitigate peak runoff rates so the post development runoff rates will be less than or equal to the pre-development rates.

Public hearings on the above referenced application were held on December 8, 2021, January 12, 2022, and March 9, 2022. James T. Melvin, Millennium Engineering presented the plan to the Board. Several abutters commented on the plan. On March 9, 2022 on a motion by Mr. Comei, seconded by Mr. Boes, the Board voted (5 in favor, 1 abstention) to close the public hearing. On a motion by Mr. Comei and seconded by Mr. Boes the Community Development Board voted (5 in favor, 1 abstention) to **APPROVE WITH CONDITIONS** the Definitive Subdivision Plan as set forth on the following plan:

Definitive Subdivision Plan for 23 Hampstead Street in Methuen, MA, October 2021; prepared for JR Builders, Inc.; prepared by Millennium Engineering, Inc.; containing 10 sheets, revised through 3/1/22 and as may be further revised by this decision

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 following Board members were present and voting: Stephen F. DeFeo, Jr., Michael Comei, Gisette Beshara (abstain), Brian Boes, Neal Hunter, and Heather Plunkett.

The motion to approve with conditions was subject to the FINDING OF FACTS and SPECIAL CONDITIONS set forth as follows.

- 1) **Prior to endorsement** of the plans by the Community Development Board the applicant shall complete the following:

- a) The final plans must be reviewed and approved by the City's Engineering Department, the City's Peer Review agent (as determined necessary 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 as follows:
 - i) Remaining comments from TEC letter dated Feb. 7, 2022:
 - (1) The Site Plans must be revised to provide detailed information on the pipe size, inverts, length, and slope for the pipe between OCS 1 & the proposed level spreader. The Site Plans and HydroCAD analysis must be consistent.
 - (2) The cross-section detail of the infiltration basin on sheet 9 must be updated to show the ESHWT at 175.4 (consistent with Test Pit #22-10).
 - (3) Sheet 5 of the Site Plans must be revised to provide an additional callout referencing the clay berm elevation of 181.50.
 - (4) The Stormwater Report includes references to multiple sediment forebays on site, when there is only one shown on the Site Plans. The applicant must revise the Stormwater Report to specifically reference the singular forebay on this project.
 - (5) Multiple errors remain on the provided HydroCAD documents. The current HydroCAD documents must be reviewed closely prior to resubmission as other unlisted may be present. A few examples of these errors are listed below:
 - (a) Frequent references of CPP when no proposed use of CPP is listed on the site plans.
 - (b) Pipe diameters that do not match the pipes shown on the plans.
 - (c) Multiple ponds that remain labeled as (new Pond) rather than the structure they reference.
 - (d) Various Manning's roughness coefficients for the same type of pipe.
 - (6) On Page 81 of the Stormwater Report, the calculations shown for riprap sizing have not been updated, and the values detailed on this page do not match the riprap sizing detailed on Sheet 9 of the Plan Set. Also, the riprap detail shown on Sheet 9 also includes a detail for a proposed outlet from the roof drywell, which is not shown anywhere else on the Plan Set. The applicant must revise accordingly.
 - (7) The Drawdown Calculation detailed on Pages 21-22 of the Stormwater Report includes values from previous submissions and must be updated to match the current proposed design.
 - (8) The Water Quality Calculations detailed on Page 26 of the Stormwater Report have not been updated from the previous submission and must include values that match the current proposed design.
 - (9) The Infiltration Basin Detail on Sheet 9 of the Plan Set details coarse sand being added below the ESHWT. Given the existing soils consist of Sandy Loam within this portion of the basin, it does not seem necessary to propose coarse sand below the ESHWT. Also, on the same detail, the

sloping on the sides of basin state a “minimum basin side slopes=3:1”, when “maximum” was likely intended.

- (10) The Pre/Post Development Watershed Maps have not been updated to match the new limit of work and the newly graded basin area. The applicant must revise accordingly.
- (11) The Proposed Drainage Easement shown on Sheet 3 of the Plan Set must be updated to meet the limits of the revised drainage system.
- (12) The proposed limit of work must be updated on all relevant sheets of the Plan Set. The proposed Silt Sock Line shown on Sheet 7 of the Plan Set must also be revised accordingly.

ii) Remaining comments from Engineering Dept. memo dated March 7, 2022:

- (1) An underdrain must be provided in the infiltration basin so it can be dewatered for maintenance. The pipe the material has not been specified, nor has the type and location of the valve been provided. Also, the connection of the subdrain the outlet structure is not depicted. It should be noted, the proposed invert elevation of the subdrain is lower than the invert out of the outlet control structure.
- (2) It appears the footprint of the infiltration basin was modified at some point. The proposed drainage easement and erosion control need to be adjusted accordingly.
- (3) It appears the infiltration basin inlet pipe will be submerged in all storm events analyzed.
- (4) The roadway cross section detail specified 4" of loam and seed for the roadway shoulders. Six inches of loam and seed must be provided.
- (5) The roadway cross section depicts a 6" water main, this must be revised to 8" diameter water main.
- (6) The pipe exiting the outlet control structure is labeled as 12" and 18" diameter. The plan must be corrected accordingly.

b) The Street Addresses as assigned by the City Assessor must be added to the plan. All Lots must be marked with both the subdivision lot numbers and the street address numbers on all plan sheets. All communication with the City Departments must refer to the new street address.

c) **A Covenant (FORM M)** securing all lots within the subdivision for the construction of ways and municipal services must be submitted to the Community Development Board.

d) All plans and documents as requested above must be presented to, reviewed, and approved, and endorsed by the Community Development Board within 12 months of the filing of this decision with the City Clerk.

2) **Prior to the start of any construction and/or site work:**

- a) The Applicant must provide test pits at DMH A to confirm the location, invert, and condition of the existing municipal drain line in Hampstead Street. This information should be reviewed by the City's Engineering Department or peer review consultant for accuracy and to confirm the connection of CB-3 and CB-4 is appropriate.
- b) A **Site Opening Bond** in the amount of \$10,000 to be held by the City of Methuen must be submitted. The Site Opening Bond will be in the form of a bank check made out to the City of Methuen.
- c) **The Definitive Subdivision decision and the endorsed Definitive Subdivision Plan shall be recorded** at the North Essex Registry of Deeds and proof of recording submitted to the Community Development Department.
- d) Prior to introduction of construction equipment onto the site, a **pre-construction meeting** shall be conducted among the developer, contractor, the Community Development Department, Conservation Commission, and Department of Public Works for the purpose of reviewing these conditions and the construction sequence.
- e) A **Construction Monitor may be required and** will be designated by the Community Development Board to inspect the site on a regular basis to ensure performance of the temporary storm water management measures during construction and conformance with the approved plans. A schedule for inspection will be determined at the preconstruction meeting and created based upon the phased construction sequence schedule as required below.
 - i) Paving monitoring will be specifically included as part of the construction monitoring for the project. The monitor will inspect the base, subbase, binder, and final pavement for material, thickness, and compaction.
- f) Prior to any construction activity of any kind associated with the site plan, the developer shall submit to the Community Development Department a proposed phased **construction sequence schedule/phasing plan** (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. Additionally, it will establish an inspection schedule for the Board's Agent. This schedule once established shall not be deviated from and may only be modified by agreement between the developer and the Community Development Department.
- g) The **limit of clearing** shall be marked in the field and reviewed by the Community Development Department or their designated representative prior any work.
- h) As per Section 5.3.1.1 of the Subdivision Rules and Regulations the applicant shall upon beginning construction of a street, which intersects with a public way,

post a sign, of a size no smaller than two feet by three feet and with two-inch letters in black on a white background, which provides the following:

NOTICE TO THE PUBLIC THIS IS NOT A PUBLIC WAY
OWNED BY THE CITY OF METHUEN

3) Prior to any lots being released from the Statutory Covenant:

- a) The Applicant must submit a lot release form to the Community Development Board for signature.
- b) A **Performance Security** in an amount to be determined by the Community Development Board with assistance from the Engineering Department shall be posted to ensure completion of the work in accordance with the Plans approved as part of this conditional approval. The bond must be in a form acceptable to the City of Methuen and the Community Development Board. Any remaining funds in the **Site Opening Bond** will be applied to the **Performance Security**.

4) Prior to issuance of any foundation/building permits:

- a) The Lot Release form must be recorded, and a copy submitted to the Community Development Department.
- 5) **Prior to the issuance first Certificate of Occupancy** for an individual lot, the following shall be required:
 - a) A signed contract with an approved trash removal contractor must be submitted to the Community Development Board for review and approval. All residential trash must be removed by a contractor on a regular basis. An on-site dumpster is not an acceptable means of removing residential trash.

6) During Construction:

- a) Construction equipment or materials shall not be parked, stored, or placed in any area directly adjacent to or up gradient of any drainage channel or wetland area, nor in any cul-de-sac island. Repairs and maintenance to equipment shall be conducted in areas where no spills or leakage of fuels or other fluids could pose a pollution hazard.
- b) Earth disturbed by activities associated with the roadway or easements, such as tree cutting, stump grubbing, cutting, filling, and regrading, shall be appropriately stabilized within sixty (60) days of such disturbance unless otherwise approved by the Community Development Department.

- c) No building lot shall remain in an open condition longer than sixty (60) days. "Open" shall be defined as that period of time between initial preparation of the lot for building (clearing of trees, stripping of topsoil), and the time that the foundation has been installed, backfilled, and the rough grading has been established. This restriction shall survive changes in ownership of the lot.
- d) Stockpiles of earth materials shall not be permitted in any area which necessitates removal of trees for such purpose, nor within fifty (50') feet of any wetland boundary, drainage channel, or water course.
- e) The location of earth material stockpiles shall be designated on a plan which shall be submitted to the Community Development Department, said locations to be determined by the developer and the department in accordance with local regulations.
- f) Long term (more than sixty (60) days) stockpiles of earth materials shall be shaped and secured by butted hay bales around the perimeter or shall be promptly stabilized by temporary seeding or netting.
- g) Burial or burning of vegetation, stumps, or construction debris is strictly prohibited anywhere within the subdivision. Such materials shall be removed and properly disposed of off the site.
- h) Any blasting operations shall require proper permits and may not be undertaken on any Sunday or holiday.
- i) No construction equipment or materials may be parked, stored, or placed within the drainage easement area as shown on the plan except as may be required to install the detention basin.
- j) Once paved, the streets shall be always kept clear and passable. No equipment shall be parked in such a manner as to render the street impassable, and no refuse containers, trailers or construction materials of any kind shall be placed or stored upon the street nor within the cul-de-sac island.
- k) Construction activities on individual lots shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the developer of lots through stabilization, wetting down, or other proper storage and disposal methods.

7) Prior to the release of the final bond held for this project:

- a) A final as-built plan showing final topography, the location of all on-site utilities, structures and drainage facilities must be submitted to the Community Development Department.

- b) In lieu of constructing the sidewalks on both sides of the street, the Applicant has agreed to contribute to the sidewalk fund in the amount equal to the cost of constructing the sidewalks on both sides of the street as determined by the Community Development Board with assistance from the Engineering Department. The amount has been calculated by the Engineering Department to be \$12,000.
- c) In lieu of constructing sidewalks on Hampstead Street in front of the existing lot, as required by Section VI-E of the Comprehensive Zoning Ordinance, the Applicant will donate to \$10,000 the sidewalk fund to be used for the reconstruction of sidewalks on Hampstead Street. The City of Methuen will be replacing the sidewalks along Hampstead Street in the next few years including the sidewalk in front of this lot.
- d) It is anticipated that the street shall be accepted by the City Council as a public way. All deeds to building lots shown on the plan shall reserve the fee and/or interest in the streets and/or easements, said fee and/or interest to be conveyed to the City of Methuen at the of street acceptance.

8) Other Conditions:

- a) As per Section 5.1.1 of the Subdivision Rules and Regulations, the applicant shall be responsible for providing the following basic services:
 - i) Snow plowing of all ways
 - ii) Trash pick-up of all inhabited units
 - iii) Maintenance of all surface drains, sewers, and other utilities
 - iv) The cost of performing the provisions of this section shall be added to the bond or surety provided.
 - v) The applicant shall at the time of sale or transfer of a lot covered hereunder notify the grantee that it the applicant is responsible for providing the basic services as outlined above.
 - vi) Nothing herein shall be interpreted as requiring the applicants to provide the aforementioned services to ways or utilities once/if this Street has been duly accepted by the City of Methuen.
- b) Within five (5) days of the transfer of ownership of this subdivision in whole or in part, the developer shall notify the Methuen Community Development Department of the name and address of the new owner(s). The developer shall provide the new owner(s) with a copy of these conditions.
- c) 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.

- 9) The applicant is responsible for any fees associated with recording any documents and/or plans with the North Essex Registry of Deeds.
- 10) These restrictions SUPERCEDE any and all Community Development Board (Planning Board) conditions now in effect on this parcel of land.
- 11) Under Section 1.3 of the Rules and Regulations of the Community Development Board, strict compliance with the requirements of the Rules and Regulations may be waived when, in the judgement of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. On a motion by Mr. Comei, seconded by Mr. Boes the Community Development Board determined (5 in favor, 1 abstention) that the following waivers are in the public interest:
 - a) Section 4.2.2.4 Requiring roadway centerline offsets to be a minimum of 125'. The Board waived the centerline offset. The proposed road is offset 110' from the private way known as Old Hampstead Street.
 - b) Section 4.2.2.8 Dead Ends: The Board waived the dead-end restriction. The proposed dead-end street is approximately 311 feet long. The site is surrounded by existing residential homes therefore there is no possible through connection that can be made.
 - c) Section 5.3.7 Curbs and Berms and Section 6.2 Typical Section Secondary Road: The Board waived the typical roadway section to allow for Cape Cod style asphalt berm along with an increase in the total pavement thickness to 4" (1.5" top course and 2.5" binder course) as approved by the City Engineering Department.
 - d) Section 5.3.8 Granite Curb Inlets: The Board waived the requirement that granite curb inlets be installed at all catch basin locations.
 - e) Section 5.6.1 Water mains, Valves, Hydrants & Fittings-General: The Board waived the requirement that water mains connect with two or more existing mains. The Applicant has reached out to the abutters along Stoneybrook Road regarding the granting of an easement with no response. There is no practical way for the Applicant to connect the water main through to Stoneybrook Road or Applewood Lane. In accordance with Section 9.3(6) of the Mass DEP Guidelines for Public Water Systems dead ends shall be minimized by looping of all mains whenever practical. The dead-end water main must be equipped with a means to provide adequate flushing which will give a velocity of at least 2.5 feet per second in the water main being flushed. The applicant must work with the City of Methuen's Engineering Department to create a flushing program for the dead-end water main. It is the responsibility of the applicant to follow this flushing plan

until such time as the subdivision is completed and the road is accepted as a public way.

- f) Section 5.7.1 Sidewalks-Location and Width: The Board waived the requirement that sidewalks be constructed along all roadways due to the short length of roadway and the limited number of homes (4) accessing the roadway. In lieu of constructing the sidewalks on both sides of the road, the Applicant has agreed to contribute to the sidewalk fund in the amount equal to the cost of constructing the sidewalks on both sides of the road as determined by the Community Development Board with assistance from the Engineering Department. **The amount has been calculated by the Engineering Department to be \$12,000.**
- g) Section 5.12 Street Lighting. The Board waived the requirement that all appurtenances for street lighting be installed. No Street lights will be installed; a privately owned and maintained lamp post shall be installed at each driveway entrance.
- h) Section 6.2 Typical Section Secondary Road: The Board waived the requirement for 26' of pavement. 24' of pavement is proposed due to the short length of the road.

12) This Definitive Subdivision Plan approval is based upon the following information which is incorporate into this decision by reference:

- a) Definitive Subdivision Plan for 23 Hampstead Street in Methuen, MA, October 2021; prepared for JR Builders, Inc.; prepared by Millennium Engineering, Inc.; containing 10 sheets, revised through 3/1/22 and as may be further revised by this decision.
- b) Stormwater Management Report for the Definitive Subdivision Plan at 23 Hampstead Street, Methuen, MA; prepared for JR Builders, Inc.; prepared by Millennium Engineering, Inc; dated October 4, 2021, rev. through March 1, 2022.