

## COMMUNITY DEVELOPMENT BOARD

### NOTICE OF DECISION SPECIAL PERMIT APPROVAL Section XI-D(11) Frontage Exception Lot

Case No. 2020-2  
Date of Application: 06-17-2020  
Date of Hearing: 08-12-2020  
Date of Decision: 08-13-2020

**Petition of:** Armano Realty Investments  
5 Marouos Drive  
Salem, NH 03079

**Premises Affected:** 42 Atkinson Street  
Assessor Map and Parcel: 804-72-16, 804-72-16B, 804-72-17  
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 2-A and 2-B; Lot 2-B with reduced frontage of 162.67 feet.

After a public hearing held on July 8, 2020 the Community Development Board voted **UNANIMOUSLY (5-0) to APPROVE WITH CONDITIONS** the creation of Lot 2-A and 2-B with Lot 2-B having reduced frontage of 162.7 feet.

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 **August 13, 2020**.

CITY OF METHUEN  
COMMUNITY DEVELOPMENT BOARD

by: Stephen F. DeFeo, Jr.  
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.

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John Wilson, Methuen City Clerk

The application was filed on June 17, 2020. The applicant submitted a complete application that was noticed and reviewed in accordance with Section XI-E of the Methuen Zoning Ordinance and MGL Chapter 40A, Section 9. The public hearing was opened closed on August 13, 2020. On a motion by Mr. Comei, seconded by Attorney Perrault, the Board voted to close the public hearing. On a motion by Attorney Perrault and seconded by Mr. Boes the Board voted to grant a Special Permit to allow the creation of Lot 2-A as Frontage Exception Lot with 162.67 feet with conditions. The following Board members were in attendance: Stephen F. Defeo, Charles Perrault, Michael Comei, Brian Boes and Ron Hatem.

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 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.
- 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.

The Community Development Board makes a finding that this approval is in accordance with Section XI-D (11) (d) of the Comprehensive Zoning Ordinance of the City of Methuen.

- a. The area of the lot to be divided is three times the required minimum lot area for the RR Zone: 80,000 SF x 3 = 240,000 SF is required and 347,352 SF is provided.
- b. The frontage for the lot to be divided is, at a minimum, the frontage required in the RR Zone. 200 feet is required and 364.26 feet is provided.
- c. The lot to be divided is not being split into more than two lots.

- d. The two newly created lots each contain the minimum area required for the RR Zone of 80,000 SF. Lot 2-A contains 267,332 SF and Lot 2-B contains 80,020 SF.
- e. The two newly created lots each contain a minimum of 50% of the required frontage in the RR zone of 200 feet; therefore a minimum of 100 feet of frontage is required. Lot 2-A has 162.67 feet of frontage and Lot 2-B has 201.59 feet of frontage.
- f. The two newly created lots each have a lot width of not less than fifty feet at any point between the street and site of the dwelling
- g. The Applicant has not requested and the Board has not granted any waivers of the front, side, and rear setbacks for the two newly created lots.
- h. There are no other lots with reduced frontage contiguous to the newly created lot.
- i. The newly created lots are so located as not to block the possible future extension of a dead-end street
- j. The creation of the frontage exception lot will not adversely affect the neighborhood.
- k. 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 if any.
  - b. The final plans must contain a statement that Lot 2-A may not be further subdivided or divided in any manner.
- 2. Prior to the issuance of a Building Permit for Lot 2-A:
  - 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 2-A may not be further subdivided or divided in any manner.

3. Any changes to the plan that may result from review by the Conservation Commission may require coming back to the Board for a modification to the approved plan.
4. 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.
5. The following information shall be deemed part of the decision:
  - a. Plan of Land in Methuen, Massachusetts; prepared for Armano Realty Investments Inc.; prepared by Merrimack Engineering Services; at a scale of 1" = 50', containing 2 sheets; dated: May 29, 2020.