

**CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD**

NOTICE OF DECISION - Section V-V
Methuen Center Smart Growth Overlay District Plan Approval

Date of Application: 08-09-2021
Date of Hearing: 09-08-2021, 10-13-2021
Date of Decision: 10-19-2021

Applicant: Exordium Opco LLC
44 Merrimack Street
Newburyport, MA 01950

Property Owner: Robert Palmisano
16 Industrial Way
Salem, NH 03079

Premises Affected: 5 Pleasant Street (Red Tavern) 612-55-5
275 Broadway (John Hancock Lodge) 621-55-6 and 621-55-4-8
Methuen Center Smart Growth Overlay District

Referring to the above petition for Plan Approval in accordance with Section V-V of the Methuen Comprehensive Zoning Ordinance and M.G.L 40R so as to allow the construction of four (one existing) residential units and approximately 14,700 SF non-residential space within the existing building located at 5 Pleasant Street and fifteen residential units within the existing building located at 275 Broadway (Exchange Hotel). At a public hearing held on October 13, 2021 the Community Development Board voted UNANIMOUSLY (5-0) to APPROVE WITH CONDITIONS this Plan Approval.

This is to certify that the above action was taken in compliance with the statutory requirements of M.G.L. Ch. 40R. A copy of this decision was filed with the City Clerk on October 19, 2021 and the plans referred to in the decision are on file with the Community Development Board.

City of Methuen Community Development Board
By: 
Stephen F. DeFeo, Jr., Chairman

Any person aggrieved by the Decision of the Board may appeal to the appropriate court in accordance with the provisions of M.G.L ch. 40A Section 17, pursuant to M.G.L. ch. 40R Section 11, within 20 days after the date of filing of this Decision with the City Clerk. Notice of any appeal with a copy of the complaint must also be filed with the City Clerk within such twenty (20) days as provided in M.G.L. ch. 40A Section 17.

I hereby certify that no appeal has been filed in the Methuen City Clerk's Office, within the twenty (20) day appeal period.

Anne J. Drouin, Methuen Acting City Clerk

FINDINGS OF FACT:

Exordium Opco LLC (Applicant) filed an application for Plan Approval on August 9, 2021. The applicant submitted a complete application, which was noticed and reviewed in accordance with Section V-V Methuen Center Smart Growth Overlay District of the City of Methuen Comprehensive Zoning Ordinance and MGL Chapter 40R.

The National Register Exchange Hotel known as the John Hancock Lodge (275 Broadway) is a large complex structure whose size, prominent location, and unusual architectural character combine to make it a key component of the downtown. The current building was constructed in the early 1850's on the site of the former Exchange Hotel. The building later became the home to the Methuen Club. It was subsequently acquired by Edwards F Searles in 1897 and remodeled in 1906 for use by the YMCA and again in 1915 as the Masonic Temple. The Applicant proposes to renovate the existing empty building to construct a total of 15 residential rental units, a mix of one- and two-bedroom units. Four units will be designated as affordable units.

The National Register Edward Searles Guesthouse known as the Red Tavern (5 Pleasant Street) is a large complex structure designed in the English Queen Anne or Jacobethan style. In 1897 Edward F. Searles acquired the property including the Exchange Hotel. In 1900 he created a private guest house called the Red Tavern. The Applicant proposes to rehabilitate and convert the existing structure from its current office/retail use to a mixed use containing three new and one existing residential rental unit on the second and third floor. One of the four units will be designated as an affordable unit. The existing retail/office component of the project is in the basement, first floor and a portion of the second floor.

The public hearing on the above referenced application was opened by the Community Development Board (Board) on September 8, 2021 and closed on October 13, 2021. On October 13, 2021 upon a motion by Mr. Boes and seconded by Mr. Hatem the Board voted to close the public hearing. Upon a motion by Mr. Boes seconded by Attorney Beshara the Board voted unanimously (5-0) to Grant Plan Approval with Conditions. The following Board members voted in favor of the project: Michael Comei, Gisette Beshara, Brian Boes, Ronald Hatem, and Neal Hunter.

Findings pursuant to Paragraph 13(c): Plan Approval shall be granted by a simple majority where the Board finds that:

- (i) The applicant has submitted the required fees and information as set forth herein; and
- (ii) The Project and Site Plan meet the requirements and standards set forth in this Section V-V, or a waiver has been granted therefrom (see below for waivers granted); and
- (iii) Extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.
- (iv) For a project subject to the affordability requirements of subsection 4, compliance with condition (ii) above shall include written confirmation by the monitoring agent that all requirements of that section have been satisfied. The board may attach conditions to the plan approval decision that are necessary to ensure substantial compliance with subsection 4, or to mitigate any extraordinary adverse potential impacts of the project on nearby properties.

Findings pursuant to Methuen Center Design Guidelines: The Board finds that the Project generally meets the Guiding Principles and Design Guidelines to advance compact development, historic preservation, walkable neighborhoods and the protection of natural features in the design or redesign of Project sites; and to emphasize the importance of appropriate building scale, a relationship between historical and contemporary design, and the renovation and adaptive reuse of existing buildings in the MCSGOD. **The project was reviewed and approved by the Methuen Historic District Commission on September 23, 2021. A Certificate of Appropriateness was issued on October 13, 2021.**

Waivers pursuant to Paragraph 13: In the interest of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCSGOD and that such waivers will allow the Project to achieve the density, affordability, mix of uses while retaining the historical nature of the existing building, the Community Development Board waives the following dimensional and other requirements of Section V-V:

1. Paragraph 7 Dimensional Regulations:

- a. Minimum Yard Setback: **Waiver requested** for side and rear yard setbacks. The Board acknowledges that this Project includes two existing historic structures. The existing side and rear yard setbacks remain the same with this Project.
- b. Maximum Lot Coverage: **Waiver requested** for lot coverage at 5 Pleasant Street (Red Tavern). The Board acknowledges that this Project involves an existing historic structure. 87% is covered with a maximum allowed of 70%.
- c. Minimum Open Space: **Waiver requested** for open space at 5 Pleasant Street (Red Tavern). The Board acknowledges that this Project involves an existing historic structure. 13% of the site is set aside as open space at 5 Pleasant Street where 30% is required.

2. Paragraph 8 Development Controls:

- a. 275 Broadway (Exchange Hotel) will be all residential development. Due to the unique configuration of the existing historic structure and the desire of the community to preserve this site the Board determines that it is appropriate to utilize this building for residential only. This is offset by the existing 14,700SF office/restaurant use at 5 Pleasant Street (Red Tavern)

3. Paragraph 10 Off-Street Parking and Loading Regulations:

- a. There are 45 off-street parking spaces on site.
- b. For multifamily residential uses, paragraph 10 requires one (1) parking space per dwelling unit plus one guest space per every 5 regular spaces. The Applicant is providing all 23 residential parking spaces as required and they will be designated on site as such and reserved for each unit.
- c. For other non-residential uses, paragraph 10 requires one (1) parking space per 500 SF per gross floor area plus one (1) parking space per 4 employees on a maximum working shift. With 6,995 SF and 11 employees 17 spaces are required, and 7 spaces have been provided on site.
- d. For eating places serving food and/or beverages paragraph 10 requires one (1) parking space per 4 employees on a maximum working shift plus one space per every 8 seats. With 12 employees and 100 seats 16 spaces are required and provided and designated as such.

- e. Under Section VIII-A (3) Exceptions for the Central Business District where the literal interpretation of the standards for off-street parking required herein prove to be infeasible in the Central Business District (CBD) where the use calculations require twenty or fewer parking spaces, then there shall be no parking requirements imposed on the use. **Therefore, no parking spaces are required to be provided for the non-residential use.**
- f. There are twelve 2-hour public parking spaces available on Pleasant Street and two 30-minute parking spaces on Charles Street in addition to the public parking lot located on Charles Street. An additional twelve (12) parking spaces on Charles Street will be constructed by the City in the upcoming year.
- g. The Board finds that under this Paragraph the Applicant has shown that the lesser amount of parking will not cause excessive congestion or endanger the public safety.

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 final issuance of the Plan Approval:

- a. As per Paragraph 4(i) *Computation*: Prior to granting Plan Approval of a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the City.
- b. 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.
 - i. As per the Engineering Department letter dated October 13, 2021:
 - 1. Sewer and water service connections for 5 Pleasant Street must be added to the plan.
 - 2. The fire service connections for 5 Pleasant Street must be added to the plan.

2. Prior to the start of any site work:

- 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.

3. Prior to issuance of the Building Permit:

- a. As per Paragraph 4 Marketing Plan: The Marketing Plan must be approved by DHCD under the 40R program prior to issuance of a building permit for a project.
- b. As per Paragraph 4(f) Monitoring Agent: The Monitoring Agent shall ensure that items (i) through (v) are completed prior to Building Permit Issuance, and on a continuing basis thereafter as needed.

4. As per Paragraph 4(b)Number of Affordable Housing Units: For all projects where the Affordable Housing units proposed are Affordable Rental Units, not more than fifty percent (50%) but not less than twenty-five percent (25%) of the total housing units in any building containing rental units shall be Affordable Housing. **In this Project, five (5) of the residential units will be designated as an affordable rental unit.** (25% of 19 units = 5 units). At least 10% of the Affordable Housing units shall be wheelchair accessible for the physically disabled.

5. As per Paragraph 4(e) Affordable Housing Restriction: Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and prior to such recording **has been approved by DHCD under the 40R Program.** Said Affordable Housing Restriction shall contain the items as set forth in this paragraph.

6. Prior to the Issuance of Certificates 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 as appropriate 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.
- d. All applicable affordable housing documents must be recorded.

7. 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.

8. 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.

9. Other Conditions:

- a. As per the Engineering Department:
 - i. The water service for 5 Pleasant Street must be renewed as the existing system is too old for residential use.
 - ii. The sewer service must be video inspected to connect with the sewer main before reuse will be allowed.
- b. Due to the limited on-site snow storage, any snow that cannot be safely stored onsite must be removed to keep all parking spaces available to the residents and to the public.
- c. To reduce noise levels the Project Owner shall keep in optimum working order, through regular maintenance, all equipment that shall emanate sounds from the structures or site.
- d. 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.
- e. 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.

10. 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 all work on the areas as mentioned in such order.

11. This 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.

12. The following documents and plans shall be deemed part of the decision:

- a. Architectural Details: Renovations/Alterations to: John Hancock Lodge, 275 Broadway, Methuen, MA 01844; prepared by Scott Brown Architects; dated 09/23/21; Containing Sheets: A1.0 Basement Floor Plan, A1.1 First Floor Plan, A1.2 Second Floor Plan, A1.3 Third Floor Plan, A2.0 Front Elevation, A2.1 Right Elevation, A2.2 Rear Elevation, A2.3 Left Elevation, A2.4 Exterior Renderings, L1.1 Landscape Concept Plan, L1.2 Lighting Concept Plan, L1.3 Lighting Concept Plan, L1.4 Light Fixture Cut Sheet, EC1 Existing Basement Floor Plan, EC2 Existing First Floor Plan, EC3 Existing Second Floor Plan, EC4 Existing Third Floor Plan, EC5 Front Elevation, EC6 Right Elevation, EC7 Rear Elevation, EC8 Left Elevation, EC9 Existing Photos.
- b. Architectural Details: Additions/Alteration to the: 5 Pleasant Street, Methuen, MA; prepared by Scott Brown Architects; dated 09/23/21; Containing Sheets: A1.2 Second Floor Plan, Condominium Floor Plan, The Red Tavern Condominium, Methuen, Mass; prepared by Andover Consultants Inc.; dated November 14, 2006; containing sheets 1-3; EC3 Existing Photos
- c. Site Plan for Red Tavern, Methuen, MA 01844; prepared by Civil Design Consultants, Inc.; dated August 5, 2021, rev. through 08/17/21