



CITY OF HAVERHILL

CITY CLERK

4 SUMMER STREET, ROOM 118
HAVERHILL, MASSACHUSETTS 01830

(978) 374-2312
PHONE

Special Permit #CCSP-25-1

Proposed Use: Build a 4-unit condominium building on the lot

Applicant: Astro Enterprise, LLC

Property Owner: Same as applicant

Location: 0 Nichols Street (608-485-6 and 608-485-7)

Zoning District(s): RU Zoning District.

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

Hearing Date(s): March 25, 2025, May 20, 2025, June 3, 2025 (the Council closed its hearing and deliberated on June 10, 2025)

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

Vote: The Council voted 11-0 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)

- Quitclaim deed, recorded at the Essex South Registry at Book 41836, Page 441
- One-page Site Plan prepared by RAM Engineering, dated September 10, 2024
- One-page Site plan prepared by RAM Engineering, dated May 14, 2025 revised June 10, 2025
- Written Summary of project, prepared by Paul Magliocchetti, Esq., dated January 15, 2025
- Nine-page Architectural Plans, prepared by Demorla Design and Build, dated January 20, 2024
- Recorded Board of Appeals decision, dated October 16, 2024
- Zoning Ordinance Table of Use and Parking Regulations
- Rules and Regulations for Special Permits
- Public Hearing Notice dated February 4, 2025
- Memoranda from Planning Director, William Pillsbury, dated March 24, 2025, May 16, 2025, and June 6, 2025
- City Department reviews including: Conservation, Fire 1 Department, Fire 2 Department, Health Department, Police Department, School Department, Stormwater Department, Building Department
- Undated Memorandum with proposed findings from Attorney Paul Magliocchetti submitted on behalf of the applicant Correspondence from Attorney Paul Magliocchetti dated May 20, 2025 requesting a continuance

JUN 25 2025
CITY CLERK

REQUEST:

To build a 4-unit condominium building on the subject property.

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:** Numerous articles and reports have emphasized the need for additional housing, including affordable buying opportunities for low to moderate income households. Haverhill is no exception to this demand and has recently adopted new ordinances intended to address the local housing shortage, including but not limited to, provisions for MBTA zoning, and accessory dwelling units. The applicant has agreed to establish the four (4) units as condominiums for sale in a Haverhill neighborhood that has few, if any, such home buying opportunities.
- **Traffic and pedestrian flow and safety, including parking and loading:** Careful attention has been given to traffic flow and pedestrian safety in the development plan. As part of the additional housing there are two (2) driveways that lead to the rear of the property where the parking and trash disposal will be located. Additionally, rather than combining the two (2) structures, there will be an 11-foot separation between the two (2) buildings to allow for additional pedestrian and emergency access to the rear of the buildings. The parking lot is large for the neighborhood and provides the required number of spaces for the development. These details are outlined in the provided site plan filed with this application.
- **Adequacy of utilities and other public services:** The existing building is already connected to domestic water, and city sanitary systems, and accordingly, no major utility extensions are required for this project. Independent sewer and sanitary connections will be established for the new

building, all of which will be detailed on plans and further coordinated with the city's development team. The proposed site plan has been reviewed by all departments and complies with Zoning Ordinance Section 6.3.3(8) concerning utilities, security, and emergency systems, ensuring all new connections meet city standards without the need for special approvals. City Departments have raised no concerns about utility availability at this time, and the parcel's location within the neighborhood provides ample utility access. This favorable positioning and proximity to adjacent structures allows for seamless integration of the new building into existing infrastructure, minimizing disruptions and ensuring efficient service delivery. The project team will continue to collaborate closely with the city's development team to confirm that all utility connections align with the city's expectations and requirements.

- **Neighborhood character and social structures:** The proposed construction is consonant with neighborhood character and social structures, as it will match the existing buildings in materials and massing and represents no substantive change in the current use of the lot. The new building will marginally increase the percentage of open space on the site and replacement of asphalt with grass and landscaping will improve the aesthetics of the site. Unsightly elements such as dumpsters and trash receptacles will be screened/shielded from view in the rear of the site. The Applicant has stated that he has met with the neighbors and reviewed the application with them prior to submission.

- **Impacts on the natural environment:** This project is not expected to impact the natural environment. The new addition will marginally increase the percentage of open space on the site, and the mix of asphalt with grass and landscaping will allow for permeable areas, allowing for continued natural rainwater infiltration.

- **Potential fiscal impact, including impact on City services, tax base, and employment:** This project 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 units (i.e., 750-square foot, two-bedroom units), having minimal or no anticipated impact on schools. This development will create needed housing opportunities.

Specific Findings Under Zoning Ordinance Section 6.3.3

Lighting: The proposed lighting for this project will comply with the city standard 6.3.3(1): The existing lot lighting will remain largely unchanged, with the addition of wall packs on the new building. These wall packs will be mounted at a maximum height of the roofline and designed as full-cutoff fixtures to ensure no light is directed outward, minimizing glare and maintaining a focused, compliant lighting environment where required on site.

Noise: The project will comply with city standard 6.3.3(2) as it pertains to noise: Construction will abide by the restrictions set forth in Chapter 182 of the Haverhill Code and 310 CMR 7.10 of the Department of Environmental Protection's regulations. A dumpster and trash receptacles will be located at the rear corner of the periphery of the site which should reduce noise at times and refuse collection.

Landscaping: 6.3.3(3): The lot is located in the city's urban center and has minimal lot space for landscaping. The limited landscaping will be consistent with neighboring properties.

Stormwater Management: The proposed development will comply with the city standard 6.3.3(4), and the Petitioner will provide details on a plan as required by the city's development

team. Additionally, the addition of grass and landscaping will increase permeable areas, allowing for natural rainwater infiltration. All necessary erosion prevention and sediment control (EPSC) measures will be implemented during construction to minimize sediment displacement, and to maintain compliance with city regulations.

Site Development Standards: The proposed development plan complies with all site development standards outlined in section 6.3.3(5). The area of disturbance has been carefully minimized to accommodate the new building, ensuring the new footprint aligns seamlessly with the existing building. The thoughtful approach preserves the functionality of the site while reducing disturbance and maintaining accessibility for residents and visitors. Furthermore, new landscaping will be introduced and will enhance the grounds, thus promoting improved stormwater management, soil stability, and sustainability, while adhering to city standards.

Pedestrian and Vehicular Access/Traffic Management: As stated, careful attention has been given to traffic flow and pedestrian safety in this development plan ensuring adherence to section 6.3.3(6). The existing home and abutters have been occupied by tenants for an extended period without any reported issues related to traffic management or vehicular access. Pedestrian traffic and parking will continue to be located at the rear and side of the buildings, maintaining separation of these traffic elements. The site complies with code requirements related to parking. Detailed parking requirements are outlined in the "zoning requirement table" on the site plan.

Aesthetics: The proposed design of the buildings complies with the neighborhood compatibility requirement outlined in Section 6.3.3(7). The new building will closely match the front façade of the existing building in materials and massing.

Utilities/Security/Emergency Systems: The existing building is already connected to domestic water, fire, and city sanitary systems, so no major utility extensions are required for this project. Sewer, fire and sanitary connections will be established for the new building, all of which will be detailed on plans and will be further coordinated with the city's development team. The proposed development fully complies with Section 6.3.3(8) concerning utilities, security and emergency systems ensuring all anew connections meet city standards without the need for these approvals. The city's development team has raised no concerns about utility availability at this time, and the parcel's central location within the city provides ample utility access. This favorable positioning allows for seamless integration of the expansion into existing infrastructure, minimizing disruptions and ensuring efficient service delivery. The project team will continue to collaborate closely with the city's development team to confirm that all utility connections align with the city's expectations and requirements.

Other general Standards: The proposed development will cause no substantive change in the current parcel's compliance with section 6.3.3(9). The new building will not be conducted in a manner as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard; noise or vibration, smoke, dust, odor or other forms of environmental pollution; electrical or other disturbance; glare; liquid or solid, refuse or wastes; conditions conducive to the breeding of insects, rodents or other substance, conditions or element in an amount as to affect adversely the surrounding environment. All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating air pollution.

DECISION

On June 10, 2025, the Haverhill City Council roll call voted 11-0 (Council consists of 11 members) to approve a Special Permit for construction of a 4-unit condominium building on the lot as presented. Councilors in favor were Sullivan (President), Jordan (Vice President), Basiliere, Hobbs-Everett, Michitson, McGonagle, LePage, Lewandowski, Ferreira, Toohey and Rogers. Councilors opposed were: None. The approval is subject to the following conditions:

General Conditions:

1. The Project shall be constructed in strict conformance with the plans and application materials presented during the Council's Hearing.
2. Applicant shall provide a snow removal plan to the reasonable satisfaction of the Building Commissioner, prior to issuance of a building permit.
3. Applicant shall provide a landscape plan at the time of development review.
4. Each unit shall be created as a condominium for individual sale and each proposed condominium unit shall be assigned its own parking spots, which shall be memorialized in writing via documentation reasonably acceptable to the City Solicitor.
5. 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.
6. The project must adhere to all department comments.
7. 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.
8. 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.
9. 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.
10. 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

6/24/25

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.¹ 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.

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

City Clerk

¹ 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."

**APPLICATION FOR SPECIAL PERMIT
DOCUMENT 32, CCSP-25-1
FOR APPLICANT PAUL MAGLIOCCHETTI, ESQ. FOR ASTRO ENTERPRISE, LLC
9-11 NICHOLS STREET (MAP 608, BLOCK 485, LOTS 6-7)
June 10, 2025 (continued from 3/25/25, 5/20/25, 6/3/25)**

**DOC. 32 – SUMMARY MINUTES OF SPECIAL PERMIT IN PERSON AND HYBRID
HEARING HELD ON June 10, 2025, FOR PETITION FROM PAUL
MAGLIOCCHETTI, ATTORNEY FOR APPLICANT ASTRO ENTERPRISE, LLC FOR
9-11 NICHOLS STREET FOR SPECIAL PERMIT CCSP-25-1 FOR A SPECIAL PERMIT
TO CONSTRUCT A 4 UNIT MULTIFAMILY DWELLING**

SUBJECT: DOCUMENT 32; CCSP-25-1: Petition from Attorney Paul Magliocchetti for applicant Astro Enterprise, LLC for property located at 9-11 Nichols Street

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

Remote: Councilor Katrina Hobbs Everett

Members Absent: None

City Clerk Wright: CCSP-25-1; Document 32: Attorney Magliocchetti representing *Astro Enterprise LLC*, requests to build a 4-unit condo building at 0 Nichols st in the RU Zone – (residential urban density) Map 608, Block 485, Lots 6-7 *Continued from June 3, 2025*
Recommendation from Planning Director to conduct the previously opened hearing and based on the fact that the application is now complete take action on the permit making the required findings and specifying any conditions to be added to the special permit

President Sullivan re-opened the special permit hearing.

Attorney Paul Magliocchetti of 70 Bailey Blvd. addressed the council on behalf of the applicant. He stated I appreciate the patience and continuance while I navigated the new 92-B ordinance that you passed, and I gave the council sufficient detail to make an informed decision on this special permit. I am here this evening on behalf of Astro Enterprise LLC. They own a property at Nichols Street. A few months ago, we went to the Board of Appeals and obtained a variance that allowed them to subdivide the lot and add a four unit building on the subdivided lot. To the developer's credit, this is Juan Valerio the principal of Astro Enterprise. To his credit, I suggested that he convert the units to condominiums for sale rather than add more apartments to the city. He graciously, he didn't even blink. That is fine with him. That was a condition of the variance we have no problem with you making that a condition of the special permit as well. I think this is a huge win for that neighborhood to have some potential units that people can purchase. They are looking to build a new four-unit structure in the RU zone. It requires a special permit from this council. I did prepare a brief that you all should have in your packet. The

neighborhood is densely populated with other multifamily homes as you all are aware. Just recently not too long ago you approved the expansion of a twelve unit building to sixteen units not too far from where this is located. This development will not alter the character of the neighborhood. It fits. I know it looks tight on the plans if you drive by. It is a densely populated neighborhood. This will not look out of place. We believe that he meets the requirements under the City of Haverhill's zoning ordinance 255-10.4.2 which are the requirements for a special permit. I did summarize the compliance in my brief, and I did provide a lot of detail in 92-B document that I provided to the council. In summary, I won't go through the entire detail because I would probably be here for a while but I will answer any questions, that you may have. In summary the proposed addition will not cause substantial detriment to the neighborhood or the city taking into the account the characteristics of the site. The site has an existing structure and a use. There is an existing six family there. They haven't had any issues there. He takes care of the property; he has good tenants. He is a good neighbor. There were no objections from the various departments. There was a concern about the location of the rubbish cans being in between the buildings. We relocated them to the rear of the building. I did have the engineer tweak the plan which I can circulate to the council. It shows a detail of the trash receptacles and the recycling receptacles. Can I hand that to the clerk. We all know that the community needs additional housing. You read countless articles over and over how statewide we lack housing especially for purchase for young families. This is really going to fit a need and really fill a void that is slowly lacking not only in the City of Haverhill but throughout the state. When you look at traffic and pedestrian flow and safety, they all have been addressed. Probably improved with the site you can see you have two means of access to the rear of the lot which provides all the parking. We do meet the parking requirement of one space per unit. You can see there is flow and they can actually do a circular pattern and for emergency purposes there is also a 14' wide strip between the two buildings. There is a third means of access to the rear of the lot in case there are emergencies. There are adequate utilities and public services that are supplied to this project. Again, there is an existing six unit building there. It is very close to the road utilities and public services should not be an issue. The neighborhood character and structures have been addressed with the architectural designs. We did provide a complete set of plans with the packet so you can see what is exactly going to be built there on the site. The project will increase the city's tax base especially by having four additional condominium units rather than a four-unit apartment building. The collective value of the condominium units will be significantly higher than a four-unit apartment building. The way they are going about this project is going to be a big plus for the city as far as adding to the tax base. The applicant has appeared a couple of times before the city's developmental review team even though the full developmental review is not required until after the special permit is retained and prior to obtaining the building permit. We went before the team on a couple of occasions to make sure the various departments were onboard with what we were doing to address their concerns. Like I said, I didn't receive notice of any concerns other than the trash which we did address. Based on all of the above the applicant respectfully requests that the City Council allow this special permit and allow him to move forward with the

four condominium units at 9-11 Nichols Street. I do have the full specific criteria of 92-B which you already have, and I will answer any questions.

President Sullivan asked if he had anyone else with him that would like to speak.

Attorney Magliocchetti stated I have Mr. Valerio here this evening.

Mr. Juan Valerio, 351 Main Street, Boxford, MA addressed the council. He stated he is a loan officer and was talking with Paul at the first meeting, the frustration with our client trying to get into housing. How they don't qualify even though they have jobs and income, but they don't qualify to the current interest rate. We were like let's do four condominiums to help a little bit for a family to have their own house.

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.

Motion by Councilor McGonagle for passage with discussion and all conditions, Second Vice President Jordan.

Vice President Jordan asked what is the best timeline if it passes when will construction begin and how long is it anticipated to take.

Attorney Magliocchetti stated he has been chomping at the bit. It is probably going to be another month before we go through developmental reviews. We have to wait for the appeal period; I am sure he is hoping to start before the end of summer and try to get it wrapped up before winter. There are a lot of factors that go into that. As soon as possible.

Vice President Jordan stated finishing it before winter is a possibility. With the tight timeline and obviously things can change your best guess on how much these units could go for?

Mr. Juan Valerio stated per my contractor it would be \$30.00 per square foot, about \$350 each or \$325.

Vice President Jordan stated thank you for answering my questions. My quick comments are I look forward to hearing from my fellow colleagues. I am very pleased that you are doing them as condos as opposed to apartments. Most what have been approved over the last several years now, most of what have come before us was apartments. We have heard particularly recently from a number of people looking to buy and talk about how difficult and challenging it is to buy. You as a loan officer you can appreciate with the higher interest rates that is making the cost of the mortgage more expensive. I would imagine at that price point particularly that people looking to buy it and have a decent downpayment and their mortgage payment may not be too far off from what rents are going for right now. That is exciting for some of what we heard from people at recent community events as far as looking for that entry point at a price level that is reasonable and can actually buy. A condo seems like a great steppingstone for people to eventually having a

single family if that is the desire or maybe that is their end game maybe to own something. I'm inclined to support it and look forward to what everyone else says.

Councilor Lewandowski stated I don't remember seeing here what is the plan for snow removal.

Attorney Magliocchetti stated it is going to be removed. There is a storage location on the site. It is not large enough for the entire site, there's like a safe guard. The plan is to remove the snow from the site.

Councilor Lewandowski stated I just want to make sure that these units will definitely be declared as condominiums before occupancy permits are issued so we don't run into another situation like we did at Kenoza Avenue. A new developer came in and the permit was issued, and someone came in and wanted to rent them out. I would echo what Vice President Jordan said about the fact that these are condominiums is great because it provides a path to first time homeownership and we want to keep it that way. If that could be added as a condition even though it was embedded in your proposal. I would like to see that just so we don't have any surprises.

Attorney Magliocchetti stated I already drafted the condominium documents.

Councilor Ferreira stated Nichols Street is a very snuggly part of our ward. It makes me really happy to see that the only open space which has been a paved parking lot for a very long time will be turned into housing hopefully. I like this proposal for lots of reasons, particularly as we fellow councilors going into our subcommittee meeting about the housing production plan. There are a lot of highlights here that I think are smart for people thinking about developing or where they can sneak in lots of units of housing that aren't huge apartment buildings in the city. Since this is a densely populated area it is usually easier to connect to existing public services that are already in place for the building. We are developing areas which are near our urban villages which our masterplan calls for and these are small starter units providing a path to homeownership. Those are all huge wins for all of us here. The price point is fantastic and some of my questions were the same, where is the trash storage, what is the plan for snow. As an additional condition, I may propose so as you know I love any kind of landscaping added into these dense neighborhoods where we have lost a lot of our tree canopy especially Nichols Street is bare as can be. There is a landscape area with lawn and shrubs, could I make a motion to include a landscape plan at development review.

Motion by Councilor Ferreira to include a landscape plan at development review, Second Vice President Jordan.

Attorney Magliocchetti stated my client does not object to that. That would be part of the development review we can include that.

Councilor Hobbs Everett stated I don't have anything to add. I just want to commend you on this type of project. I think it is what we need. I am familiar with that neighborhood and commend

you for keeping a clean property. It is an add to the neighborhood with the way the property looks, and the landscaping is always done. Thank you for that.

Councilor McGonagle stated thank you for this thought process and the development of this unit. I wasn't happy with the 16 unit. I didn't think that was right because the parking wasn't right. This is much better for the four units with 6.4 parking spaces, or whatever. That to me is a little better. We do need the housing, and I think it would be great for that neighborhood to have that lot cleaned up. I intend to support it.

Councilor Michitson stated I don't even know if there are any conditions from the department heads. I read through all the reviews, and I don't remember any. I guess we don't have to add that. I don't want to repeat everything that has been said. Homeownership is just great for the neighborhood. The 350K price range is very good as well. There will be a very small impact if any to city services. That checks off just about every key point. Also, as my colleague mentioned on Monday at 6:00 we are going to be talking about reviewing the draft Haverhill Housing Production Plan to what people's needs are but we also want developers to come, and I would like to invite you.

Councilor Rogers stated is that a common driveway between 17, 13 and 15 or is that 17 driveway. You are putting up a fence, right?

Attorney Magliocchetti stated that is a common driveway and 17 has those 2 spaces to the left.

Councilor Rogers stated are you just removing the fence, is that what is happening?

Mr. Juan Valerio stated it is a temporary fence.

Councilor Rogers stated so you are taking it down.

Mr. Juan Valerio stated yes.

Councilor Rogers stated so you have a common driveway between 17. The driveway you are putting in at Nichols is just for Nichols.

Mr. Juan Valerio stated yes.

Councilor Rogers stated will there be a fence between the two buildings.

Mr. Juan Valerio stated no. The driveway goes around.

Councilor Rogers stated if you are selling these as condos and these as apartments how are they going to be handling snow plowing. You are not having a fence between the two to divide.

Mr. Juan Valerio stated no, I can put a fence in if needed.

Councilor Rogers stated no, I don't know if it is needed or not. You are now selling them as condos, and you are going to have a condo fee and your own plows.

Attorney Magliocchetti stated because he owns both properties I am working in language in the documents that says that is a shared space in the back because we believe it is in everyone's best interest that area be kept cleaned when it snows. It would be better for everyone that it is not divided and fenced off. That way you have the entry and exit driveway if you wanted to use both.

Councilor Rogers stated what happens when he sells 13-15.

Attorney Magliocchetti stated the language will be there. It is going to be recorded at the Registry of Deeds.

Councilor Rogers stated in the parking lot now who parks there, people from 13-15.

Mr. Juan Valerio stated yes.

Councilor Rogers stated the place is packed. Both sides of the street are packed. You are eliminating this parking; it's going to be difficult. Snow, I don't know what people are going to do because you have people on both sides of the street now.

Attorney Magliocchetti stated they are not all his tenants.

Councilor Rogers stated I know they are not. It looks like you have four parking spots for the original building.

Attorney Magliocchetti stated there are 10 spots total. You can't look at so many for this building and so many for the other. That is why I was trying to explain that area in the back is going to be common area for both buildings.

Councilor Rogers stated you will also use the existing driveway for 17. It's going to be a u shape.

Mr. Juan Valerio stated 17 is on the other side.

Councilor Rogers stated oh the other side. This is just a couple parking spots. You have 10 parking spots for the two buildings not including the 2 for 17.

Attorney Magliocchetti stated correct. If you add the 2 for 17 it's 12.

Councilor Basiliere stated in the vain of timing being everything I spent a lot of time on Nichols Street with the Police Department. I had the good fortune of driving around my ward with the police last night. Nichols Street came to my attention, not only because you were on the agenda and I do share Nichols Street with Councilor Ferreira, it's one of those streets that we share together. According to the Secretary of State's website this is on my side. So, in your face, I don't know where all this ward pride came from, but I am catching on. I want to share the conversation that I had last night with Det. Scharneck, I don't think I am speaking out of school. We were on Nichols Street out of the cruiser talking to the neighbors, I told them there was a time even when I was at my fighting weight I wouldn't have walked down Nichols Street. Wow, things have changed. That change has come from two very distinct reasons a generation of deeply committed police officers who really did their jobs and secondly a big increase in

homeownership. This is only going to go towards helping the neighborhood that I share with my esteemed colleague and the city in general. I am also going to support this and thank you for coming tonight.

Councilor Toohey stated when you say common area but for condos is the terminology legal term in common where you assign a parking space to the unit.

Attorney Magliocchetti stated you don't have to in a condominium document. To be clear when I said common area you don't create a common area for the other building. It can be used in common.

Councilor Toohey stated for the proposed 9-11 Nichols Street each condo owner will not have an individual space in the back that is designated to their space.

Attorney Magliocchetti stated they may. In the documents I have an assigned space per unit for the condominiums, yes. We may do it also for the other building.

Councilor Toohey stated the other building is rentals?

Attorney Magliocchetti stated correct. We don't have condominium documents.

Councilor Toohey stated can we make that a condition.

President Sullivan stated that they assign the parking spaces.

Councilor Toohey stated that each of the proposed four units are allocated, that is recorded the parking space.

President Sullivan stated if they become assigned that would be part of the deed document.

Attorney Magliocchetti stated that would be highly unusual in a special permit setting. We are going to do it; you can put it there.

Councilor Toohey stated I would like to make that a condition.

Councilor Rogers stated I will second that.

Councilor Toohey stated what is the square footage of the units.

Mr. Juan Valerio stated 750 square feet.

Councilor Toohey stated the other side of the rental 13-15 there are 5 two bedrooms.

Attorney Magliocchetti stated (5) 2 bedrooms and (1) 1 bedroom.

Councilor Toohey stated is there any issue I know Nichols Street is pretty tight and congested is there any issues with children playing in the area.

Mr. Juan Valerio stated there are only two kids in the whole building.

Councilor Toohey stated do you anticipate husband/wife or I should say a couple that may have children in the proposed and where will they play. I remember there was another development that we actually knocked down a unit. Are you anticipating children.

Attorney Magliocchetti stated these are very small two-bedroom units. Look it's a two bedroom might you have a couple with a child or two, it is a neighborhood and there is no space on here to put a playground or anything like that. It is like living in any kind of house in this kind of neighborhood. You make do with what you have. There are parks nearby, there is that little bit of area in the back where children could go play if they wanted. There is only so much land. There is a park nearby. With that condition I would be more than happy to support it.

President Sullivan stated I am going to support this for many of the reasons that were cited tonight, the homeownership opportunity, the fact that I drove through the neighborhood tonight, yes, it was dense but with the parking you have in the back it's not going to get any worse and it is not going to have any impact to the cars on the street. There is a park located right around the corner called Union Park, a playground that needs some love and we have been working on that and if we made it even greater or better the children can go down to the park. If they can't play in the back yard they at least have somewhere to go. I do intend to support it. We do have some conditions. Madam Clerk, we had three conditions, starting with Councilor Lewandowski?

City Clerk Wright stated yes. Councilor Lewandowski, if you could just repeat yours because I just have a brief description.

Councilor Lewandowski stated that was 20 minutes ago.

City Clerk Wright stated I just want to make sure I get it right. I just have snow removal which is a little too vague.

Councilor Lewandowski stated was my condition snow removal?

President Sullivan stated snow removal plan.

City Clerk Wright stated I have a motion from Councilor Lewandowski for a snow removal plan, Second, Councilor Michitson

President Sullivan stated Madam Clerk please call the roll.

Madam 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 LePage-yes, Councilor Rogers-yes, President Sullivan-yes.

11 Yeas, 0 Nays, 0 Absent
Passed.

President Sullivan stated the second condition.

City Clerk Wright stated that there should be a landscape plan at the time of development review. I have a motion from Councilor Ferreira, Second by Vice President Jordan.

President Sullivan stated Madam Clerk please call the roll.

Madam 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 LePage-yes, Councilor Rogers-yes, President Sullivan-yes.

11 Yeas, 0 Nays, 0 Absent

Passed.

City Clerk Wright stated the final condition I had was that each proposed condominium unit would get an assigned parking spot. That was a motion from Councilor Toohey, Second by Rogers.

President Sullivan stated Madam Clerk please call the roll.

Madam 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 LePage-yes, Councilor Rogers-yes, President Sullivan-yes.

11 yeas, 0 Nays, 0 Absent

Passed.

President Sullivan stated and now the matter of approving the four-unit condominium building with all the conditions. Did we have a motion.

Madam Clerk stated I did, I had a motion from Councilor McGonagle, Second Vice President Jordan.

President Sullivan stated Madam Clerk please call the roll.

Madam 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 LePage-yes, Councilor Rogers-yes, President Sullivan-yes.

11 Yeas, 0 Nays, 0 Absent

Passed.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lori A. Robertson".

Lori A. Robertson

City Council Administrative Assistant

Date: 4/24/25