

TRANSCRIPT OF PUBLIC RECORD
ZONING BOARD OF APPEALS MEETING

January 28, 2026

CITY CLERK'S OFFICE
METHUEN, MA

2026 FEB 26 PM 2:37

This Regular Meeting of the Zoning Board of Appeals, was held in The Great Hall, 41 Pleasant Street, Methuen MA. The meeting was called to order at: 7:03 PM.

Chairman Matthew D'Agostino asked for a moment of silence in memory for all those who have died for our country, and longtime City Councilor Mike Condon, who recently passed. He then led the pledge of allegiance.

MEMBERS IN ATTENDANCE:

Mr. Matthew D'Agostino, Chairman
Mr. Nicholas Boucher, Vice Chairman
Mr. Jose Frias, Clerk
Mr. Philip Cultrera, Member
Mr. Matteo Zingales, Alternate Member
Mr. Mansour Chaya, Alternate Member
Mr. William Haneffant, Alternate Member

Also, In Attendance:

Gene Walsh, Building Inspector
Lori Moriarty HHSI Clerk III
Petitioners and Representatives

MEMBERS ABSENT:

Mr. Vincenzo Pesce, Member

ROLL OF APPLICANTS:

Dana Kilroy- present

VOTE TO ELECT ZONING BOARD OF APPEALS LEADERSHIP

Chairman

Nicholas Boucher made a motion to elect Matthew D'Agostino as Chairman of the Zoning Board of Appeals. Phil Cultrera Seconded

Discussion: none

Vote: unanimous

Vice Chairperson

Matthew D'Agostino made a motion to elect Nicholas Boucher as Vice Chairman of the Zoning Board of Appeals. Phil Cultrera Seconded

Discussion: none

Vote: unanimous

Clerk/Board Secretary

Matthew D'Agostino made a motion to elect Jose Frias as Clerk of the Zoning Board of Appeals. Phil Cultrera Seconded

Discussion: none

Vote: unanimous

ACCEPTANCE OF MINUTES:

1. November 19, 2025

Phil Cultrera made a motion to accept the minutes of November 19, 2025. Nicholas Boucher Seconded

Discussion: none

Vote: unanimous

NEW BUSINESS:

2026-01 Dana Kilroy

A Special Permit is required under Section V-D (table of use regulations) of the Comprehensive Zoning Ordinance of the City of Methuen, in a BH (business highway) Zone, for a Contractors Yard with outdoor storage of bulk materials (not for sales or open to the public) at a vacant lot on Center St., Methuen, MA. (PARCEL ID:716-113-4).

Attorney Arthur Broadhurst of 45 Osgood St, came forward representing the applicant, Dana Kilroy, for the vacant property at 151 Center Street in Methuen. Attorney Broadhurst provided the Board a background of the site. Mr. Kilroy purchased the property 6 year ago, and he runs a construction business that renovates buildings for a living. He currently uses the space as storage of equipment with containers. Last year, the Board denied a plan for a 3-family unit, due to the size of the site. Mr. Kilroy continued to use the site as storage for his business. Mr. Kilroy has been using the site this way for 5 plus years. Attorney Broadhurst stated that based on the City Zoning ordinance, an outdoor storage without retail is an allowed use in this zone. He stated he believed it to be subjective on whether the property is being used as outdoor storage or as contracting yard. Attorney Broadhurst stated that the applicant stores in containers, and there is no gravel or anything like that. He is not using as a retail site, and he personally believes this should be allowed use as it stands. Attorney Broadhurst further stated that they are currently in litigation with the city, so they are moving forward with the request of a Special Permit for the contractor yard in order to remedy the issue. The applicant is willing to stipulate that everything is stored in containers and there is no retail on site. Attorney Broadhurst stated that the applicant is on site in the 8a-5p time frame, in order to pick up equipment he needs for job sites.

Chairman D'Agostino asked if the applicant has pursued any other locations that may be better suited. Attorney Broadhurst stated that the applicant had not, because he has a piece of land he wants to use. One allowed Use is outdoor storage without retail. Attorney Broadhurst contends that the applicant owns a 4k square foot lot and he should be allowed to do something with the property. Attorney Broadhurst stated that the Board of Health interpreted the use of this property as a contractor site. There are no drive-in retail utilities, such as bark mulch or stone. Employees go in and get equipment and leave to go to jobs. It is strictly storage.

Mansour Chaya asked the Attorney what the difference was between outdoor storage and a contractor yard. Attorney Broadhurst stated that it is a fine line, and he believes if there is retail from the site, then it is a contractor yard. Due to the City's interpretation, they are forced to come before the Board for a remedy.

Nick Boucher asked if there is ongoing litigation with the City, and Attorney Broadhurst confirmed that there is, for operating an illegal use on the site.

Mansour Chaya asked about the office trailer on site and Board of Health involvement. Attorney Broadhurst stated the trailer is stored there and used for storage. When Mr. Kilroy has a large job (like a mall), he removes that office trailer and brings it to the job site as a portable office. The Board of Health is the responsible party for code enforcement.

Phil Cultrera asked if the applicant has a fleet of cars or trucks that he intends to store on site. Attorney Broadhurst stated that the applicant does not park there.

Chairman Matt D'Agostino asked Attorney Broadhurst if he represented the applicant on the previously denied petition and the reason for the denial. Attorney Broadhurst did not represent the applicant previously and the plan was denied due to the undersized 4k square foot lot and the setbacks. Attorney Broadhurst stated that he has had discussions with his client about possibly requesting use of the site as a single-family house, but didn't know if the Board would entertain that. Chairman D'Agostino stated that the Board is sympathetic, and that he shouldn't be handcuffed. The Chairman stated that he doesn't know the will of the Board on this petition, but, should it not be approved, the Chairman said he thought the Board and building inspector may be willing to work with the applicant.

The Chairman opened Public participation. No one came forward in favor of the petition. In opposition the following people spoke:

Juan Fernandez and Gizella Fernandez, the children of the owner, Rafaela Fernandez, of an abutting property at 51-53 French Street, (behind the lot in question) came forward in opposition. Mr. Fernandez stated that the site doesn't look good for the neighborhood, since all around it is residential. They took pictures of the site from the backyard of their property and brought them forward for the Board to view. Gizella, who manages the property, stated that this site used to be a 3-family home, which burned down. They have seen a lot of rat and mice activity since the applicant started storing materials, and have seen gravel stored. Ms. Fernandez further stated that items are not currently contained as the applicant has stated. The abutters stated that Mr. Kilroy's equipment is up against their fence, and it has been damaged. The area has mostly single and 3 family homes that are really close together. She has seen trash that is not contained and vermin. Gizella further stated that there are people in and out of the office trailer, and there is tires and gravel, and a lot of stuff outside. Their concerns are there are no guarantees that Mr. Kilroy won't be storing items outside, even if he is told that he can't. She thought the idea of a 2 or 3 family is more in line with the community.

Chairman D'Agostino closed public participation.

Jose Frias asked what the hours of operation are that the owner is planning to come in and drop off. Attorney Broadhurst stated that generally the hours are 7-8am to about 5p at night. The applicant would prefer to have a single family or two-family home built here, and they may come back before the Board to request that down the line. In the meantime, the applicant wants to continue to operate as he has been. The Board would need to deem a substantial change if they petitioned for a 1-2 family home within the 2-year denial of the original petition.

Nicholas Boucher asked about the setbacks of the storage units from the property line. The site plan was hand drawn in with storage trailers, and it is not clear how far away they are. Attorney Broadhurst stated that they are currently right up against the property line, but they can be moved if required. Nicholas Boucher asked what the setback should be, from Gene Walsh. Mr. Walsh confirmed it should be 10ft off the property line. Attorney Broadhurst said that he would have to obtain different size trailers and could move them. Attorney Broadhurst stated that they can work with the town, but the petition is for a Special Permit on use of the lot, not dimensional requirements.

Bill Haneffant asked Attorney Broadhurst if he had seen the pictures provided to them from the abutters, and who owned the fence in the rear of the property. Attorney Broadhurst stated he had not seen them, and the fence was over 30 years old. He wasn't sure who owned the fence, but it may be the owners of 51-53 French Street. Mr. Haneffant stated that in the pictures he can see wheelbarrows, and other items, which are outside.

Pictures from the abutters were given to Attorney Broadhurst, from the Board, to look at. Attorney Broadhurst stated it was the current state of the site, but that the applicant would commit to bringing everything inside.

Phil Cultrera stated he believed the area is very tight, and that the storage containers should be within the boundaries of 10 ft set back. Mansour Chaya stated he has issues with rat infestation. He said the idea of a 1-2 family is more realistic. Based on the photos provided he does not believe a contractor yard makes sense for this site.

Chairman D'Agostino stated that he doesn't think this is the right spot for a contractor yard. He further stated that rodents can be anywhere, so that does not play into his decision.

ROLL CALL:

Jose Frias: No

Phil Cultrera: No

Nick Boucher: No

Matthew D'Agostino: No

Mansour Chaya: No

The application was denied.

Bill Hanefant asked Chairman D'Agostino about conditions, such as the installation of a privacy fence, wondering if the petition was approved, if they could have imposed them. Matt D'Agostino stated they can always condition a special permit, and oftentimes the petitioner will usually be open to it. They have to base their decisions on what makes it better for residents and immediate neighbors. They can always make suggestions that are reasonable, and economically feasible, and he encouraged the new Board members to use common sense.

Chairman Matt D'Agostino passed out dates for the 2026 meetings to the members. He asked that members let Lori know when you are not going to be here. Chairman D'Agostino stated that in the past, attendance has been choppy with having to cancel meetings, and he does not want to waste peoples time and money. Chairman D'Agostino further instructed the Board that they try to arrive at a conclusion during the original hearing, unless the petitioner requests a continuance. He encouraged members to visit the sites prior to the public meeting, and to use their best judgement. Chairman D'Agostino stated that everything looks good on paper, but when you get out to the site, it makes a difference.

ADJOURNMENT:

There being no further business before the Board, Phil Cultrera made a motion to adjourn, and Nick Boucher seconded.

Discussion: None

Vote: Unanimous

Chairman Matthew D'Agostino adjourned the meeting 7:30 PM.

Respectfully Submitted,
Lori Moriarty
City Clerk III HHSI