

TRANSCRIPT OF PUBLIC RECORD
ZONING BOARD OF APPEALS MEETING
August 26, 2026

This Regular Meeting of the Zoning Board of Appeals, was held in The Great Hall, 41 Pleasant Street, Methuen MA. The meeting was called to order at: 7:00 PM.

Chairman Matthew D'Agostino asked for a moment of silence in memory for all those who have died for our country, and led the pledge of allegiance.

MEMBERS IN ATTENDANCE:

Mr. Matthew D'Agostino, Chairman
Mr. Nicholas Boucher, Vice Chairman
Mr. Jose Frias, Clerk
Mr. Vincenzo Pesce, Member
Mr. Mansour Chaya, Alternate Member
Mr. William Haneffant, Alternate Member
Mr. Matteo Zingales, Alternate Member

Also, In Attendance:

Joseph Salamone, Building Commissioner
Lori Moriarty HHSI Clerk III
Petitioners and Representatives

MEMBERS ABSENT:

Mr. Philip Cultrera, Member

ROLL OF APPLICANTS:

SK Autobody LLC/M.K. Howe Street Realty Trust- present
Madhuben Patel, Trustee of K&K Realty Trust- present

ACCEPTANCE OF MINUTES:

1. July 22, 2026

Mansour Chaya made a motion to accept the minutes of July 22, 2026. William Haneffant seconded.

DISCUSSION: NONE

VOTE: UNANIMOUS

NEW BUSINESS:

Request for Determination and Approval of Minor Plan Modification to approved Special Permit:

2025-08	<u>SK Autobody LLC/M.K. Howe Street Realty Trust</u> Special Permit previously approved to extend an existing nonconforming use of Autobody/Auto Repair at 348 HOWE ST, METHUEN MA 01844
----------------	--

Attorney Anthony Copani with office location of 265 Broadway in Methuen, came forward representing the petitioner. A Special Permit was approved last July by the Board, to extend a nonconforming use to the autobody shop, adding a garage to an existing garage. They are seeking a minor plan revision, to the

plan previously approved. The proposed revised plan would separate the building by 12 feet and shift the new garage 12 feet in another direction. They maintain that the proposed changes are not substantive, and that these substantive factors have already been addressed by the Board with the approval of the Special Permit, including traffic, parking, effect on the neighborhood, abutters etc.

Dave Jordan, Engineer and land surveyor with GPI, came forward to review the changes. The plan, seen on the easel which was also provided to the Board, shows that they will be moving the proposed garage over 12 feet from the existing garage. The plan in the approved Special permit, had the proposed new garage attached to the existing garage. After discussions with the building department, and discovering that attaching the new building would result in a myriad of other requirements with regards to access and the fire department, they came to an agreement on a plan that would be more feasible.

David Jordan handed out to the Board a sketch showing the overlay of the approved plan and the new plan. The image in black is the plan approved by the Board and the image in red shows how the new proposed building would shift to the west. The pavement did not change, only the loss of 1 parking space. Nothing else moved. They believe the new garage plan is a minor change to what was already approved.

Chairman Matt D'Agostino opened up the floor for questions from the Board. There were no questions at that time.

Attorney Copani came forward again. Chairman D'Agostino asked what the main reason for the change. Attorney Copani stated that there are several and the most pressing being the construction cost. Requirements with the attached building sets into motion a number of other approvals that would make the project financially unfeasible.

The Chairman opened public participation. No one came forward in favor or opposition. The Chairman closed public participation.

There were no other questions from Board members. The Chairman called for a roll call vote.

ROLL CALL VOTE:

Matthew D'Agostino: yes
Nicholas Boucher: yes
Jose Frias: yes
Matteo Zingales: yes
Vincenzo Pesce: yes

Application for Special Permit:

2026-12 Madhuben Patel, Trustee of K&K Realty Trust

A Special Permit is required from the Zoning Board of Appeals under Section IX-D of the City of Methuen Zoning Ordinance to reconstruct a pre-existing non-conforming structure located at **298 Merrimack St, Methuen MA.** in the "BN" Neighborhood Business zone. The proposed structure is approximately 4,200 sq. ft of retail space defined as small retail and allowed by right under Section V-D, and will not meet front and rear setbacks. The property abuts the "RD" Single-Family Residence zone and the additional buffer strip required by Section VI-B.12 will not be met. **Parcel ID: 1111-108-354**

Attorney Mark Johnson of Johnson & Borenstein law offices at 12 Chestnut St in Andover came forward, representing the petitioner. Also, in attendance was Frank Patel principal for K&K Realty Trust, the project engineer, Mr. Ian Ainslie and Jonathan Stark-Sachs from Johnson & Borenstein. Attorney Johnson went through a brief Power Point for the Board outlining the proposed project. The project requires a Special permit from the Zoning Board for a redevelopment of the property on 298 Merrimack St. They have already been in front City council for rezoning, as well as the Planning Board who made recommendations to City Council. The rezoning has been approved through City Council, which includes 2 parcels of land abutting by common ownership. They will be taking part of that residential lot and making it commercial, to be included in this project. His client owns both parcels of land, abutting the commercial site. Attorney Johnson said that they believe only a Special Permit is needed because it is a redevelopment of an existing non-conforming site and they maintain they will not be making the non-conformities any worse.

Attorney Johnson displayed the existing site as well as a site plan with the rezoned parcel area. Also displayed was a site plan showing how the proposed building would be situated and an architectural picture of the new building. Vehicle access to the parking lot will be from both Arcadia and Merrimack Streets. They will have specific curb cuts designated for vehicle access, which will improve traffic flow, since right now vehicles can access from anywhere.

Attorney Johnson walked through the Special Permit approval criteria with the Board. Some items he mentioned are removal of a dilapidated building, and improved traffic flow and pedestrian safety. They maintained that there will be no impact with regards to wetlands or the natural environment. They also maintain that the project is consistent with The City of Methuen's master plan, and will provide increased tax revenue.

The Chairman opened up the floor for questions from the Board. There were no questions at that time.

The Chairman opened public participation. No one came forward in favor or opposition.
The Chairman closed public participation.

Chairman D'Agostino opened up the floor for additional questions from the Board.

Inquiries from the Board included the rationale on why the setback is so close to the property line. Mr. Ainslie pointed out the existing conditions, showing the current encroachment on Arcadia Street. They will be improving that situation, bringing the new building to 7.5 feet from property line. They also wanted to keep the building away from their other abutter at 7 Ames Street and have plenty of parking, improving the traffic flow situation. The parking lot will abut the 7 Ames Street address.

William Hanefant asked if there were going to be any doors on Arcadia Street, questioning if there may be potential traffic and safety issues with loading areas on the side street. The petitioner confirmed there will be no doors on Arcadia, and all deliveries will be through the front entrance.

The petitioner also confirmed that the property that is infringed on is the same owner. Both residential lots and the commercial lot are the same owner. The lot line is in the process of being officially removed and will be recorded with Community Development and Registry of Deeds.

Vincenzo Pesce asked if the use is currently a liquor store, and inquired what material the building will be made of. The petitioner stated that the materials are not 100% defined at this time. There will be a glass façade, with the same use as a convenience/liquor store. The store owner also owns the liquor store across the street. They only sell beer and wine.

Nick Boucher asked the hours of operation and Mr. Patel confirmed that the hours will not change and are 7a-10p M-Sat and Sun 8a-9p. Matteo Zingales inquired about the loading and storage of products. Mr.

Patel confirmed that loading will be through the front door and they are hoping to have some sort of basement storage. William Hanefant asked if the new building will eliminate people watching Keno from their vehicles. The owner stated that they may have a couple television displays set up inside the building, but that a lot of people like playing from their car, and that probably won't be eliminated.

Nick Boucher stated he thought the plan would be a substantial improvement to the property, and he wanted to know if they had a trash or snow removal plan as well as lighting plan. Mr. Patel stated that they have a trash removal picked up every week, and already have a dumpster. They also have someone that uses a bobcat and puts the snow in the truck and removes it from the site. The entire property is already almost entirely paved right now. They will be creating green space that they can put snow if they need to. Chairman Matt D'Agostino stated that lighting and signs would need to come back before the Board if they did not follow zoning regulations.

The applicants are asking for reduced buffer zone with this Special Permit. Nick Boucher expressed his concern if the residential property next door was sold, that the buffer zone on this project would be minimal. The petitioner stated that any new owner, if the residential property was sold, would be aware there is a commercial space next door.

Board Members expressed their beliefs that this would be a significant improvement to the existing building on this site. Chairman Matt D'Agostino commended the applicant for investing in the City with a project this size, and he stated that this may reduce traffic on Pleasant Valley Street and Swan/East Street, with residents not having to travel to those areas for this type of service.

ROLL CALL VOTE:

Matthew D'Agostino: yes

Nicholas Boucher: yes

Jose Frias: Yes

Mansour Chaya: yes

Vincenzo Pesce: yes

Nick Boucher and Vincenzo Pesce took a few minutes recognizing the 30 years of dedicated service Matt D'Agostino gave to the City of Methuen, as this was his last meeting on the Zoning Board of Appeals. Thank you, Matt.

ADJOURNMENT:

There being no further business before the Board, Vincenzo Pesce made a motion to adjourn, and Matteo Zingales seconded.

Discussion: None

Vote: Unanimous

Chairman Matthew D'Agostino adjourned the meeting at 7:33 PM.

Respectfully Submitted,
Lori Moriarty
City Clerk III HHSI