

**DOC. 114/20– SUMMARY MINUTES OF A SITE PLAN REVIEW MAJOR HEARING HELD VIRTUALLY ON JANUARY 26, 2021 FOR PETITION FROM ATTORNEY PAUL MAGLIOCCHETTI FOR APPLICANT ERNEST CIOTO FOR REVISED DEVELOPMENT – SITE PLAN REVIEW – MAJOR, FOR 48 MARKET RATE CONDOS IN THE WATERFRONT ZONING DISTRICT – SUBZONE F AT 38 RAILROAD STREET; PARCEL ID 701-630-9.**

**SUBJECT:** Document 114/20 - Virtual hearing for petition from Attorney Paul Magliocchetti for applicant Ernest Cioto for revised development – Site Plan Review – Major, for 48 market rate condos in the Waterfront Zoning District – Subzone F at 38 Railroad Street; parcel ID 701-630-9.

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

City Clerk Linda Koutoulas: Document 114/20 - Petition from Attorney Paul Magliocchetti for applicant Ernest Cioto for revised development – Site Plan Review – Major, for 48 market rate condos in the Waterfront Zoning District – Subzone F at 38 Railroad Street; parcel ID 701-630-9; Recommendation from William Pillsbury, Jr., Planning Director.

Council President Barrett opened the hearing.

President Barrett explained the meeting rules and informed that the public would be able to call in by using the phone number that will scroll on the TV.

Attorney Paul Magliocchetti represented the applicant Ernest Cioto. He explained that the process started a few years ago and that this was a by right proposal. He introduced the following team members: John Sava, architect and Chris Crump, architect with CWC Design; TJ Melvin - Millennium Engineering who will review the site plan; Kenneth Cram - Bayside Engineering who will review traffic study; Sandy Berkenbush - Stoneridge Properties to discuss marketing analysis and strategy. After those presentations he will give his presentation and at the end Mr. Cioto will speak.

Mr. Crump gave a PowerPoint presentation indicating 48 units, 2 entrances to property. There will be 3 buildings built in phases. There will be 100% off-street parking with secured covered spaces underneath and other on-site parking. Each building will have 8 one bedrooms and 8 two bedrooms. All have view of river. All units will be sold at full market value – no section 8 housing. Mr. Melvin indicated they reconfigured parking and they will construct a rail trail. There is a 66" sewer main that runs thru the property that will be more than adequate to handle water service. The design will have to meet riverfront standards. They have to file with Conservation. There will be 81 parking spaces -71 are required. There will be 2 dumpsters on site. Mr. Sava spoke about the building design. The buildings will be stepped down to view the river, the buildings fan out and there will be a revolving art display area. The height of the buildings will be 50' - might be lower. This is type 3A construction for exterior materials – non-flammable and type 3AD – allows sprinkler/sound proof/fire proof.

Ms. Berkenbush spoke about sales marketing. She indicated that millennials, women and empty nesters would be attracted to condos with great views, unique space and rail trail. Mr. Cram shared traffic study analysis. He informed that Mass DOT has indicated for traffic study purposes they can go back to 2014. They are using 2016 data. Their analyses included the 2 So. Grove Street project (40 units) and potential 60 Railroad Street projections. He followed state guidelines for preparation of traffic impact and access studies. He looked at six intersections. Based on 48 units, the volume for peak hours – 17 vehicles exiting in the am 7:00am to 9:00am and 22 vehicles entering in pm 4:00pm to 6pm. There will be 2 driveways, one in and one out.

Attorney Magliocchetti's presentation was that this is a by right proposal according to Chapter. 255-174 inclusive, Article 16 Waterfront District Zone F. They are converting a dilapidated industrial building to 48 residential condo units. Mr. Cioto is not requesting waivers. This is a site plan review major not special permit. He reviewed the start of the project with 60 units to current modified proposal at 48 units after meeting 4 times with neighbors and Councillors. This is a 20% reduction. The existing building will be substantially rehabilitated. The plan keeps the floor area and foundation to be used as current space. Density bonus allows 56 units by right. the size of the parcel is 1.4 acres. Mr. Cioto explained how he got involved with the project. He owns the land at 38 Railroad Street.

Those speaking in favor were Matt Juros and Joseph Soucy.

Those opposed were Dana Fields, Sandra Odea, William Gould Jr, Leslie Gould, William Gould. Issues focused on traffic flow as it relates to safety, traffic volume, sewer run off concerns, size of project and questioning if project can be considered rehab because it only retains small pieces of masonry.

Attorney Magliocchetti rebutted the assertions and members of the team addressed questions.

Hearing closed.

On motion of Councillor McGonagle with second from Councillor Jordan to move for passage.

Each Councillor expressed their view about the proposal. President Barrett asked if the project could be reduced by 3 to have each building be 15 units. Mr. Cioto's response was that he would do it although he is taking a "big hit" with this concession.

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

President Barrett: Passed

Respectfully submitted,

*Barbara S. Arthur*  
Administrative Assistant  
Haverhill City Council

February 5, 2021

**REASON FOR VOTE - DOCUMENT 114/2020**  
**38 RAILROAD STREET**  
**MAJOR SITE PLAN REVIEW**

President Barrett: The applicant's submission met the requirements set in the zoning overlay for a by right project. The project will provide a continuation of the Rail Trail as part of the applicant's project. This project is part of a revival of use and appreciation of the Merrimack.

Councillor LePage: I voted in favor of the Major Site Plan Review application as it is in compliance with the Waterfront Zoning District (Subzone F) it fulfills all requirements under zoning code 255-154.

Councillor Bevilacqua: The application did not meet the conditions for by right plan approval as it clearly did not show expansion and substantial rehabilitation of an existing residential dwelling or building as required and; the application clearly did not meet the requirement that design guidelines state that "Development should be designed to complement and harmonize with adjacent land uses with respect to architecture and scale and this development does not harmonize with anything in the neighborhood"; and the by right plan requires that the project and site plan demonstrate that extraordinary adverse potential impacts of the project on nearby properties have been adversely mitigated and this application clearly demonstrated that it had not at the detriment to the neighborhood in a multiple of factors.

Councillor Michitson: I voted against the project because it was questionable basis for number of units – using low water line boundary line and tiny re-use for rehab as criterial for number of units is a stretch.

Councillor Sullivan: I voted against this project because I believe it was not in the best interests of the neighborhood nor the neighbors who will be adversely impacted by traffic and public safety issues.

Councillor Jordan: I voted in favor of the project as the developer is allowed to proceed with the project by right of the Overlay District that the Council approved in 2014. Furthermore, the extension of the Bradford Rail Trail, at the developer's expense, will be extremely beneficial for the City of Haverhill.

Councillor McGonagle: I voted in favor, based upon the recommendation of the Director of Economic Development and the transformative effect this project will bring to the city.

Councillor Daly O'Brien: I voted yes for this site plan because it meets the criteria requirements; it provides an opportunity to promote an active waterfront on the south banks of the Merrimack River and could be a catalyst for future revitalization in Haverhill.

Councillor Macek: My vote in favor of the Site Plan - Major was based upon my opinion that the applicant had presented a plan that was in full compliance with the minimum requirements for such a development under the zoning overlay for a By Right project.