



Haverhill

Economic Development and Planning
Board of Appeals
Phone: 978-374-2330

City of Haverhill

Board of Appeals Minutes

June 17, 2026 – 7:00pm

City Hall, Council Chambers, Room 202

Call to Order:

The meeting was called to order at 7:00pm by Chairman George Moriarty.

Roll Call:

Present were Chairman George Moriarty, Member Ted Vathally, Member Michael Soraghan, Associate Member Magdiel Matias, Associate Member Gary Ortiz, and Member Louise Bevilacqua (who arrived late at 7:11pm). Also present were Planning Director Jacki Byerley, Head Clerk Samantha Limberti, Building Commissioner Tom Bridgewater, and Matt Hennigan.

Public Hearing:

0 Amesbury Line Road - William Hunt (BOA 25-13) (Map 430, Block 11, Lot 9A)

Applicant William Hunt is looking for a one-year extension on his variance request from last June. The reasoning being they need to finalize their drawings and get their finances in order. Member Ted Vathally makes a motion to extend the application for one year from June 2025. Motion made by Member Vathally, seconded by Member Soraghan. Member Vathally: Yes. Member Soraghan: Yes. Member Matias: Yes. Member Ortiz: Yes. Chairman Moriarty: Yes. Granted. (5-0)

38 Curtis Street - Centro de Apoyo Familiar (BOA 26-11) (Map 500, Block 222, Lot 8)

Craig Hartwell, attorney representing CAF, the owner of 38-40 Curtis St. He is joined by engineer Jill Lewis. Currently owned by a 5013C nonprofit (unapproved housing counseling agency) that provides considerable services to the community that includes affordable housing. They are proposing to build an affordable two-family townhouse. Each unit will be attached, have three floors of finished living space, a garage underneath, and a rear patio. They will have city water/sewer and natural gas service. Additional parking is provided and the MBTA is close by.

Existing conditions: Property is in the RU zoning district. Regular lot is currently vacant and clear; there is a retaining wall running along the abutting the adjacent MBTA property that is necessary due to the significant grade of the property's elevation. Significant grade change is unique to other properties and is creating significant engineering and financial hardship on the applicant. They seek relief from the dimensional requirements on minimum lot area, front yard setback, lot depth, rear yard setback, side yard setback, maximum stories, maximum height, as

well as variance section 4.3.1 of bylaws concerning facades. The slope of the topography and direction where it falls dictates the need to turn the facade 90 degrees to the east, and to have a smaller footprint engineered with the rear of the structure cut into the existing elevation for the driveway to have enough space for cars to turn around, and will reduce the amount of site engineering needed.

Member Vathally confirms that both units will be affordable housing. Member Soraghan asks about the adjacent structure and how close this is to that property line. Attorney Heartwell confirms from the corner building to the property line is 11.2 feet with the patio being the only thing encroaching. Chairman Moriarty notes the steep drop-off on the back and confirms there will be frontage on Curtis Street. He states conditions the applicant must work with the city to make sure they meet the definitions and calculations of affordable housing units since the city is required to have a certain percentage of affordable housing.

Motion made by Member Vathally to accept the application for 38 Curtis Street following the stipulation requiring affordable housing restriction that meets the definition and requirements of affordable housing restriction and affordable housing unit within the city, the zoning ordinance will be in place prior to occupancy. Motion made by Member Vathally, seconded by Member Soraghan. Member Bevilacqua: Abstain. Member Vathally: Yes, meets the criteria for 255-10.2.2 Paragraph 2. Member Soraghan: Yes, meets the criteria for 255-10.2.2 Member Matias: Yes, meets the criteria for 255-10.2.2 Paragraph 2. Member Ortiz: Yes, meets the criteria for 255-10.2.2 Paragraph 2. Chairman Moriarty: Yes. Also notes the topography and the shape of the lot create various challenges. Granted. (5-0-1)

0 Liberty Street - (BOA 26-7) (Map 567, Block 1, Lot 19)

Partitioner Attorney Paul Magliocchetti spoke on behalf of Robert Ferreira and Judy Polcari, trustees of Ferreira Polcari Realty Trust who are the owners of the property. The property sits on an undersized lot and requires a variance for frontage and area. The neighborhood holds similar single-family homes on similar sized lots; they made sure to upload examples into OpenGov for reference. This is currently a vacant lot surrounded by single-family homes on a lot that allows for the requested use of a single-family home and has ample off-street parking while meeting all other requirements. Attorney Magliocchetti states this will not cause substantial detriment to the public good. He states they are asking for the least number of variances possible.

The area they are asking for relief has 25,676 square feet where 80,000 square feet is required; and has frontage of 150 feet where 200 feet is required (and notes that this frontage complies from years prior). Shape size and location allow for single home with parking, proposed building conforms with the surrounding homes, and all setbacks and lot area are consistent with other homes in the neighborhood. They claim without receiving this relief they will be denied necessary and reasonable use of the property, leaving an empty lot when Haverhill needs housing. They claim they will have this home sized to be a market rate home, with hopes of having it be a home for an entry level family to enter the city.

A representative with Civil Design Consultants came to the podium to show the variance plan to the audience. She makes note that a portion of the house falls into the 100-foot buffer zone of wetlands located to the rear of the site, and that for this reason they will need to go through Conservation for a

Notice of Intent Application. A portion also falls within the water supply protection overlay district, as well as Zone A, totaling 391 square feet where the threshold is 2500 square feet meeting the regulations for impervious area within Zone A. Attorney Magliocchetti provides house plans to give an idea of the style they are thinking of. He reminds the board that the month prior they asked for continuance, and during that time they met with the neighbors on the lot to discuss their plans.

Member Vathally states that they are looking for a lot of area. He notes that he himself has visited the site and notes its beauty, asking if there is a possibility of downgrading the property to better fit the total area. He also asks for clarification on the hardships based on the requirements on the 80,000 square feet. Attorney Magliocchetti states that it is a modest sized home, and only one and a half stories. He states they could do a cape but based on the footprint and size of the home it is a modest three-bedroom home with ample off-street parking. Regarding hardships, Attorney Magliocchetti states that there is no other practical use for the property other than a shed or storage. Member Soraghan confirms all utilities will be on site. The engineer notes they still need to do a PERC test for the septic; the current thought is to have it outside of Zone A to the left of the house. Attorney Magliocchetti notes that if they receive approval they will still need to go to developmental review to get the permitting and to conservation because of the wetlands.

There are six opposed individuals in the audience. John Robinson of 160 Liberty Street (resident of 28 years) spoke in opposition to the proposed build. The neighbor states they opposed a build 10-15 years prior to which the fire department had two major concerns; the area being located far from everything, and the water quality (there were 3 storage tanks with 13 pumping stations and approx. 278 miles of watermain). This neighbor does not believe any of this information has changed since then, so if it wasn't good idea back then, why would it be good now? He is worried about the area the septic system would need because all the neighbors have septic systems with leach fields, and that the water pressure would be weakened.

Joshua Hart and his wife Rachael of 123 Liberty Street (directly abutting the location on the right). They are not opposed to housing development when it fits into zoning regulations and that variances are often granted by the board, but this will require large frontage and square footage forgiveness. They believe it will be detrimental to the existing floodplain and wetlands surrounding the property, and that construction would be a future potential problem for the neighbors and surrounding wetlands. Told a PERC test and deep hole test were done on the property, and it came back alright, but now during this hearing they are saying it has not been completed. He is concerned that during severe storms the water runoff is going to dump off into his yard, especially since they will need to raise the elevation for the septic system a minimum of five feet at the back of the property. He believes the roads will flood even more than they currently do.

Mindy Barbrick of 153 Liberty Street owns both parcels to the left and right of her property. The area in question used to be part of her property; when they did the sale on their house they were told by conservation that the space was not buildable upon, so they chose to forgo it and left it as wildlife. She states it would be a shame to lose the wildlife they see daily going through the area. She was told it would be an extra \$1000 tax bill and based on conservation they would never be able to build on it.

Property owner Bob Ferreira of 10 Michael Anthony Road spoke to the concerns of his neighbors. Speaks to Mr. Robinson's concerns, stating that there has been 1600 feet of 8in watermain (from 6 to 8)

built to increase water pressure. He states that the supervisor of the Water department confirmed that the PSI has gone from 40 to 50; and that he is a master plumber, so he knows what PSI is needed for occupancy and 50 is pretty good. He states he explained to some neighbors that their water pressure may be affected by it may be clogged aerators on Broadway due to sediment getting trapped inside. He discusses how originally they wanted to build a ranch on that piece of property and move there, but due to zoning part of the home would enter the “no build” zone, so they needed to go with a smaller sized footprint. He states that though there’s usually a 25 and a 50-foot setback, when dealing with water supply there is a historic rule from the conservation commissioner Robert Moore that says it must be 35 75. The property owner also states conservation commissioner Robert Moore saw the updated plans and had no objections. PERC tests were conducted, test pits were dug, and it was noted that the water table was high. He also notes that it is high everywhere. Everything was recorded, sampled, but there should not be any issues. He states they are not planning on disturbing the wetlands behind where they would be building. The abutters requested the letters of approval to read.

Motion made by Member Vathally to accept the application for 0 Liberty Street, seconded by Member Soraghan. Member Vathally confirms developmental review and conservation before casting his vote of yes as it meets the requirement of 255-10-2.2 Paragraph 2. Member Bevilacqua: Yes, it meets the criteria. Member Soraghan: Yes, meets the criteria for 255-10.2.2. He reminds the chambers that this is just the start of their process and that they will still need to go through developmental review and conservation. Member Matias: Yes, meets the variance for 255-10.2.2 Paragraph 2. Chairman Moriarty: Yes. Granted. (6-0)

54 Jordan Street - RKACO, LLC (BOA 26-10) (Map 425, Block 155, Lot 19)

Attorney Michael Migliori, representative of the applicant Mr. Ahern of RKACO, LLC who was in attendance among the audience, spoke first. Attorney Migliori notes within the last 40 years that MR. Ahern and his brother have built over 200 homes in the city of Haverhill without any issues. The property in question is in the RH zoning district and contains two separately assessed lots; lot 18 (5640sf) and lot 19 (6000sf with a single-family home already built there). They would like to construct a single-family home on lot 18. The RH zone allows two family homes; by-right the applicant could construct an additional unit, attach it to what was already built on lot 19, and there would be no need for variances. Attorney Migliori states that his applicant feels it is a better option for the neighborhood to construct a separate single-family home as opposed to an attached condex.

Additionally, they are requesting a dimensional variance for the lots. The building on lot 19 will require a variance for frontage of 60ft where 75ft is required, lot area of 6000sqf where 7500sqf is required, front yard setback of 16ft where 20ft is required, and rear yard of 29ft where 30ft is required. These nonconformities come with the home that has been there since the zoning ordinance was in place. The proposed building on lot 18 will require a variance for frontage of 67ft where 75ft is required, area of 5640sqf where 7500sqf is required, lot depth 84.2ft where 100ft is required. States this will have no adverse impact on the homes or neighborhood itself and that the existing building is responsible for most of the required variances. There will be no expansion of the non-conformities which currently exist at the property. Attorney Migliori notes again that various other variances have been granted for similar reasons and that they can go the by-right way of doing things if they choose.

There were 11 opposed in the audience. Mark Thomas of 65 Jordan Street states that he is not opposed to additional housing but has concerns about if the legal standards for the variance are being met. He brings up the fact that if by-right a residential unit can already be developed without the need for any

variance relief, what is the hardship that justifies this variance? The applicant did not explain why the existing by-right development option is inadequate, nor did they explain the hardship that prevents the reasonable use of the property without a variance; they identified a preferred use. He is concerned about the precedence this application may establish. Though prior variances like this have been accepted in the past, repeated acceptances become rules. The RH district has requirements for a reason. He believes that by continuing to change the dimensional standards of each lot, you will lose the character, spacing, density, and development pattern of the neighborhood. He is also concerned about the congestion of the street; noting that increased roadside parking has negative effects on visibility, and creates reductions in roadway width, emergency access, traffic flow, roadway safety, and snow removal operations. He asks the Board to carefully apply the legal standard and require the applicant to meet its burden.

10-year resident of 57 Jordan Street Daniel Potter states that Jordan Street is an extremely busy and narrow road, used as a cut through street between East Broadway and Groveland. He measured the road in front of the development site, noting it as being only 19 feet wide. Giving us the example of the dimensions of a parking spot being somewhere between 8 and 9 feet wide; meaning the street would only comfortably fit two-car travel without any room for street parking. With the current lack of parking there are usually multiple cars parked on the street leaving the two-car roadway a single car roadway, already causing traffic. He notes the 2016 proposal of a fellow neighbor to make Jordan Street a one way. Calls have gone out to the police department to ask for traffic to be reviewed in the area; they have asked for speed bumps or a speed monitoring system to be installed. Snowplows can barely make it down the street and there are no sidewalks to be utilized. The construction will cause even more problems, making it impossible for people to get out of their own driveways.

Mike Fiole of 61 Jordan Street piggybacks the prior statements: narrow road, cut-through street, busy with no room for anything. He states this house will be right over his and doesn't understand why we need to squeeze in a new house every 30 yards.

46 Jordan Street resident David Vandenhende was the petitioner for the one-way street 10 years ago. He states there is no room for another house and more cars. It will only cause more traffic and create an added burden on the street. He notes this is the third home added to Jordan Street in the past year.

Sinead Coates-Lutz of 51 Spruce Street which is located directly behind the lot. She is the owner of a licensed home day care. This home will be towering over her fence and will be so close to her she will basically be able to look inside their home. The removal of the trees will remove all privacy for the kids. The board notes that they are zoning and cannot dictate if they cut down trees or not.

Ann Massoth of 31 Spruce Street is also located directly behind the lot. She is also concerned about the changes of the character of the neighborhood. She believes the buildings built so far are far too big for the area. She echoes other opposed members in the audience to whether there is any hardship and notes the applicant who purchased the property simply outbid people who would have kept the integrity of the yard.

Member Soraghan asks a rhetorical question; if the opposition would rather the applicant create a two-family unit by-right as opposed to a single family.

Alison Hall of 73 East Broadway abuts the property. She is concerned about how much room the house will take up and is concerned that people will be in her yard.

John Vandenhende of 46 Jordan Street brings up the need for repaving the street itself, noting July 19th the gas company is installing new piping and repaving. They told them there could be no new construction for five years. Building Commissioner Tom Bridgewater confirms this but notes that you can with city council approval.

Attorney Migliori's rebuttal is a simple statement; that either way there is going to be something built in that space, so this was more of a courtesy to the neighbors.

Member Bevilacqua asks Attorney Migliori if a different plan could be created for a single-family home that would not need a variance, but because of the lots unusual shape and size it cannot be made. He also notes that even by going with the attached family option the home is going to be the same size.

Motion made by Member Vathally to accept the application for 54 Jordan Street, seconded by Member Soraghan. Member Bevilacqua: Yes. Member Vathally: No, it does not meet the requirements for 255-10.2.2 Paragraph 2. Member Soraghan: Agreed, no it does not meet the requirements for the zoning requirements of 255-10.2.2 Member Ortiz: Also votes no, does not meet requirements for 255-10.2.2 Paragraph 2. Chairman Moriarty: Also votes no. Denied. (1-5)

Minutes:

May 20th, 2026: All in favor. Approved.

Adjournment:

Motion made to adjourn: Yes.