



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315

The regular meeting of the Haverhill Board of Appeals was held on Wednesday evening, March 18, 2026

Those Present:

Chairman George Moriarty
Member Louise Bevilacqua
Member Ted Vathally
Member Michael Soraghan
Member Lynda Brown

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

Chairman called the meeting in to order on March 18, 2026

The board voted to approve the meeting minutes from the January 21, 2026, meeting (all members approved)

Mitchell Messer, Trustee for 0 East Broadway (Map 469, Block 187, Lot 34C2)

Applicant seeks a dimensional variance for lot frontage (150 ft where 200 ft is required) for the construction of a single-family dwelling on Lot 34C-2 in a RR zone. (BOA 26-1)

Attorney Michael Migliori: Applicant withdrew application as they are working with the city's conservation department, they may apply for a new application at a later date.

Chairman Moriarty: Enter a motion

Member Vathally: I make a motion to accept the withdrawal of 0 East Broadway parcel 469-187-34C2.

Member Soraghan: Yes

Member Vathally: Yes

Member Brown: Yes

Member Bevilacqua: Yes

Chairman: Yes

WITHDRAWAL GRANTED 5-0

Mitchell Messer, Trustee for 0 East Broadway (Map 469, Block 187, Lot 34C)

Applicants seek dimensional variances for lot area (47,744 sf where 80,000 is required) and lot frontage (150 ft where 200 ft is required) for the construction of a single-family dwelling on Lot 34C in a RR zone. (BOA 26-2)

Attorney Michael Migliori (280 Merrimack St Ste B, Methuen, MA): Representing Mr. Messer. Both these lots are under agreement. The plan submitted shows lot 34C, which was created back in 2003 as a Form A lot by the Planning Board. Some of the plans I have given you tonight show in addition to the accessor's plan the actual Form A plan that created all these lots in that neighborhood. They met all the zoning requirements back in 2003, subsequently there was a rezoning took place in the neighborhood and changes were made to the zoning district which is why we are here tonight in need of a variance. Mr. Messer is hoping to build a single-family home on the property to live there. He has an adult child with



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autism, so the plan is to have an ADU for his son who is 41-year-old. Mr. Messer will be there to assist with his needs. And ultimately the plan for the other lot was to build a home for other family members who can assist in the needs of his son. Lot 34C has frontage of 150 feet and an area of 47,744 square feet which requires 2 variances. This district now requires 200 feet of frontage and 80,000 square feet in order to have a buildable lot. The property in the neighborhood are all single-family homes built on similar size lots to the one before us tonight that typically 150 feet of frontage and about 40 thousand square feet. So, we do need those variances. Construction of the new home would provide additional residential property that right now is underutilized lot. Provide additional housing needed in the city. In addition, this is somewhat special case because of Mr. Messer's needs for his son.

Member Vathally asked when he acquired these lots.

Attorney Migliori said they are under agreement,

Chairman George Moriarty asked if there was any thought into combining the 2 lots into 1, so you wouldn't need a variance at all.

Attorney Migliori said that the rationality was that they were going to have another homeless family member adjacent to help with the needs to his son. The other lot is huge, 147 thousand square feet. The thought was that this would be perfect for what he hopes to accomplish is that he would have a home for himself and his son and other family members in the home next door to help with the whole situation.

Member Vathally said that he admires what he's trying to do with the lots and it's wonderful what you're trying to do for your family, I'm just trying to justify so much area that is needed.

Attorney Migliori said the lot that they are not going forward with is really an aberration because of that rear piece. It was kind of leftover. It was kind of a leftover parcel that came back to whoever decided to attach it to one of the those parcels and they picked this one. That's the best I can do.

Member Vathally Yeah because of the shape and topography and everything else, the running question is believe me, I want to support this, but I just want to make sure the area on the adjacent lots are pretty similar.

Attorney Migilori said that you can see that they are.

Member Vathally because we are setting a precedent now if we did move forward, only because we know the law changed back in 2003, but that is a significant area for a lot that is required under the zoning law right now.

Attorney Migliori it a big lot as it stands it's almost 48 thousand square feet.

Member Vathally, I know. It's a big lot.

Attorney Migliori yeah, it's a big lot, at one time someone thought it made sense.

Member Vathally, I see what the chairman said about combining them and you wouldn't need a variance, but I totally see what you're trying to do. Is this totally going to be families in both those lots eventually. Are you presenting tonight that these are going to be family lots

Mr. Mitchell Messer stands and introduces himself. I wouldn't want any nonfamily member that is close to my residence. If it was to be developed it would only be for that purpose. It would be a small house also. I have 6 kids, single dad. My oldest with autism I feel I need to do something before I get too old and can't do anything. This is the opportunity. My girlfriend lives at the top of 34C-2 She lives on the silver of land that attaches and goes up. She lives in that lot.

Chairman George Moriarty Would you be moving into 34C.

Mr. Messer, I'd like to build it with my son. I used to have the measurements on my phone.

Ms. Dewey, Mr. Bridgewater just got the measurement, he's got the numbers.

Mr. Bridgewater, they are pretty much all 150.

Mr. Messer, a little over 150.

Mr. Bridgewater No 150. It had to have been to create the lots. And it looks like they are all 40 thousand or more.

Member Vathally We are making a decision that technically sets a president now based on this lot.



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Chairman George Moriarty, Member Soraghan,

Member Soraghan I just want to make a couple of comments, going back to 2003, now I believe the intent of the subdivider was to break these up into buildable lots, subsequently to 2003 we had a zoning change subsequent to 2003 and correct me if I'm wrong Attorney Migliori I think there were changes to the flood insurance rate now all along the Merrimack river which probably threw that second lot out of consideration for building now you have 100 year old flood plain issues. I say this and I say this to the board. It seems as though the land has always been owned by the golf course but it's entity down there. It's like taking without compensation if we deny the applicant or the owner the ability to build. It may not hold up in court but that would be the way I see it. It's almost like the gold course is sitting there, they have 2 buildable lots, it's things beyond their control.

Member Migliori Bevilaqua asks are you're the trustee at this point

Attorney Michael, He's buying it in a trust.

Member. Bevilaqua He's buying it in a trust from the golf course. And you'd be moving here from NH.

Mr. Messier. Correct. I have a really big house, for 6 kids, it's a huge house and I'd like to downsize and move closer to my girlfriend.

Atty Migliori, He's been a member of renaissance for 9 years, he spends a lot of time here. If you look at the big picture it really makes a lot of sense.

Chairman George Moriarty, any other members have any questions or comments,

Member Brown. I do about the other lot. Do you see that it being a long time before a decision is made

Mr. Messer, we withdrew because Rob Moore wanted to walk it for 1 thing. We thought it would be smart to withdraw at this point and revisit it. I haven't even had it tested for dirt. The other lot is all set there's a septic design and everything, at this point we thought it was smart to withdraw it. If it doesn't perk, the whole thing could be moved, right?

Member Brown, right.

Mr. Bridgewater, I don't see any foundation layouts on here, we do know they have set back of 40 feet off the front and 25 off the side

Mr. Messier, I have complete prints available

Mr. Bridgewater, I don't see anything on the site plans showing that you'll have to meet those setbacks if approved.

Mr. Bridgewater, you must put a stipulation in there if approved.

Mr. Messier. Oh yeah of course

Mr. Bridgewater, make sure you put a stipulation in there if approved.

Attorney Migliori the variance plan showed the footprint of where in the house could be sited meeting the codes

Mr. Messier I would need to meet all those set t back to get a permit I would have to submit plans, and engineering drawing and everything to show that I'm meeting the, I am somewhat ready, I'm not sure if some of it was influenced by some of the work they were looking at on lot 2c-2 I think they are pretty much ready to go and I can forward them to you if you would like.

Chairman George Moriarty: I think Mr. Bridgewater's point was that he wanted to make sure all the other setbacks were going to be met.

Chairman George Moriarty: I forgot to ask if anyone is seeking opposition? No? Ok I'll entertain a motion

Member Vathally: Mr. Chairman, I'd like to make a motion to accept the application 0 East Broadway specifically lot 34C.

Member Soraghan seconded the motion

Member Michael Soraghan: I'm going to vote yes, I believe it meets the zoning board criteria 255.10.2.2 paragraph 2

Member Lynda Brown- Yes, I believe it meets the zoning of 255.10.2.2 paragraph 2

Member Ted Vathally- Yes, it meets the criteria 255.10.2.2 paragraph 2

Member Louise Bevilaqua Yes. It meets the criteria

Chairman George Moriarty-Yes

Motion passed 7-0

Chairman George Motion to accept the minutes from January meeting?

Motion made by member Vathally seconded by Member Soraghan.

Member Vathally:



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Member Soraghan: Yes

Member Vathally: Yes

Member Brown: Yes

Member Bevilaqua: Yes

Chairman George Moriarty: Yes

Motion passed 7-0

Chairman George Moriarty made a motion to adjourn Member Soraghan motion to adjourn, Member Vathally seconded.

Passed 7-0