

**CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD**

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NOTICE OF DECISION - Site Plan Approval

79 Haverhill Street

Case No. 2020-1

Date of Application: 12-02-19

Date of Hearing: 01-08-2020, 08/12/2020

Date of Decision: 08/13/2020

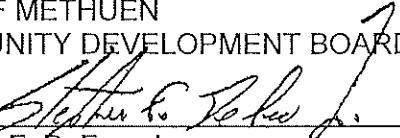
Petition of: Charles Perrault
79 Haverhill Street
Methuen, MA 01844

Premises Affected: 79 Haverhill Street
618-155-5B, 618-155-5E, 618-155-5F, 618-155-5J2
BN Neighborhood Business Zone

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 a 3,619 SF total addition (2 stories with 1,287 SF per floor and a 1,045 SF finished basement) to an existing structure.

At a public hearing held on January 8 and August 12, 2020 the Community Development Board voted UNANIMOUSLY (4-0) 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 **August 13, 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 and Decision

RE: Application of Charles Perrault for Site Plan Approval

Procedural History:

1. Application to construct a 3,619 SF addition to an existing structure pursuant to Section XII Site Plan Approval of the City of Methuen Comprehensive Zoning Ordinance was filed with the Community Development Board on December 2, 2019.
2. A public hearing on the Site Plan Approval application was held on January 8 and March 11, 2020.
3. The Site Plan application included the following site plan: Proposed Office Building Addition & Parking Lot Expansion, Haverhill Street, Methuen, Massachusetts; prepared for Charles Perrault; prepared by: Andover Consultants; dated: November 18, 2019, rev. 01/14/2020; containing 5 sheets.
4. The plans and other submission material were reviewed by the Community Development Board and City Staff. Throughout its deliberations, the Community Development Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.
5. The public hearing on the above referenced application was opened January 8, 2020. On August 12, 2020 upon a motion by Mr. Comei and seconded by Mr. Boes, the Board voted to close public hearing. Upon a motion by Mr. Comei, seconded by Mr. Boes, the Board voted to GRANT the Site Plan Approval with Conditions.

Findings:

1. The subject property is located at 79 Haverhill Street, as shown on the Site Plan entitled "Proposed Office Building Addition & Parking Lot Expansion". The property consists of 57,149 square feet and is in the Neighborhood Business District (BN) Zone.
2. The applicant proposes to build 3,619 SF addition (2 stories with 1,287 SF per floor and a 1,045 SF finished basement) to an existing structure.
3. Work will also include reconstructing and expanding the existing parking lot and the construction of storm water BMPs to manage storm water runoff. The majority of the proposed pavement areas will be collected by deep sump hooded catch basins which will discharge to an underground detention

structure, for treatment. The detention system has been designed with an outlet control structure to also control peak rates discharging from the developed site.

4. 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.
5. 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 in order 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 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.
- 2) Any and all plans which may be approved by the Conservation Commission pursuant to an Order of Conditions shall be made a part of the Site Plan Approval. If there is any inconsistency between the submitted Site Plan as drawn on the Site Plan entitled "Proposed Office Building Addition & Parking Lot Expansion" and the plans as may be approved by the Conservation Commission, the applicant shall submit an amended plan to the Community Development Board for approval. Said amended plan shall be accompanied by a letter setting forth any and all changes from the submitted Site Plan.
- 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. A copy of the endorsed site plan must be attached to the Site Plan Approval Decision for recording at the Registry of Deeds.
- 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).

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)** In an effort 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.
- b)** 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.
- c)** 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 any and 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 Office Building Addition & Parking Lot Expansion, Haverhill Street, Methuen, Massachusetts; prepared for Charles Perrault; prepared by: Andover Consultants; dated: November 18, 2019, rev. 1/14/2020; containing 5 sheets
- b)** Stormwater Management Report, Haverhill Street, Methuen, MA; dated November 19, 2019, rev 12/23/2019; prepared for Charles Perrault; prepared by Andover Consultants