



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, May 21, 2025 at 7:00 P.M.

Those Present:

Chairman George Moriarty
Member Louise Bevilacqua
Member Ted Vathally
Member Michael Soraghan
Member Lynda Brown
Assoc Member Magdiel Matias
Assoc Member Gary Ortiz

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

Chairman called the meeting in to order on May 21, 2025

EXTENTION REQUEST previously granted (May 2024)
Esteban Gullon for 20 Tenth Avenue (Map 613, Block 499, Lot 6)

Applicant seeks extension for a special permit to convert existing (non-conforming structure) two-family dwelling into a three-family dwelling. Applicant also seeks dimensional variances for lot area (6,050 sf where 11,700 sf is required), lot frontage (55 ft where 80 ft is required) for conversion to three-family dwelling in a RH zone. (BOA 24-8)

Board voted to approve the request for an extension 5-0

Bradford Unlimited Corp for 463 Hilldale Avenue (Map 528, Block 10, Lot 151)

Applicant seeks the following dimensional variances to create two (2) new building lots and construct two (2) new single-family dwellings in a RH zone. Proposed new lots 151A & 151B shall be conforming lots that shall include the proposed new single-family dwellings. Proposed new lot 151 shall include the existing single-family dwelling. Requested relief for new lot 151 includes lot depth (70 ft mean where 100 ft is required) and rear setback (6.2 ft where 30 ft is required). BOA-25-5

Attorney Russell Channen (25 Kenoza Ave, Haverhill): I am here with Stephan Defeo who is the principle of Bradford Unlimited the applicant, also present is Natalie Pellegrino, Charles Lucy and daughter who is present here as well. Most of the members were here last month, when we continued this matter till this evening, because of an individual that had some concerns with the application and during these last 30 days Mr. Defeo has met with he individual and addressed that individual concerns and or questions, and the individual is satisfied with he proposed project as submitted. I know I submitted a brief that outlines what we are asking for this evening, I would like to just highlight a few things that have been before the board in a number of occasions, the two variances that we are requesting off the existing structure where the house is, and those are just for lot depth and a rear setback, the reason for that, is if you look at the plan that we submitted, you will see how the existing home is placed in such a way, that makes it frankly impossible to create a new lot line without that setback issue, most importantly with that setback the proposal would be that a lot of the lot line, Mr. Defeo



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would construct a white vinyl fence, and the house if you look at the plan is still going to be aprox 50 feet away, so this isn't going to be a situation where we are asking for a setback where 6.2 feet and the new house that is being proposed is going to be right there on the lot line, it is still going to be roughly 50 feet away from the proposed lot line, and again the reason for the setback for the variance is because of the way the existing house is currently situated. We are looking to take the existing lot and create two new form A lots, that require no frontage, no variances whatsoever, the existing house again meets all the frontage requirements and the area requirements, in fact the remaining house still will be much larger at least larger than a lot of the homes situated in the vicinity so for those reasons along with the fact, that I don't, again it creates two new homes in the area, the variances we believe are small in nature and we believe we have one of those applications that meets the criteria and we ask for a variance and we will work well here in the city of Haverhill.

Chairman: The two new lots would be addressed on Bennington

Attorney Channen: Yes

Chairman: And the existing garage or shed on the remaining property will still be there?

Attorney Channen: Correct.

Chairman: And there is no way to get all three lots to not need variances?

Attorney Channen: When I spoke to Mr. Bridgewater, when we looked at the shed and the type of shed that it was, he indicated that we would need that variance, the back deck I am talking about.

Chairman: Questions from the board?

Member Brown: Attorney Channen, I know the opposition is not here tonight, but could you share with us what his concerns were.

Attorney Channen: I was not part of that conversation, but Mr. Defeo is here and he is happy to address.

Steve Defeo (Bradford Unlimited Corp): His concern was the drainage off the lot, but when I met him over there is a good belly in the road with a catch basin below, so any water runoff from my lots are going to stay away from his side with the berm and go down to the catch basin on my side of the road.

Chairman: The belly is on Bennington

Steve Defeo: Yes

Member Brown: And that was it?

Steve Defeo: Yes, that was it. And he didn't realize they were form A's, once I showed him the plan that they met all zoning setbacks, area, then he realized, he said yeah I understand why two houses are going there.



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Member Brown: Ok, great thank you.

Member Vathally: So on the plot plan on the existing property, is that a porch in back or a bump out from the house?

Steve defeo: It is a porch, but it has a roof on it, so it is considered a structure, as Mr. Bridgewater would tell you. Mr. Vathally, if it didn't have a roof it wouldn't be as much of an issue.

Member Vathally: Correct.

Attorney Channen: And that is why when I spoke to Mr. Bridgewater, he said if it was another structure we could use more of that area and not need to setback.

Member Vathally: Ok, and my other question was if you were going for one, so right now you are looking for relief on the existing property, so you are looking for depth and a setback.

Steve Defeo: That's correct.

Member Vathally: So my question is and I would like to here you attorney, give me an argument where this is still a self-imposed hardship , so what is your argument that shows this isn't a self-imposed hardship. If we were to use one lot, you wouldn't even be here correct, I mean for one property

Attorney Channen: No, I think we would, based on where the new lot line would be structured, it's the shape of the lot. Again it is tough to show, based upon where this house is located, there is going to have to be a lot line behind it, and that is the closest that we can get. Even if we were to try and create just one new lot, there is still going to be a need for that setback.

Member Vathally: So one lot would still entail a variance, because you have to make these lots you are proposing conforming.

Attorney Channen: And because that back porch is part of the structure, so I guess even if we tried to show it in a different variation there's still going to be the need for at least the setback because of that, and that is why I said you read about the pork shaped size lot where based upon it, the house can only be put a certain way, what I was trying to get at is because this house was put in a diagonal way on the existing lot right now, if it had been turned around we wouldn't need anything.

Member Vathally: Correct.

Attorney Channen: So that's why, when I say self-imposed its because of the shape of the existing structure that requires the variance regardless of how many form A lots are being proposed as part of the location.

Member Vathally: So your hardship argument is shape and topography



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Attorney Channen: Exactly

Member Vathally: Thank you

Chairman: And the parking is all on site?

Steve Defeo: Yes its on site to the left side and there is a garage, we have sufficient parking.

Chairman: Great. Other comments or questions from the board? Entertain a motion.

Member Vathally: I make a motion to accept the application for Bradford Unlimited for 463 Hilldale Avenue

Member Soraghan: Second.

Member Vathally: Yes it follows the criteria for 255-10.2.2(2)

Member Soraghan: Yes this application meets the zoning criteria for variance section 255-10.2.2

Member Brown: Yes this application meets the zoning criteria for 255-10.2.2

Member Bevilacqua: Yes it meets the criteria for 255-10.2.2(2)

Chairman: Yes it meets zoning criteria and also noting shape and topography fort he need for the variances.

***Granted 5-0**

Doravalina D. Rodrigues for 103 Auburn Street (Map 611, Block 493, Lots 10-103)

Applicant seeks a variance to allow for an accessory swimming pool to be located in the required front yard in a RU zone.(BOA-25-11)

PJ de Bernardo (Gerbrolo Pools in Topsfield, 435 Boston Street): we are looking for permission to put an above ground pool in, it is a corner lot, that's the problem, it is fully bound by a 6-foot-high fence, so the pool won't be visible from a great degree from the street. It is kind of a strange configuration, because directly behind the house there is a lot of masonry and utility units and so forth, so it kind of has to go in this place. It looks like there might have been a pool there at one point in time, but most of the pools in that area are much closer, but in a corner lot you don't have that 20 feet.

Chairman: Several of us have gone out and looked at the property at 6th Avenue and Auburn Street so we know where the pool would be located, almost up against that back, closer to the fence there. The housing structure, there are two units there 101 & 103 are there any covenant guiding you with the two houses there, and does it have to be approved by the other tenant? So the building inspector requested a letter from the owner of the other half of the property

Chairman: You're 103 right, and they are 101, have they been notified? have they had conversations with them about this?

PJ: Yes, we have a letter from them that we submitted.



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Chairman: You did get a letter from them, and they are in favor of it?

PJ: Yes

Member Vathally: Do you have that letter?

PJ: It is uploaded to the building application, I do have a copy of it

Member Vathally: Just alluding to what Chairman Moriarty asked of the covenant its ok if the neighbor agrees to it, but is there something in the covenant that says no above ground or below ground pools.

PJ: No, in fact there is an existing fence between the two properties, so it almost looks like tow complete different yards, no thee is nothing in the covenant precluding to the pool. I don't even think permission from the neighbor is a requirement, but the building inspector requested it.

Chairman: It is good practice

PJ: It does make a good neighbor. I believe they are blood relatives as well.

Chairman: Any other comments or questions from the board? Entertain a motion

Member Vathally: It is a unique property, because technically you have two front yards, and that is because its on a corner lot.

PJ: Anyone approaching the property, it is one of those ones like almost any corner lot, the driveway the people

Member Vathally: Normally, ok this is the front of the house, but just the way it sits on the property, so technically you are doing the measurement from the property line to requesting the variance, it probably made it on the front side, but it didn't make it on the other side.

PJ: Correct.

Member Vathally: And that's what makes this unique

PJ: Yes it meets or exceeds all of the other setbacks from all the other sides.

Member Bevilaqua: Do you foresee any problems with your work, with what you have to do?

PJ: No, most of the work we do is accomplished by hand, it is above ground, it is a perfectly flat spot, there was a pool there before. We will just bring in some washed mason sand, we will compact that, and the pool will be assembled on top of it.



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Member Bevilaqua: It has had other pools you can tell, because it has the high

PJ: Yes, it's a pool area you can tell

Member Bevilaqua: But you don't find that you're going to experience more difficulty

PJ: No

Chairman: Other comments or questions? Entertain amotion

Member Vathally: I make a motion to accept the application for 103 Auburn Street

Member Soraghan: Second.

Member Vathally: Yes this application meets the criteria for 255-10.2.2(2)

Member Soraghan: Yes this application meets the zoning criteria for variance section 255-10.2.2

Member Brown: Yes this application meets the zoning criteria for 255-10.2.2

Member Bevilacqua: Yes it meets the criteria for 255-10.2.2(2)

Chairman: Yes it meets zoning criteria

***Granted 5-0**

Daniel and Dilenia Otero for 0 South Kimball Street (Map 728, Block 706, Lots 12 & 13)

Applicant seeks the following dimensional variances to construct one (1) new single-family dwelling on a pre-existing lot (lot 13) in a RH zone. Requested relief for lot 13 includes lot area (6400 sq ft where 7500 sq ft is required) and lot frontage (64 ft where 75 ft is required). (BOA-25-9)

Attorney Kate Bargnesi (120 Water Street, Suite 406, North Andover,): I am here tonight on behalf of Daniel Ortero who is the owner of the property, to respectfully request a dimensional variances to allow construction of a single-family home on 93 South Kimble Street, the subject property is currently an undeveloped lot located in the RH high density residential zoning district, a single family home is a permitted use I this district, however the lot does not meet the minimum dimensional requirements as set forth in the ordinance as in lot size and frontage, the district requires a lot area of 7500 square feet and 75 feet or frontage, this lot is 6400 square feet and has 64 square feet of frontage, we've therefor requesting a variance of 11 feet for frontage and 11000 square feet for lot area, the lot created zoning, as it was a lot created by a subdivision back in 1891, it is one of the large lots on the street, having lot size of 6400 square feet and most of the other lots along the same side of South Kimble range in size between 5000 and 5600 square feet and many of those lots have two-family homes on them, this lot is unique in that the prior owner granted a 24 foot wide storm drainage easement that runs along the left side of the property, along the property line closest to 95 South Kimball. You should have an updated plan in front of you from what we originally summited, our engineer the easement crossing the property line between 93 and 95 South Kimball, but the easement is in fact entirely on my client's property. Back in 2007, the prior owner applied for a variance as to lot size and frontage the same application as you have before you tonight, to build a single-family dwelling and those variances were granted by this board, it looks as though he applied for at least two one year extensions of the variance, which you also granted, but it is our understanding that the economy at the time



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prevented him from actually ever beginning construction, we are requesting the same relief that was unanimously approved by this board back in 2007 and we believe the variance is warranted. I am happy to answer any questions.

Chairman: Questions from the board?

Member Vathally: So from my understanding, this property came before us in 2016 for a two-family

Attorney Kate Bargnesi: Correct, I believe the prior owner tried to permit a 2-family a couple times and got denied, and I think the main issue in that case was because of that easement that extended so far through the property line that also would need setback variances to fit a 2-family on the lot, which we are not requesting here.

Member Vathally: And got denied. From your records when was the last approval?

Attorney Kate Bargnesi: 2007 and it was extended at least twice

Member Vathally: as a single-family

Attorney Kate Bargnesi: yes as a single family

Chairman: Do you know what the address will be, we have it as zero but will it be 93?

Attorney Kate Bargnesi: 93

Chairman: Thank you. Any other comments or questions before we hear opposition?

Frank Willet: I am not an attorney, I am not counsel, I am merely Ms. Smiths friend, Ms. Smith is at 95, she abuts this property. She just has a bit of a verge of public speaking, and she asked me if I would sit in for her, so if it please the board and the chairman, then I would like to present it for her, again I am not counsel, I am not an attorney, but we will do our best to get through it. Some of you might recognize me and Ms. Smith, because this is the fourth time we've come before the board for this exact same issue, we were here in 2007, we were here in 2008, we were here in 2016, it is now 2025 and we are arguing the exact same issues. For starters we have an issue with the partition, as a matter of fact after hearing the oral dissertation, we kind of have an issue with that, because there is errors and admissions in there and they are relevant to the issue, so I would like to go through that first and kind of give you our issues and support of it. Ms. Smith has taken the last month and gathered her opposition, in detail, sighting every chapter, every reason why, and all the past decisions that this board has made. We would like to submit it, because we would like it on record, to make sure that it is on record. The oral destitution we give will follow that, but we wanted to make sure that the full opposition was on record. For starters Mr. Ortero is from the information we have, he is not building a single-family, he is selling the property, and he is trying to sell the property with a transferable variance because he can get some more money out of it, he is right now 93 is structure and 91 is the property in question here today. Both of those are on the market right now, and part of being on the market is, it's a n on buildable lot, but if he can get this variance and that's transferable he can of course make a greater profit. Mr. Ortero moved to Texas well over a year ago, and this is income property and now both are on the market. So in respect to hardship, this isn't something he wants to build for personal use, this is something just like in



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2016, that this board denied, he is looking to transfer it to a builder, so that is the first issue. When you look at the petition it seems to indicate he lives there, and he'll use this property for personal use, but that is not the case and in this packet we have the evidence to show, and I will go over it, this lot is for sale and he is just trying to enhance the sale part of it. Council has used the 2007 decision of the single-family house as their precedent saying you approved it then, you should approve it now, again that is with some emission because in 2007 you did in fact approve it, but he didn't build. In 2007 he came back for an expansion, you gave it to him, he didn't build. In 2008 he came back for another extension and he didn't build, in fact he never built, and in 2016 his own attorney, it wasn't us and it wasn't you, it was his own attorney that said we made the errors of admission in the 2007 petition, we can't build, as it turns out to put a single family structure on this property, it would actually intrude into eh easement she spoke of that the city put in back in the 1800's for drainage, the reason being is because the back half of this property is actually federally and city protected wetlands, behind that is a cemetery, the cemetery has since dug a ditch to drain the cemetery into the wetlands, which then drains in this property, which then drains into he city storage system, we brought it up in 2007, we brought it up in 2008, we brought it up in 2016, and we are bringing it up today. If you give them this variance and they put a structure on that property, all that water has to go someplace and the only place that water can possibly go is towards Ms. Smiths property, because hers is lower than the property in question, so that is why we op[posed] it then and that is why we are opposing it now. However there are several other factors here and I want to go over them if I can, in 2016 this is where counsel said they tried to put a single family on it but couldn't, so now we are asking for a new variance and we are asking for it for a duplex, you denied that, but it was because of the duplex she just mentioned went into the easement, it was for a whole coast of issues that we brought up in 2007, 2008, 2016 and we are brining it up today. So let me quote why you actually denied it, this board said in the 2016 denial the applicant was essentially trying to carve a conforming lot into two separate lots, both of which are undersize, solo for profit economically, that was then and that's what is happening today, there is no benefit whatsoever to the neighborhood by this project, it is identical then it is today. There was no hardship shown within the definition of the ordinance as it was for sale and profit and not for relief, that was in 2016, that holds exactly the same today, everything that Mr. O'Brian did in 2016 is happening today, it is identical there is no difference but the name on it. There were no unique conditions shown that do not apply into the neighboring lands, strict application of the zoning ordinance would not deprive the owner of reasonable use, no unique conditions exist will n o cause substantial detriment over crowding to the public, substantially negate the intent of the zoning code relief would constitute a great or special privilege and then the fact the exempt of the zoning code is inconsistent with he limitations of other properties in the district, namely the Smith's indicate provisions have been made for the over crowding parking that will result of this project on the street. Everything that you said in 2016 to denies that petition for the duplex is identical to the single-family home and we (couldn't hear a few words) I will go over some of it exhibit one and two in the current petition provides some of the same opposition that caused the 2007 building not to be constructed, it is doing exactly the same thing, this one is almost identical, when he purchased the property, he purchased the property as a code 132 undevelopable property , that has been like that for decades, Mr. O'Brian had it as a code 132, he purchased it as a code 132, and now he is only asking for a variance 6 or 7 years after he purchased it, so that he can sell it because he has already moved to Texas.

Chairman: Let me interrupt you for a second. I am sure here is a lot more you want to say, but we need to try and wrap some of this up so that we can digest it too

Frank Willet: So for starters 155 and 153 it describes this particular piece of property, this particular piece of property, has not only the 20 foot easement in it, but in the back of it, there is 100 foot buffer zone so of wetlands, the structure they are proposing, half of that structure is in that buffer zone, no according to the code, they should have gotten an engineering



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report and they should have gotten the wetlands involved and did a study, they haven't done either one of them, so when they put in the structure, one they are going to put it in to this piece of property, secondly when they do it they are going to remove all of the vegetation which is also against code. According to the department of conservation the four trees that are in that buffer zone, if they remove those, that is almost 200 gallons a year those trees are moving out of that property that is now going to stay as ground water on that property, it is going to strip their foundation and end up on Ms. Smiths property, the problem then is Ms. Smith is going to end up with a flooded basement like #91, 91 which is the other side of this property has a flooded basement every time there is a high water level, Ms. Smith has never had water, so when this gets runned off into MS. Smiths property, she is going to have a flooded home and a flooded property and no body is going to be liable for it, the Otero's are going to be in Texas, the board is gonna have approved it and the new owners are going to say well gee the board approved it, and this is an uninsured lot, Ms. Smith is at risk. When no one has done a study, we asked for a study in 2007, 2008, 2016, we are asking for one today and it still hasn't occurred, and this isn't a new issue, we have brought it up multiple times and counsel has been to the zoning board, she has all our records from last time, she knows what Ms. Smiths objections are and she still hasn't got a one litigation study an engineering study or gone to the department of conservation to see how they are going to litigate this

Chairman: If you can take a pause right now, you have given us a lot of information and we appreciate it, thank you

Member Brown: Can I just ask one question. What address is Ms. Smith

Frank W: She is at 95, the lot is 93 and the house that is being sold with he lot is 91, so they are all in a row, and 91 is the one that already gets flooded, where as Ms. Smith does not and she does not want to be.

Member Brown: ok

Chairman: I am going to ask you to rebut some of this, but before you do, I just want to share we did get a comment back from the conservation department and it does show the protected local wetlands to the south west of the variance part, so the buffer zone for this area is shown to extend into the proposed house lot as such the proposed lot, requires the approval of the commission, that said it appears the development of the parcel could be designed to achieve that approval and this is from Rob Moore, I have no objections of the granting of the variance, the applicant may contact our office for assistance with an application filing with he conservation commission. So that wetland issue can be addressed in some manor, but first I would like to have the attorney rebut some of the comments that were made here.

Attorney Kate Bargnesi: Thank you for addressing conservation, we have been in contact with the conservation commission department, we did receive that comment, we were fully prepared that we would have to seek their approval for any wetlands matters and that would obviously been done before any permits would be pulled. We understand that if the variance is granted, that it is only the first step of this process, and obviously if conservation denies us for any reason then the variance become neut and building couldn't happen, Mr. Ortero does in fact live in Texas and I am not aware of any requirements that requires the applicant physically live at the address, there's plenty of rental properties. I believe he has family that lives at the current house at 91, that property is under agreement t be sold, he is under a separate agreement to sell this undeveloped lot, the designation as an undevelopable lot is merely been administrative as designation made by the assessors office, because building on this lot would require a variance.



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Member Bevilaqua: Just to clarify there is nothing in the brief that says, from what I am offering from what opposition says is that he is implying that he wanted to build a house, there is nothing that says he was doing that, nowhere does it say I want this house for my children or I want this house for my family, he is not saying anything like that. Quite frankly I don't think it is the purview of the board to worry about who he is going to sell it to.

Attorney Kate Bargnesi: Correct. If he decided he wanted to put an ADU on the property, he could both rent out his primary and the accessory dwelling, there is no obligation that the property owner live in either. He does live in Texas, that is why I am here tonight, but I speak with him regularly. The application from 2016-2017 I reviewed them in full, this wasn't my client, my client was not the applicant in any of these previous filings, he purchased the property in 2018. We did review the file to the extent that we could get copies of everything, it appears as though those applications were strictly for multifamily dwelling, which requires a much larger lot size, a much larger frontage, we are here asking for a single-family residence, it's a modest application, not many places where this is even economically feasible, I think when that original application was continued back in 2007-2008, it was the time of the economic downfall for the prior owner to go forward it wasn't economically feasible then to build that single-family residence but we have a buyer here, who is willing to add a house in a neighborhood that I think it would fit nicely and all the houses on the street are slightly larger than this one on smaller lots, they have existed for quite some time.

Member Soraghan: I might regret this question but, this lot line that's contiguous to the two lots in question what is the status of that, I mean when you have two contiguous lots doesn't that lot line go away?

Tom Bridgewater: This has its own separate map, block and lot number. Usually when the lots are contiguous like that, it has the same map, block and lot and a different number for a tax ID. This has its own separate map, block and lot number so to me this is two separate lots.

Member Soraghan: Ok. My follow up question is, can an ADU be put on that lot, like a stand alone ADU, where it is a separate lot?

Tom Bridgewater: If he deleted the lot line, I would say yes.

Member Soraghan: But with that lot line there

Tom Bridgewater: Right now, if he put an ADU on that lot line it is on its own separate lot. It has to be part of the lot that is there.

Member Soraghan: Correct. Ok.

Chairman: Other comments you want to make, anything else you want to address?

Attorney Kate Bargnesi: Not unless there are other questions from the board that I can answer.

Chairman: Any other questions?



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Member Ortiz: So you haven't considered joining the lots and build

Attorney Kate Bargnesi: No, but he is within his rights. He originally purchased the property with the reservation that this lot had already been granted a variance for a single-family home and that is what his intentions were all along to do with this property, he has two separate buyers for both lots

Member Ortiz: All the obligations before were for multifamily, not for single-family

Attorney Kate Bargnesi: The first application that was granted was for a single family and that variance request was approved, similar to what we are asking for tonight. The applications in 2016 & 2017 were for multi families and those were the applications that were denied

Member Ortiz: the owner in 2007 was for a single-family

Attorney Kate Bargnesi: Yes, and as far as I know there are concerns because our immediate abutter here, because of that easement area, the setback on that property line would typically only be required to be only 10 feet, we are looking for at least 24 feet here, because we can't build in that easement, so it would be further setback from her property.

Chairman: Commissioner

Tom Bridgewater: Back to the ADU, so even if it was just an ADU, it would have to go through the same process, developmental review, conservation approval and everything, the use would be allowed by right, but it still has to go through all approvals of developmental review and all that

Chairman: Ok, thank you. And all of this will have to go through developmental review. Any other comments from the board?

Frank Willet: Just to answer the question about whether he lived there or not, we didn't bring it up because we thought he had to live in it, we brought it up simply because and that was one of the areas with respect to hardship, the fact that he was selling it for profit berated his hardship. In this case he was selling it for profit and indagated the hardship, that was the only reason why we brought it up, it was about whether or not he was living there. The one other issue is the available square footage of buildable area if they need 7500 square feet and this is 6400 square feet, according to chapter 255, if you remove the 2300 square foot from the easement and then you removed the 100 foot buffer for the wetlands, the property falls short for buildable area and this again is by statute, so right there this doesn't even qualify to be built on. And secondly if the house is moved forward. To take it out of that 100 foot buffer zone, that eliminates the driveway and if you eliminate the driveway you just eliminated parking for five families. What was a 2-family, is now a 3-family, that would be 91, 93 would be another family, so we now have 4 families that are now going to park in the street, because all the parking for 91 has always been on 93, so when you remove 93 as a parking source for all the tenants and 91, everyone ends up on the street, so it further congests parking. I am bringing it up because in 2007, 2008 and 2016, that was a viable issue for the board and nothing has changed, and nothing has changed, it remains the same there and that is about as brave as I can be .



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Chairman: I appreciate it, you did a good job. Ok, if there are no other comments or questions, then I will entertain a motion,

Member Vathally: I make a motion to accept the application for zero South Kimble Street
Member Soraghan: Second

Member Soraghan: No, I do not think it meets the zoning criteria for a variance under section 255-10.2.2(2)

Member Brown: Yes as it does meet 255-10.2.2(2)

Member Vathally: Yes, it meets the criteria for 255-10.2.2(2)

Member Bevilaqua: Yes, it meets the zoning criteria for 255-10.2.2(2)

Chairman: Yes it meets the criteria for 255-10.2.2(2)

Granted 4-1

Annie E. Martin Lopez for 10 Blye Road (Map 593, Block 1, Lot 12)

Applicant seeks a special permit for a detached accessory dwelling unit (ADU) in a RR zone. Application involves renovation of an existing detached garage to create a 1,200 s.f. ADU. (BOA-25-10)

Attorney Gordon Glass 12 Chestnut Street, Andover, Attorney Johnston & Bornstein): I am here this evening representing Ms. Annie Lopez with her application for special permit to construct a 1200 square foot accessory dwelling unit, inside of her existing 2 car garage, requiring no exterior alterations at 10 Blye Road. I believe we have put together a very comprehensive and straight forward zoning application and especially considering the length of the last application. First off, if the board approves the application, they will be approving a new housing unit, a diverse housing unit, in line with the city standard housing goals as well as the commonwealth to combat the housing crisis as well documented. On the flip side of that coin, approving the application will not have any practical impact on municipal services, and this structure, there won't be any exterior alterations to the property, meaning there wont be any impact on the neighborhood, that is also showcased by the fact that there is over abundant parking on the site, 3 parking spaces are required if this application is approved and MS Martin Lopez is housing 10 parking spaces, for all of those reasons and other reasons, we expect that this is an ideal application for a 1200 square foot special permit accessory dwelling unit. I am here to answer any questions the board has to the best of my ability and Ms. Martin Lopez is here with me if the board has any questions for her, and we thank the board for its time.

Chairman: Thank you. When I was up there looking, there is an attached part, that is a regular garage? The par that is attached to the house now, and then this detached part is behind it in the back, isn't it?

Attorney Gordon Glass: Correct, if you are looking from the road.

Chairman: So the existing detached part is a garage right now, right?

Annie Martin Lopez: Yes, a two car garage.

Chairman: And just to reiterate, you said all the changes will be within the envelope of the existing building, the back building, correct?



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Attorney Gordon Glass: Correct. Questions from the board?

Member Bevilacqua: Not that that law has changed and the board would not have to approve and ADU that's attached, doesn't the law start that its just construction of one, wouldn't this be a different kind of special permit, meaning it would be a repurposing of an existing structure, in other words why are they, you are not building the structure, isn't the law to construct a separate structure would need the boards approval,, but why would you need approval just to change the purpose of it?

Tom Bridgewater: They are going above and beyond the states requirement, the state would let you do a 900 or 50% by right without any special permit. Our zoning says a detached needs a special permit as they are going up to 1200 square feet, so above the states requirements, ours allows them to go to 1200 square feet with a special permit, so they are right at 1200 square feet, that is why they are here

Attorney Gordon Glass: I am in agreement with Commissioner Bridgewater on that.

Tom Bridgewater: If it was at 900, they wouldn't need anything from this board, they would just need developmental review and all that.

Member Bevilacqua: So it is because they are adding more

Tom B: It is above and beyond

Chairman: Other comments or questions from the board?

Member Bevilacqua: Is the footprint changing, if they said they were adding on up, then they would need it

Tom B: It is already there, they just are remodeling it inside.

Jill Dewey: Only because the building itself is already over 900 square feet

Member Bevilacqua: I get it.

Chairman: We have someone in opposition, if you'd like to come up.

Steve Sacchetti (5 Blye Road, across the street from the house we are talking about): I don't have, I wouldn't say objections, but I have concerns I want to have it on the record for my concerns. We have had a lot of struggles at this house. We have had police show up drawing guns at 3:00 in the morning, we have had [police at the facility many times with kids riding four-wheelers up and down the main streets, we have young kinds in the neighborhood, I am concerned about the wellbeing of the community, of that street, the people, the kids, the dogs and we have called the police, they come up, they talk to them and it just happens over and over again. So that is my concern. I know marijuana is legal, I get it, but at the same time you are not supposed to be driving a motor vehicle while you are under the influence of marijuana,



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and I can tell you right now, I can get contact high when I'm in my neighborhood, from the cars that go up the street that live at her home, whether its her kids or friends or whatever, but it's a concern. Again, I know this is going to go through, I understand that, but I wanted to have this on record, because it is concerning and nothing has been done about it, and god forbid something happens, it is going to be horrible. So that is all I had to say.

Chairman: Thank you very much

Member Bevilacqua: It is not the prevue of the board.

Chairman: Good point, it doesn't fall under the prevue of the board.

Steve Sacchetti: I understand, I just wanted it on record.

Attorney Gordon Glass: Exactly my point, it doesn't fall under the prevue of the board. Ms. Martin Lopez hasn't retained me for those types of concerns, but it is my first time hearing about anything like that, but I believe that is outside the scale of what we are doing here.

Chairman: Alright, thank you. Any other comments or questions from the board? I will entertain a motion.

Member Vathally: I make a motion to accept the application for 10 Blye Road

Member Soraghan: Second.

Member Soraghan: Yes, this application meets the zoning criteria for special permit section 255-10.4.2

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

Member Vathally: Yes, it meet the criteria for 255-10.4.2

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

Chairman: It meets the criteria for special permit for 255-8.1 as well as the zoning criteria for special permit 255-10.4.2

GRANTED 5-0

The board voted to approve the meeting minutes from the April 2025 meeting (all members approved)