

**CITY OF METHUEN  
COMMUNITY DEVELOPMENT BOARD**

**NOTICE OF DECISION - Site Plan Approval**

**33 Danton Drive**

Case No: 2021-4  
Date of Application: 06-09-2021  
Date of Hearing: 09-08-2021, 10-13-2021  
Date of Decision: 10-18-2021

**Petition of:** Boghos Properties, LLC  
52 English Commons  
Topsfield, MA 01983

**Premises Affected:** 33 Danton Drive  
Assessor's Map 412-131-6AA  
Limited Industrial (IL) 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 to allow the construction of **58,344 SF warehouse building** in the Limited Industrial (IL) Zoning District.

At a public hearing held on September 8 and October 13, 2021, 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 **October 19, 2021**.

**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.**

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Anne J. Drouin, Methuen Assistant City Clerk

2021 OCT 19 AM 11:37

**FINDINGS OF FACT:**

Boghos Properties LLC filed an application for Site Plan Approval on June 9, 2021. 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 Applicant proposes to remove the existing trailer yard and construct approximately 58,300 SF warehouse building in its place. The project site contains approximately 135,680 SF. The site topography slopes consistently from the west to the east, toward Danton Drive. The site was previously used as a trailer yard/parking facility and has a current impervious area of about 40%.

On January 19, 2021 the Community Development Board granted site plan approval for a 60,200 SF warehouse on this site. The Applicant has now changed the configuration to a longer and narrower building from the approved footprint of 60,200SF to 58,740 SF. The proposed modification moves the loading docks away from the rear (west) to the right (south) side and away from the abutting residential properties leaving only emergency access along the rear end of the building.

The Applicant received a Variance from the Zoning Board of Appeals on July 28, 2021 to allow for the construction of a 58,344 square foot building, more than the allowed maximum lot coverage. This configuration also required a variance for the left side setback from the required 30 feet to 10 feet. The building is also 54 feet in height where 45 feet is allowed.

The project is shown on a plan entitled: Modification to Site Plan Approval, 33 Danton Drive, Methuen, Massachusetts; prepared for: Bohgos Properties LLC; prepared by: DCI; dated 06/02/2021, rev. through 08/24/2021; containing sheets: G001 Title Sheet, Sheet 1 of 1 Existing Conditions Plan, C101 Site Plan, C102 Grading Plan, C103 Utility Plan, C104 Erosion & Sediment Control Plan, C501 Site & Grading Details, C502 Utility Details, C503 Drainage Details, E-1 Photometric Plan, and Sheet A2.1Refrigerated Warehouse, 33 Danton Drive, Methuen, MA; Elevations; prepared by PHA Architect; dated 27 May 21.

The public hearing was opened by the Community Development Board on September 8, 2021 and continued to October 13, 2021. Stephen Sawyer, PE and James Hanley, Design Consultants, Inc. appeared on behalf of the Applicant.

The Community Development Board had previously reviewed the Trip Generation Memo prepared by DCI dated November 3, 2020 and determined that the signalized intersection of Pelham Street at Danton Drive and Aegean Drive has the capacity to accommodate the vehicle trips from the proposed project. The Board also reviewed the site plans including the lighting and landscape plans.

On October 13, 2021, on a motion by Attorney Beshara 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 Michael Comei, Gisette Beshara, Brian Boes, Ronald Hatem, and Neal Hunter 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) Prior to the endorsement of the plans** by the Community Development Board, the Project Owner 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.
- 2) 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 a copy 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) All trees to be removed and trees to be preserved must be marked appropriately and be reviewed and approved in the field by the City or its agent. Trees to be removed (up to 10 maximum) must be replaced with new tree plantings to enhance the thirty (30) foot buffer as shown on Site Plan C101.
- e) 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.
- f) 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.
- g) 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).
- h) The Applicant must coordinate with the adjacent property owner N/F FMX Realty LLC at 31 Danton Drive for grading and removal of pavement. Express written permission is required prior to any work being conducted on the adjacent property.

### **3) 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.

**4) 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. Not that any trees that were removed (up to 10 maximum) must be replaced with new tree plantings to enhance the thirty (30) foot buffer as shown on Detail Sheet C501.

**5) 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.

**6) 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, 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.
- 7) 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.
- 8) 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.
- 9) The following documents and plans shall be deemed part of the decision:
  - a) Modification to Site Plan Approval, 33 Danton Drive, Methuen, Massachusetts; prepared for: Boghos Properties LLC; prepared by: DCI; dated 06/02/2021, rev. through 08/24/2021; containing sheets: G001 Title Sheet, Sheet 1 of 1 Existing Conditions Plan, C101 Site Plan, C102 Grading Plan, C103 Utility Plan, C104 Erosion & Sediment Control Plan, C501 Site & Grading Details, C502 Utility Details, C503 Drainage Details, E-1 Photometric Plan, and Sheet A2.1 Refrigerated Warehouse, 33 Danton Drive, Methuen, MA; Elevations; prepared by PHA Architect; dated 27 May 21.
  - b) Sheet A2.1 Refrigerated Warehouse, 33 Danton Drive, Methuen, MA; Elevations; prepared by PHA Architect; dated 27 May 21.
  - c) Stormwater Management Report for 33 Danton Drive, Methuen, MA 01844; prepared for Boghos Properties LLC; prepared by: Design Consultants, Inc.; dated June 2021, rev. July 30, 2021.