

CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD
Wednesday March 15, 2023 6:30 P.M.
VIA ZOOM WEB CONFERENCE

MINUTES

1) **Call to Order of Regular Meeting.**

Chairman Stephen DeFeo called the meeting to order at 6:30 pm and read the following statement into the record:

Pursuant to Chapter 186 of the General Laws, An Act Relative to Extending Certain State of Emergency Accommodations, this meeting/public hearing will be conducted via remote means. For this meeting, members of the public who wish to watch the meeting may do so on their televisions by turning to Comcast Xfinity Channel 8 or Verizon FiOS Channel 32 or view on a computer or cell phone via LIVE Stream on <https://www.methuentv.org/methuen-government-tv-live-stream/> No in-person attendance of members of the public will be permitted, and public participation in any public hearing conducted during this meeting shall be by remote means only. If the public would like to participate in the public hearing, please email your questions/comments by noon on the meeting day to kbcowell@ci.methuen.ma.us. The questions/comments will be read during the proceedings and responded to accordingly. Members of the public who wish to speak during the public hearing can register here: <https://www.methuentv.org/govmeet/> by noon on the meeting day.

2) **Roll Call.**

Members in Attendance

Stephen DeFeo, Chairman	Present
Michael Comei, Secretary	Present
Brian Boes, member	Present
Ronald Hatem, member	Absent
Neal Hunter, member	Present
Shadi Kassis, member	Absent
Heather Plunkett, member	Present

Others in Attendance

Kathleen Colwell, Director of Planning
Nancy Hudson, Community Development Confidential Secretary
Petitioners and Representatives of Petitioners

3) **Acceptance of the Minutes.**

- a) May 11, 2022
- b) February 8, 2023

Chairman DeFeo noted that the minutes of February 8, 2023 were not ready yet.

MOTION: Brian Boes moved to accept the meeting minutes of May 11, 2022.

SECOND: Heather Plunkett

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

4) **Consent Agenda.**

For the record there was nothing on the Consent Agenda.

5) **Zoning Issues:**

For the record there were no Zoning Issues.

6) **Form A Plans.**

For the record there were no Form A Plans.

7) **6:30 PUBLIC HEARING: 23 Hampstead Street** – definitive subdivision frontage waiver

Chairman DeFeo read the legal notice into the record.

Arthur Broadhurst, representative for the applicant gave a history of the project. The applicant, Mr. Palmisano owned property at 65 Ayers Village Road. He had applied for a permit to raze the existing house and build a new house. This was reviewed by the Preservation Committee and was determined to be historically significant and they asked Mr. Palmisano to work with them to restore the house. The Historic Preservation Special Permit allows an applicant to construct a second dwelling on the same lot in exchange for restoring and preserving the historic building. In this case the applicant was unable to build a second house on this lot or elsewhere in the subdivision due to limitations of the soils for a septic system and wetlands. The Preservation Committee suggested that the applicant may be able to construct a second house in a subdivision currently under construction that he owns, in exchange for restoring the house on Ayers Village Road. Mr. Palmisano appeared before the Zoning Board for a variance for the required frontage and area and that was approved on January 29th. He is now before the Community Development Board for a Frontage Waiver. He noted that this lot meets almost all of the criteria.

- The lot to be divided meets the minimum area and frontage in the zone.
- Each lot will have the minimum frontage of fifty feet, as required.
- The lot to be divided, will not be divided into more than two lots.

- There will not be more than one lot with reduced frontage contiguous within the subdivision.
- The newly created lot will not block possible future development.
- The creation of the lot will not adversely affect the neighborhood.

Attorney Broadhurst explained that they did meet with the direct abutters for the variance and they agreed to install fencing along the rear of this lot and around the side of one of the existing houses. On the other side of the subdivision, they agreed to some buffering and border work, which was not required in the original subdivision approval. There is a condition in the variance to do this work.

Attorney Broadhurst also noted that this lot is not as large as would normally be required but because of the importance of the house that the developer is saving, they are requesting the Board to waive that requirement. Saving the historic house is the intent of the Special Permit ordinance.

T.J. Melvin, engineer for the applicant, displayed the plan and discussed the Frontage Waiver. The plan depicts lot 1 on the Geremat Way Subdivision that the Community Development Board approved in July. That lot contains the existing dwelling that was previously 23 Hampstead Street, which is now accessed via Geremat Way. There will be a 150 foot driveway to serve the new lot, that they are calling Lot 1B. The subdivision is served by a 350 foot cul de sac off Hampstead Street. The new lot sits between the existing dwelling and Lot2. It was previously semi wooded, semi graded and open space. The front portion of the lot and the driveway will drain to Geremat Way into the drainage system that ultimately connects into the infiltration basin to the rear of the property. The basin currently has sufficient volume to handle the runoff from the additional impervious area. The remainder of the drainage from Lot 1B would flow north to the abutter as it currently does. In running the drainage calculations, between discharging half the lot into the drainage system and the rear half of the lot flowing overland to the abutter, they meet the peak rate runoffs that they previously had in the subdivision.

Mr. Melvin explained why a second lot on the 65 Ayers Village Road property wouldn't be feasible. The developer is proposing to build a garage attached to the existing dwelling. Currently there is a lean-to carport with a driveway around Ayers Village Road. The septic system is located in the rear of the house. The biggest limiting factor to additional development on the lot is the extent of the wetlands. There is no room for any additional dwellings or development on this lot and the remainder of the subdivision has been built out.

Kathleen Colwell noted that this was a very creative solution to save the house at 65 Ayers Village Road. She's grateful that Mr. Palmisano was willing to work with us. This was a priority of the Preservation Committee when they met to discuss the demolition permit. The Zoning Board was the first step and they applauded idea, and now they are in front of this Board for a Frontage Waiver. Although the permit in front of this Board is simply a Frontage Waiver and because we don't have the ability to apply the actual Special Permit for Historic Preservation on this lot, we have discussed with the applicant that we would be putting those typical conditions that we would find in the Historic Preservation Special Permit, into this Frontage Waiver permit. We want to make sure that the historic house is preserved before the new house is built. Typically, at this point, we would have plans for the historic home,

but because we don't have the plans yet, that would be an additional condition. The submitted plans will be reviewed by Casey Dowgiert, our historic planner. The ordinance contemplates the Historic District Commission advising the Community Development Board as to how the house should be preserved. We will be following the basic outline of the Historic Preservation Special Permit for this Frontage Waiver permit.

Chairman Stephen DeFeo commented that there are three boards that have to make the preservation of 65 Ayers Village Road work and he appreciates the time an effort that Mr. Palmisano and his team have put in to bring this to fruition.

Chairman DeFeo opened the floor for public comment.

For the record, nobody spoke in favor or in opposition.

Kathleen Colwell noted that she was not able to prepare a draft decision for the Board but she included in the packet, the Board's most recent Historic Preservation Special Permit decision and the most recent Frontage Waiver decision. For the Frontage Waiver permit, this Board looks at whether there is safe access to the lot from the road. It's clear that this petition meets that test; it fits in with the neighborhood and it is a similar size to many of the lots in the neighborhood. Next, the applicant needs to provide plans for the historic home that will be reviewed by the Historic Planner and sent to the Historic District Commission for their informal review. The Preservation Committee may also want to be part of the informal review. Prior to the issuance of a building permit for the new home, we would want to make sure that the restoration work on the existing historic home must be substantially complete, and then prior to occupancy of the historic home, there would be a walk through to make sure it was built in accordance with the plan. She noted that a preservation restriction through the state would be put on the historic home. If it doesn't rise to the level of the state being interested in preserving it, then the restriction would be held by the Historic District Commission. Another condition is that the owner must place a historic marker on the house. The marker has been approved by the Historic District Commission. If the Board is agreeable to the stated conditions, the decision would be subject to final review by the Chairman.

Chairman Stephen DeFeo entertained a motion to close the public hearing.

MOTION: Brian Boes so moved.

SECOND: Michael Comei

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent

Neal Hunter Yes
Heather Plunkett Yes

MOTION: Brian Boes moved to conditionally approve the Frontage Waiver for 23 Hampstead Street after final review by the Chairman.

SECOND: Heather Plunkett

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo Yes
Michael Comei Yes
Shadi Kassis Absent
Brian Boes Yes
Ronald Hatem Absent
Neal Hunter Yes
Heather Plunkett Yes

8) **CONTINUED PUBLIC HEARING: 269 Broadway & 2 Osgood Street – Methuen Center Smart Growth Overlay District Plan Approval (Deadline: 04/30/23)**

Meera Cousens, engineer for the project noted that this was the third time before the Community Development Board. What they heard from the Board at the last meeting was that there was concern about the density. The developer has decided to reduce the density and scale of the project. The original plan showed a four story mixed use building providing 18 residential units and commercial space on the first floor with 19 off street parking spaces. The revised plans shows a three story mixed use building with 12 residential units and keeping the commercial piece on the lower level. They have eliminated a story and reduced the number of residential units by 33 %. Based on the updated residential units and commercial space, the number of parking spaces required for the use equals 20 spaces. They are providing 19 spaces, however, under Section VIII.8.3 they are exempt from parking requirements in the Central Business District and they no longer need to request a waiver for parking.

The three comments from the Engineering Department letter dated February 8th have been addressed.

- They adjusted the grading on the south side of the parking lot to prevent runoff from the uncovered area from entering the sewer system.
- They eliminated the doghouse structure and replaced it with a standard drain manhole.
- In place of a commercial dumpster, they are proposing that trash will be placed in 96 gallon containers and stored in the designated fenced, enclosed area . The trash will be wheeled out to the sidewalk for collection by a private company, the same way trash is collected across the street at 271 Broadway.

Mark Yanowicz of LYF Architects outlined the building changes. He explained that they eliminated a story and lowered the scale. They took out six of the previous number of units. If approval is obtained by this Board, they would then go back to the Historic District Commission in April. The Site Plan shows the trash area. It is a continuation of the privacy fence, which was requested, with gates within it. The footprint of the building remains the same as before. There are some arborvitaes and other landscaping shown around the property to soften the edge. The building is a simple flat roof structure with added internal drains. The building has lower mass but will keep the same building materials to blend with the historic nature of the community.

In response to questions by Michael Comei, Meera Cousens stated that each residential unit would have an assigned parking space indicated by signage, 2 guest spaces would be provided and the remainder would be for the retail use.

Heather Plunkett asked how the trash for the retail units would be handled.

Ms. Cousens responded that each retail unit would also have one 96 gallon trash container. At this time a restaurant is not proposed so the container should be sufficient. She also confirmed that the balconies and some windows on the south side of the building have been removed from the architectural plans.

In response to a question by Neal Hunter, Ms. Cousens noted that the density in the zone is 30 dwelling units per acre and now with the reduction in the number of units, they are proposing 40 units per acre.

Chairman DeFeo asked if a traffic memo had been provided, as mentioned by the Engineering Department.

Kathleen Colwell responded that the Engineering Department is fine with the project provided that the three items in their February 8, 2023 memo have been addressed. The Board had previously indicated some concern about a left hand turn from Osgood Street onto Broadway due to traffic back up on Broadway but it was up to the Board whether that was still a concern. She also noted that the Fire Department has a 25 foot fire lane requirement for a multi family building, but they are willing to waive that requirement because they have access to the building from Broadway and Osgood Street and the building is sprinklered. Ms Colwell also noted that with the reduced density there would be three affordable units instead of four.

Chairman DeFeo opened the floor for public comment.

For the record, nobody spoke in favor of the project.

For the record, the following people spoke in opposition:

Brenda Haryslak, 8 Ditson Place: Ms Haryslak noted the following concerns:

- The changes made to the plan will not protect her privacy
- She thought the integrity of her historic property would be preserved
- The resale value of her property

- Noise pollution
- Up to 20 new neighbors
- Trash pollution
- Traffic and car alarms

Charles Haryslak, 8 Ditson Place: Mr. Haryslak noted the following concerns

- The efforts to preserve the home in the previous petition were greater than the efforts to preserve 8 Ditson Place
- The petitioner on the previous petition took effort to speak with abutters and allay their concerns and he did not see the same thing with abutters to this project.
- This will impact the ability to preserve 8 Ditson Place.
- The livability and resale value of 8 Ditson Place.
- Concern that preservation of 8 Ditson Place is not a concern to Methuen
- A perspective view from Ditson Place has not been presented
- The density and number of variances required
- Concern where the Aspen Environmental vehicles will go
- Question whether the two lots being used as one will need a variance

Chairman DeFeo explained that if you own two adjacent lots they are considered as one. He also noted that the Board could require screening but it would take some time to fill in and the building would still be seen.

Meera Cousens noted that in terms of screening, there is existing vegetation and some large trees between this property and Ditson Place. They will be providing fencing and arborvitae at the edge of the property.

Ms. Haryslak said that there are very few trees in that location and the trees will not protect her privacy and her yard against pollution and noise. She also noted that people who own historic properties must preserve them. They don't get to do what they want to them.

Johan Lopez, the petitioner noted that he has tried to acknowledge the Haryslak's concerns as much as possible. They are eliminating units, eliminating windows and porches and adding fencing. They have done everything that has been asked of them and at this point he doesn't know what else he can do. He stated that he owns four historical buildings in the square so he is very familiar with the process of maintaining historic buildings and their value. They have worked hard from the beginning, and hand and hand with the Historic District Commission to make sure they keep their properties in good condition. At the end of the day, they cannot control what a neighbor does to their property. If anyone next to us decides to do something with their property, we cannot decide what they can do with their property just because we own the property next to them, as long as they are following the requirements. This is a downtown business district. He is doing what he is able to do in the downtown.

Galen Anderson of LYF Architects commented on historic preservation. In terms of historic preservation within the historic district, we all understand that it's very important for individual building that exist to be preserved into the future, but that doesn't preclude new development within these areas. In major cities across Massachusetts, there are buildings dating back to the founding of this country, but they are also neighbored by new

development. That’s standard and that will happen across empty lots as cities continue to grow.

The Board considered the waiver requests.

WAIVER REQUESTS

Waiver #1 Section V-V.6.c Waiver from the maximum residential density. The maximum density in the MCSOD is 30 residential units per acre of developable land. The total lot area of the project is 13,217 square feet; therefore, the maximum allowable number of dwelling units is 9 units. The applicant proposes 12 dwelling units.

MOTION: Neal Hunter made a motion to grant Waiver #1

SECOND: Brian Boes

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

Waiver #2 Section V-V.7 Waiver from the 10 foot minimum side yard setback. The applicant requests a 6.3 foot setback from the southern property line.

MOTION: Brian Boes made a motion to grant Waiver #2

SECOND: Neal Hunter

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

Waiver #3 Section V-V.7 Waiver from the 70% maximum lot coverage. The applicant requests a waiver to allow 83% lot coverage.

MOTION: Brian Boes made a motion to grant Waiver #3

SECOND: Heather Plunkett

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

Waiver #4 Section V-V.7 Waiver from the 30% minimum open space. The applicant requests a waiver to allow 17% open space.

MOTION: Michael Comei made a motion to grant Waiver #4

SECOND: Brian Boes

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

Waiver #5 Section V-V.8.e Waiver from the minimum front yard setback. The adjacent existing building located at 265 Broadway is setback approximately 17.8 feet from the Broadway right-of-way. The proposed building foundation is setback approximately 9.1 feet from the Broadway right-of-way; however, the upper floor overhang is setback 7 feet from the Broadway right-of-way.

MOTION: Brian Boes made a motion to grant Waiver #5

SECOND: Neal Hunter

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

Waiver #6 Section III-B.5.a Waiver to allow off street parking within 7.5 feet from all building and lot lines, and the parking spaces to the east are location approximately 2 feet from the eastern property line.

MOTION: Brian Boes made a motion to grant Waiver #6

SECOND: Heather Plunkett

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

Waiver #7 Section 9-91 Waiver from the required 25 foot fire lane around the building. The proposed building will be fully sprinklered, and the applicant will work with the Fire Department to provide additional features to the building if needed.

In an email dated March 15, 2023, Captain Tracey Blanchette stated that the Fire Department was willing to grant this waiver because the building can be accessed from Broadway and Osgood Street and it will be fully sprinklered. They may also review the building materials to be used adjacent to the abutting building.

Mark Yanowicz commented that the building material is primarily brick and fire treated panel systems that will be painted, as well as fiber cement cladding.

Kathleen Colwell noted that it appears that on the side setback there will be some cars that will stick out from under the building. Meera Cousens confirmed that was correct, due to having the required number of drive aisles.

Kathleen Colwell noted that this project will go back before the Historic District Commission. They had generally approved the concept of the plans but they wanted to wait for final approval until the Community Development Board plans were finalized. She also noted that the applicant has provided proposed affordable housing restrictions which will be sent to the Department of Housing and Community Development at the state level for further review. The state will dictate which units will be the affordable units.

MOTION: Michael Comei made a motion to close the public hearing.

SECOND: Brian Boes

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

MOTION: Michael Comei moved to conditionally approve the Methuen Smart Growth Overly District Plan Approval for 269 Broadway and 2 Osgood Street after final review by the Chairman.

SECOND: Brian Boes

DISCUSSION: Mr. Comei inquired whether changes at the Historic District Commission would require them to come back to this Board. Ms. Colwell responded that the Historic District Commission was waiting for a decision from this Board and she didn't expect and changes that would require them to come back to this Board.

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

9) **New Business.**

a) Set public hearing date:

There are no new applications.

b) Any other new business

Kathleen Colwell informed the Board that Colchester properties appealed our decision and we will be scheduling an Executive Session probably at the April 12th meeting.

For the record, there was no other new business.

10) **Old Business.**

a) 18-20 Ayers Village Road- update

The engineer for this project sent an email requesting to continue discussion of the project to the April 12th meeting.

Chairman DeFeo entertained a motion to table this item to the April 12th meeting.

MOTION: Brian Boes so moved.

SECOND: Michael Comei

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Yes
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Absent
Neal Hunter	Yes
Heather Plunkett	Yes

b) 5 Pleasant Street & 275 Broadway Plan Approval– update

The developer has posted their \$20,000 bond for 275 Broadway and Ms. Colwell has signed off for occupancy. They are going through some final review by the Historic District Commission.

c) MBTA Communities -update

Kathleen Colwell informed the Board that the City has hired Emily Innes Associates and she will be working with the City to identify some locations for the required multi family zoning. An advisory has come out from the Attorney General putting communities on notice that this

Approved by the Community Development Board 05/10/2023
is a mandatory requirement. It is not optional. She reminded the Board that they had previously designated Ms. Plunkett and Mr. Hunter as the MBTA Communities subcommittee.

d) Master Plan-update

A presentation was made to the City Council on February 21st on existing conditions. We'll be moving along with the Master Plan and another presentation will be made to the City Council at the end of April or the beginning of June. A Steering Committee meeting will be set up for the end of April. There are 4 phases to the Master Plan and we are just finishing up phase I.

e) Any other old business

For the record there is no additional old business.

11) **Correspondence.**

For the record there was no additional correspondence.

12) **Adjournment.**

There being no further business before the Board, Chairman Stephen DeFeo entertained a motion to adjourn.

MOTION: Brian Boes so moved.

SECOND: Michael Comei

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Yes
Michael Comei	Absent
Shadi Kassis	Absent
Brian Boes	Yes
Ronald Hatem	Yes
Neal Hunter	Yes
Heather Plunkett	Yes

Chairman Stephen DeFeo adjourned the meeting at 8:17 pm.

Respectfully Submitted,

Nancy P. Hudson
Community Development Confidential Secretary

*** NEXT REGULAR MEETING Wednesday April 12, 2023 ***