



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, March 18, 2020 at 7:00 P.M. in room 202, City Chambers, Haverhill City Hall

Those Present: Chairman George Moriarty
Member Theodore Vathally
Member Joseph Sullivan
Assoc. Member Louise Bevilacqua

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

Absent: Member Ronald LaPlume
Assoc. Member Lynda Brown
Member Michael Soraghan

Chairman called the meeting to order and read the agenda and advised due to the meeting being televised in the auditorium and only one case at a time in the chambers, we will go case to case in order on the agenda.

Wash Square Jackson Haverhill LLC for 0 Jackson Street

Applicant: Michael Migliori

Opposition:

Seeking:

Members are pulling back their reconsideration and we will be filing the original denial.

Norwood Group for 219 Lincoln Avenue

Applicant: Norman Greenberg

Opposition: No

Seeking: Extension of variance & special permit that was approved March 20, 2019

Norman: Good evening Mr. Chairman and members of the board. My name is Norman Greenberg, my address is 233 Needham Street, Newton NH

Chairman: You are just seeking to extend the expiration date for a variance and special permit that was approved on March 20, 2019

Norman: That is correct

Chairman: Would you give us a brief

Norman: I represent the owner of the property, 219 Lincoln Ave Trust. When the special permit and variance were granted on March 20, 2019 the applicant at that point was a proposed buyer of the property, that buyer



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ended up terminating the agreement, they didn't complete the agreement. So the property went back on the market. Their intention at that time was to convert the property into a mini warehouse as its called in the zoning bylaw and at the same time the intention was to subdivide the property. In the front of the property is a CVS, this is the old Building 19 and in order to sell the property, what we need is a subdivide. CVS is a ground lease so now we need a separate parcel. We needed a frontage variance in order to do that, that was granted last year, and the special permit was necessary for the mini warehouse. We now have a new prospective buyer and have a purchase and sale agreement that we filled out several months ago. They are working on several permits and at the same time, they will need the benefit of the existing special permit as well as the variance. They will use the property for the same purpose as a warehouse, self-serve storage facility. The special permit and variance go with the land, we are not asking for any changes to the special permit, we are just trying to extend it. By law we can only get a six-month extension for the variance, so we are asking for that. We are also asking for a one-year extension for the special permit. We hope if everything goes according to plans, we hope to close in a few months. We have been working on this since last September/October this particular deal and now we are two days away from the one-year period of time. So we need to make sure the special permit and variance do not lapse. We are just asking for a simple extension, no changes. Whatever restrictions are in the special permit, remain the same.

Chairman: Thank you. I won't go over all the details of the special permit, however the one thing I do remember is the neighbors that live behind, I forget what the name of the street is back there behind Riverside right on the water, were very concerned about traffic coming back there, and we were assured at that time that there would be no traffic to the back of the building. All of the activity and the people coming in and out of storage or whatever else would all be on the front side of Lincoln Avenue with the huge parking lot. I'm assuming that is still going to be the same?

Norman: Yes. And the only reason there was traffic before, was because of the loading dock back there, and the new buyer has agreed they will not use that loading dock. Nothing has changed.

Chairman: Great, I just wanted to confirm that in particular as it was a major concern to the residents. Any questions or comments from the board?

Chairman: I'll entertain a motion

Member Vathally: I make a motion to extend the expiration date of the variance and special permit for one year that was initially approved on March 20, 2019

Chairman: One-year for the special permit and six months for the variance

Chairman: Motion made by Member Vathally seconded by Member Sullivan. Vathally yes, member Vathally yes

Sullivan: Yes

Vathally: Yes

Bevilacqua- Yes

Chairman: Yes

Marleen Stasions for 22 South Cross Road
Applicant: Marleen



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Opposition: Yes

Seeking: special permit for accessory apartment in a RR zone

My name is Frank Diluna, I am representing the applicant. I submitted earlier this morning a packet of information to be passed out. The applicant has owned the property since 1994

Joseph Sullivan: I just want you to know that you will need all 4 votes tonight and if you lose one vote you will not be able to come back here for 2 years.

Frank Diluna: I would prefer the fifth member yes

Chairman: Maybe you didn't hear the announcement earlier. There are only four of us sitting here. Several people are out. So you would need to get all 4 votes, which is required normal if there is 5 here you would only need 4 out of 5

Frank Diluna: Under those circumstances, I would request a continuance

Chairman: And you waive the notification period?

Frank Diluna: Absolutely

Chairman: Normally we would say it would be continued to the April meeting, but uncertainty we would say its continued to the April 15 meeting. But just want to inform you, that with everything else going on Special Council Attorney Chris Alphen: That's a request for a continuance. If its ok with the board, I will take a review of that extension cause this is a remand, if there is another further agreement that needs to be made at the board, than I'm sure can be made.

Chairman: Perfect

Special Council Attorney Chris Alphen: Yes we can be more specific, I can work something out

Chairman: entertain a motion to continue 22 South Cross Road unit the April meeting, or a mutually agreed date.

Member Vathally: I make a motion to extend the request for an accessory apartment

Chairman: Motion made by Member Vathally seconded by Member Sullivan member Vathally yes, member Sullivan yes

Sullivan: Yes

Vathally: Yes

Bevilacqua- Yes

Chairman: Yes

Lynn & John Doucette for 0 Seven Sister Road

Applicant:

Opposition:

Seeking: variances for front & side yard setback to construct a single-family dwelling

Chairman: Seven Sisters has asked for a continuance, right?



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BOA Clerk Jill Dewey: Yes and they submitted a letter
Chairman; Ok so we have a letter from the Attorney for 0 Seven Sisters Road asking for a continuance

Chairman: I'll entertain a motion to continue that to the April meeting and waiving the time period

Member Vathally: I make a motion to continue a variance request for 0 Seven Sister Rd

Chairman: Motion made by Member Vathally seconded by Member Sullivan. Vathally yes, member Vathally yes

Sullivan: Yes

Vathally: Yes

Bevilacqua- Yes

Chairman: Yes

Gregory Cunningham for 13 Lincolnshire Drive

Applicant: Gregory

Opposition: No

Seeking: variance for side yard setback to construct an attached garage with a room above to a single-family dwelling in a RL zone

Greg Cunningham: I live at 13 Lincolnshire Drive; I'm looking to get a variance to build a garage with a room on top.

Chairman Moriarty: Where 20 feet is required, and this is 10.8?

Greg: Yes, it would be 10.8

Chairman: Can you tell us a little bit more about the garage, size and construction?

Greg: Sure; Our goal as our family got bigger is to expand the house. As the housing market is high, and also we have built so many relationships in the neighborhood. In fact, my neighbor is here in support to support it. But if we can get what we need with the house, the space needed would allow our kids to stay in the same school district which is important to us, but also in the same neighborhood, which is more for them than anything. I grew up in Bradford, me and my wife had a place down the street, a condo at first. Then we moved into here and want to make it our forever home so we can stay there.

Chairman: Thank you. Would you like to speak in support? Is it your property that the project is closest too?

Fred Clark: I'm at 15 Lincolnshire. No, I am on the opposite side where the garage is going to be. However, I have lived next to the Cunningham's for 6 or 7 years now and I have known Greg for even longer than that. As he has mentioned, our neighborhood is a pretty nit tight group. I feel comfortable saying that I have talked to all the neighbors around there and we are all in support of this. The Cunningham's regularly open their door to the neighbors for BBQ's and gathering for adults and their kids, so we don't want to see them go. We would rather them put this addition on and stay long term.

Chairman: Have you had conversations with the neighbor on the side where it should be 20 feet but it's now down to 10.8?

Greg Cunningham: Yes; so, I specifically had a conversation with them. It was suggested to me; to see if I could get everyone in the neighborhood to sign something in favor and support. Which I have here. I just told



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everyone to read it so they could see what it is that we are doing, so that they knew and then I asked if they were in support and if they would put their name and address, and the first one here is in the home right next door to us where the addition is.

Chairman: And what is the number to that address?

Greg: 11. Everybody seemed to be excited. Maybe my house doesn't look as good as I think it does, and they are finally happy that I'm doing something Lol, or they see the value that will increase the neighborhood.

Chairman: Renea?

Greg: Yes, there's a grandmother that lives in the house and there is a mother. I am not sure which one may own the house as they moved in together, however I know the grandmother is very old and doesn't leave the house. So I said I have talked to you Mom about this already, would you or who ever is in support of this please sign. I also went to the people directly across the street from me for a signature. The house to the right, there is an elderly person that lives there, and the daughter doesn't come out, she just kind of goes out to work, they stay inside. So I didn't bother knocking on their door, because I didn't want to make them nervous given what is going on with this virus. I went to all the close ones I could and asked for their support.

Chairman: What about behind your property? I know it will not be near them but

Greg: There is plenty of room in my back yard, but more importantly there is a field between us.

Board Clerk Ms. Dewey. Can I keep this paper with the signatures, so we can keep in in the file?

Greg: Yes, I made that for you guys to have. Our goal is to stay where we are for the kids. My wife was actually in favor of moving and we were looking at houses but then we looked and there was 8 kids in the driveway and 8 bikes lined up and me and the neighbors sitting in chairs on the front lawn and I just gave my wife a look and she said we are not going anywhere, lets see what we can do to make this work. And I thought given what we wanted to do and I have a friend down the street on Sherwood that got a variance within 5 feet of his property line, so I thought I would have a good chance. I do understand the risk I am taking coming tonight, but with not knowing if you will even be able to have a meeting next month the way things are going (He's talking about the COVID-19 virus) I kind of took the chance on coming tonight.

Chairman: Questions of comments from the board?

Member: Vathally: Just one question. When are you going to start the construction of the addition?

Greg: I just started working on the money part with the bank, the architect kind of just started. We didn't want to go too far with it until be received the variance. He does have some outside ideas of what the house will look like and I brought those with me incase you wanted to see them, although neither of these are final and my wife made me remember that, she just saw them for her first time today. It is just a pretty close idea of the layout. I told my architect that I needed a idea of a plan from the outside, so he scrambled to put this together, really with no direction from us. So after this if we do get approved for the variance, than we will have some more accurate plans drawn, within 2 or 3 weeks. Financing has already been started. This summer would be my goal to start it.

Chairman: Any other comments or questions?

Member: Vathally: Are you planning on doing any kind of buffer on that side where you are asking for the variance?

Greg: We currently have a line of plants/bushes and sea grass there already. I am a landscaper buy trade, while I don't have a plan in my head yet, I always have ideas to soften it up. One of the things I would do is ask my



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neighbors would they want something that is right up against my house or do they want me to put something that is more of a divider. I tend to work with my neighbors.

Chairman: If there are no other questions, I will entertain a motion

Member Vathally: I make a motion that we approve the variance for 13 Lincolnshire Drive

Chairman: Motion made by Member Vathally seconded by Member Sullivan member Vathally yes, member Sullivan yes

Sullivan: Yes

Vathally: Yes

Bevilacqua- Yes

Chairman: Yes

Carter Construction for 417 Washington Street

Applicant

Opposition: No

Seeking: variances for lot area and frontage, to convert barn attached to a pre-existing and non-conforming 3-unit dwelling into 4 additional studio apartments in a RU zone

Rick Carter: My name is Rick Carter, and this is my Wife Amy Carter and we are at 75 Main Street. We have a property that is on Washington Street 417 Washington Street. It is currently a 3-apartment building, that has an attached barn. What we are looking to do is convert that barn area into 4 studio style apartments. And basically, the way is sits right now. I know the front and side setbacks are the major thing we are trying to get.

Chairman: Is it currently being used as a dwelling?

Rick: No not the barn, just the house itself.

Chairman: Ok I see it pre-existing nonconforming 3-unit dwelling.

Rick: Yes so my frontage I guess I'm required 100 but only have 75 and the front and side set back, the rear is fine. And the total area I need 25,000 and I only have 16,000.

Chairman: How large will each one of the units be?

Rick: They are going to be, well I believe each one will be 550 square feet. I put it on the plans that I submitted

Chairman: How does it compare to the existing 3-unit dwelling? Are they staying the same size?

Rick: No. The existing house has two 3-bedroom apartments on the 1st & 2nd floor and then there is an attic apartment which is a studio. So, they will be more comparable to the studio attic apartment.

Chairman: And those units are fully occupied now:

Rick: Yes.

Chairman: What kinds of interior changes do you have to make in order to change the barn into apartments?



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Rick: There is nothing there, so basically, I would have to frame the outside wall and the doors and windows and just do all the partition on the inside. There are some structural things that I need to re-enforce, but the whole shell of the place I will not go outside of that, it is not going to change in any way

Chairman: You are staying inside the shell all around?

Rick: Yes.

Chairman: Any questions from the board?

Member Vathally: Tell me something about your parking, I see it on the plan, but tell me about it.

Rick: There is a lot of existing parking there right now. What he did on the plan was basically just neaten it up. I think your copy is 116 spaces, ya because mine has 18 but he had to adjust that for the open space area, because I didn't have enough open space the 25% that I think I am supposed to have. We have more than enough space for parking, I think my minimum is 11 or 12.

Member Vathally: Will snow be an issue

Rick: It won't be, I take care of everything there on site now, I have a skidsteer, since there isn't much place to put it, I keep a skidsteer there to move it.

Member Vathally: It is 2 floors?

Rick: Yes, two apartments per floor with a common staircase.

Vathally: Fire escapes?

Rick: Everyone has a secondary patio exist. So the second floor will have not a deck, but just enough to get out. And the first floor will have either a cement or paved patio and either a slider or just a swing door to get out as a secondary exist.

Amy Carter: Just a few things about the house, it was a lot different when we bought it. As you know it is on Washington Street and it was light grey with siding falling off and safety hazards. The way the house looks right now, inside and out speaks to the quality of work. And in terms of the rentals, we have 3 rental properties in Haverhill, and we have always gone by section 8 rates, whether or not the person gets section 8. So in terms of housing shortage and fair rent, we would just be suppling 4 more places like that like we already do. We wouldn't be putting any further strains on the schools since they are just one-bedroom apartments. Which is what we get calls with referrals from other renters, its very often that its just a single person looking for a place and we normally don't have anything available for them. So there are people looking for that. The house next door is a lot like ours and they have a barn that was never turned into anything and it currently collapsing and falling in on itself. The house there, when taken care of are really beautiful, there is still some nice detail to them and if you care for them with pride it looks nice for the neighborhood. We are just looking to do that to the second half of the house. We have done the siding, so it looks nice from the outside but I just wanted to speak to the improvement side of it.

Member Sullivan: Has the fire department reviewed the plan and was they any conversation about that driveway going in there?

Tom Bridgewater: That wall happens before permitting. The fire department and myself will sit down, he is going to have to put sprinklers, at least in the back half in that new work area, at least.

Member Sullivan: Obviously we can oppose anything

Tom: It will have to be to fire code, and that is a defeinate

Member Sullivan: Ok

Chairman: If there are no other questions, I will entertain a motion



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Member Vathally: I make a motion to approve the variance for 417 Washington Street for 4 studio apartments.
Chairman: Motion made by Member Vathally seconded by Member Sullivan member Vathally yes, member Sullivan yes

Sullivan: Yes
Vathally: Yes
Bevilacqua- Yes
Chairman: Yes

Jonathan Cozzens for 9 Mulberry Street

Applicant: Jonathan

Opposition: No

Seeking: finding to extend an existing dormer on a existing duplex in a IG zone

Jonathan Cozzens: Address 155 Orchard Hill Rd in Haverhill. I am seeking a finding to extend an existing dormer on a 2-family house on Mulberry Street.

Chairman: And the purpose to putting on the dormer?

Jonathan: There is an existing dormer there over the bathroom, basically it doesn't really fit in well where it currently sits. We are just trying to extend it to the house the length so that it can fit the current bathroom and the additional space would go up into the bedroom up there as well.

Chairman: Who is living there at 9 Mulberry at this time?

Jonathan: It is vacant. I just purchased it from the City Auction.

Chairman: I see. And if this was granted, you would start work on it when?

Jonathan: When the appeals period is over.

Chairman: Comments or questions from the board? How long have you owned the property, when did you purchase it at the auction?

Jonathan: I think it was back in October or November of last year. So we will probably start in the Spring time.

Chairman: Is there other work that you have to do on the house too?

Jonathan: Yes, we did the roof. That's kind of what started this as when we did the roof, we saw a significant amount of rot. One of the reasons it was on auction id because of the mold issue in the house. So once we started tearing everything out, we noticed that the rafters on that section where we are trying to put the dormer was not salvageable, they essentially happen to be beside the dormer it makes sense to get those rotted rafters out.

Chairman: Entertain a motion

Member Vathally: I make a motion to approve the finding for 9 Mulberry Street to extend an existing dormer to an existing duplex.



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Chairman: Motion made by Member Vathally seconded by Member Sullivan member Vathally yes, member Sullivan yes

Sullivan: Yes
Vathally: Yes
Bevilacqua- Yes
Chairman: Yes

64 Locust Street Realty Trust for 0 Locust Street

Applicant:

Opposition:

Seeking: Variances to build a liquor store in a IG zone

Chairman: O Lucust Street has asked for a continuance. Entertain a motion to continue

Member Vathally: I make a motion to continue a variance request for 0 Lucust Street

Chairman: Motion made by Member Vathally seconded by Member Sullivan member Vathally yes, member Sullivan yes

Sullivan: Yes
Vathally: Yes
Bevilacqua- Yes
Chairman: Yes

Other Matters

Chairman: I make a motion to accept the minutes of the February 19, 2020 meeting.

Chairman: Motion made by Member Vathally seconded by Member Sullivan member Vathally yes, member Sullivan yes

Sullivan: Yes
Vathally: Yes
Bevilacqua- Yes
Chairman: Yes



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0 Jackson Street

Applicant: Wash Square Jackson, LLC

Member Vathally: I make a motion to remove from the table of 0 Jackson Street so that we can vote on the matter.

Chairman: We are going to remove from the table

Chairman: Motion made by Member Vathally seconded by Member Sullivan member Vathally yes, member Sullivan yes

Sullivan: Yes

Vathally: Yes

Bevilacqua- Yes

Chairman: Yes

Member Vathally: I make a motion to remove the reconsideration of 0 Jackson Street vote on the matter.

Chairman: Withdraw the motion of reconsideration. And to file the original denial

Chairman: Motion made by Member Vathally seconded by Member Sullivan member Vathally yes, member Sullivan yes

Sullivan: Yes

Vathally: Yes

Bevilacqua- Yes

Chairman: Yes

Chairman: Motion to adjourn