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August 24, 2023

VIA HAND DELIVERY

Methuen Community Development Department
c/o Kathleen Colwell, Planning Division Director
41 Pleasant Street
Methuen, MA 01844

**RE: Special Permit Criteria
Aroma Joes Drive-Through
Haverhill Street
Parcel ID 618-155-5E, 618-155-5F, 618-155, 5J2**

Dear Ms. Colwell and Members of the Board:

On behalf of the Applicant, Amigos Coffee, LLC, the information below is provided to supplement the Application for Special Permit for the proposed drive-through restaurant.

Project Overview:

The proposed project site would total 17,928 square feet (the Site), as currently proposed a lot line adjustment would be required to create the new parcel which the building would built on, this would be done following anticipated approvals from the Community Development Board and Conservation Commission. The Site is partially developed with portions of the Site being paved, portions containing maintained lawn area and a wooded slope with a well-defined wetland at the bottom of the slope. As the proposed project is also within 100' of a wetland resource area, a Notice of Intent (NOI) application is also being submitted to the Methuen Conservation Commission and MassDEP.

The proposed project includes the construction of a ± 785 square foot drive through and walk-up Aroma Joes coffee store; there will be no indoor seating at this store location. As part of the site development, six parking spaces, including one van accessible parking space will be constructed as well as a drive-through lane with a bypass, and associated site grading and utilities. Stormwater will be controlled onsite by an underground chamber stormwater detention system.

Special Permit Criteria:

General Requirements of Section XI-B.2 – Special Permit Criteria

- a. *Social, economic, or community needs which are served by the proposal*
The proposed drive-through will provide a dining option for residents and commuters traveling into and out of Methuen for their morning (or afternoon) to go coffee and breakfast. Additionally, it will create jobs through construction and staffing for local residents.
- b. *Traffic flow and safety, including parking and loading*
Access to the site will be provided by way of a driveway off of Haverhill Street opposite Madison Street. A second curb cut for exit only is also proposed approximately 100' west of the proposed entrance driveway. Six (6) parking spaces, including one van accessible parking space, are proposed on the site. The onsite

parking will be for employees and customers who wish to park on site and order at the outdoor walk-up order window. A cross walk with striping has been provided from the parking spaces to the proposed restaurant to allow for the safe egress of customers and employees from the parking area to the building.

c. Adequacy of utilities and other public services

Utilities servicing the proposed drive-through, as shown on the proposed site plans, are available along the frontage of the property and include water, sewer, and electric. A 1,000-grease trap is proposed, which is adequate for the proposed building as there will be no food preparation or dish washing on the premises, only warming of food pre-prepared offsite.

d. Neighborhood character and social structures

The site is within the Neighborhood Business (BN) zoning district. The south side of Haverhill Street is a mix of single and multi-family residential homes. The northern side of Haverhill Street is a mix of single and multi-family homes and business including an insurance company, law firm, barber shop/beauty salon, towing company, and a gas station. The proposed use is consistent with the surrounding small business neighborhood and will not have a negative impact on the neighborhood character or social structures.

e. Impacts on the natural environment

As previously described in the Project Overview, the site is currently partially developed with portions of the site being paved, portions containing maintained lawn area and a wooded slope with a delineated wetland at the bottom of the slope. Efforts have been made to minimize impacts to the existing wooded area to the extent possible. Erosion and sedimentation control measures (haybales) are proposed to protect the downslope resource area throughout construction. As the project will also be reviewed by the Conservation Commission, any changes the Commission recommends to further protect the resource areas from potential impacts will be incorporated into the proposed design to the extent possible.

f. Potential fiscal impact, including impacts on City services, tax base, and employment. Said analysis shall conform to the Rules and Regulations of the SPGA.

As stated above, the site is currently vacant; the proposed drive-through will provide a tax-generating business within the City where one currently does not exist. The restaurant will also provide job opportunities to local residents, along with job opportunities for local contractors who will construct the project. The proposed drive-through is not anticipated to have significant impacts on City services, outside of the connection to the utilities as described above.

g. Consistency with the most recent City of Methuen Master Plan.

The site is within the Neighborhood Business (BN) zoning district, which includes small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic. The proposed use is in line with the zoning district and is consistent with the City's Master Plan.

General Requirements of Section XI-C – Procedural Requirements

a. Application: Applicants for a Special Permit for a Planned Unit Development shall submit to the Community Development Board in accordance with the Rules and Regulations of the Board.

This application is being filed with the Community Development Board in accordance with the Rules and Regulations of the Board.

- b. *If the application for a special permit involves land with more than one ownership, each owner of the land included in the plan shall be a party to the application, and upon approval, subject to its provisions. An applicant for Special Permit under this section, who has deeded to the City, in conjunction with a development project, abutting land for public purpose, may include said abutting land area in determining compliance with requirements for Planned Unit development as herein set forth, as if said abutting land was legally held in common ownership by the applicant, and incorporated within the project submission, as open space.*

The Owner of the parcels included in the proposed project is one entity, Select Properties, LLC.

- c. *Procedures and Considerations: The procedures for obtaining a special permit for a Planned Unit Development are specified in Section XI-E. In order to grant a special permit for a Planned Unit Development, the Community Development Board must find that all of the general requirements for a special permit as specified in Section XI-C have been fulfilled, the specific requirement of Section XI- D, 1(D) have been fulfilled and the supply of convenience commercial establishments in the immediate area is not adequate to service the proposed development.*

The proposed project is not a Special Permit for a Planned Unit Development.

General Requirements of Section XI-D-12 – Drive-up Retail, Business or Service Establishment, Drive-up 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;*

The proposed drive-through has been designed to not create a hazard or obstruction in the street or parking lot. Adequate room for approximately thirteen (13) cars has been provided on site.

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 Special Permit application is being filed with the Community Development Board for the proposed drive-through use.

- 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.*

The proposed project is located within the BN zoning district.

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 Special Permit Application will be submitted with the Community Development Board in accordance with the Rules and Regulations of the Community Development Board for 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.

We believe that all general requirements for a special permit as specified in Section XI-D(12) have been fulfilled.

d. Requirements:

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

The proposed drive-through restaurant will not constitute a nuisance. The drive-through will not have speakers/amplifiers typical in other drive-through facilities and will operate during normal business hours.

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

The proposed project will conform 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;

The proposed project 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.

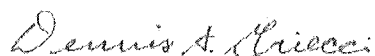
The proposed project will comply with the Methuen Municipal Code, Article VI, Section 9-61 Regulation of Loudspeakers, Amplifiers, and Paging Systems.

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.

This section is not applicable to the proposed project.

We hope the above provided information sufficiently addressed the items in the Zoning Ordinance required for a Special Permit and on the Special Permit Application. If you should need additional information, please do not hesitate to contact our office.

Sincerely,
Andover Consultants Inc.



Dennis A. Griecci, P.E., LEED AP

Enclosures

cc Applicant
 TEC