

240 Pleasant Street
Methuen, MA

Site Plan Approval
CITY CLERK'S OFFICE
METHUEN, MA

2020 NOV 16 AM 11:01

CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD

NOTICE OF DECISION - Site Plan Approval

240 Pleasant Street

Case No: 2020-5
Date of Application: 10-14-2020
Date of Hearing: 11-10-2020
Date of Decision: 11-16-2020

Petition of: Saisa Realty, LLC
240 Pleasant Street
Methuen, MA 01844

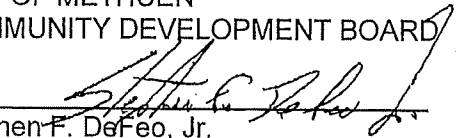
Premises Affected: 240 Pleasant Street
Assessor's Map 812-59-99, 228-254 Pleasant Street
Limited Business (BL) Zoning District

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 2,176 S.F. (1-story) building consisting of four garage bays** in the Limited Business District (BL) Zone.

At a public hearing held on November 10, 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 **November 16, 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 Acting City Clerk

FINDINGS OF FACT:

Saisa Realty, LLC filed an application for Site Plan Approval on October 14, 2020. The applicant submitted a complete application, which was noticed and reviewed in accordance with Section XII Site Plan Approval of the City of Methuen Comprehensive Zoning Ordinance and MGL Chapter 40A, Section 9.

The property contains approximately 2,748 acres of developed land at 228-254 Pleasant Street located in the Limited Business BL Zone. The site is currently owned by Saisa Realty, LLC; Benjamin P. Goodman, Trustee, Eastie Realty Trust; and Methuen Realty, LLC.

The Applicant proposes to construct a new 2,176 square foot (1-story) building consisting of four garage bays and a break room at the northeast corner of the site as well as a new concrete dumpster pad. Most of the proposed building is located within the footprint of the existing parking lot and the proposed layout will result in an overall decrease in impervious coverage onsite of approximately 300 square feet.

An analysis of the parking demonstrates that there are 200 spaces required on the entire site and 252 spaces will be provided. This project will reconfigure 18 existing spaces and create one additional space. A variance was granted by the Methuen Zoning Board of Appeals on September 23, 2020 to allow a ten (10) foot side yard setback to the proposed building.

The project is shown on a plan containing entitled: Proposed Accessory Building, Assessors Map 812 Block 59 Lot 99, 228-254 Pleasant Street, Methuen, MA 01844; prepared for Saisa Realty, LLC; prepared by GPI; dated October 7, 2020, containing 3 sheets, and an elevation sheet, as may be further revised by this decision.

The public hearing on the above referenced application was opened and closed by the Community Development Board on November 10, 2020. David Jordan, GPI and Attorney Anthony Copani appeared on behalf of the Applicant.

On a motion by Mr. Comei and seconded by Ms. Beshara, the Board voted to close public hearing. Upon a motion by Mr. Comei, seconded by Mr. Boes, the Board voted unanimously (4-0) to GRANT the Site Plan Approval with Conditions. Stephen DeFeo, Chairman; Michael Comei, Secretary; Brian Boes, and Gisette Beshara were in attendance.

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.

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 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 including but not limited to the following:
 - i) The areas where pavement is removed are to be loamed and seeded and a tree to be planted in the grass island adjacent to the break room, A note to this effect must be added to the plans.
 - ii) The dumpster must be fenced in per Board of Health Regulations and a fence detail added to the plans.
 - iii) A curb must be added to the parking space adjacent to the dumpster.
 - iv) Appropriate signage must be placed on the building for 911 purposes.
 - v) The sanitary sewer connection must be revised to depict the slope increased to 2% of the pipe diameter increased to 8".
 - vi) In the garage bays an oil/water separator will be required
- 2) **Prior to the start of any site work and Building Permit issuance:**
 - 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) 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).
- g) The stormwater runoff must be mitigated via two different types of infiltration systems. The Engineer must confirm, at construction, that the soil is suitable to receive stormwater runoff and is not contaminated.

3) 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.

4) 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.
- 5) **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.
- 6) **Other Conditions:**
- a) **No on-site lighting shall shine onto the Route 213 exit ramp.**
 - b) 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.
 - c) 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.
 - d) 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.
- 7) 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.

- 8) 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.
- 9) The following documents and plans shall be deemed part of the decision:
 - a) Proposed Accessory Building, Assessors Map 812 Block 59 Lot 99, 228-254 Pleasant Street, Methuen, MA 01844; prepared for Saisa Realty, LLC; prepared by GPI; dated October 7, 2020, containing 3 sheets, and an elevation sheet, as may be further revised by this decision.