

City of Methuen  
COMMUNITY DEVELOPMENT BOARD

**CERTIFICATE OF APPROVAL WITH CONDITIONS**

**Brookview Heights –Definitive Subdivision Plan**

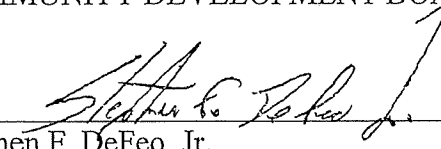
Owner/Applicant: DBH Homes, LLC  
28 Buttrick Road, Unit A1  
Londonderry, NH 03053

Premises Affected: Assessor ID:  
908-78E-67E, 908-78E-66B, 908-78E-66D, 908-76-53C  
RA Zoning District

At a public meeting held on October 9, 2024, the Community Development Board voted UNANIMOUSLY (6-0) to **APPROVE WITH CONDITIONS** the Definitive Subdivision Plan for a 29-lot subdivision located on a 39.6-acre parcel of land located off Washington 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 **October 15, 2024**

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

CITY CLERK'S OFFICE  
2024 OCT 15 AM 10:15

On July 11, 2024, 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 project site consists of four existing parcels, 908-78E-67E, 908-78E-66B, 908-78E-66D and 908-76-53C located in the single-family RA Zoning District. The site is currently undisturbed woodland, bordered by the Washington Street ROW to the west, Hawkes Brook to the north, and Old Ferry Drive to the south. The project consists of 29 lots. A conservation easement totaling 14.86 acres or 39% of the parcel, will be created to protect the NHESP Priority Habitat. All proposed disturbance will be located outside of the 200-foot Riverfront Area associated with Hawkes Brook.

Access to the new homes will be provided by extending Washington Street approximately 1300 feet to the north, ending in a hammerhead dead end. A second road, Edgewater Drive, will be constructed off Washington Street.

Public hearings on the above referenced application were held on April 10, September 11, and October 9, 2024. David Jordan, GPI presented the plan to the Board. No abutters commented on the plan either in favor or in opposition. On October 9, 2024, on a motion by Mr. Forbes, seconded by Ms. Plunkett, the Board voted unanimously (6-0) to close the public hearing. On a motion by Ms. Plunkett and seconded by Mr. Kasis the Community Development Board voted unanimously (6-0) to **APPROVE WITH CONDITIONS** the Definitive Subdivision Plan as set forth on the following plan:

Definitive Subdivision Plans, Brookview Heights, Parcel 908-78E-67E, 908-78E-66D, 908-78E-66B & 908-76-53C, Washington Street, Methuen, Massachusetts; prepared for DHB Homes, LLC, 25 Buttrick Road, Unit A1, Londonderry, NH 03053; prepared by GPI; dated March 6, 2024, rev. through 9/26/24, 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., Neal Hunter, William Forbes, Ronald Hatem, Shadi Kasis, 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) Water utility information must be added on the Plan & Profile Sheets.
    - ii) "Barn to be raised" on all applicable sheets for Parcel X must be added.
    - iii) A construction detail for the 10' wide graded access for maintenance of the stormwater management system must be added.
  - b) 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.
  - c) 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) 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.
  - b) **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.
  - c) **The Applicant shall coordinate as necessary with the Methuen city staff or their peer review agent to finalize the Stormwater Operation & Maintenance Plan prior to the start of construction.**
  - d) **The Applicant shall review the end condition of Washington Street with Methuen city staff or their peer review agent to determine the need for any potential gates or parking restrictions that may be necessary.**
  - e) **The Applicant shall review sight line characteristics for motorists on Old Ferry Street, particularly for northbound traffic on Washington Street with Methuen city staff or their peer review agent. The Applicant must review any features and vegetation that may impact sight lines and work with the city to remove them if necessary.**
  - f) 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.

- g) 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.**
- h) 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.
- i) The **limit of clearing** shall be marked in the field and reviewed by the Community Development Department or their designated representative prior any work.
- j) 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 Covenant (FORM M):**

- 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.
- b) **Detailed grading and drainage plans shall be submitted for review and approval by the City of Methuen Staff and/or their peer review agenda for Lots 1, 2, 3, 4, 28, and 29 upon submission of a building permit application to review the placement of the driveways such that they are situated in areas where the centerline slope of Washington Street remains in compliance to the extent practicable with the required 8% maximum grade.**

5) **During Construction:**

- a) **A minimum of 18 inches of vertical separation must be provided between frost sensitive utilities (sanitary sewer or water lines) and open-air drain lines where possible. Where this is not feasible, rigid insulation shall be required between the utilities for frost.**
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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.

- g) 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.
- h) 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.
- i) Any blasting operations shall require proper permits and may not be undertaken on any Sunday or holiday.
- j) 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.
- k) 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.
- l) 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.

**6) 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 one side of Edgewater Drive as determined by the Community Development Board with assistance from the Department of Public Works.
- c) It is anticipated that the street will 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.

**7) Other Conditions:**

- a) **Responsibilities of the Applicant:** The applicant shall be responsible for providing the same basic services in the subdivision as the City currently provides while the same remains subject to the Subdivision Control Law including
    - i) Snow plowing of all ways and clearing of all sidewalks to City standards.
    - ii) Trash and recycling pick-up of all inhabited units.
    - iii) Maintenance of all roadway surfaces drains, sewers and other utilities.
    - iv) Installation and energizing streetlights; and
    - v) Any other additional basic services provided by the city.
    - vi) The costs of fulfilling the provisions of this section shall be added into the performance guarantee.
    - vii) 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.
    - viii) Nothing herein shall be interpreted as requiring the applicant to provide the services to ways or utilities once/if the same has been duly accepted by the City of Methuen or otherwise transferred to new ownership.
  - 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 all work on the areas as mentioned in such order.
- 8) The applicant is responsible for any fees associated with recording any documents and/or plans with the North Essex Registry of Deeds.
  - 9) These restrictions SUPERCEDE any and all Community Development Board (Planning Board) conditions now in effect on this parcel of land.
  - 10) 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. The Board has granted the following waivers listed on Sheet 2 of 32 of the approved plans set:
    - a) Section 4.2.2.8 to permit a dead-end street
    - b) and 4.2.3.2 to permit a dead-end street longer than 500"
    - c) Section 4.2.4.1 to permit the centerline grade of Washington Street to exceed 8% noting that Washington Street is currently a public way and that the grade proposed matches what currently exists

- d) Section 5.3.1 to permit pavement width of 24 feet for Washington Street and 22 feet for Edgewater Drive
  - e) Section 5.3.7 to allow bituminous concrete curbing
  - f) Section 5.3.8 Granite curb inlets-none will be provided
  - g) Section 5.7.1 Sidewalk Locations A sidewalk will be constructed along one side of Edgewater Drive and Washington Street.
- 11) This Definitive Subdivision Plan approval is based upon the following information which is incorporate into this decision by reference:
- a) Definitive Subdivision Plans, Brookview Heights, Parcel 908-78E-67E, 908-78E-66D, 908-78E-66B & 908-76-53C, Washington Street, Methuen, Massachusetts; prepared for DHB Homes, LLC, 25 Buttrick Road, Unit A1, Londonderry, NH 03053; prepared by GPI; dated March 6, 2024, rev. through 9/26/24, as may be further revised by this decision.
  - b) Stormwater Management Report, Brookview Heights, Map 908 Block 78E Lots 67E, 66D, 66B and 55C off Washington Street, Methuen, Massachusetts; prepared by GPI; prepared for DHB Homes, LLC; dated March 6,2024, rev. through September 26, 2024, as may be revised by this decision.