

CITY OF METHUEN
COMMUNITY DEVELOPMENT BOARD
WEDNESDAY, January 13, 2010 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	Present
Adam Hamel, member	Present
Charles Perrault, member	Absent
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. November 18, 2009

MOTION: Michael Comei moved to approve the minutes of November 18, 2009.

SECOND: Robert Redfern

DISCUSSION: None

VOTE: UNANIMOUS

4. Consent Agenda.

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

5. Zoning Issues.

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. 6:30 PUBLIC HEARING

50 Jackson Street (Planet Fitness)

Special Permit for a Gym, Health Club
Deadline: 4/9/10

Chairman Stephen DeFeo read the legal notice into the record*.

Vincent Manzi, representative of the applicant stated that this was a refit of existing retail space at 50 Jackson Street where the Napa Auto store was. The business primarily consists of work out machines and work out areas. There would be no swimming pool, sauna or spa. All the construction will be internal with no change to the exterior of the building. Napa has been moved to the front of the building adjacent to Findeisens. There are 389 parking spaces at the plaza, with about 5 spaces per 1000 feet. This is more than the number required in zoning. Attorney Manzi distributed a write up of Parking Usage Estimates * to the Board.

The General Manager noted that they focus on a clientele that is looking to get in, do their workout and get out. He mentioned that the retail parking wouldn't be affected. Their peak hours are early in the morning and after work.

Adam Hamel asked what the hours of operation would be.

The General Manager stated that the hours are 5 in the morning until 10 at night Monday through Thursday, 5-5 on Friday and 7-7 on the weekends. Hours would be reduced on holidays.

Kathleen Colwell stated that the only comment from the Fire Department was that they maintain the current fire protection system. The Engineering Department had no issues with the site and the Building Department confirmed that there was sufficient parking.

Attorney Manzi noted that the building is 100% sprinkled and monitored and will continue to be.

Chairman Stephen DeFeo opened the floor for public participation.

For the record, no one spoke in favor or in opposition.

MOTION: Edward Miller moved to close the public hearing.

SECOND: Michael Comei

DISCUSSION: None

VOTE: UNANIMOUS

MOTION: Michael Comei moved to approve the application with condition that the current fire protection system be maintained as required by the Fire Department.

SECOND: Edward Miller

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call.

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

Five in Favor, Motion Carries

- 8. **CONTINUED PUBLIC HEARING:**
Special Permit for a Drive Through
Deadline: 1/31/10

137 Pelham Street (Heavenly Donuts)

Chairman Stephen DeFeo read into the record, correspondence from Paul Wescott, the applicant's representative, dated January 13, 2010 *.

Chairman Stephen DeFeo entertained a motion to continue this item to the next meeting.

MOTION: Michael Comei so moved.

SECOND: Robert Redfern

DISCUSSION: None

VOTE: UNANIMOUS

Mr. Comei withdrew his motion and Mr. Redfern withdrew his second at the Chairman's request so that the Board could take action on this item.

MOTION: Michael Comei made a motion to accept the applicant's request to extend the deadline for a decision to March 31, 2010.

SECOND: Robert Redfern

DISCUSSION: None

VOTE: UNANIMOUS

Chairman Stephen DeFeo entertained a motion to continue this item to the next meeting.

MOTION: Michael Comei so moved.

SECOND: Edward Miller

DISCUSSION: None

VOTE: UNANIMOUS

9. CONTINUED PUBLIC HEARING: 11 Hampstead Street (Howe Street School)
Special Permit for a Multi-Family and Attached Dwelling Development
Deadline: 2/16/10

Attorney Vincent Manzi, representative of the applicant spoke for the record. Attorney Manzi stated that this application was for the redevelopment of the former Howe Street School located at 11 Hampstead Street. He noted that his client had purchased the property from the City of Methuen and was seeking to convert it into an eight condominiums. There are no changes being made to the outside of the building with the exception of a few new windows and there is more than sufficient parking. A traffic report has been submitted to verify that the sight lines are adequate*.

In response to questions by the Board, Attorney Manzi addressed the issue of sprinklering the building. Initially the plan was to go with a one hour fire wall but if sprinklers are required, they will be installed. This is still under review with the Fire Department.

Kathleen Colwell informed the Board that if sprinklers were required there would need to be an additional water line. The Board is charged with verifying that the water service is sufficient and the second line is shown on the plan, if required. She also noted that if the site were to be further developed, the Engineering Department would be looking to have the entrance moved to line up with Argilla Road for safety.

Attorney Manzi stated that his client has no plans to further develop the site at this time.

Kathleen Colwell explained that the paperwork for the designated Open Space as required in the ordinance, must be completed.

The landscape plan was discussed and determined to be sufficient.

Chairman Stephen DeFeo opened the floor for public participation.

For the record, no one spoke in favor or in opposition.

MOTION: Michael Comei moved to close the public hearing.

SECOND: Robert Redfern

DISCUSSION: None

VOTE: UNANIMOUS

MOTION: Michael Comei moved to approve the application with the condition that the fire suppression system meets all regulations and the open space documentation is submitted.

SECOND: Adam Hamel

DISCUSSION: None

VOTE: UNANIMOUS

Roll Call.

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

Five in Favor, Motion Carries

10. CONTINUED PUBLIC HEARING: Emerald Pines
 Modification to the Definitive Subdivision Approval and Golf Course Special Permit
Deadline: 2/26/10

Michael Comei recused himself and left the chambers.

Chairman Stephen DeFeo read into the record a letter from the applicant’s attorney, Vincent Manzi, dated January 13, 2010*.

Kathleen Colwell stated that at this time we were waiting for the applicant to work things out with their financing. She also noted that the bond expires at the end of January, however, the language is such that it automatically reverts to the city if it’s not renewed. We anticipate that the bond will be extended while the applicant is working with the bank.

Attorney Manzi stated that he expects to know where they are with the financing at the end of January or early February.

Chairman Stephen DeFeo entertained a motion to continue the public hearing to the February 10, 2010 meeting.

MOTION: Edward Miller so moved.

SECOND: Robert Redfern

DISCUSSION: None

VOTE: UNANIMOUS

Michael Comei returned to the Board.

11. New Business:
 a. Preliminary Subdivision Plan Pine Grove Ave

Patrick Bower of Andover Consultants, representative of the applicant explained that the proposal was for a 4 lot subdivision between Bradley Avenue and Meriline Avenue. There will be three 100 X 100 foot lots and one 100 X 145 foot lot. The remainder of the property will be transferred over to the Conservation Commission upon approval. The houses will be accessed by driveways from Bradley Avenue and Meriline Avenue. This is located in the riverfront protection area so the amount of disturbance on each lot is restricted to 5000 square feet, which is reflected on the edge of clearing on the plans. The alternative to this subdivision is to construct a typical secondary roadway. The benefits of this proposal are that there will be much less maintenance for the city and more open space.

The driveways were discussed. Mr. Bower explained that there was a separation between the driveways that would not be paved. It's shown as two separate driveways with a strip between them. The ownership and responsibility of maintaining the strip could be worked out.

It was noted that it is not known where this is on the new FEMA maps.

Kathleen Colwell noted that this was a progressive plan that works well on the end of the river. There's open space that will be donated to the city and there's an interesting trail system connected to it. There is no additional density than with a traditional subdivision but less disturbance in the riverfront area. She also specified that the city would not plow the driveways and there wouldn't be any trash pick up at the individual houses. Trash would have to be picked up on Bradley Avenue and Meriline Avenue.

Mr. Comei asked what the street addresses would be.

Mr. Bower pointed out that the addresses would be determined by the assessor. He also noted that a legal mechanism would be created to relieve the city of trash pick up at the individual houses and the plowing of the driveways. Additionally a fire hydrant will be added on Bradley Ave. An existing fire hydrant is within the required distance on Meriline Avenue. Each house will have their own utility service. An easement for the sewer will run in the right of way in the front yard and the water lines will run under the driveways.

Stephen DeFeo noted that if this were to go to a definitive plan a complete list of waivers must be submitted.

Patrick Bower clarified that each house had water service from Bradley and Meriline Avenue as opposed to a water main coming in. These service lines would be the maintenance responsibility of the homeowner.

Chairman Stephen DeFeo referred to correspondence from an abutter* regarding snow plowing. Mr. DeFeo stated that he felt this plan would not exacerbate the problem. Mr. Bower mentioned that snow storage had been discussed with the Engineering Department.

MOTION: Michael Comei moved to approve the preliminary plan Pine Grove Avenue.

SECOND: Edward Miller

DISCUSSION: Michael Comei asked about the new flood plain maps. Patrick Bower stated that he would check the new flood plain maps and any definitive plan would reflect the new maps.

VOTE: UNANIMOUS

b. Election of Officers

MOTION: Edward Miller moved to continue this item to the February 10, 2010 meeting.

SECOND: Michael Comei

DISCUSSION: None

VOTE: UNANIMOUS

c. Any other new business

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

12. Old Business

a. Shannon Estates – street acceptance

Paul Russell, developer of Shannon Estates, requested that the roads be put forward for street acceptance.

Kathleen Colwell referred to a memo from the Engineering Department dated January 12, 2010*. There were a few small items remaining to be bonded. Some of the items have been completed but were unable to be inspected. The Board had previously agreed not to hold up the road acceptance for the sloped granite curb on the vacant lot because it was out of the hands of the developer. However, it could not be verified that it was in fact for the vacant lot. She suggested that the Board vote to reduce the bond to \$19,300, as recommended by the Engineering Department and hold that amount until the subdivision can be inspected.

MOTION: Michael Comei moved to reduce the bond amount to \$19,300 and recommend street acceptance.

SECOND: Edward Miller

DISCUSSION: None

VOTE: UNANIMOUS

b. Appleview Estates – private road request

Chairman Stephen DeFeo read correspondence from William Fitzgerald dated December 22, 2009 into the record*.

Kathleen Colwell explained to the Board that she was in discussion with the Engineering Department to work out what easements or bonds would be required to be held for maintenance of the drainage system at the subdivision.

Chairman Stephen DeFeo would like to find a mechanism to recognize that the roadway was built to city standards but will be formally accepted as a private way at the request of the owner.

The Board discussed ensuring that a future resident would not expect city services.

Kathleen Colwell will look into this request with the City Solicitor.

c. 64 Swan Street – minor modification to Special Permit for a Drive-through

Kathleen Colwell noted that the bank would be the River Bank. They are looking to add a fourth drive through lane. There won't be any more traffic coming through but the internal flow is something to look at. The Fire Department has concerns about a width of 30 feet between the canopy and the snow storage area. There will be some striping changes and a relocation of the snow storage area to address the concerns of the Fire Department. The Board is being asked to determine whether or not this is a minor modification that can be dealt with on the staff level.

Stephen DeFeo expressed that it was difficult to make a determination without a plan showing the final design.

Kathleen Colwell also mentioned that the Fire Department was looking for emergency vehicle parking. The Board discussed areas for parking of emergency vehicles and areas of restriping the lot.

Members of the Board noted that they could begin construction on the approved plan.

Chairman Stephen DeFeo entertained a motion to continue discussion of 64 Swan Street to the next meeting.

MOTION: Michael Comei so moved

SECOND: Edward Miller

DISCUSSION: None

VOTE: UNANIMOUS

d. Emerald Pines bond

Chairman Stephen DeFeo noted that the Board discussed the bond under item **10.** on the agenda.

- e. Any other old business

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

13. Correspondence.

For the record there was nothing other than what was supplied in the packet.

14. Adjournment.

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

MOTION: Michael Comei so moved.

SECOND: Edward Miller

DISCUSSION: None

VOTE: UNANIMOUS

Chairman Stephen DeFeo adjourned the meeting at 8:07 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 February 10, 2010*****