

COMMUNITY DEVELOPMENT BOARD

NOTICE OF DECISION SPECIAL PERMIT APPROVAL Section XI-D (11) Frontage Exception Lot

Case No. 2021-5
Date of Application: 10-08-2021
Date of Hearing: 12-08-2021
Date of Decision: 01-13-2022

Petition of: Father and Son Construction
134 Edgewood Avenue
Methuen, MA

Premises Affected: 134 Edgewood Avenue (Parcel 514-140-37)
RG Zoning District

Referring to the above petition for a Frontage Exception Special Permit per Section XI-D (11) of the Comprehensive Zoning Ordinance of the City of Methuen to allow the creation of Lot 1 and Lot 2 as shown on the approved plan; Lot 1 with reduced frontage.

After a public hearing held on December 8, 2021 the Community Development Board voted **UNANIMOUSLY (6-0) to grant the special permit for the frontage exception lot.**

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 January 13, 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 Drouin, Acting Methuen City Clerk

The application was filed on October 8, 2021. The applicant submitted a complete application that was noticed and reviewed in accordance with Section XI-B of the Methuen Zoning Ordinance and MGL Chapter 40A, Section 9. The public hearing was opened on December 8, 2021 and continued to January 12, 2022.

William Hall, Civil Design Consultants, Inc. presented the plans and application to the Board. The existing single-family home will remain on Lot 1 with 8,254 SF and 50 feet of frontage. Lot 2 will contain 34,686 SF and 136.67 feet of frontage and conforms to the requirements set forth in Appendix B Table of Dimensional Regulations for the RG Zone.

On a motion by Mr. Comei seconded by Mr. Boes, the Board voted to close the public hearing. On a motion by Mr. Comei and seconded by Mr. Boes the Board voted to grant a Special Permit to allow the creation of Lot 1 and Lot 2 as a Frontage Exception Lot with conditions. The following Board members were present and voting: Stephen DeFeo, Michael Comei, Brian Boes, Ron Hatem, Neal Hunter, and Heather Plunkett.

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 motion to approve was subject to the **FINDING OF FACTS** and **SPECIAL CONDITIONS** set forth as follows.

FINDINGS OF FACT:

In accordance with **Section XI-C (2) Special Permits - General Regulations** the Community Development Board makes the following findings:

- a. The proposal serves social, economic and community needs to allow the creation of one additional residential lot without the construction of a roadway.
- b. The proposed use will result in no impact on traffic flow as there will be one additional residential lot.
- c. The proposed use will utilize no public services other than City water and sewer.
- d. The neighborhood character and social structure will not be impacted by the creation of one additional residential lot.
- e. The proposed use has no impact on the natural environment as there will be no new roadway construction required for the creation of one additional residential lot. The project will be thoroughly reviewed by the Conservation Commission.
- f. The proposed use will have no impact on City services.
- g. The proposal is consistent with the most recent City of Methuen Master Plan.

In accordance with **Section XI-D (11) (d) Frontage Exception Lots** the Community Development Board makes the following findings:

- a. The area (42,940 SF) of the lot to be divided is more than three (3) times the minimum area (8,000 SF/12,000 SF) required for the RG Zone.
- b. The frontage (217.49 feet) for the lot to be divided is greater than the frontage (80/100 feet) required for RG Zone.
- c. The lot to be divided is not split into more than two buildable lots.
- d. The new newly created lots each contain more than the minimum area required for the RG Zone (8,000/12,000 SF). Lot 1 will contain 8,254 SF. Lot 2 will contain 34,686 SF.

- e. The two newly created lots each have a minimum of fifty (50%) percent of the frontage (80/100 feet) but not less than one hundred feet required for the RG Zone. Lot 1 will have 50 feet and Lot 2 will have 167.49 feet of frontage.
- f. The two newly created lots each have a lot width of not less than fifty (50') feet at any point between the street and site of the dwelling.
- g. The Applicant did not request a waiver for front, side, and rear setbacks.
- h. There are no frontage exception lots contiguous to the newly created lots.
- i. The newly created lots are not so located as to not block the possible future extension of a dead-end street.
- j. The creation of the frontage exception lot is in harmony with the general purpose and intent of the zoning ordinance.

SPECIAL CONDITIONS:

Upon reaching the above findings, the Community Development Board approves this Special Permit based upon the following SPECIAL CONDITIONS:

- 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 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. Prior to the issuance of a Building Permit for Lot 2:
 - a. The Community Development Board must endorse the final site plan mylars and three (3) copies of the signed, recorded plans must be delivered to the Community Development Office.
 - b. One certified copy of the recorded decision must be submitted to the Community Development Office.
 - c. The applicant shall record a deed restriction on the plans and in the deed indicating that the Lot 1 and Lot 2 may not be further subdivided or divided in any manner. Said recorded plan and deed shall be provided to the Building Commissioner and the Community Development Office.
- 3. This Special Permit approval shall be deemed to have **lapsed two years after the date of the grant of this special permit** if a substantial use thereof has not sooner commenced, except for good cause or, in the case of a permit for construction, if construction has not begun by such date, except for good cause. If construction or operation has not begun within six (6) months or if construction is not continuing toward completion in as continuous or expeditious manner as is reasonable during the initial six (6) months, then construction shall conform to any amendment to this ordinance.
- 4. The following information shall be deemed part of the decision:

Frontage Exception Special Permit Plan; 134 Edgewood Avenue, Methuen, MA 01844; prepared for Father and Son Construction; prepared by Civil Design Consultants, Inc.; dated July 9, 2021; containing Sheet C-1 and Sheet D-1; rev. through 12/27/21.