



Haverhill

Economic Development and Planning

Phone: 978-374-2330

wpillsbury@HaverhillMA.gov

**CITY OF HAVERHILL
MASSACHUSETTS
NOTICE OF DECISION**

206 15 AUG 2025
CITY CLERK

YOU ARE HEREBY NOTIFIED OF THE DECISION OF THE PLANNING BOARD ON THE APPLICATION OF (see below) called **Frontage Waiver 0 South Kimball St.**

Katie Bargnesi received Planning Board approval on 8/13/2025 based on a variance from B.O.A. approved on 4/16/2025

Applicant and Owner: Katie Bargnesi

Request for frontage waiver for 0 South Kimball St.

For property located at 0 South Kimball St. 728 706 12&13
Site location, Assessor's Map Block Lot

The frontage waiver application was filed with the City Clerk on 7/2/2025 as signified by the Date/time stamp of the City Clerk. The Planning Board, as authorized by Chapter 40-41 Section 81 M.G.L., held a **PUBLIC HEARING on 8/13/2025 @ 7:00 p.m. in Room 202**
Date of Hearing (Continued if applicable)

The Planning Board voted on 8/13/2025 to **GRANT the above cited frontage waiver application/plan WITHOUT** conditions, waivers, or stipulations.

YES NO ABSENT ABSTAINED

**BILL EVANS
PAUL B. HOWARD, Chairman
APRIL DERBOGHOSIAN
BOBBY BROWN
ISMAEL MATIAS
MIKE MORALES
CARMEN GARCIA
NATE ROBERTSON**

YES			
		ABSENT	
YES			
YES			
YES			
YES			
		ABSENT	
YES			

See attachments for reasons for decision, and or any conditions. See attached Motion
See attachments for waivers, conditions, and or stipulations (if any).

8/13/2025

DATE

Paul Howard

**Paul B. Howard
Planning Board Chairman**



City of Haverhill, MA

July 21, 2025

Building Inspector Review

Record No. PBFW-25-2

Status Completed

Became Active July 11, 2025

Assignee Tom Bridgewater

Due Date None

Primary Location

0 SOUTH KIMBALL ST
Bradford, MA 01835

Owner

OTERO DANIEL-ETUX OTERO DILENIA A
SOUTH KIMBALL ST 91 BRADFORD, MA
01835

Applicant

 Kate Bargnesi
 978-965-5886
 kbargnesi@smolakvaughan.com
 120 Water Street, Suite 406
North Andover, MA 01845

Messages

Tom Bridgewater

July 14, 2025 at 8:46 am

ZBA Approved

Step Activity

OpenGov system activated this step

07/11/2025 at 1:38 pm

OpenGov system assigned this step to Tom
Bridgewater

07/11/2025 at 1:38 pm

Tom Bridgewater approved this step

07/14/2025 at 8:46 am



City of Haverhill, MA

July 21, 2025

Conservation Department Review

Record No. PBFW-25-2

Status Completed

Became Active July 11, 2025

Assignee Robert Moore

Due Date None

Primary Location

0 SOUTH KIMBALL ST
Bradford, MA 01835

Owner

OTERO DANIEL-ETUX OTERO DILENIA A
SOUTH KIMBALL ST 91 BRADFORD, MA
01835

Applicant

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 120 Water Street, Suite 406
North Andover, MA 01845

Messages

Robert Moore

July 11, 2025 at 1:55 pm

Conservation Dept records for the Paperboard land (100 South Kimball St) show a protectable local wetland to the southwest of this variance parcel. The 100' Buffer Zone for that area is shown to extend onto the proposed house lot. As such, the proposed project requires the approval of the Conservation Commission. That said, it appears the proposed development of the parcel could be designed to achieve that approval. I have no objections to the granting of the waiver. The applicant may contact our office for assistance with an application filing with the Conservation Commission.

Step Activity

OpenGov system activated this step

07/11/2025 at 1:38 pm

OpenGov system assigned this step to Robert Moore

07/11/2025 at 1:38 pm

Robert Moore approved this step

07/11/2025 at 1:55 pm



City of Haverhill, MA

August 14, 2025

Engineering Department Review

Record No. PBFW-25-2

Status Active**Became Active** July 11, 2025**Assignee** John Pettis**Due Date** None

Primary Location

O SOUTH KIMBALL ST
Bradford, MA 01835

Owner

OTERO DANIEL-ETUX OTERO
DILENIA A
SOUTH KIMBALL ST 91 BRADFORD,
MA 01835

Applicant

 Kate Bargnesi
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 kbargnesi@smolakvaughan.com
 120 Water Street, Suite 406
North Andover, MA 01845

Messages

John Pettis

August 12, 2025 at 2:10 pm

It appears the lot seeking frontage waiver (Lot 13) is or was in common ownership with adjacent lot (Lot 12, #91). Is a frontage waiver also required, or previously granted for lot 13? It also appears the parking for lot 13 has been on lot 12. It appears no on-site parking for lot 13 is to be constructed.

Step Activity

OpenGov system activated this step

07/11/2025 at 1:38 pm

OpenGov system assigned this step to John
Pettis

07/11/2025 at 1:38 pm



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August 13, 2025

City Council President Thomas Sullivan

& City Councilors

City Hall Haverhill

Members Present: Mike Morales
Ismael Matias
Bill Evans
April DerBoghossian
Bobby Brown
Nate Robertson

Members Absent: Paul Howard
Carmen Morales

Also present: William Pillsbury Jr. Director of Economic Development and Planning
Melanie Sloan, Head Clerk

Nate Robertson: Would like to call the meeting to order and then we'll take roll

Bill: Bobby Brown, Here. Ismael, Here Nate Robertson, here. April DerBoghossian, here.

Paul Howard absent Carmen Absent and Mike Morales, we think he's coming but he's not here.

Bill Mr. Chairman I'd like to make a motion to accept the April's meeting minutes.

Nate: Motion to accept the 6/11 meeting minutes a couple of months ago.

Ismael seconded the motion

Bill: All in favor

All members: I

Bill: All opposed

Bill First on the Agenda is a Frontage Waiver for 0 South Kimball street.

Nate: Could you read the rules of the meeting?

Bill: Any item before the board that requires a public hearing the following procedures shall be adhere to:



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- A. The chairman should declare the meeting open.
- B. The petitioner or his/her representative will be given an opportunity to talk, to present his/her request.
- C. Others wishing to speak in favor of the petition will then be called upon to speak.
- D. Opponents will then be called.
- E. After all opponents have had an opportunity to speak, the petitioner or his/her representative will be given reasonable opportunity to rebut and shall not be allowed to bring out any new information.
- F. The Chairman will then close the hearing, and no one will be allowed to speak unless to answer a question directed to them by a member of the board.

All those wishing to speak must address the board, first giving their name and address and they shall not speak for more than 10 minutes on any agenda item. The petitioner shall be given a reasonable amount of time to present his/her petition.

Any appeal of the Board decision regarding definitive plan approval shall be taken in accordance with Mass. General Laws chapters 40 & 41.

Nate: First on the Agenda, we have a frontage waiver for 0 South Kimball Street and I'm going to turn it over to the planning director for comments.

Bill: It's very important to understand what a frontage waiver is. I'm going to talk, there is 2 of them so I'm going to talk about this before both of them. the role of the planning board and acting on a frontage waiver is limited to one specific issue right by the statute, which is to confirm that there is adequate access provided to the site by the reduced frontage. The purview of the planning board is limited to this one item. It does not include anything related to the granting of the variant, which was done previously by the board of appeals. Any concerns outside of this one issue, but whether adequate or whether access exists are not to be considered by the board and acting on the frontage waiver concerned too well, drainage are to be considered. So, there are many other issues like that by the planning board, but those are in the jurisdiction of the conservation commission whose approval is required on most of these projects before the issue of the building permit. And again, the review of the plan tonight, before the planning board there's limited to the one question and whether there's adequate access to the buildable portion of the lot via the reduced frontage just be granted by board of appeals.



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Nate: Is there anyone here tonight who would like to talk on 0 South Kimball Street?

Nate: Say your name for the record, where you live.

Louis Chernano 8 Fairmont Street Winchester.

I'm here on behalf of the seller of the land I'm purchasing, it's under contract, now he's out of state so as we know we were granted variants ZBA 11 feet of relief. We still have adequate access of 64 feet of which is most of it is parking across the front with straight access, so there no um d parking aces or anything like that. It's pretty straight forward.

Nate: Any questions from the board on the project? Specific to access. Seeing none I'm going to open it up to any comments from the public either opposed? Anybody in the public that want to speak to this project either opposed or in favor of it? Yes, just list your name and address for the record. Please speak into the microphone we need the digital recording.

My name is Sherri Smith, and I live at 95 South Kimball Street. I am a direct abutter to the lot that's on the agenda for the waiver tonight and I'm here with several of my neighbors who are also opposed to this lot being built on, but after just hearing you, I don't know that we can even discuss that we all believe the lot is not a buildable lot by city code.

Bill: That is a separate process to review that it's not tonight. The night's reading is to just look at whether there is adequate access to the buildable portion of the lot via the reduced frontage. That's the law. We've been through this with many cases before and the lawyers have tested thus with us, and they told us that that's the only thing we can look at on a case of a frontage waiver. Now if there are matters going before the departments for a review of a building permit, those can be taken up with the building inspector and raised directly with him as the zoning officer and the person who has to interpret weather it is a buildable lot.

Sherri Smith: I've already been to Tom Bridgewater, after the zoning board appeals and he was basically like well this is going to get interesting. And so, I've reached out to our



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counselor who represents our neighborhood, she suggested I go to the mayor. The mayor's office refused to talk to me about this because of the separation of powers. I know with the zoning board hearing I was there also and they had a letter allegedly, I didn't see it they said that they had something from conservation saying it was ok, but a good 40%-50% of that land is in the wetland buffer which means there isn't enough footage between the wetland buffer the 2400 drainage easement there below the required 3750 feet to build them. So, who do I go to about this, because no one is going to want to listen.

Bill: Conversation will certainly have to have a hearing before there's any permit I believe

Sherri Smith: So there will be another hearing through conversation, so we'll just have to keep coming back over and over again

Bill: Well, not trying to persuade you from your opinion, but we can't consider that. The planning board cannot consider any of those issues when they're looking at a frontage waiver. If this was a definite plan that is something where the lot would be being approved for a new lot new roadways that's what the planning board does. That's not what this is, and they've already been basically adjudicated by the board of appeals. They've already made a discission and then that decision was not appealed, you could have appealed the building.

Sherri Smith: Yes, and I went to see a lawyer and they wanted \$500 for a consultation and I'm like really? I have to spend money on this I mean it's in the code.

Bill: I'm just telling you what your options are, unfortunately for tonight the board of the planning board can only look at them whether there's adequate access to the lot up from the roads that's the only thing we can look at.

Sheri Smith: Is there a reason why the wetland buffer zone is not on the plan of land for this builder



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Bill: They will have to be submitted to development for review, they'll have to be submitting all of that information to conservation and the city's departments through development review which is brought to the city engineer's office.

Sherri Smith: No, I mean

Bill: All the departments come together and review the plan. So that is all that information has to be submitted as to whether it's buildable lot. If you haven't talked to John Pettis, you may want to talk to John Pettis, who's the city's engineer and talk to him about whether this lot meets the buildable plot definition. You said you talked to Tom I would talk to Tom as well,

Sherri Smith: I've already been there.

Bill: Talk to Tom and ask them to bring that up during the discussion of the development review phase. That is where once the frontage waiver is recorded then they can go forward with the development review. I don't believe they've done that yet. But that will be the next step in conservation.

Sherri Smith: Well even if he gets the waiver tonight, which sounds like he's just going to get it anyway, um it's still not a buildable lot in the city code 255 and 253

Bill: I hear you saying that our city departments are the professionals that will have to make that determination. And that's why you want to talk to them like IE: John Pettis, Rob More in Conservation, Tom Bridgewater, you know all those departments you'll want to speak with them about the next steps for this particular plan and your concerns. Again, it was within our purview to look at all those things tonight we would but unfortunately the law is pretty clear on frontage waivers. Frontage waivers were a very specific definition under the law. And that is what we are able to do is to look if there is adequate access. And I know that sounds harsh but it's the law. And it's the only thing we are able to do.

Sherri Smith: It's tiring. We've been dealing with this on and off for 15 years, and you know I'm not happy with the way Mr. Bridgewater treated me the 3 times I spoke with



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him. Conservation refused to speak to me I'm hoping that you at lease to the package I dropped off in person which I've also given to conservation.

Bill: I would also give it to John Pettia in engineering.

Sherri Smith: So, John Pettis is my next guy.

Bill: Talk to him about the buildable lot definition and how your concerns are about this lot

Sherri Smith: Ok He's in engineering? Yeah, Ok Thank you

Bill: Thank you

Sherri Smith: I don't know if any of my neighbors what to talk but they're all here, some of them are here including the poor guy that just bought the house that doesn't come with a lot even after he had the lot.

Nate: Is there anyone else who wants to speak on the record on this either in favor or opposed? At this point, I'm going to close the public portion of this hearing, and I'm going to ask for, actually for the record Mike Morales is here.

Bill: Mr. Chairman, basically we you know we review it or that one purpose which is, is there adequate access, it's been reviewed by the city departments, and the review of the plan does indicate that adequate access exists via the reduced frontage. Therefore, I recommend approval of the frontage waiver as presented.

After consideration Bill Evans motioned to forward favorable recommendations to the City Council as recommended by the planning board director Williams Pillsbury Jr. April DerBoghosian seconded the motion.

Member Nate Robertson – Yes

Member Bobby Brow – Yes

Member Carmen Garcia – Absent

Member William Evans – Yes

Member Michael Morales – Yes



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Member April DerBoghosian – Yes

Member Ismael Matia – Yes

Paul Howard – Absent

Motion Passed