

CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD
Wednesday May 10, 2023 at 6:30 P.M.
VIA ZOOM WEB CONFERENCE

MINUTES

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

Acting Chairman Michael Comei called the meeting to order at 6:33 pm and read the following statement into the record:

Pursuant to Chapter 2 of the Acts of 2023, 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	Absent
Michael Comei, Secretary	Present
Brian Boes, member	Absent
Ronald Hatem, member	Present
Neal Hunter, member	Present
Shadi Kassis, member	Present
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) February 8, 2023
- b) March 15, 2023

The minutes of February 8, 2023 are not ready.

MOTION: Neal Hunter moved to accept the meeting minutes of March 15, 2022.

SECOND: Heather Plunkett

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

Stephen DeFeo	Absent
Michael Comei	Yes
Shadi Kassis	Yes
Brian Boes	Yes
Ronald Hatem	Yes
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 PM Public Hearing:** 436 Broadway – Site Plan Approval/Special Permit for a Drive-through

Jared Grondin, engineer for the applicant, presented the plan. The property is a 10.2 acre parcel located at 436 Broadway, also known as The Village Mall Plaza. The existing plaza contains 18 tenants within the existing building with various uses, including restaurants, retail, office space, and personal care businesses. The parcel is abutted by Texas Roadhouse to the southeast, residential properties across Broadway to the northeast, and Dunkin Donuts to the south. The property is located in the Business Highway zone. The Special Permit for the restaurant use is existing within the plaza.

The proposed project consists of a 2,200 square foot Taco John's fast food restaurant located adjacent to Broadway, north of the existing entrance to the plaza. The project has been designed to include various landscape islands and landscape features around the restaurant and the surrounding drive aisles to add character to the to the parking lot, which is almost entirely paved. The restaurant's hours of operation will be 7:00 am -12:00 am weekly.

The stormwater management system for the property includes utilizing existing catch basins with sumps and hooded outlets, as well as a bio-retention area for stormwater treatment and infiltration to aid the ground water recharge. With the reduction of impervious pavement on

Approved by the Community Development Board 06/14/2023
site, and the addition of the stormwater best management practices, the proposed rate of runoff leaving the site is less than the existing conditions.

The proposed building will be serviced by city water and sewer. The proposed water connection is within the plaza's existing entrance and the sewer connection ties into an existing manhole to the sewer main in Broadway. Electrical and data connections will be from underground lines from a utility pole on Broadway. Gas to the restaurant will connect to the existing gas line within the existing driveway for the plaza. No additional lighting is proposed on site, as the existing lighting within the plaza is sufficient. A detailed landscaping plan has been submitted with the application. The planting plans were prepared by a registered landscape architect and designed to comply with all city requirements.

Michael Comei noted the fairly long drive through aisle and asked what the expected queue and wait time is would be. He also asked if the main entrance would be on the front of the building, on the south side of the building.

Mr. Grondin replied that the drive through aisle is designed for 11 vehicles, which is enough stacking spaces that there won't overflow into the existing main drive aisle into the plaza. There are two entrances for customers, one on the north closest to Broadway, and one on the south side of the building, coming from the interior of the plaza, just east of the drive through window.

Mr. Hunter expressed concern about the undefined pass through area at the entrance to the plaza, and also that the order intake area was located on the side of the building adjacent to residential properties.

Mr. Grondin stated that they have received review comments and they have been working with staff to address concerns to make the parking lot safer and more separated from the main parking lot by keeping the restaurant traffic away from the plaza traffic.

Kathleen Colwell noted that staff had been concerned about the entrance and exit being close to the intersection. That intersection is difficult and is one of the top 100 crash sites in the state. Staff have been working with them to design a plan with a shift in the entrance. Another concern is to make sure there are enough dedicated parking spaces for the Ellie's Farmhouse restaurant, the location of the handicapped spaces, and safe pedestrian access. Regarding the order area on the side of the residences, she noted that the site is lower than the elevation of the residences, but we can make sure that the noise isn't emanating out to the neighbors. The Fire Department will be reviewing the plans, but where it is surrounded by pavement, they feel that they can get to the site, but they want to make sure they can get in and out of the plaza safely. It's a difficult intersection and there needs to be well defined lanes.

Mr. Grondin noted that they are working with the franchisee to provide architectural plans and their traffic consultant will be submitting their report.

Heather Plunkett stated that she would like to see the plan shared on screen at the next meeting.

Mr. Grondin agreed to do so.

For the record, nobody from the public was present to speak.

MOTION: Heather Plunkett made a motion to continue the public hearing to the next meeting, June 14th.

SECOND: Ronald Hatem

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

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

8) **New Business.**

a) 21 Royal Drive (Barry Hill Estates)-Lot release

Kathleen Colwell explained that this is an old subdivision from 1989, where lot 9 was omitted from a release of the covenant.

MOTION: Neal Hunter moved release lot 9 from the restriction and authorize the Chairman to sign on behalf of the Board.

SECOND: Heather Plunkett

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

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

b) Election of Officers

Acting Chairman Michael Comei recommended tabling this item until a full Board is present.

MOTION: Heather Plunkett moved to table election of officers until the next meeting.

SECOND: Neal Hunter

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call

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

c) Any other new business

For the record, there was no additional new business.

9) Old Business.

a) Liam's Lane – update

Kathleen Colwell explained that this project is almost finished. The Engineering Department has had some issues with the last 100 feet of pavement. The stormwater is not draining into the catch basin and is running onto Howe Street. The developer disagrees and has not addressed the issue. The problem for the residents is that Liam's Lane is not a public way and residents are not getting city services. This issue needs to be resolved and one step the Board could take is to vote to take the bond. There was also an issue with a guard rail that was installed on top of a storm drain, which has been resolved. This is an ongoing issue that will continue to be on the agenda.

b) 18-20 Ayers Village Road- update

Kathleen Colwell commented that we have been waiting for and As-Built Plan as the original As-Built Plan showed that the project was not built in conformance with the approval. They need to come back to the Board with a revised parking lot plan. Because they paved over many of the utilities, they were not able to include those on the As-Built Plan, therefore it could not be determined if they were built correctly. We are waiting for them to uncover the utilities in the parking lot, which couldn't be done until the spring. We have given them a deadline of next week. Currently, they are before the Conservation Commission and the Community Development Board to address the deviations to the approved plans. If they don't have a submission to us for the June meeting, she may be asking the Board to vote to have the Building Commissioner take enforcement action.

c) MBTA Communities -update

Kathleen Colwell reminded the Board that a few months ago, Ms. Plunkett and Mr. Hunter were designated to be members of the Housing Working Group. The MBTA Communities is one of the housing items that the committee is working on. We have hired Emily Innes Associated as our consultant and she expects to be starting work on this in August. Because Methuen is an adjacent community, we don't need to start as soon as some other communities she has been working with that have an earlier compliance. Methuen's compliance date is a year from now.

d) Master Plan-update

Kathleen Colwell told the Board that the steering committee has been working on a public survey. A robo call was sent out from the Mayor, urging everyone to fill out the survey on the Master Plan page on the City's website. There have been about 350 new surveys submitted. The Master Plan is a four phase, multi- year process. We are just finishing Phase One and moving to Phase Two.

e) Any other old business

For the record, there was no additional old business.

10) Correspondence.

For the record, there was no additional correspondence.

- 11) Executive Session pursuant to M.G.L. c. 30A, Sec 21 (3): "To discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the ...litigating position of the public body and the chair so declares" in the matter of Colchester Properties, LLC v. Stephen F. DeFeo, et al. (Community Development Board of the City of Methuen), Land Court, Case No. 23 MISC 000094-KTS pertaining to the approval of a subdivision for 80 Myrtle Street. Discussion of strategy with respect to litigation. **Following the conclusion of the Executive Session, the Community Development Board will adjourn and not re-enter into open session.**

Acting Chairman Michael Comei called for a motion to enter into Executive Session.

MOTION: Heather Plunkett made a motion to go into executive session.

SECOND: Neal Hunter

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call


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

Neal Hunter Yes
Heather Plunkett Yes

The Board entered into Executive Session at 7:07 pm. They will adjourn from in Executive session and not re-enter into open session.

*****NEXT REGULAR MEETING Wednesday, June14, 2023*****

Pursuant to Chapter 2 of the Acts of 2023, 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.

 **Anyone needing an access accommodation to participate in City of Methuen programs or services, please contact Sandy Almonte, ADA/DEI Coordinator at 978-983-8580 or salmonite@ci.methuen.ma.us at least 2 weeks in advance, or 2 business days before any Board or Commission meeting. This notice is available in alternative formats upon request.**