



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

The regular meeting of the Haverhill Board of Appeals was held on Wednesday evening, October 18, 2023 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Kassie Infante
Member Lynda Brown
Member Louise Bevilacqua
Member Ronald LaPlume
Assoc member Gary Ortiz

Also, Present: Jill Dewey, Board Secretary
Tom Bridgewater, Building Commissioner

Chairman Moriarty called the meeting in to order on October 18, 2023

Martinez Auto Body LLC for 37 White Street (Map 108, block 16, Lot 7)

Applicant seeks a special permit for auto body shop use in a CC zone. (BOA-23-36)

GRANTED

Attorney Paul Magliocchetti (70 Baily Blvd): I am here on behalf of Mr. Martinez, also the owner of the property rick Greenwood. This property has been used as an auto body shop since 1999, that is when Mr. & Mrs. Greenwood purchased it. Everyone knows they have been running a body shop out of that location and another location, but when he did make the move, he leased the property to Mr. Santana who ran it as a auto body and then transitioned to a detailing business, which triggered the requirement for us to come back before the board to redo the special permit because it lapsed. Mr. Greenwood was actually unaware that he stopped using it as an autobody shop, because it was setup for it and everyone who goes by there, I always thought it was an autobody shop, I never knew it was just detailing. So anyways Mr. Martinez and his wife purchased the autobody business from Mr. Santana with the intension of operating it as an autobody there and he leased the property from Mr. Greenwood, none of them realizing that this special permit had lapsed, so they went to the building inspector and he informed them that they had to come back before you to renew the special permit and that is why we are here before you this evening. I thought it was important that you know the history, because this isn't someone new coming to town trying to change the neighborhood. As far as these special permit requirements, the conditions that affect the property for a special permit is sought do not affect generally the zoning district, which is located, like I said there's an auto repair shop right next door, I think there is actually another autobody shop nearby somewhere, there is a welding facility across the street where the guy welds cranes and cars, there's a used car dealership, this whole neighborhood over there revolves around the auto industry in one way or another and the old autobody repair on the other corner, so like I said this hits right in the middle of all these auto repair and other auto facilities. The property is in a commercial zone, there is ample off street parking and the traffic flow within the site, you have the site plan there in front of you, it is not one of these tiny parcels where there is a building taking up the entire parcel, there's plenty of parking around it and cars can flow through it, so the standard of review under the code is that the requested change shall not be more detrimental than the existing nonconforming use to the neighborhood, if approved this use will not cause substantial detriment to the public good or impair the intent to the Haverhill zoning code or the master plan, the lot size, the available parking and the traffic flow throughout this site all support this request for a special permit.



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At this time I would like to introduce Mr. Greenwoods daughter who is going to come up and say a couple words on behalf of the family.

Rachel Greenwood (3 Langwood Street Plaistow, NH): I currently work for mt Dad at Greenwood autobody in Groveland, he from what I know of the story, basically it has always been an autobody shop, Carier built it as an autobody shop since 1989 and after that it was Deluca and after that my Dada purchased it in 1999, and since then it has always been an autobody shop, whoever he has leased it to, and he was told whoever is leasing it needs to hold the permit, so he's been having trouble keeping the permit valid, if its not in his name. we have Mr. and Mrs. Martinez now, they just came in July and they have been excellent, they have cleaned the place completely, they have wanted to do every single thing right, they have wanted permits for everything and its hard when they can't work until the permit, so it would be detriment to them, to their family and also to my fathers business as well.

Chairman: Thank you very much.

Mr. Martinez: Good evening everybody, I just wanted to introduce myself, I grew up in a autobody business, w owned a shop in Malden, over there the houses are really close like attached buildings, no separate buildings. I come from Boston and I worked for final finish like maybe 10 years, and the opportunity came and I came here and I saw the city and we liked it, my wife said we should move up there, but for now we have this problem here, I have been doing this for almost 15 years, so I know what I am doing and I always try to keep everything safe and secure with he chemicals, and I always tell people it's the same chemicals you have in your house, look those are the same chemicals you use to clean your house so it is not about the environment. We will take care of everything, we will change the filters, I spoke to the paint departments, the company that sells the paint and we will try to fix the situation. I just need everybody's help here and we will bring business to Haverhill. I know a lot of people in New Hampshire, we used to do more than 3 million in final finish, when I was working, so we are going to be paying good taxes to the city, we are going to bring business to the city. I hope it works and God Bless everybody.

Chairman: Thank you. We did get a letter from the neighbors, there are 9 signatures. To summarize it their concerned about the impact on the environment on the air quality with paints being used , so could you or your client addr4ess that first, and to that point they were just certified by the Commonwealth of Mass, I don't know if you want to take a look at this. Like he said, I don't know how many of you have gone to visit but I think it speaks for itself, he is really taking care of the property, he takes pride not only in his workmanship but in the property itself, he already said that he is going to comply with all of the requirements, whatever the code requires as far as ventilation and disposal, he has no problem complying with that, with his experience, he knows how to do it. He is not here to disrupt anything, he is latterly looking for a place to relocate his family and after meeting him and his wife I would welcome you to Haverhill, you are wonderful people and I think that they are going to add to the business community, they are the kind of people we do want.

Chairman: Could you Mr. Martinez talk about when painting is occurring and particles are going into the air, how is that contained so that it doesn't flow into the neighborhood, is it captured in any way?

Mr. Martinez: Usually in the spray booth they have special filters. It seems like when I got there the guy that was using it before was not using the right things, he was spraying and when I got there the filters (I couldn't hear the next 6/7 words as there were fire/police sirens, very loud)...



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Chairman: So very little escapes outside.

Mr. Martinez: I would say maybe like 5 percent fumes goes outside, but its not pure.

Chairman: OK, thank you. Any questions from the board?

Gary Ortiz: I am maybe the number one distributor of car paint in this area, the Merrimac Valley, I own a shop in Lawrence, I am very familiar with painting. I can tell you those filters are, we recommend you use 95 percent, you are never going to have 100 percent filters. 95-93 percent is good. The paint they are selling now don; contain lead, that is a good thing, ever since 1983 it is not allowed in Massachusetts, so regarding the environment, I think if you keep those filters really clean and if you follow regulation, I have no issue. I'll talk with the building inspector to follow up with the health department to get inspection if this gets approved I'm gonna have the health department go check those filters to make sure those filters get changed, because we can approve you and you can not change them and that is going to be bad for you because you are the first person affected, the number one affected, you can use your mask, but also the city around, I know it is a commercial area, it is pretty much an industrial area for cars, you have restaurants, ay=auto body mechanical etc.. All the way around. I don't see anything unsafe for the community. My recommendation is always keep those filters clean, that way the neighborhood will never complain.

Member LaPlume: Today I stopped by Mr. Martinez place, I walked in unannounced, he didn't know I was coming, he was glad to show me the place. He showed me all around, I opened up the doors to the spray booth where he would be painting a car, everything was plastic in there over everything, the paint nothing looked like it had been used for quite some time, the place was clean, there was no parts anywhere, the place was spotless, I walked around the building there was plenty of parking. In my observation he was a very standup guy, a very honest guy, I said to him would you entertain the idea of bringing the spray booth up to current conditions, I have no problem with that. So the only thing that I would ask is that he bring it up to city and state code. I think it would be an asset to the city.

Member Brown: I had the same concern as Member LaPlume about it being up to date with code, and how that process goes I don't know if you know anything about that, or maybe Gary knows anything about that, or Tom. I drove bye and I saw that it was very clean and I will kind of piggyback on what Member LaPlume said, the property itself looks great. Also how often do those filters needs to be changed.

Member Ortiz: That depends on the use, if you have painting everyday or if you have a car one a week or once a month, so it depends on the business the autobody has. But like I said, the paints are not like what they used to be. The exhaust system needs to work for the safety of the employee, and the filter needs to be therefore he safety of the community.

Member Brow: Thank you, and I guess we will just wait for the building inspector to enlighten us

Tom Bridgewater: Yea so, if this gets approved he will have to revise his occupancy from an auto detailing to an autobody shop, that is going to trigger a whole other round of inspections with the building department, the health department and the fire department. So my question to you, is that spray booth up to code, I see your certificate there, has anyone looked at that spray booth, I know that it is an old spray booth that is in there and does it have the proper mechanical ventilation .



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Mr. Marinez: You meant for this permit. I called like three companies, they were there they gave me estimates to replace the booth or try to fix it. One guy told me, we can do an update, but I was telling him if we get the permit I can put a brand new one so that everything is to code, but I ned to get this before I get started.

Tom Bridgewater: So that's the thing, it's the spray booth and the smell and mechanical ventilation

Mr. Martinez: He told me, that for now he can fix the tower, he said he could raise it up a little bit and fix the doors and try to get new filter, and change the vents.

Tom B: And we can also put a... And you also have to put a fire suppression in there, but we can also talk to the health department about maybe putting a check on it every three months or every 6 months to see how those filters are being maintained.

Member LaPlume: What do they do at other places, like River Street?

Tom: I don't know. We usually do a 5 year inspection on autobody and auto repair shops

Member Ortiz: Certainly you guys do inspections for an auto shop, like how you go into kitchens for a restaurant

Tom: Yea

Member LaPlume: So why would we oversee something if they have a state code and standards

Member Brown: Right.

Tom: we certainly can have the health department go out and take a look at that every so often, to make sure the filters are maintained.

Chairman: If we approve this tonight there are more steps to go through and more city departments are going to get involved around the health and safety and environmental impact and fire suppression unit and things of that nature and the applicant is right, you need to get the special permit before you invest your time and money into that kind of a process.

Member Ortiz: One recommendation is to get a mechanical estimate and get a quote on how much it is going to cost you and what you can afford and ask the same guy how much it will cost for a 6 month inspection, it depends on what the city decides. That is what I would recommend you do as a business

Member LaPlume: I just want to mention, while I was there talking to Mr. Matinez, I asked him about putting in a new booth and he same yup, they are around 30 maybe 40 thousand, so he is well aware of what is going on. Did we get any recommendations from the fire department or any thing saying that he would have to put in a fire suppression system?

George & Jill: NO



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Member LaPlume: I don't think he does, I don't know of anybody in the area that has fire suppression

Tom: Inside the booth

Member LaPlume; Oh in the booth

Attorney Paul M: So, I just want to be a little careful here ok, he is going to comply with whatever the code is, he has made the representation that he is going to put a new booth in, but this is the first step ok, for a special permit and I think we have to understand that this might need to be faded in, he has got to meet code, whatever is there when he opens shop wither it's the booth that is there or whether it is a new booth, it has got to meet code, we get that, but when you are talking about a 40 thousand dollar investment, we don't know if he can do it now, he might have to do it a year from now, so I don't want to misinterpret anything to you, I think we all understand that.

Chairman: Right. Thaks for clarifying that.

Attorney Paul M: we want him to survive in business

Chairman: First step is to get the special permit and then move from there

Member Bevilaqua: Just for clarification, are there any actual signatures on this letter of opposition?

Jill Dewey: So I have the originals, I'll give it to George

Member Bevilaqua: I was going to say if we don't Have signatures, than we shouldn't even entertain it.

Attorney Paul M: Look I've seen it, the thing that concerns me about the signatures is that they are not on the letter, they are on the notice. So I think its debatable whether they signed off on this partition, but neither here nor there, I would object.

Chairman: For me anyway, they did write another letter and they brought up some points that you addressed to my satisfaction anyway.

Attorney Paul M: Thank you very much Mr. Chairman.

Chairman: If there is anyone in opposition, feel free to come up.

Marybeth Lopez (22 Pentucket Street): I am a believer that our families are supposed to grow, we are supposed to do our best and I understand with all do respect, but as the only license provider I have a daycare, it is right in the back of where the fan is supposed to go and not only that but I am a Mom of 3 girls that have asthma and my husband has lungs problems, so my concern here is they can do whatever they can to make their business grow but I'm just very afraid that something can happen to my family and also my business, and this is my license and also my business and I am certified



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with the department of education of Massachusetts, so I am here and also my neighbors are here, and one of their daughters has heart problems, she has a pacemaker, so we just worry about the painting. Again their body shop is right here and my house is right in the back where the fan is going to be and their house as well, so again I don't mind if they do anything that they have to do for their family to grow, because that is what I am trying to do you know as a daycare provider, in all do respect I am just here because we are worried about our families, my husband and also my kids in my daycare, I consider them mine as well, so again we don't mind that they do anything there for their families business to grow, we are just afraid that something can happen to our family because of the paint. Also I moved there 2 years ago and for my understanding before people used to do that on the low, doing the painting on the low, that is what I heard, so I am just scared that something like that is going to happen and it is going to affect my family, so that is why we are here today letting you know that, that is why we all signed the letter. Thank you so much.

Chairman: So we would just like to ask the applicant to be aware of all that and with the daycare, that whatever you could absolutely do to minimize the fumes, we would ask that you do that. Any other comments or questions?

Member Ortiz: She said where the fan is going to be, is that where it is going to be or the fan has been there?

Marybeth Lopez: Yes there is a fan there, it goes straight to exactly where the daycare is.

Member Ortiz: Is it a new fan being installed there or its been there.

Marybeth Lopez: It has been there a long time.

Chairman: I wonder if it is possible to redirect it in a different direction.

Member Ortiz: Like put an elbow so it goes up instead of going down.

Richard Greenwood (426 Chadwick Road Bradford): I am the owner of the building. I just want to say that, that exhaust fan has been there since I bought it, since it was built. I don't know exactly which direction it is pointed at, but what I want to say is, they can actually extend the pipe higher, because that is what I had to do at my shop in Groveland, so there is different alterations that you could take.

Member Ortiz: Yea, I think if you put it up, it will avoid the paint going straight to the house.

Richard Greenwood (426 Chadwick Road Bradford): Yea, the higher you go the better off it is. It is not really a problem, I have been through all that. I have been in Groveland for 40 years in business doing body work. My kids have been around the business for years and we really never had any problems with the neighbors, I have always gotten along with the neighbors, and anything we can do to make it better. But like I said it was built as a body shop, it has always been a body shop forever there. There was a gentleman renting it and he was doing repair work and his friend he was splitting the rent with asked to go apply for a detailing shop, so he did and they gave it to him, so that is the history of it. It was built as a body shop, I rented it as a body shop.



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Chairman: Thank you for that. Any other comments or questions? Or anyone else in the audience want to speak? Ok, I will entertain a motion.

Member LaPlume: I make a motion to accept the application for 37 White Street, 2nd by Member Brown.

Member LaPlume: Yes it meets the criteria for special permit 255-10.4.2

Member Brown: Yes it meets the zoning criteria for special permit 255-10.4.2

Member Infante: Yes it meets the criteria for special permit 255-10.4.2 I would love to see that exhaust fan (couldn't hear what else she said)

Member Bevilaqua: Yes it meets the criteria for special permit 255-10.4.2.

Chairman: Yes, so the special permit is granted

Board voted 5-0 to accept the September BOA meeting minutes