



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, November 15, 2023 at 7:00 P.M.

Those Present: Acting Chairman Ronald LaPlume

Member Kassie Infante

Member Lynda Brown

Member Louise Bevilacqua

Assoc member Gary Ortiz

Assoc Member Magdiel Matias

Also, Present: Jill Dewey, Board Secretary

Tom Bridgewater, Building Commissioner

Acting chairman LaPlume called the meeting in to order on November 15, 2023

Mirlene Moise and Bethler Aguy for 140 Brook Street (Map 531, block 376A, lot 14)

Applicant seeks a special permit to operate a family home day care (large) for up to 10 children in a RM zone. (BOA 23-37)

Mirlene Moise: I am here today because I applied to open a large family daycare and according to the zoning department, I have to come present my plan to the board. I work with early education and care and want to make sure we have the requirements from the state, but we are supposed to make sure that the daycare is safe. I am here to answer your questions, if you want more information.

Ron LaPlume (Acting chairman): Thank you, I spoke to you yesterday and she showed me downstairs where her daycare is located including the bathrooms. There are two letters and 3 signatures in support of this application. At this time I would like to open this up to the board for questions.

Member Infante: I was just wondering, this is the first time since I have been on the board that we are considering an application to operate a daycare. I would like to hear a little more about what the process has been like, with the department of early education, what are some of those early steps you have taken in regards to safety and regulations, I love this, I know there is a seep need in the community for daycare, I would just love to hear a little bit more about it.

Mirlene: The first step of the process is the training, you have at least 30 trainings regarding safety and the place that you are going to work with the kids, so the size of the place they take that in account and the amount of the person like if 6 kids or 10, like for 6 to 10 they require two people, to make sure we have eyes on them at all times, in terms of safety we also work with them on chemical products, like how they are supposed to be locked off, the food safety, and transportation if we provide transportation, and the playground is also outside, so every single aspect and a daily of what you are going to do with the kids, like make sure we work on safety and I will be meeting them tomorrow for the first inspection, before you can qualify for a permit they have to do an inspection to make sure you have two exit doors, you have windows that open, and a fire extinguisher, to make sure the place is safe for the kids.

Member Infante: Great thank you



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Tom Bridgewater: So the reason she is here is because in the Haverhill zoning a small family daycare up to 5 kids, she's allowed by right, in every zone in the city, except for the medical zone. She came into my office and said she was going to have up to 10 kids, so that puts it into a large family daycare, which requires a special permit from the board of appeals, so I have a question for you, so I called the state today to see what their inspection process is and they have not gotten back to me yet, ut you said the state is going to come?

Mirlene: They are coming on Friday.

Tom B: I am going to give you a card with my cell phone on it, can you have the state call me, I would love to meet out there, I would have one of my inspectors go out there and walk through. Because they already issued you a certificate right, for the large daycare

Mirlene: No not yet, they have to do a visit first

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Mirlene: Ok, I will do that.

Ron LaPlume (Acting Chair): Arte there any other questions

Member Bevilaqua: I am just curious, Do you already have children who are waiting to come there? Do you already have 10 children that are ready to come?

Mirlene: I am not sure because usually the organization has parents on a waiting list

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Member LaPlume (Acting Chair): Are there any other questions? At this time I would like to entertain a motion

Member Brown: I would like to make a motion to accept this application for 140 Brook Street
2nd by Member Infante

Member LaPlume: I would like to call a roll

Member Brown: Yes

Member Ortiz: Yes

Member Matias: Yes

Member Infante: Yes it meets the criteria for 255-10.4.2

Member Bevilaqua: Yes

Member LaPlume: And the chairman votes yes it meets the criteria for a special permit 255-10.4.2. Thank you it's passed

Jill Dewey (board secretary): To Member Ortiz & Member Matias: Only one of you sign, because we are only supposed to have 5 votes

Diane & Dave Morrey for 17 Passaconaway Avenue (Map 656, block 3, lot 26)

Applicant seeks a special permit for a detached accessory dwelling unit in a RM zone. Applicant seeks Special Permit to determine that proposed reconstruction of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application involves the replacement of the existing garage with a new garage with a detached accessory dwelling unit above that shall exceed the gross floor area of the original non-conforming structure and is located other than on the original footprint of the existing garage. (BOA 23-38)

Diane & Dave Morrey (Mother & son): Good evening everyone, so my son and I are here tonight because we love the house and we love the neighborhood, but the need is actually for us to have a separate space for multi-generational family peaceful living. So we would like to stay in the house and create the ADU for me, as that's where I would be moving into and Dave would be staying in the house, so there isn't even going to be extra people occupying our property at the end of it. So right now we have a detached two-car garage with a screened porch already on the property, it actually is right on the property line in the back, so it is currently non-conforming, so for that reason and also because we were advised that the current structure is not the kind that we could convert into finished living space, that is why we decided to basically pull down the current 2-car garage and just put back a new 2-car garage with the ADU above it. We did actually get 2 letters of support from our neighbors, the two on either side and I think there's a third one going across the back as I have not heard anything from him. But we do have the two letters, 3 people total that I can leave with you.

Jill Dewey: I will add them to the file, thank you.

Diane & Dave Morrey: As far as the design of the new building, we worked with our architect who is here tonight with us, Matt Carlson, and one of the things we wanted was to make sure that the new building would kind of look like 1920's style like our current house, so he did a nice job on that. We tried as hard as we could to go through all of the new regulations



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Ron LaPlume: Can you elaborate more on the raising and the 5 foot setback, be a little clearer to the board.

Tom B: So you are going to vote on this, this was right on the property line and they are going to move it back to a 5 foot setback on the side and the rare, so they are pulling it off the property line few feet. The board is going to vote on whether it is more or less detrimental than the original structure, that is going to be the first special permit. A you see the design looks great, it certainly appears o fit with the character of the neighborhood and you vote is whether it is going to be less detrimental, not more detrimental. I don't know if that sums it up.

Member LaPlume: I think it does. I would like to open this up to the board for any questions. That wold be on special permit one, which is to determine that the proposal for reconstruction of the existing nonconforming structure will not be more detrimental than the existing structure to the neighborhood. So, it is open to the board.

:Member Brown: So your architect wrote this letter, is that correct?

Diane Morey: Yes

Member Brown: Someone wrote at the bottom; I would like to see this structure.

Diane Morey: That is one of our neighbors, I did show it to her yesterday.

Member Brown: So she did see it.

Diane: Yes and she is on board

Member Brown: Ok, that is all I wanted to know. Thak you.

Tom B: And just for t he record for the board, as you know all the work done in our office before it comes to here, so all the open space, the size, everything has already been gone through with a fine tooth comb before it comes to the board for a vote.

Member LaPlume: Also this will go to developmental review and then the building inspector will go out and make sure it is built to code.

Member Bevilaqua: I would commend how you designed this to match that error. I live in that neighborhood Wynoma Ave, it is a beautiful neighborhood, with he homes that are faithful to the period they were, it is going to be beautiful. I think it is some of the most important role of this board is keeping families in approximately.

Dave Morey: Thank you for your kind words.



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Member LaPlume: Is there any other questions form the board. At this time I would like to entertain a motion

Member Brown: Yes I would like to make a motion to accept this application for a special permit for reconstruction of a structure that will not be more detrimental than the existing structure. 2nd by Member Infante.

Member Brown: Yes

Member Matias: Yes

Member Infante: Yes I would say it meets the conditions of 255-10.4.2 not being substantially more detrimental. I think this is wonderful

Member Bevilaqua: Yes, good luck.

Ron LaPlume (acting chair): Yes it meets the criteria for special permit 255-10.4.2 and it is not more detrimental for the neighborhood. So this passes. This is the first permit, we have one more to go.

Number 2, seeking a special permit for a ADU a detached accessory dwelling unit in a RM zone. I would like to open it up to the board.

Member Brown: So we talked a little bit about you (Diane) would be moving

Diane: I would be moving to the ADU yes and my son Dave would be staying in the main house

Dave: My girlfriend and I currently live there, we have the same hopeful dream of having the American family

Member Brown: Absolutely, its always nice to see families stay together. Now how long have you owned the property?

Dave: Since April 29th of last year.

Member Brown: Of good, so you are looking to stay.

Dave: Yes we love Haverhill.

Member Brown: Best of luck to you guys

Member LaPlume: Any other questions?

Member Infante: I would like to entertain a motion to accept special permit number one for a detached accessory dwelling unit in an RM zone

Member Brown: I think we have to wait until everyone else has had a chance to speak

Member Infante: Ohh, I am sorry.



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Member LaPlume: I am entertaining a motion for special permit #2

Member Brown: I would like to make a motion to accept the ADU.

Member LaPlume: 2nd by Member Infante. I will call a roll

Member Brown: Yes

Member Ortiz/Matias: Yes

Member Infante: Yes

Member Bevilaqua: Yes

Member LaPlume (Acting chair): I vote yes for this special permit, it passes the criteria for 255-10.4.2

Edward & Margarita Guzman for 18 North Street (Map 305, block 72, lot 13)

Applicant seeks a special permit for a detached accessory dwelling unit in a RU zone. Application involves the conversion of the existing garage into a detached accessory dwelling unit. (BOA 23-39)

CONTINUED to the December meeting (Applicant had a conflict in schedule)

Extension of variance granted December 2022 “6-month extension”

Applicant Joseph Fisichelli

Nancy Hollis for 0 Alton Avenue (Map 730, Block 780M, Lots 384-387)

Applicant seeks a six-month extension of a variance for lot depth of 88.9 ft where 100 ft is required to create a new two-family building lot in a RH zone. (BOA-22-37)

Joseph Fisichelli: I am owner and manager of five C construction with a business address of 488 North End Blvd, Salsbury MA, mailing address of PO Box 257. I asked Jill to handout a packet to ask for this extension in a faster way, and explain what I am looking for. About a year ago, my purpose is to extend the existing variance that this board granted back in 12/21/22 and inclusive in he packet is most importantly view the first and last page of the purchase and sales agreement, I have a contract with the seller Nancy Hollis who representative, you will notice on the last page where it is highlighted that she has authorized me to represent her, she was unable to attend, I included a copy of the variance that was granted in December, I included the MLS listing sheet, I did that just to explain the history, Nancy had, had this property under agreement with a developer, unfortunately the developer ended up being diagnosed with cancer and personal issues, he is doing well, but is focused in a different direction, so he backed out of the deal and she continued to market it, you will see back in February 2023, the second page of the MLS report it has been on the market for 259 days before we came to an agreement and the last page just so you can see there has been an effort moving forward with a couple of draft site plans. So ultimately I think this will happen, at the advise of Commissioner Bridgewater, I spoke to him while I was getting my permitting and I am in the process of developing a new duplex plan which I didn't have, so he had recommended rather than rush, to speak to Jill to try to get on this agenda and ask the board for an extension. I don't think I will need the full six months but I would appreciate if you did. But you can see on the purchase and sale agreement I am looking to close the end of January. My understanding is that a variance is only good for one year if you haven't obtained a building permit yet, it just doesn't seem feasible to get one with the holidays coming, by December 21st, so it was suggested that I get the extension, I am not going to slow down, it just doesn't seem like it is going to happen.



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Member Infante: Um at what point in the construction process is it, sorry if I missed that

Joseph F: I haven't even purchased the property, if this is approved I will be going through the permitting process, and hopefully start construction in February or March

Member Infante: OK, thank you.

Ron LaPlume: Any other questions. At this time I would like to entertain a motion.

Member LaPlume: Thank you very much. I would like to open it up to the board for questions

Member Infante: Um at what point in the construction process is it, sorry if I missed that

Joseph F: I haven't even purchased the property, if this is approved I will be going through the permitting process, and hopefully start construction in February or March

Member LaPlume (Acting chair): I am entertaining a motion for an extension of 6 months

Member Brown: I would like to make a motion to accept the extension for 6 months for zero Alton

Member LaPlume: 2nd by Member Infante. I will call a roll

Member Brown: Yes

Member Ortiz/Matias: Yes

Member Infante: Yes

Member Bevilaqua: Yes

Member LaPlume (Acting chair): I vote yes

October meeting minutes approved



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Member Bevilaqua: I am just curious, Do you already have children who are waiting to come there? Do you already have 10 children that are ready to come?

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Member Brown: Yes

Member Ortiz: Yes

Member Matias: Yes

Member Infante: Yes it meets the criteria for 255-10.4.2

Member Bevilaqua: Yes

Member LaPlume: And the chairman votes yes it meets the criteria for a special permit 255-10.4.2. Thank you it's passed

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Dave: Since April 29th of last year.

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Dave: Yes we love Haverhill.

Member Brown: Best of luck to you guys

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Member LaPlume: I am entertaining a motion for special permit #2

Member Brown: I would like to make a motion to accept the ADU.

Member LaPlume: 2nd by Member Infante. I will call a roll

Member Brown: Yes

Member Ortiz/Matias: Yes

Member Infante: Yes

Member Bevilaqua: Yes

Member LaPlume (Acting chair): I vote yes for this special permit, it passes the criteria for 255-10.4.2

Edward & Margarita Guzman for 18 North Street (Map 305, block 72, lot 13)

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Nancy Hollis for 0 Alton Avenue (Map 730, Block 780M, Lots 384-387)

Applicant seeks a six-month extension of a variance for lot depth of 88.9 ft where 100 ft is required to create a new two-family building lot in a RH zone. (BOA-22-37)

Joseph Fisichelli: I am owner and manager of five C construction with a business address of 488 North End Blvd, Salsbury MA, mailing address of PO Box 257. I asked Jill to handout a packet to ask for this extension in a faster way, and explain what I am looking for. About a year ago, my purpose is to extend the existing variance that this board granted back in 12/21/22 and inclusive in he packet is most importantly view the first and last page of the purchase and sales agreement, I have a contract with the seller Nancy Hollis who representative, you will notice on the last page where it is highlighted that she has authorized me to represent her, she was unable to attend, I included a copy of the variance that was granted in December, I included the MLS listing sheet, I did that just to explain the history, Nancy had, had this property under agreement with a developer, unfortunately the developer ended up being diagnosed with cancer and personal issues, he is doing well, but is focused in a different direction, so he backed out of the deal and she continued to market it, you will see back in February 2023, the second page of the MLS report it has been on the market for 259 days before we came to an agreement and the last page just so you can see there has been an effort moving forward with a couple of draft site plans. So ultimately I think this will happen, at the advise of Commissioner Bridgewater, I spoke to him while I was getting my permitting and I am in the process of developing a new duplex plan which I didn't have, so he had recommended rather than rush, to speak to Jill to try to get on this agenda and ask the board for an extension. I don't think I will need the full six months but I would appreciate if you did. But you can see on the purchase and sale agreement I am looking to close the end of January. My understanding is that a variance is only good for one year if you haven't obtained a building permit yet, it just doesn't seem feasible to get one with the holidays coming, by December 21st, so it was suggested that I get the extension, I am not going to slow down, it just doesn't seem like it is going to happen.



Haverhill

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Member Infante: Um at what point in the construction process is it, sorry if I missed that

Joseph F: I haven't even purchased the property, if this is approved I will be going through the permitting process, and hopefully start construction in February or March

Member Infante: OK, thank you.

Ron LaPlume: Any other questions. At this time I would like to entertain a motion.

Member LaPlume: Thank you very much. I would like to open it up to the board for questions

Member Infante: Um at what point in the construction process is it, sorry if I missed that

Joseph F: I haven't even purchased the property, if this is approved I will be going through the permitting process, and hopefully start construction in February or March

Member LaPlume (Acting chair): I am entertaining a motion for an extension of 6 months

Member Brown: I would like to make a motion to accept the extension for 6 months for zero Alton

Member LaPlume: 2nd by Member Infante. I will call a roll

Member Brown: Yes

Member Ortiz/Matias: Yes

Member Infante: Yes

Member Bevilaqua: Yes

Member LaPlume (Acting chair): I vote yes

October meeting minutes approved