

80 Hampstead Street
Methuen, MA

Definitive Subdivision
Guzman Lane

City of Methuen
COMMUNITY DEVELOPMENT BOARD

CERTIFICATE OF APPROVAL WITH CONDITIONS

80 Hampstead Street
DEFINITIVE SUBDIVISION PLAN

2023 JUN 17 AM 11:20

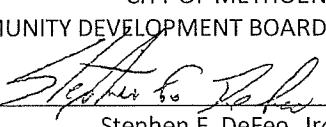
Owner: St. George Syrian Orthodox Catholic Society
of Lawrence, Mass, Inc.
8 Lowell Street
Lawrence, MA 01840

Applicant: Eddy Guzman
P.O. Box 656
Lawrence, MA 01840

Premises Affected: 80 Hampstead Street
Assessor Map 706-70-6
RR Zoning District

At a public hearing held on January 11, 2023, the Community Development Board voted **UNANIMOUSLY** (5-0) to **APPROVE WITH CONDITIONS** the Definitive Subdivision Plan for a 2-lot subdivision (one new lot) located on 12.6± acres of land located at 80 Hampstead Street in the Rural Residential (RR) Zoning District. Due to the configuration of the wetland resources on the site the Community Development Board has determined that it is in the public interest and not inconsistent with the Subdivision Control Law to waive the construction of road. Approximately 10.3 acres of land will be permanently protected as open space with a Conservation Restriction.

This is to certify that the above action was taken in compliance with the statutory requirements as set forth in Chapter 41 of the General Laws, and that a copy of this decision was filed with the City Clerk on **January 17, 2023**.

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
Methuen City Clerk

On May 26, 2022 the Applicant submitted a complete application and plan. This application and plan were noticed and reviewed in accordance with the procedures set forth in the City of Methuen, Massachusetts, Comprehensive Zoning Ordinance (revised through October 19, 2009), the Subdivision Rules and Regulations (revised through September 1988), and M.G.L. c. 41 (the "Subdivision Control Law").

The Applicant proposes to construct a two-lot subdivision on an existing 12.6± acre parcel at 80 Hampstead Street. The parcel is on the west side of Hampstead Street. The parcel has an existing, vacant dwelling on the east side of the lot, in poor condition with a paved driveway south of the house. The area immediately around the house and driveway consists of lawn and landscaping. Approximately 27,390 SF (0.63±acres) of the 12.6-acre parcel is developed, the remaining area of the lot is wooded, a large portion of which is wetland. The dwelling will be razed, and the driveway removed during construction. More than 10.3 acres of land will be permanently protected as open space.

The public hearing was duly advertised in the Eagle Tribune on June 27, 2022 and July 4, 2022 for a public hearing on July 13, 2022. The public hearing was opened and continued to August 10, 2022, September 14, 2022, October 12, 2022, November 9, 2022, December 14, 2022, and January 11, 2023. Dennis Grecci, from Andover Consultants Inc. presented the plan to the Board. Several neighbors spoke and submitted testimony in opposition to the originally submitted three-lot subdivision plan that proposed large stormwater basins adjacent to the abutters on either side of the property. The Applicant worked with the Board and the abutters to prepare a two-lot plan with two driveways to reduce overall impacts to the site.

On January 11, 2023 on a motion by M. Boes, seconded by Ms. Plunket, the Board voted unanimously (5-0) to close the public hearing. On a motion by Mr. Boes and seconded by Ms. Plunkett, the Community Development Board voted unanimously (5-0) to **APPROVE WITH CONDITIONS** the Definitive Subdivision Plan as set forth on the following plan:

Definitive Subdivision Plan, Guzman Lane, Methuen, Massachusetts; prepared for: Eddy Guzman; prepared by Andover Consultants, Inc.; containing 9 sheets; dated May 6, 2022; rev. through December 6, 2022.

Two lots will be created on Guzman Lane. Lot 1 contains 99,269 SF and has 326.8 feet of frontage on Guzman Lane and 104.90 feet of frontage on Hampstead Street. Lot 2 contains 423,493 SF and has 200.50 feet of frontage on Guzman Lane. Each lot will be served by its own driveway and utilities accessed from Hampstead Street.

Due to the configuration of the wetland resources and the topography on the site the Community Development Board has determined that it is in the public interest and not inconsistent with the Subdivision Control Law to waive the construction of Guzman

Lane. The Board hereby waives the construction of Guzman Lane to reduce impacts to the resource areas, reduce impacts to abutters, reduce impervious cover and reduce the burden on City resources. By waiving the road construction, the City will save maintenance time and costs on a roadway, related drainage, and utilities. No additional lots will be created along this unimproved way. The site will be privately owned and maintained.

In addition to the reduction in the number of lots and to impervious surfaces, a large portion of the land will be preserved as open space through a Natural Heritage & Endangered Species Program (NHESP) Conservation & Management Permit which will ensure permanent habitat protection. The protected open space for Lot 1 is 44,772SF and for Lot 2 405,346SF for a total of over 10.3 acres of permanently protected open space habitat.

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 Community Development Board members were present and voting:
Stephen DeFeo (Chair), Brian Boes, Ronald Hatem, Neal Hunter (Secretary), and Heather Plunkett.

The Community Development Board finds that the Definitive Subdivision complies with all the City Regulations and Board of Health (connecting to public sewer) standards and requirements with the following conditions:

- 1) The roadway (Guzman Lane) as shown on the subdivision plan approved hereunder shall remain a private way, and neither the Applicant nor any successor-in-title shall require that the City accept such roadway as a public way. The Applicant and its successors -in -title shall retain responsibility for the construction, maintenance, repair, and snow plowing of the driveways, including any utilities within the roadway.
- 2) The City is not responsible for maintenance of the driveway, utilities, storm water management systems, etc. on the site. The City shall neither maintain nor provide service to any portion of Guzman Lane. The driveways providing access to each home shall remain private and will not be maintained by the City.
- 3) The stormwater and drainage structures as shown on the subdivision plan approved hereunder shall remain privately owned by either the Applicant, its successor-in-title or a Homeowner's' Association, and the City shall have no obligation to repair,

inspect, maintain replace or otherwise improve the stormwater and drainage structures.

- 4) The Applicant shall form a Homeowner's Association, and the Homeowner's Association shall assume responsibility for the maintenance of the driveways and for the stormwater and drainage structures from the Applicant.
- 5) **All trash and recycling** must be placed at the edge of a public way at Hampstead Street for collection.
- 6) **Prior to endorsement** of the plans by the Community Development Board the applicant shall complete the following:
 - a) The final definitive subdivision plan set must be reviewed and approved by the City's Department's, 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.
 - b) A Massachusetts Endangered Species Act (MESA) Conservation & Management Permit is required. The final definitive subdivision plan set must reflect the final Open Space Plan as approved by NHESP showing the entire boundary of the restricted open space, locations of proposed permanent bounds and open space signs, etc.
 - c) The Homeowner's Association documents, and sample individual deed shall be furnished to the City's Legal Counsel for review and approval as consistent with this decision prior to recording the same. A sample deed for each individual lot must be submitted for review and approval by the City Solicitor to ensure that the deeds contain the appropriate language as required by this decision. The deed must acknowledge:
 - i) The Homeowner's Association is responsible for the maintenance of the driveway and storm water management including the stone recharge trench, as shown on the approved on the plan.
 - ii) All trash and recycling must be placed at the end of the driveway on Hampstead Street.
 - iii) The roadway (Guzman Lane) as shown on the subdivision plan approved hereunder shall remain a private way, and neither the Applicant nor any successor-in-title shall require that the City accept such roadway as a public way. The Applicant and its successors -in -title shall retain responsibility for

the construction, maintenance, repair, and snow plowing of the driveways, including any utilities within the roadway.

- iv) The lots cannot be further subdivided.
- v) All lots acknowledge the limit of clearing as shown on the plan and marked in the field.
- d) The final definitive subdivision plan set must state that the lots cannot be further subdivided.
- e) The Street Addresses as assigned by the City Assessor must be added to the plan. All Lots must be marked with both the subdivision lot numbers and the street address numbers on all plan sheets. All communication with the City Departments must refer to the new street address.

7) Prior to the start of any construction and/or work on site:

- a) 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 the conditional approval. The bond must be in a form acceptable to the City of Methuen and the Community Development Board.
- b) This Certificate of Approval with Conditions 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 Board.
- c) 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 (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 developer and the Community Development Department.
- d) 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.

- e) The limit of clearing as shown on the approved site plan shall be marked in the field and reviewed by the Community Development Department or their designated representative prior to any work.
 - f) The Conservation Restriction (CR) and/or Declaration of Restriction (DOR) as required by MESA must be recorded prior to the start of work. Note that NHESP may allow a DOR to be recorded as placeholder for the CR. Proof of recording must be submitted.
- 8) **Prior to the issuance of the building permit for Lot 1 and 2:**
- a) The Deed Restrictions and Homeowners Association documents reviewed and approved above must be recorded and a copy submitted to the Community Development Board.
- 9) **Prior to verification of the Occupancy Permit for Lot 1 and 2:**
- a) An as-built plan and profile of the site shall be submitted to the Department of Engineering and the Community Development Department for review and approval demonstrating that the driveway was constructed in accordance with the approved plans including all storm water management systems.
- 10) **Prior to the release of the Performance Security held for this project:**
- a) The Board must determine that the construction or installation has been completed in accordance with the approved plan and decision. Upon such determination it shall release the interest of the City on the bond, deposit or Covenant and return the bond, or deposit to the person who furnished it, or issue a release of covenant in a form for recording.
- 11) **During Construction:**
- a) 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.
 - b) 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.

- c) 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.
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) Any blasting operations shall require proper permits and may not be undertaken on any Sunday or holiday.
- i) 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.
- j) Once paved, the streets shall be kept clear and passable at all times. 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.
- k) 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.

12) Other Conditions:

- a) 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.

- b) The owner is advised that to the extent construction of afore referenced roadway requires compliance with MGL. Chapter 131 Sec. 40, Wetlands Protection Act, as administered by the Conservation Commission, the owner shall secure all necessary reviews and permits prior to commencing of activities subject to jurisdiction of the Wetlands Protection Act.
 - 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 any and all work on the areas as mentioned in such order.
- 13) The applicant is responsible for any fees associated with recording any documents and/or plans with the North Essex Registry of Deeds.
- 14) These restrictions SUPERCEDE any and all Community Development Board (Planning Board) conditions now in effect on this parcel of land.
- 15) **Under MGL Ch. 41 Sec. 81R and Section 1.3 of the Subdivision Rules and Regulations the Community Development Board voted to grant the following waivers from the Subdivision Rules and Regulations, revised through September 1988. In their deliberations the Board determined that these waivers are in the public interest and are not inconsistent with the Subdivision Control Law.**
- a) Section 3.0 Submission and Action:
 - i) Section 3.2.6 Performance Guarantee
 - ii) Section 3.2.6.1 Final Approval with Bonds or Surety
 - iii) Section 3.2.6.2 Final Approval with Covenant
 - b) Section 4.0 Design Standards: Waiver from the entire section to allow for individual driveway access to Hampstead Street from each lot rather than construction of a street.
 - c) Section 5.0 Required Improvements
 - i) Section 5.3.1(3) Typical Cross-Section
 - ii) Section 5.3.4 Gravel Base
 - iii) Section 5.3.5 Pavement
 - iv) Section 5.3.6 Roadway Embankments and Retaining Walls: Subsections 5.3.6 (2), (3), (4)
 - v) Section 5.3.7 Curbs and Berms
 - vi) Section 5.4 Storm and Surface Drainage
 - vii) Section 5.5 Sanitary Sewers: Subsections 5.5.4, 5.5.5

- viii) Section 5.6 Waiver Mains, Valves Hydrants & Fittings
- ix) Section 5.7 Sidewalks
- x) Section 5.8 Guardrails
- xi) Section 5.10 Street Signs
- xii) Section 5.12 Street Lighting

- 16) The Board has determined that the driveways that will be constructed will provide safe vehicular travel for each new lot.
- 17) This Definitive Subdivision Plan approval is based upon the following information which is incorporated into this decision by reference:
 - a) Definitive Subdivision Plan, Guzman Lane, Methuen, Massachusetts; prepared for: Eddy Guzman; prepared by Andover Consultants, Inc.; dated May 6, 2022, rev. December 6, 2022.