

CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD
WEDNESDAY, October 14 , 2009 at 6:30 P.M.
GREAT HALL – SEARLES BUILDING
41 PLEASANT STREET – METHUEN, MA 01844

MINUTES

1. Call to Order of Regular Meeting.

Chairman Stephen DeFeo called the meeting to order at 6:30 pm.

2. Roll Call.

Stephen DeFeo, Chairman	Present
Michael Comei, Vice Chairman	Present
Edward Miller, Secretary	Absent
James Hajjar, member	Present
Adam Hamel, member	Present
Charles Perrault, member	Present
Robert Redfern, member	Present

Others in Attendance

Kathleen Colwell, Assistant Director of Planning
Nancy Hudson, Community Development Secretary
Petitioners, Representatives of Petitioners, Members of the Audience

3. Acceptance of the Minutes.

- a. August 12, 2009

MOTION: Michael Comei moved to approve the minutes of August 12, 2009.

SECOND: Charles Perrault

DISCUSSION: Chairman Stephen DeFeo requested that the word dais on page six be amended.

VOTE: UNANIMOUS

- b. September 9, 2009

MOTION: Charles Perrault made a motion to approve the minutes of September 9, 2009.

SECOND: Robert Redfern

DISCUSSION: Chairman DeFeo requested an amendment to correct a misspelling of his name on page four.

VOTE: UNANIMOUS

4. Consent Agenda.

For the record there were no items on the Consent Agenda.

5. Zoning Issues.

Approved by the Community Development Board 11/18/09

For the record there were no Zoning Issues before the Board.

6. Form A Plans.

For the record there were no Form A Plans before the Board.

7. CONTINUED PUBLIC HEARING: **Emerald Pines
Modification to the Definitive Subdivision Approval and Golf Course Special Permit**

Chairman Stephen DeFeo entertained a motion to take item **7.** out of order at 7:00 pm.

MOTION: Michael Comei so moved

SECOND: Robert Redfern

DISCUSSION: None

VOTE: UNANIMOUS

8. CONTINUED PUBLIC HEARING: **137 Pelham Street (Heavenly Donuts)
Special Permit for a Drive Through**

Kathleen Colwell stated that the applicant has requested a continuance to the November 18, 2009 meeting. She noted that there was correspondence to that effect in the packet*.

Chairman Stephen DeFeo entertained a motion to table this item until the November 18, 2009 meeting.

MOTION: James Hajjar so moved.

SECOND: Michael Comei

DISCUSSION: None

VOTE: UNANIMOUS

- 9. New Business:**
 - a. Set public hearing date:
 - i. **11 Hampstead Street** (Special Permit for a Multi-Family and Attached Dwelling Development)
 - 1. November 18, 2009 at 6:30 p.m.

Hearing no objection from the Board, Chairman Stephen DeFeo set the public hearing for November 18, 2009 at 6:30 pm.

- b. Adoption of 2010 meeting schedule

MOTION: Charles Perrault moved to accept the meeting schedule as presented*.

SECOND: Michael Comei

DISCUSSION: None

VOTE: UNANIMOUS

- c. Any other new business

For the record there were no other items under new business.

- 10. Old Business**
 - a. Shannon Estates – bond review

Approved by the Community Development Board 11/18/09

Paul Russell, developer of the subdivision stated that he was here tonight as a follow up to his appearance before the Board last month. He anticipates wrapping everything up in the 2009 calendar year. He informed the Board that he had walked the site with Assistant Civil Engineer, Steve Gagnon, in order to determine which items needed to be resolved before street acceptance. Two items were brought to his attention. The items had to do with eliminating a small portion of guardrail and retaining wall. Mr. Russell presented a letter from his engineer, Greg Saab, certifying that the guardrails and retaining walls were constructed to Mass Highway standards*. He also indicated that the final As Built plans would denote all of the elevations and the slope ratios.

Kathleen Colwell informed the Board that she had also walked the site and it visually appeared that the guardrail and wall are no longer needed due to the grading on the site. She also noted although this is a change from what was depicted on the approved plan, nothing needed to be waived.

Chairman DeFeo stated that if the slope were in conformance with the Boards regulations, there would be no further action from the Board.

Chairman Stephen DeFeo entertained a motion to take item **10 c.** out of order.

MOTION: Michael Comei so moved.

SECOND: Robert Redfern

DISCUSSION: None

VOTE: UNANIMOUS

c. Merrimack Greens – sidewalk on Pond St.

Kathleen Colwell reminded the Board that they had reviewed a sidewalk plan for Merrimack Greens approximately two years ago. The Board had discussed at length the fact that historic stone pillars would interfere with the connection to Greenside Way. At that time the Board voted to have the developer create a plan that would end in a logical place while preserving the stone pillars. The Board also specifically discussed not requiring the continuance of the sidewalk from Greenside Way to the New Hampshire boarder. The plan* before the board tonight incorporated the Board's intention for the sidewalk location and it has been approved by the Engineering Department. The Engineering Department was seeking the Boards approval for the connection of the sidewalk at lot #9 and Greenside Way. Ms. Colwell stated that to be clear in the Board's records, this plan "Proposed Sidewalk Along Phase I on Pond Street" dated May 6, 2009, revised September 3, 2009 should be referred to. The next step is to file this plan with the Conservation Commission.

The Board discussed the possibility of looping the sidewalk around the stone pillars and into the private way.

Chairman Stephen DeFeo entertained a motion to recognize that the plan "Proposed Sidewalk Along Phase I on Pond Street" dated May 6, 2009, revised September 3, 2009 reflects the Board's intent as to where the sidewalk location should be.

MOTION: Michael Comei so moved.

SECOND: James Hajjar

DISCUSSION: None

VOTE: UNANIMOUS

Chairman DeFeo entertained a motion to recess to a joint meeting with the Conservation Commission.

MOTION: Michael Comei so moved.

SECOND: James Hajjar

VOTE: UNANIMOUS

Approved by the Community Development Board 11/18/09

Chairman DeFeo reconvened the Community Development Board meeting at 9:00 pm.

MOTION: Michael Comei made a motion to take item **10d.** out of order.

SECOND: James Hajjar

DISCUSSION: None

VOTE: UNANIMOUS

- d. Birch Hill Estates – street acceptance for the remaining portion of Birch Hill Drive

Kathleen Colwell reminded the Board of the background of this wall and the issues surrounding it. She informed the Board that construction of the wall was complete and that it had been reviewed and approved by VHB. She also noted that the Engineering Department would like a written report from the from the developer's engineer certifying that the wall was constructed according to plan. Ms. Colwell recommended forwarding this portion of the roadway to the City Council for street acceptance subject to receipt of the engineer's report.

Chairman Stephen DeFeo entertained a motion to that effect.

MOTION: Michael Comei so moved.

SECOND: Robert Redfern

DISCUSSION: None

VOTE: UNANIMOUS

- b. Technical corrections to the Comprehensive Zoning Ordinance – discussion/ recommendation

Kathleen reviewed the technical corrections listed in a memo to Mayor William Manzi III from Karen Sawyer dated October 13, 2009*.

The Board discussed the proposed wireless ordinance. Mr. Comei and Mr. Hajjar noted that the industry was moving toward lower power and lower height. They noted that the technology was changing and some of these issues would be mute. The Board discussed some of the specifics of the proposed ordinance* including the intent to promote co – location and maximum usage of the existing facilities, to prevent the building of towers on speculation, and to require the applicant to prove a gap in coverage.

MOTION: Michael Comei motioned to send a positive recommendation to the City Council with the comments discussed tonight.

SECOND: James Hajjar

DISCUSSION: None

VOTE: UNANIMOUS

- a. Any other old business

For the record there were no other items under old business.

- e. **Correspondence.**

For the record there was no correspondence other than what was included in the packet.

- f. **Adjournment.**

There being no further business before the Board, Chairman Stephen DeFeo entertained a motion to adjourn.

Approved by the Community Development Board 11/18/09

MOTION: Michael Comei so moved.

SECOND: Adam Hamel

DISCUSSION: None

VOTE: UNANIMOUS

Chairman Stephen DeFeo adjourned the meeting at 9:40 pm.

Respectfully Submitted,

Nancy P. Hudson
Community Development Secretary

* Indicates a copy of document attached to the minutes of record on file in the Office of the City Clerk, 41 Pleasant St., Methuen, MA 01844

** Indicates document available for review in the Office of Economic & Community Development, 41 Pleasant St., Methuen, MA 01844.

***** NEXT REGULAR MEETING WILL BE NOVEMBER 18, 2009*****