



**CITY OF METHUEN, MASSCHUSETTS
COMMUNITY DEVELOPMENT BOARD**

**APPLICATION FOR SPECIAL PERMIT UNDER THE
REQUIREMENTS OF THE ZONING ORDINANCE**

This form must be typewritten

APPLICANT: Shri Swamine LLC

ADDRESS: 436 Broadway, Methuen, MA (The Village Mall)

1. Application is hereby made for a Special Permit under Section(s) _____

Paragraph(s) _____ of the Zoning By-Laws.

2. Assessor Parcel ID of all affected parcels, location and general description of property bounded and described as follows:

The project site is located at 436 Broadway - Parcel No. 610-123-47A

The proposed development is within the existing Village Mall site, abutted by Dunkin Donuts to the North and Texas Roadhouse to the south along the frontage of Broadway (MA Route 28)

b. Premises affected are in Zoning District Highway Business District (BH).

3. Ownership:

a. Name and address of owner (if joint ownership, give all names):

Shri Swamine LLC

PO Box 2022, Danvers, MA 01923

b. If applicant is not owner, check his/her interest in the premises:

	Prospective Purchaser Name	Address
	Lessee Name	Address
	Other Explain:	

4. General description of structure(s) and outline specifications *

Site:	The Village Mall site is currently occupied by a 96, 264+/- sf shopping plaza which is the sole structure on site to date. The proposed structure is a freestanding fast-food restaurant pad of 2,200+/- sf.
Site Amenities:	2,200 sf, 1 story / 22 feet
Exterior Building Construction:	Exterior finishes will be constructed using a variety of hardie & metal panels, colors vary. Structural grade sheathing with drainage wrap us used beneath the panels. The finishing colors used include: white, dark gray, green, (3) reds
Interior Building Construction:	Walls: 2" x 6" wood studs, 6" battled insulation with interior OSB sheathing. Flooring is to be constructed using tile.

Refer to plans numbered: Taco John's -Site submitted with this application.
Development Plans

5. Has there been a previous petition, under zoning, on these premises: _____.

If so, when: _____.

6. Deed recorded in Registry of Deeds in: Book: 17223, Page: 192 or

Land Court Certificate Number: _____, Book: _____ Page _____.

7. How does the special permit meet the general requirements of Section XI-C of the Zoning Ordinance? (answer all sub-section and paragraphs in a separate report).

See cover letter below

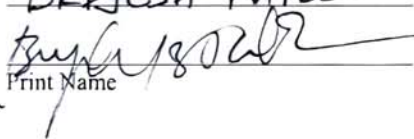
* (Have additional sheets if necessary)

8. How does the special permit meet the general requirements of Section XI-D? (answer all paragraphs pertaining to requirements in a separate report).

See cover letter below

I agree to pay for advertising in newspaper and incidental expenses:

APPLICANT(S) SIGNATURE:

BRJESH PATEL

Print Name

Print Name

March 31, 2023

John J. Wilson, Esq.
Economic & Community Development
Director
41 Pleasant Street
Methuen, MA 01844

RE: Taco John's
Drainage Summary Letter
436 Broadway
Methuen, MA 01844
Parcel No.: 610-123-47A

Dear Mr. Wilson:

On behalf of our client, Shri Swamine, LLC, Allen & Major Associates, Inc. (A&M) is pleased to provide this Special Permit application in support of the proposed Taco John's fast-food restaurant with drive-through within the existing Village Mall Plaza at 436 Broadway (Route 28).

7. How does the special permit meet the general requirements of Section XI-C of the Zoning Ordinance?

Section XI -C Special Permit Procedures

1. If the Zoning Board of Appeals is acting as the SPGA, the application shall be filed with the City Clerk who shall transmit it forthwith to the Zoning Board of Appeals for action.

A&M Response: The special permit granting authority for the drive-through restaurant use is the Community Development Board.

2. If any other agency allowed by the Zoning Act is acting as the SPGA, the application shall be made to that agency and the applicant shall also transmit a copy to the City Clerk.

A&M Response: Understood, a copy of the special permit will be transmitted to the City Clerk.

3. If the rules and regulations adopted by the various SPGA's specify referral of the special permit application to other boards or agencies of the City, such boards or agencies may make recommendations to the SPGA within thirty-five (35) days after they receive application of petition. Failure of a board or agency to report within thirty-five (35) days shall be considered as no opposition.

A&M Response: Understood.

4. No Special Permit shall be granted until after a duly advertised public hearing as specified in G.L.c. 40A § 11, providing the public hearing is held within sixty-five (65) days of the date of application.

A&M Response: Understood.

5. Special Permits shall be decisions shall be made and issued in accordance with the procedures set forth in G.L. c. 40A §9.

A&M Response: Understood.

6. Upon granting or denying a special permit the SPGA shall forthwith:
 - a) file a copy of the decision with the Community Development Board and City Clerk;
A&M Response: Understood.
 - b) mail a certified copy of its decision to the owner, and applicant if other than owner;
A&M Response: Understood.
 - c) send a notice of the decision to the parties of interest and to persons who requested a notice at the public hearing, and
A&M Response: Understood.
 - d) within fourteen (14) days, file copies of the detailed record of its proceedings with the Office of the City Clerk, and
A&M Response: Understood.
 - e) specify that appeals if any, shall be made pursuant to Section 17 of the Zoning Act and shall be filed within twenty (20) days after the date of filing of such notice with the City Clerk.
A&M Response: Understood.
7. A special permit shall not take effect until:
 - a) The City Clerk certifies on a copy of the decision that twenty (20) days have elapsed without filing of an appeal or that any appeal filed has been dismissed or denied.
A&M Response: Understood.
 - b) The certified decision has been recorded at the owner's expense in the applicable registry of deeds, indexed in the grantor index under the name of the record owner, and noted on the owner's certificate of title. If registered property is involved, the decision shall also be filed with the recorder of the Land Court. If a special permit has been approved by failure of the SPGA to act within the required time periods, a copy of the special permit application, along with the certification of the City Clerk of the constructive grant, must be recorded in the registry of deeds. No special permit takes effect until it has been so recorded. Refer to Massachusetts General Laws, Chapter 40A, Section 11.
A&M Response: Understood.
8. Site Plan Requirements: All Site Plans shall be prepared in accordance with the Rules and Regulations of the SPGA unless otherwise required herein.
A&M Response: The Site Plan package has been prepared in accordance with the rules and regulations within the Methuen Zoning Bylaws and is submitted under a separate cover.

8. How does the special permit meet the general requirements of Section XI-D?

12. Drive-up Retail, Business or Service Establishment (formerly known as Accessory Drive-up Services), Driveup or Drive-through Restaurant, and Stand-Alone Kiosk, Drive-through or Walk up

a) Purposes:

- i. To ensure that moving or waiting cars create no hazard or obstruction on a street or parking lot used by the general public;

A&M Response: The proposed drive through has been designed to not obstruct a street or parking; 11 stacking spaces are provided for the drive-through. 15 cars can be in the queue before obstructing the main driveway.

b) Applicability:

- i. A drive-up or walk-up window for a bank, laundry drop, pharmacy, restaurant, or the like shall require a Special Permit from the Community Development Board.

A&M Response: Understood, a special permit is being filed through the Community Development Board.

- ii. A drive-up retail, business, or service establishment shall be allowed by special permit in the BN, BH, CBD, BL and IL zoning districts.

A&M Response: Understood, the proposed project is in the BH zone and a special permit is being filed through the Community Development Board.

c) Procedural Requirements:

- i. Application: Applicants for a Special Permit for a Drive-up Retail, Business or Service Establishment shall submit to the Community Development Board and shall be in conformance with the Rules and Regulations of the Community Development Board for Special Permit filings as described in below.

A&M Response: Understood, a full site plan review submission accompanies the special permit filing and conforms the Rules and Regulations of the Community Development Board and Special Permit filings.

- ii. Procedural Considerations: The procedures for obtaining a Special Permit for a Drive-up Retail, Business or Service Establishment are specified in Section XI-C. In order to grant a Special Permit the Community Development Board must find that all of the general requirements for a special permit as specified in Section XI-D(12) have been fulfilled.

A&M Response: Understood.

d) Requirements:

- i. A Drive-up Retail, Business or Service Establishment shall not constitute a nuisance of any type;

A&M Response: The proposed drive-through restaurant will not constitute a nuisance. The restaurant will operate from 6am-12am (midnight) daily and is located 90± feet from Route 28. The proposed drive aisles and landscape islands will protect the interests of existing shopping plaza and proposed restaurant.

- ii. Access to such drive-up service shall conform to Section VI-B-5 Yard Requirements, for all Districts;

A&M Response: The proposed project conforms to Section VI-B-5.

- iii. Drive-up Retail, Business or Service Establishment shall not operate after Midnight without an additional special permit from the Community Development Board;

A&M Response: Understood, the proposed restaurant will not operate after midnight.

- iv. Drive-up Retail, Business or Service Establishment must comply with Methuen Municipal Code, Article VI, Section 9-61 Regulation of Loudspeakers, Amplifiers, and Paging Systems.

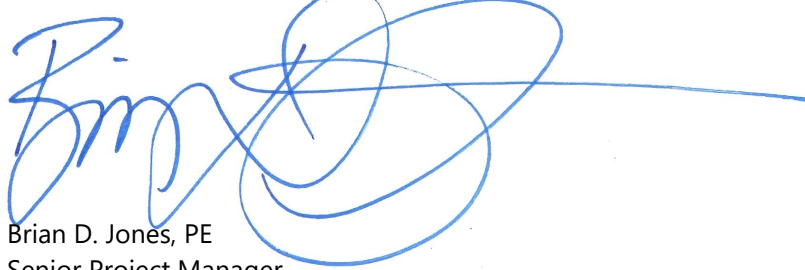
A&M Response: Understood, the order board will be the only item within the development with a speaker and meets Article VI, Section 9-61.

- v. These provisions shall not apply to those facilities which are solely walk-up establishments and which are attached to a main structure and which have no vehicular access. At any time such facility gains vehicular access it shall be required to comply with the filing, application and approval requirements hereunder.

A&M Response: Understood.

We look forward to working with you on this project.

Very truly yours,
ALLEN & MAJOR ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'Brian D. Jones', with a long horizontal line extending to the right.

Brian D. Jones, PE
Senior Project Manager