

CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD

NOTICE OF DECISION - Site Plan Approval

46 Old Ferry Road

Case No: 2022-11
Date of Application: 05-03-22
Date of Hearing: 06-08-2022, 08-10-22, 09-27-22
Date of Decision: 09-28-22

Petition of: Triple G Property, LLC
59 Bonanno Court
Methuen, MA 01844

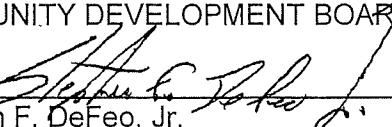
Premises Affected: 46 Old Ferry Road
Assessor's Map 1010-79-17
Limited Industrial (IL) Zoning District

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 **147,840 ± SF warehouse building** in the Limited Industrial (IL) Zoning District.

At a public hearing held on June 8, August 10, and September 14, 2022, 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 **September 28, 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

FINDINGS OF FACT:

Triple G, LLC filed an application for Site Plan Approval on May 3, 2022. 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 site is 19.138 acres in size and located on the west side of Old Ferry Road. Access to the property will be provided by a 30-foot wide 1,100± foot drive. The site slopes steeply to the east, west, and south. There is a fifty-foot gas easement running through the northwest portion of the site and under a Methuen Meter station. A 200-foot power line easement runs across the property as well from east to west. The perimeter of the lot is wooded. Runoff from the existing gravel drive flows through a 3-inch cast iron culvert and is collected in a 1-3-foot-wide rip-rap swale along Old Ferry Road.

The project site is shown on a plan entitled: Site Construction Plans, Pie Hill Warehousing, 46 Old Ferry Road, Methuen, Massachusetts; Dated April 4, 2022, rev. August 3, 2022; prepared for Triple G Property LLC; prepared by Fieldstone Land Consultants, PLLC; containing 29 Sheets.

The public hearing was opened by the Community Development Board on June 8, 2022 and continued to August 10, 2022 and September 27, 2022. Representatives from Fieldstone Land Consultants appeared on behalf of the Applicant. The Board reviewed the site plans including the lighting and landscape plans in addition to comments from City Staff and the Board's Peer Review Agent TEC.

On September 27, 2022, on a motion by Michael Comei and seconded by Brian Boes, the Board voted to close public hearing. Upon a motion by Michael Comei seconded by Brian Boes, the Board voted unanimously (5-0) to GRANT Site Plan Approval with Conditions. Board members Stephen DeFeo, Michael Comei, Neal Hunter, Brian Boes, and Heather Plunkett were in attendance and voted.

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) **Land Use Code (LUC) 150 – Warehousing was used for both the traffic and stormwater review of this project. This Land Use Code is appropriate for most warehouses except for warehouse and distribution centers. If there is a distribution aspect to this facility the trip generation must be revisited, and additional review may be required. In addition, other industrial uses could be considered LUHPPL under Standard 5 of the Massachusetts Stormwater Standards and would need an upgraded stormwater system than what is provided.**
- 2) **As set forth in the Comprehensive Zoning Ordinance Section VI-B (12) Screening & Space Buffers in Industrial and Business Districts, Community Development Board voted to reduce the buffered strip by fifty (50%) percent. For this project there will be a thirty (30) foot buffer zone extending from the lot line of all abutting residential zones (Parcels 1008-79-11A and 1008-79-11F) and in any other location where the buffer strip has been reduced from 60 to 30 feet.**
 - a) **All work on the site must be outside of the thirty-foot buffer zone which will be clearly marked in the field.**
 - b) **Landscaping Plan North, Sheet LS-1 and LS-2, Page No. 15 and 16 of 29, dated April 4, 2022, rev. through 7/22/22 as may be revised by this decision, sets forth the six (6') foot stockade fence and additional landscaping including arborvitae and white pines to be planted.**
 - c) **The stockade fence and landscaping are to be installed as soon as possible in the construction sequence.**
- 3) **Prior to the endorsement of the plans by the Community Development Board, 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.**
 - a) **The sixty foot (60') Residential Landscape Buffer Line must be added to all applicable plan sheets including the Landscaping Plans extending from the property line of Parcels 1008-79-11A and 1008-79-11F.**

- b) The Limit of Work must be clearly marked on the plans and must be a minimum of thirty feet from the property line with the residentially zoned lots 1008-79-11F and 1008-79-11A on all applicable plan sheets.
- 4) Prior to the start of any site work and Building Permit issuance:
 - a) The Limit of Work must be clearly marked in the field and reviewed and approved by the Community Development Board or their designee.
 - b) An analysis of the proposed water system (pressure and volume) must be prepared and stamped by an appropriate professional to be reviewed and approved by the Engineering Division of the Department of Public Works. (Eng #2)
 - c) The Applicant has offered to make a \$10,000 donation to the City of Methuen for upgrades and improvements to Old Ferry Road and a \$15,000 donation to the City for sidewalks improvements.
 - d) 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.
 - e) One certified copy of the recorded decision must be submitted to the Community Development Office.
 - f) A bond in the amount of **\$10,000** shall be posted with the 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.
 - g) 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.
 - h) 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.

- i) 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).
- j) **A Construction Monitor will be required and will be designated by the Community Development Board to inspect the site on a regular basis to ensure 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.**

5) 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.

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

- a) The Applicant will work with the Methuen DPW to install a stop sign and appropriate lane markings at the Old Ferry Road approach to Pleasant Valley Street.
- b) Trucks traveling down the driveway in opposing directions conflict along the roadway curvature. Based on the level of truck traffic expected this will not be a common occurrence. The Applicant will work with the Methuen DPW to install signage along the driveway near the curves to denote narrowness of the driveway and potential for conflict.

- c) All landscaping and the stockade fence adjacent to the residential property lines must be installed and reviewed and approved by the Community Development Board or their designee.
- d) 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.
- e) 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.
- f) If all site related issues, including landscaping (other than the required landscaping and stockade fence adjacent to the residential property lines), 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.

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

8) **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.

- 9)** 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.
- 10)** 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.
- 11)** The following documents and plans shall be deemed part of the decision:
 - a)** Site Construction Plans, Pie Hill Warehousing, 46 Old Ferry Road, Methuen, Massachusetts; prepared for Triple G Property LLC; prepared by Fieldstone Land Consultants, PLLC; containing 29 Sheets; dated April 4, 2022, revised through 8/29/22.
 - b)** Stormwater Management Report, Pie Hill Warehousing (Non-residential Site Plan); Tax Map 101 Lot 79-17, Old Ferry Road, Methuen, MA; Prepared for: Triple G, LLC; Prepared by: Fieldstone Land Consultants, PLLC; Date: April 4, 2022, revised through August 30, 2022.