



**CITY OF HAVERHILL**

**CITY CLERK**

4 SUMMER STREET, ROOM 118  
HAVERHILL, MASSACHUSETTS 01830

(978) 374-2312  
PHONE

*Special Permit #CCSP-25-6*

**Proposed Use:** Conversion of Two-Family to Three-Family Dwelling

**Applicant:** Marcos Devers

**Property Owner:** Evelin Perez De Colon, Dinelson A. Adams, and Victor Martinez

**Location:** 43 Jackson Street (513-284-7)

**Zoning District(s):** RU Zoning District.

**Relief Sought:** Special Permit under Zoning Ordinance Section 255-10.4.2

**Hearing Date(s):** September 30, 2025

**Members Present:** Sullivan (President), Jordan (Vice President), Councilors Basiliere, Hobbs-Everett, Michitson, McGonagle, Rogers, Lewandowski, Ferreira and Toohey.

**Member Absent:** Councilor LePage

**Vote:** The Council voted 10-0 to approve the Special Permit

**Materials submitted:** (Copies of materials are available on the city's website. Video of City Council proceedings available on HC Media website)

- One-page Site Plan prepared by RAM Engineering, dated May 3, 2024
- Property owner permission, dated May 14, 2025
- Seventeen-page dwelling renovation plan, prepared by MDJ Inc., dated February 2025
- Project Description (not dated)
- Written Summary of project (not dated)
- Zoning opinion, (not dated)
- Abutters mailing list
- Legal Ad-Public Hearing Notice, dated July 31, 2025

**REQUEST:**

The Applicant seeks to convert and existing nonconforming Two-Family dwelling to Three-Family Dwelling. The Applicant's plans show a total of three (3) units and a total of eight (8) bedrooms. According to the zoning opinion set forth within the record, the lot in question is 35% smaller than that which is required in the RU zoning district and the existing structure is nonconforming as to frontage (60 feet where 80 feet are required) and setback (15 feet where 20 feet is required). The Applicant also proposes a 35-foot structure where the Zoning Ordinance allows a maximum height of 33 feet. In connection with these issues and related requests for a variance and special permit to rebuild and existing nonconforming structure, the Applicant has separately appeared in front of the Board of Appeals. The Applicant requests a special permit from the City Council because the use of three-family dwelling is allowed in the RU zoning district upon issuance of a special permit from the City Council.

## **SPECIAL PERMIT CRITERIA:**

Under Zoning Ordinance Section 10.4.2, “[i]n addition to any specific factors that may be set forth in th[e] [zoning] chapter, such determination shall include consideration of each of the following:

1. Community needs served by the proposal;
2. Traffic and pedestrian flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on City services, tax base, and employment.”

## **FINDINGS**

The individual findings of Councilors are included in the Council’s Administrative Record and are also reflected in the minutes. The Findings of the Council, as a whole, are stated herein.

### **General Findings**

The applicant’s plans were circulated to the various City Departments enumerated above and are thus deemed to comply with the submittal requirements of Zoning Ordinance Section 10.4.2. The Councilors found that the project meets the requirements of the local ordinance, as is specified in greater detail below.

### **Specific Findings Under Zoning Ordinance Section 10.4.2**

- **Community needs served by the proposal:** The proposal, as conditioned, supports the broader goal of increasing housing availability without altering the neighborhoods overall character.
- **Traffic and pedestrian flow and safety, including parking and loading:** The proposed conversion from a two-family to a three-family dwelling, as conditioned, will have minimal impact on traffic and pedestrian flow. This change is not anticipated to significantly affect traffic volumes or patterns in the area.
- **Adequacy of utilities and other public services:** The property is already connected to municipal water and sewer which have sufficient capacity to support an additional unit. Trash and recycling services will continue under existing municipal collection programs. Overall, the conversion will integrate smoothly into the neighborhood.
- **Neighborhood character and social structures:** The proposed construction, as conditioned, is consonant with neighborhood character and social structures, as it will match the existing buildings in materials.
- **Impacts on the natural environment:** This project, as conditioned, is not expected to impact the natural environment.

- **Potential fiscal impact, including impact on City services, tax base, and employment:** This project, as conditioned, will have minimal or no impact on city services. It is believed that this project will increase the tax base, and due to the size of the to-be-created housing unit. This development will create needed housing opportunities.

## **DECISION**

On September 30, 2025, the Haverhill City Council roll call voted 10-0 (Council consists of 11 members) to approve a Special Permit for the conversion of a two-family dwelling to a three-family dwelling as presented. Councilors in favor were Sullivan (President), Jordan (Vice President), Basiliere, Hobbs-Everett, Michitson, McGonagle, Lewandowski, Ferreira, Toohey and Rogers. Councilors opposed were: None. Councilor absent: LePage. The approval is subject to the following conditions:

### **General Conditions:**

1. The Project shall be constructed in strict conformance with revised plans and the application materials presented during the Council's Hearing, such revised plans to be approved by Inspectional Services, Development Review, and any other City Department with jurisdiction or oversight authority in the ordinary course.
2. The project plans will be revised to reduce the total number of bedrooms from eight (8) to (6). The Applicant shall submit a revised plan set to all applicable City departments, boards and committees, and shall receive all necessary approvals of such revised plans prior to the issuance of a building permit (or prior to the resumption of work under the current open building permit should Inspectional Services determine that the conversion approved hereunder falls within the scope of such permit).
3. No work on the Project, as approved hereunder, may commence until it has received Development Review and approval. Any and all construction of the Project shall adhere to the City's rules and requirements, including any inspectional or code requirements.
4. The project must adhere to all department comments.
5. In the event that the Council or the City is compelled to utilize any peer review in the planning, construction or maintenance of this Project, the Applicant shall bear the expense of such peer review in accordance with G.L. c. 44, §53G.
6. In accordance with Section 10.4.6 (Special Permit) of the Haverhill Zoning Ordinance, Special Permit Approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Approval may, for good cause, be extended in writing by the Council upon written request from the Applicant.

7. Any appeal of this decision of the Board shall be made in accordance with M.G.L. Ch. 40A, Section 17, to a court of competent jurisdiction.
8. This Approval shall not be effective until it is recorded at the Southern Essex District Registry of Deeds with evidence of such recording to be provided to the Council and Inspectional Services Department.



\_\_\_\_\_  
Thomas J. Sullivan, President  
Haverhill City Council

10/20/25

\_\_\_\_\_  
Date

Failure to comply with the special permit conditions, or failure to otherwise remain in compliance with future requirements applicable to this permit are subject to penalties under Section 10.1.8 of the Haverhill Zoning Ordinance.<sup>1</sup> In addition, said failure shall be cause to recall the special permit and require a new public hearing which may result in the imposition of additional conditions or the rescission of this special permit.

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I hereby certify that no appeal has been filed on this  
Decision within the required 20-day appeal period.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
<sup>1</sup> Haverhill Zoning Ordinance Section 10.1.8 provides: "Any owner or person who violates or refuses to comply with any of the provisions of this chapter may, upon conviction, be fined a sum of up to \$300 per day, for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense."

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**CITY OF HAVERHILL**

HAVERHILL, MASSACHUSETTS 01830-5843

**APPLICATION FOR SPECIAL PERMIT  
DOCUMENT 90, CCSP-25-6  
FOR APPLICANT Marcos Devers  
43 Jackson Street  
September 30, 2025**

**DOC. 90 – SUMMARY MINUTES OF SPECIAL PERMIT IN PERSON AND HYBRID  
HEARING HELD ON SEPTEMBER 30, 2025, FOR PETITION FROM MARCOS DEVERS  
APPLICANT – 43 JACKSON STREET FOR SPECIAL PERMIT CCSP-25-6 REQUESTING TO  
CONVERT AN EXISTING TWO FAMILY TO THREE FAMILY –  
MAP 513, BLOCK 284, LOT 7**

SUBJECT: DOCUMENT 90 ; CCSP-25-6: Petition from Marcos Devers applicant for property located at  
43 Jackson Street

Present: President Thomas Sullivan, Councilors Timothy Jordan, Ralph Basiliere, Devan Ferreira,  
Melissa Lewandowski Catherine Rogers, Michael McGonagle John Michitson, Katrina Hobbs Everett  
and Shaun Toohey

Remote: None

Members Absent: Councilor LePage

**City Clerk Wright:** Document 90 - CCSP 25-6; Marcos Devers requests to convert an  
existing two-family to a three-family dwelling at 43 Jackson St

**President Sullivan opened the hearing.**

Marcos Devers addressed the council. He stated I am going to start reading this description of this project. The project involves renovating and reconstructing an existing two-family dwelling, converting it into a three-family dwelling. The current owner and she's present right here. She purchased the subject property in June 2022. The property encompasses 0.17 acres equivalent to 7,535.88 sq.ft. It features a wood frame classified as a two-family residential dwelling situated within a RU zoning district. The interior rear space will be demolished and rebuilt. A deck will be added it, and the dwelling would be converted from as I said before two to three family dwelling. This condition primarily affects the property for which a variance but does not significantly impact the zoning district in which it is situated. That is our introduction, we can entertain any questions.

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President Sullivan asked if anyone would like to speak in favor. No one spoke.

President Sullivan asked if anyone would like to speak in opposition. No one spoke.

President Sullivan closed the hearing.

President Sullivan stated Councilors what are your wishes? Do we have a motion to approve.

### *MOTION BY VICE PRESIDENT JORDAN TO APPROVE, SECOND BY COUNCILOR FERREIRA*

Councilor Toohey stated thank you for coming here. He stated I have some questions about the scope of the project if I may. I'm looking for the square footage in the scopes. It's my understanding please correct me if I'm wrong that the footprint has remained the same and you're adding a third unit is that correct sir?

Mr. Devers stated yes, sir actually we had a plan prepared by RAM Engineering across the street. They prepared this site plan. I think you already have a copy of that and basically yes, we are just adding a deck in the rear part of it.

Councilor Toohey stated I do have architectural and what I'm looking at it is originally in 2022 when it was purchased, there was a two family building that was built approximately in 1910. I have roughly, please correct me 2,454.5 sq. ft. the structure of the dimensions of the living space if you will, but when I look at the legend you have here and we all have our packet the existing floor plans and second floor or proposed when you look at the legend, excuse me unit apartment 101, apartment 201, apartment 202 so basically looks like you're taking the second floor cutting it and adjusting some rooms so the legend shows roughly 2,661.6 sq. ft. I'm around this area all the time so I guess my question is there is an increase in over 200 sq.ft. how does that stay in the same footprint. And I would ask if there has been work done prior to any approvals? Let me go further if I may, right now the card from Patriot Property shows six bedrooms. Your existing plan shows basically four bedrooms for two units which means it looks like you're converting the family room to a bedroom. Does that make sense?

Marcos Devers stated remodeling in order to make feasible the conversion for 2 to 3. Yes, the structure was very deteriorated actually there were structural issues. That's why we actually changed to reinforce the structure. We apologize to the City of Haverhill because we started the job actually the contractor started it.

Councilor Toohey stated without a permit or approval?

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Marcos Devers stated no, there was a permit we went a little bit beyond that, but anyway, that was actually addressed by the Inspector Tim and that is why we are before you in order to make it right.

Councilor Toohey stated okay my understanding from my colleagues, so today there's four bedrooms, but when it was purchased you can do six. So, it looks like there's a family room that would be going back to being a bedroom. So, you are going from four to the original six which was purchased at that time in 2022. Now your proposal the whole structure would be eight bedrooms, do I have that correct?

Marcos Devers stated correct.

Councilor Toohey stated I think eight bedrooms on such a small footprint could be problematic. I know this parking which is beneficial but I just wanted to clarify that I'm wondering, Mr. President and I guess through you, the dimensions are the same but yet the square footage in 2022 if you looked at when it was on Zillow when it was advertised and listed it shows roughly 2400 sq. ft. fast-forward to today we have over 2600 so did we add it because the architectural do not show an additional footprint of 200+ square feet that's why I am asking.

Marcos Devers stated in fact actually we're working on the same footprint. We are reinforcing and also remodeling and then making the conversion that we are working in the same footprint what existed before it was not functional and that was a risk and it was not safe. What we did was take the opportunity to convert into three family working on the same footprint and I need to clarify that to you, sir maybe that might be some misinformation we might need to clarify.

Councilor Toohey stated again, I just want to stay on this topic because it is an important decision for myself my colleagues may disagree, which is fine. The dimensions on the architectural have the same dimensions on the proposed that are on the existing so again I ask, how is it the same footprint. What change going from 2400 to 2600. So, I'm wondering if the work that's already done has had an impact on that. I don't know because I know you apologize, and I appreciate that. There is a foundation and there was some demolition going on and I know there's a foundation which probably shouldn't be there but that's for the inspector to decide. So those are some of the questions I have right now, Mr. President and for me personally what I'm supportive of I don't support eight bedrooms in that small 7,500 square-foot footprint but what I do support is doing three units with two bedrooms, which would give me the six bedrooms that you originally had. That's my take on it, so I will forgive you for the construction that shouldn't be done, but you know for me I would certainly compromise on the original six bedrooms

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roughly the same footprint, but I still have a question about that but that's for the inspector and also sir, I believe you're going to have to sprinkler if not all the whole building or a large percentage of it are you aware of that, sir?

Marcos Devers stated that this will be addressed with the Building Inspector, Tom Bridgewater.

Councilor Toohey stated thank you. I appreciate your time. Thank you.

Councilor Basiliere stated my question kind of follows off Councilor Toohey's question and that is about when we're going from two apartments to three apartments about the life safety systems are now are the smoke detectors and carbon monoxide detectors during this construction, will they all be hardwired and synchronized together.

Marcos Devers stated yes sir, just recently a few weeks ago there was a situation with the tenant, and everything was updated at this point and everything is safe during the construction stage and is also is safe for the tenants.

Councilor Basiliere stated okay then a follow up question would be in the same vein of safety for the tenants. Does this construction, I'm just maybe I'm just not seeing in the package; does it confirm with the correct amount of and type of egress fire escape stairwell things like that?

Marcos Devers stated definitely. In the plans we are providing two means of egress. We are providing also life safety engineering has been addressed, but also by adding fire protection systems, like fire sprinkler systems which is mandatory according to the code.

Councilor Basiliere stated according to the code we're going to see sprinkler systems we're going to see hardwired battery redundant CO2 and hardwire and we're going to have the proper egress.

Marcos Devers stated yes sir.

Councilor Basiliere stated that that makes me a lot more comfortable. I would just say my final statement is I'm with Councilor Toohey on this. I would feel more comfortable with a six-bedroom unit here, that's what I would feel most comfortable with. Thank you, Mr. Devers.

Marcos Devers stated we can make the reconfiguration and adjustment.



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President Sullivan stated are you saying you are willing to make that reconfiguration and adjustment.

Marcos Devers stated, yes, sir. Yes, Mr. President.

Councilor Ferreira stated thank you very much for some background that might help some of my fellow councilors in considering this application for this special permit is that this project did go before the zoning board of appeals I believe, and it was approved by them.

Marcos Devers stated approved 100 percent.

Councilor Ferreira stated the reason it is coming before us for a special permit is due to the amount of demolition that occurred on that back part of the building so that then jumped what was already approved and permissible and okayed as proposed by the zoning board and then triggered it to come to us for a special permit review due to the need for a rebuild.

Marcos Devers stated we had to do it because it was unsafe structure. The wood frame was really messy, and it was not safe.

Councilor Ferreira stated so that was helpful for me to kind of learn the background of how we got to this step and then also it's helpful for me as a still new councilor that in development review is where all of our code compliance comes into play with sprinklers, with egresses, with bathrooms with everything that's required by law. That happens after we approve or not approve a special permit application that's where it all gets flushed out. So, for me I feel very supportive of this project. I think the new unit is small, but a lot of people want small these days and sometimes small ends up being more affordable for people as well so it's a creative use of what you have there already. I think it seems like your plans are making the most of what you have for that space. I trust that our city departments moving forward will handle development review and hold you to the standards that are required by our city and by our state to make sure everyone is safe. We know this is an already really dense neighborhood. In thinking about this as well for me whenever I see an opportunity to add a unit or add housing where it is dense it means to me that our connections are already there also for utilities in city services so to me it seems like a smart investment for both the city and for the homeowner to increase another unit of housing and make that available to anyone whether they live in our community or not so thank you very much for answering all of our questions I appreciate it.

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Councilor Rogers stated so I'm looking at the second floor on the front side of the house you have three bedrooms, a kitchen and a dining room but no living room or bathroom. I'm not up to having three bedrooms on the front unit because we have no bathroom designed as of yet. There's no living room either. All there is a kitchen and the kitchen table. The back I think is crowded, its only 500 sq. ft. Yes, people are looking for a little smaller so maybe, I mean I'd be going for six bedrooms. I think this is way too many bedrooms for this lot. I think six parking spaces are great. I went up there. It is very crowded. Even the street now is crowded. Wait until the winter and you have one sided parking. I saw that you did demolish the back half of it or it's down and you have to redo it all, but this has to be redesigned. You can't fit three units on the second floor. You have no bathroom.

Marcos Devers stated we offered to make the change.

Councilor Rogers stated the first floor is not bad with three bedrooms. Even if you went with three bedrooms on the first, two on this and one in the back just to make you have a little bit more space in them. But I think I'd like to if we have the option to limit the bedrooms.

Marcos Devers stated everyone has different point of view and we discuss it with the owner and then we go back-and-forth with all the details we are willing to make the changes.

Councilor Rogers stated I think it would be great to have the area improved. The other thing was what I was thinking one thing I just don't want to start a precedent that every house up there is changing from a two to a three family. I like the idea of staying within the footprint. Maybe it's 200 sq. ft extra, I don't know if that's because you demolished it and this survey afterwards you've added a little bit on because he must've started a new foundation.

Marcos Devers stated yes because of the reason that I just explained, the structure was very bad shape. The subcontractor went ahead and proceeded and made us look bad with inspector that came. He let us know that we needed to go through this process because we went a little beyond.

Councilor Rogers stated I don't have a problem with this. I just need to look at it. I think you need less bedrooms because it is too crowded. You have to make sure you have a bathroom and kitchen in the front. For us to vote on this we don't need the inside, it is really the outside we are worried about.

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President Sullivan stated the rest of it will be done during developmental review. Do we have a consensus that we will have a motion with the amendment to the motion previously made that we will approve this as a six bedroom.

***Motion by Councilor Toohey to go from eight bedrooms to six bedrooms. Second by Councilor Basiliere.***

Councilor Rogers stated does he want to talk about it.

President Sullivan stated he already said he was amendable to doing that.

Councilor Basiliere stated I just want to reiterate for the record that or clarify that we will not be the final say that Inspectional Services will be including the bathroom issue.

Councilor Toohey developmental review will get that.

Councilor Rogers stated I'm just getting back to the one on Kenoza because of the window changes. This isn't the same thing because they don't have windows outside hoping we don't have to, but I don't want to have to come back, I want to make this as easy as possible.

Councilor Ferreira stated we are considering the number of units, correct? That is what the special permit is for.

President Sullivan stated three units total with six bedrooms total.

Councilor Ferreira stated that is amended motion that's put out. The initial application for the special project in general, the special project that we're considering is an increase from a two unit to a three unit renovation rebuild, whatever we're going to call it that's the question so it's not the number of bedrooms, necessarily an exterior renovation or anything like that with new construction.

President Sullivan stated we are conditioning this approval with six bedrooms not eight.

Councilor Toohey stated still a three unit.

President Sullivan stated still a three unit.

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**Motion by Councilor Toohey to go from eight bedrooms to six bedrooms. Second by Councilor Basiliere.**

President Sullivan stated Madam Clerk can you take a vote on the amendment.

City Clerk Wright stated the amendment is to go from eight bedrooms to six bedrooms. Was that Councilor Toohey and second from Councilor Basiliere.

City Clerk Wright: Vice President Jordan – yes, Councilor Basiliere-yes, Councilor Hobbs Everett-yes, Councilor Michitson-yes, Councilor Ferreira-no, Councilor Lewandowski-yes, Councilor Toohey-yes, Councilor McGonagle-yes, Councilor Rogers-yes, President Sullivan-yes.

PASSED

YEAS 9, NAYS 1 (FERREIRA), ABSENT 1 (LEPAGE)

President Sullivan stated now we will take a vote to approve the special permit from 2 to 3 units.

***Motion by Vice President Jordan to approve, Second by Councilor Ferreira.***

City Clerk Wright stated do you want to make it with all department conditions as well.

President Sullivan stated all department conditions as well.

City Clerk Wright: Vice President Jordan – yes, Councilor Basiliere-yes, Councilor Hobbs Everett-yes, Councilor Michitson-yes, Councilor Ferreira-yes, Councilor Lewandowski-yes, Councilor Toohey-yes, Councilor McGonagle-yes, Councilor Rogers-yes, President Sullivan-yes.

PASSED

YEAS 10, NAYS 0, ABSENT 1 (LEPAGE)

Respectfully submitted,

Date:

*10/20/25*

*Lori A. Robertson*

Lori A. Robertson  
Administrative Assistant