



CITY OF HAVERHILL, MASSACHUSETTS

NOTICE OF DECISION

YOU ARE HEREBY NOTIFIED OF THE DECISION OF THE CITY COUNCIL ON THE APPLICATION OF:

DAVID O'LEARY, BOSTON HAVERHILL, LLC
APPLICANT AND OWNER (IF DIFFERENT)

for property located at:

1240 BOSTON RD
SITE LOCATION, ASSESSOR'S MAP, BLOCK, PARCEL NUMBERS

which was filed with the City Clerk on Apr. 28, 2021 as signified by the City Clerk's date stamp.
DATE

The Council, as authorized by Section 15, Chapter 40A of the MGL held a PUBLIC HEARING on:

APRIL 13, 2021
DATE OF HEARING (CONTINUANCE IF APPLICABLE)

The Council voted to **GRANT** / ~~DENY~~ said application.

Vote on Special Permit ~~WITH~~ / **WITHOUT** Conditions

	YES	NO	ABSENT
PRESIDENT BARRETT		X	
COUNCILLOR LEPAGE	X		
COUNCILLOR BEVILACQUA		X	
COUNCILLOR MICHITSON	X		
COUNCILLOR SULLIVAN		X	
COUNCILLOR JORDAN	X		
COUNCILLOR MCGONAGLE	X		
COUNCILLOR DALY O'BRIEN	X		
COUNCILLOR MACEK	X		

See attachments for reasons for decision of the City Council.*

An appeal of this Decision shall be made pursuant to Section 17 of Chapter 40A, MGL, and shall be filed with Superior or District Court within twenty (20) days after the date of filing of the above cited decision with the Office of the City Clerk. Procedural appeals shall be taken in accordance with Section 17 of Chapter 40A, MGL.

April 28 2021
DATE

Melinda Barrett (LK)
CITY COUNCIL PRESIDENT

*Record of evidence and detailed record of proceedings of the City Council hearing have been filed with the City Clerk and are incorporated herein by reference and considered a part hereof.



CITY OF HAVERHILL, MASSACHUSETTS

CERTIFICATION OF DECISION

I, the City Clerk of the City of Haverhill, hereby certify that the City Council NOTICE OF DECISION on the application of:

Owner/Applicant David O'Leary, Boston Haverhill LLC

APPLICANT AND OWNER (IF DIFFERENT)

for a special permit to:
to create a 7-lot subdivision consisting of 6 lots for triplex townhouse style condos
and 1 lot for the existing single family home of Mr. O'Leary

at: 1240 Boston rd

STREET NAME AND NUMBER

has been filed with this office on:

April 28 2021

DATE OF FILING

, and that

- (1) ___ Twenty (20) days have elapsed from the date the Decision was filed and no appeal notice to the District or Superior Court has been received by this office.
- (2) ___ If an appeal had been taken, notice has been received that said appeal has been dismissed or denied.
- (3) ___ The application was denied.

As a condition of the Special Permit becoming effective, the applicant must record this NOTICE OF DECISION and CERTIFICATION OF DECISION at the Registry of Deeds as required and in compliance with Chapter 40A of the MGL and to file evidence with the City Clerk attesting that said NOTICE OF DECISION and CERTIFICATION OF DECISION have been duly recorded as cited above.

Upon receipt by the City Clerk of evidence that the NOTICE OF DECISION and CERTIFICATION OF DECISION of the City Council has been duly recorded and indexed in the Grantor Index under the name of the Owner of Record (registered land to be noted on the Owner's Certificate of Title) and the Essex County South District Registry of Deeds, such evidence will be placed on file in the office of the City Clerk.

DATE

LINDA L. KOUTOULAS, CITY CLERK

CITY COUNCIL

MELINDA E. BARRETT
PRESIDENT
COLIN F. LePAGE
VICE PRESIDENT
JOSEPH J. BEVILACQUA
JOHN A. MICHITSON
THOMAS J. SULLIVAN
TIMOTHY J. JORDAN
MICHAEL S. MCGONAGLE
MARY ELLEN DALY O'BRIEN
WILLIAM J. MACEK



CITY HALL, ROOM 204
4 SUMMER STREET
HAVERHILL, MA 01830
TELEPHONE: 978 374-2328

www.cityofhaverhill.com
citycncl@cityofhaverhill.com

CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

**DOC. 24– SUMMARY MINUTES OF A SPECIAL PERMT HYBRID HEARING HELD ON
APRIL 13, 2021 FOR PETITION FROM ATTORNEY PAUL MAGLIOCCHETTI FOR OWNER/
APPLICANT DAVID O'LEARY, BOSTON HAVERHILL, LLC TO CREATE A 7-LOT
SUBDIVISION CONSISTING OF 6 LOTS FOR TRIPLEX TOWNHOUSE STYLE CONDOS AND
1 LOT FOR THE EXISTING SINGLE-FAMILY HOME OF MR. O'LEARY AT 1240 BOSTON RD**

SUBJECT: Document 24 - Special Permit hybrid hearing for petition from Attorney Paul Magliocchetti for owner/applicant David O'Leary, Boston Haverhill, LLC to create a 7-lot subdivision consisting of 6 lots for triplex townhouse style condos and 1 lot for the existing single-family home of Mr. O'Leary at 1240 Boston Road.

Present: President Melinda Barrett, Councillor Colin LePage, Councillor Joseph Bevilacqua, Councillor John Michitson, Councillor Thomas Sullivan, Councillor Timothy Jordan, Councillor Mary Ellen Daly O'Brien, and Councillor William Macek. Councillor Michael McGonagle participated remotely.

City Clerk Linda Koutoulas: Document 24 – Petition from Attorney Magliocchetti for owner/ applicant David O'Leary, Boston Haverhill, LLC to create a 7-lot subdivision consisting of 6 lots for triplex townhouse style condos and 1 lot for the existing single-family home of Mr. O'Leary at 1240 Boston Road; Comments from various city departments filed Feb. 23, 2021. Hearing postponed from March 30, 2021.

President Barrett announced that a phone number will scroll for people to call into the City Council office to voice their opinion.

Council President Barrett opened the hearing.

Attorney Paul Magliocchetti gave an overview of the project that the owner wants to develop as a 7-lot subdivision consisting of 6 lots for triplex town house style condominiums and 1 lot for the existing single-family home of Mr. O'Leary. He stated that they had met with the neighbors on April 10 to answer any questions or concerns. TJ Melvin of Millennium Engineering spoke about the layout of the residential subdivision. The existing home will be moved to lot 7. The road width will be 28 feet wide where the standard is 24 feet wide. There will be sidewalks on one side of the road. the developer will provide a 6-foot-high fence along 200 feet of the property owner at 1234 Boston Road. Ken Cram of Bayside Engineering spoke about the traffic study and traffic generation. This would be a very small impact. He added that when they met with the Farrwood folks their concerns were traffic speed and they wanted a traffic signal. He said there was not enough volume to meet the Mass DOT criteria. Stephen Paquette, developer, spoke about his background and added that they had a good site meeting with the neighbors. No one spoke in favor or against the request.

President Barrett closed the hearing.

On motion of Councillor Macek with second from Councillor Daly O'Brien to move for passage with conditions.

Councillors spoke about concerns with traffic on rte. 125 from Diburro's to the North Andover line. Even though the traffic volume may not warrant a traffic signal, exceptions can be made. Councillor Sullivan and others are working on this issue. Councillors supporting the project felt that affordable housing is needed. Providing a sidewalk for this project cannot be done as this is has to be approved by the state. On motion of Councillor Macek with second from Councillor Daly O'Brien to include William Pillsbury's letter dated March 26, 2021 to recommend approval of the special permit with the inclusion of any city department comments and the above stipulations being included in the special permit approval. Also, the developer will provide 200-foot-long solid fence, 6 feet high, along the property line of 1234 Boston Road.

Clerk Koutoulas: Councillor LePage-yes, Councillor Bevilacqua-no, Councillor Michitson-yes, Councillor Sullivan-yes, Councillor Jordan-yes, Councillor McGonagle-yes, Councillor Daly O'Brien-yes, Councillor Macek-yes, President Barrett-yes. 8 yeas, 1 nay

President Barrett: Amendment passed.

On motion of Councillor Bevilacqua that the special permit be conditioned that left turn, southbound, not be permitted from the project .

President Barrett: No second - Motion failed

On motion of Councillor Bevilacqua that there be a sidewalk along the property line within the development to Farrwood Drive.

President Barrett asked the clerk to call the roll on the main motion.

Clerk Koutoulas: Councillor LePage-yes, Councillor Bevilacqua-no, Councillor Michitson-yes, Councillor Sullivan-no, Councillor Jordan-yes, Councillor Daly O'Brien-yes, Councillor Macek-yes, President Barrett-no. 6 yeas, 3 nays

President Barrett: Passed as amended.

Respectfully submitted,



Barbara S. Arthur
Administrative Assistant
Haverhill City Council

April 28, 2021

CITY COUNCIL

MELINDA E. BARRETT

PRESIDENT

COLIN F. LEPAGE

VICE PRESIDENT

JOSEPH J. BEVILACQUA

JOHN A. MICHITSON

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REASON FOR VOTE - DOCUMENT 24

1240 Boston Road

Hybrid Special Permit – April 13, 2021

President Barrett: I voted against this project. The project will add to the dangers on the road in that stretch of 125. I feel as if it does not provide for the safety nor the movement of traffic in the area.

Councillor LePage: I voted in favor of this Special Permit application with the stipulated comments and conditions of city departments as it meets the requirements of Chapter 255 Section 10.4.2 as applicable.

Councillor Bevilacqua: The proposal did not meet the conditions for Special Permit as it related to public safety and the project did not meet several city department requirements at the time of Special Permit application.

Councillor Michitson: I voted in favor as it met requirements.

Councillor Sullivan: I voted against this residential development due to the ongoing traffic safety problems along the Route 125 corridor. Made no sense to me to compound the problem without a traffic safety solution in sight.

Councillor Jordan: I voted in favor of the 1240 Boston Rd project for a few reasons. The project had unanimous support from all department heads. It conforms with the Master Plan and provides "middle priced" housing which is lacking in Haverhill. Finally, I agree with the traffic study that shows these 18 units will have a minimal impact on the traffic on that stretch of Route 125.

Councillor McGonagle: I voted in favor based upon the recommendation of the Economic Development Director and the need for market rate housing throughout the City.

Councillor Daly O'Brien: I voted yes for this special permit because it met criteria required. It represents a substantial investment in Haverhill and will provide additional residential housing that expands the City tax base.

Councillor Macek: I voted in favor of the Special Permit request for 1240 Boston Rd, Ward Hill, MA as the request was well designed within the zoning parameters and will provide much needed new quality housing in our City.