

COMMUNITY DEVELOPMENT BOARD

NOTICE OF DECISION SPECIAL PERMIT APPROVAL

Section XI-D (11) Frontage Exception Lot

Case No. 2020-4
Date of Application: 09-10-2020
Date of Hearing: 10-14-2020
Date of Decision: 10-16-2020

Applicant: Lawrence R. Palmisano, JR Builders, Inc.
c/o The Morin Cameron Group
25 Kenoza Ave
Haverhill, MA

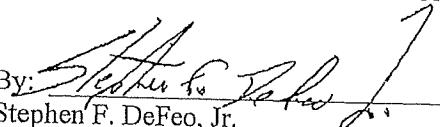
Premises Affected: Assessor's Map 802, Block 72, Lot 28E and 28F
RR Zoning District

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 7A and 7B from the existing Lot 7 Cooper Lane (11 Cooper Lane) with reduced frontage and to adjust the lot line between Lot 6A and Lot 7A Cooper Lane as shown on the approved plan located in the RR Zoning District.

After a public hearing held on October 14, 2020 the Community Development Board voted **UNANIMOUSLY (5-0) to APPROVE WITH CONDITIONS** the creation of two Frontage Exception Lots and to adjust the lot line between lot 6 and 7.

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 **October 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 City Clerk

PROCEDURAL HISTORY

On September 10, 2020, the Applicant submitted this application for a special permit to create two frontage exception lots. 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 and closed on October 14, 2020. On a motion by Mr. Comei, seconded by Mr. Hatem, the Board voted to close the public hearing. On a motion by Mr. Comei and seconded by Mr. Boes, the Board voted unanimously (5-0) to grant a Special Permit to allow the creation of Lot 7A and Lot 7B as Frontage Exception Lots and to adjust the lot line between Lot 6A and Lot 7A with conditions. Chairman DeFeo, Secretary Comei, Mr. Boes, Mr. Hatem, and Ms. 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.

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.
- b. The proposed use will result in no impact on traffic flow.
- 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 proposal.
- e. The proposed use has no impact on the natural environment. All the proposed work will stay out of the N.H.E.S.P. Priority Habitat area and the 50-foot buffer from the Wetland Resource Areas on site.
- 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. Lot 7 contains 498,973 SF which is more than three times greater than the 80,000 SF minimum area required in the RR Zone. (3x 80,000 SF = 240,000SF)
- b. Lot 7 contains 206.66 feet of frontage which is more than the required 200 feet in the RR Zone.
- c. Lot 7 will not be split into more than two buildable lots.

- d. The two newly created lots each contain more than the minimum 80,000 SF required for the RR Zone. Lot 7 will contain 185,793 SF and Lot 7B will contain 314,413 SF.
- e. The two newly created lots each have a minimum of fifty (50%) percent of the frontage (200 feet) required for the RR Zone. Lot 7A will have 108 feet of frontage and Lot 7B will have 122 feet of frontage.
- f. The two newly created buildable lots each have a lot width of not less than fifty (50') feet at any point between the street and site of the dwelling. Lot 7A has a minimum lot width of 124 feet and Lot 7B has a minimum lot width of 110 feet.
- g. The Applicant did not request a waiver for front, side, and rear setbacks.
- h. No other frontage exception lots are contiguous to the newly created lots.
- i. The newly created lots do not block the possible future extension of a dead-end street due to the wetland areas on the site.
- 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.
 - b. A note must be added to the plans stating that Lot 7A and Lot 7B may not be further subdivided or divided in any manner.
- 2. Prior to the issuance of a Building Permit for Lot 6A, Lot 7A and Lot 7B:
 - 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 7A and Lot 7B may not be further subdivided or divided in any manner.
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:
 - a. Proposed Site Plan to Accompany a Frontage Exception Lot Special Permit Application for 11 Cooper Lane (Parcel Id: 802-72-28F); prepared for JR Builders, Inc.; prepared by The Morin-Cameron Group, Inc.; dated September 8, 2020, containing one sheet.