



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, May 18, 2022 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Theodore Vathally
Member Lynda Brown
Member Louise Bevilacqua
Member Ronald LaPlume
Assoc member Magdiel Matias

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

Chairman Moriarty called the meeting in to order on May 18, 2022

Chairman: Bethany Homes is withdrawing their application. Board granted the withdrawal

Member Vathally: I make a motion to withdraw the application for 67 Pecker Street, seconded by Member Laplume.

Member Vathally: Yes
Member Brown: Yes
Member LaPlume: Yes
Member Bevilacqua: Yes

Chairman George Moriarty: Yes
Granted 4-0

Daniel Johnson for 71 Vale Street (Map 585, Block 431, Lot 1B)

Applicant seeks a special permit for construction of an accessory apartment in a RR zone. (BOA 22-15)

Daniel Johnson (71 Vale Street): I am applying for an accessory apartment for my mother. It is going to be a 2-car garage with a room above it for my mother and a game room on top of that for ,e.

Chairman: Have you met all of the requirements for an accessory apartment, there are 6 of them.

Daniel Johnson: I belie so

Chairman: Any comments or questions from the board? Entertain a motion

Member Vathally: Chairman I would like to male a motion to approve the special permit for 71 Vale Street, 2nd by Member LaPlume.



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Member Vathally: Yes it meets the criteria for special permit 255-10.4.2
Member Brown: Yes it meets the criteria for special permit 255-8.1 and 255-10.4.2
Member LaPlume: Yes it satisfies the criteria for 255-8.1 and 255-10.4.2
Member Bevilacqua: Yes
Chairman George: Yes

Granted 5-0

Broco Oil Inc. for 168 Hale Street (Map 602, Block 457, Lots 1 & 2)

Applicant seeks special permit for fuel storage and distribution use in conjunction with improvements to increase storage capacity (including installation of two new storage tanks) to accommodate an additional 4,000 gallons of biodiesel fuel and an additional 36,000 gallons of propane gas in a BG zone. (BOA 22-16)

Robert Brown (168 Hale Street): We are going for a 4,000-gallon double wall tank to store biodiesel; we converted our diesel trucks this past year to run 100% off biodiesel so it will be a net carbon zero output. We are one of the first fleets in the east coast to have this type of technology, so the tank is critical for us to refuel our trucks.

Chairman: Will it change the pattern of vehicles going in and out?

Robert Brown: No, none so ever. It will be the same pattern and it is only specifically for Broco fleet, instead of running of diesel, which is down at the loading dock, it is just going to be brought up closer to where the biodiesel is.

Chairman: Is there an environmental change from going from diesel to bio?

Robert Brown: Yes, it is net carbon zero so the emissions, we are not burning any gas and are not leaving it on idle. Biodiesel is environmentally friendly. We are hoping that other fleets around here will notice what we are doing, it is a change agent, so we got to be the first to try it out.

Chairman: There was a fire there a couple of months ago? What kind of changes have you installed since then?

Robert Brown: As you guys know, we have upgraded the property quite a bit since we have gone in there 4 years ago, so the rack is one of the last pieces that was supposed to be upgraded and post fire we have been able to implement two emergency stop buttons and basically safety contingencies that are built in place so if the driver was unable, there was a load on failure which could cause a spill over onto where the manifold heats up to 1800 degrees and if it hits that it instantly ignites. That is another good thing about us running biodiesel, the regeneration is what causes the manifold in the diesel trucks to burn off the diesel particulates they collect, when you are running B100 in your fleet, there is no need for regeneration because you are running off straight B100 which is no carbon output, so that would have not happened if we had that technology running back in December, but hindsight is 20/20

Chairman: Are you right on the same site as everything else is there?



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Robert Brown: Yes, and again the tank is double walled, and we have that on a pad which is just extra precautions, and a structural space will have monitoring so if there was a leak, we will be ready, and if it did it would be caught by the double wall.

Chairman: Where there any other changes you had to make with utilities and stuff to install it?

Robert Brown: The electrical upgrade was much needed, we had to put a transformer on site, that is one thing I am working with the department on currently, there is an ongoing thing that we need more power going to the site with all these accessory pumps that we are putting on there, so it is just enough power right now. We are a FEMA emergency fuel depot for the state of Massachusetts so we have to have backup generators in the even that there is a big power outage, as we will be fueling all of the emergency vehicles that are insisting in disastrous events.

Tom Bridgewater (Building Commissioner): You need to go to City Council for a special permit for this, so this is step one and then he has to go for storage of fuel. He already has an application in there

Chairman: Does the fire department come regularly to a site like yours?

Robert Brown: Yes, especially post fire. They did a great job getting attach line and getting the tank which prevented what could have been a serious loss for us. Oil trucks are not cheap and since the supply chain crisis, it is about a year or two out to get replacements, so since then we have had the fire department on site for training, we have been able to secure the sight which has always been a concern of mine, so now the site is fenced in. We have brought the fire department in to have annual training, which is every May, which is when we have them familiar themselves with all the shut off switches. You can miss them; you can't walk in this place now and not see the shut off switches from multiple points on the property instead of before there were on 2 places which you would have had to know the site really well to figure out where they were. We are going to continue to work with the building department and the fire department.

Chairman: Any comments or questions from the board?

Member LaPlume: My question is for Tom; they have to go to Developmental Review Right. And there were a lot of other things they were going for that were not brought up tonight.

Tom Bridgewater: Yes, they have to go to Developmental Review, and they are no longer going for the propane.

Robert Brown: I have a project manager that Tom knows as well, he is being very proactive. I just want the business to run, we have built so much, and it is time to just let the things that work for us be put on site.

Member LaPlume: The site looks great; you have done a great job there.

Chairman: Other comments or questions

Member Bevilacqua: I have two questions and the proposal to add this tank is a reasonable proposal, but the drawings that you submitted don't show any added fire protection, they don't show a suppression system, any water lines or



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hydrants or post stations, there is no foam station showing. And I just feel, I know you guys are not fire engineers, but I feel the Haverhill Fire Department should have provided some sort of endorsement or assurance, I would like for them to do that before I would vote on this.

Robert Brown: Ma'am may I please explain, so the thing with biodiesel is it is actually labeled a class 3B so it is not flammable and it's technically combustible, but their combustibility is upwards of 300 degrees, you are basically dealing with distilled cooking oil which is through the state fire marshal, it is a bigger process when we go for the bigger tanks, fire suppression is not required for any 3B type substance like biodiesel, so there is no fire hazard, you could actually take a blow torch to it and I would take a long time for that to finally ignite, you would have to be at certain air temperatures it would have to be perfect. So, it is not a flash point, it would be a fire point where that fire would have to have direct flame and impingement onto that puddle of biodiesel for it to actually get going.

Member Bevilacqua: But there was a fire, and it is going to be near this.

Robert Brown: No there was a fire that ended up being a truck fire, the diesel fuel that we were filling. This isn't diesel fuel, this is biodiesel. It's a misnomer but biodiesel has no diesel in it, it is distilled to the point where it is all used cooking oil, soybean based, it is 100% recyclable fuel, so it is not diesel, it is not heating oil. It is a class 3 B which has lower flashpoints or flammability ranges class 3 B, so there are no requirements in any NFP books for fire suppression, it is basically a spill hazard which is why I mentioned the double wall, which is important for those things, because that is the biggest hazard, we would have to deal with is a spill.

Member Bevilacqua: So then why don't we just have some sort of

Tom Bridgewater: We can certainly get a statement from the fire department, we have reviewed this, they had some concerns about the propane that was on there and that is why these guys took it off. Fire Dept had no concerns with this biodiesel. I can get that in writing.

Robert Brown: Just so you know, we have a good report with the Fire Department, and we want them to feel safe. I am just being proactive; we are actually working on getting a foam trailer that would be stationed at our shop but it would also be used anywhere in the city if there was a flammable liquid fire and the fire department needed to use it, so we are working right now with the fire department to try to source funding and I am pretty confident we will be able to do that by the end of this year.

Member Bevilacqua: This tank isn't flammable you're saying?

Robert Brown: It is 3B ranked not flammable, like gasoline would be flammable, diesel moves up into a flammable but mostly combustible. Biodiesel is completely a class 3B, which the possibility flash point would be like 285 degrees so it would take a lot to get that going.

Chairman: Thank you. Member Vathally



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Member Vathally: You are applying for a special permit, so I guess I am concerned about the integrity of the neighborhood, traffic flow and everything else. I will let the fire department do their thing, but alluding to what Chairman Moriarty said about the traffic flow, what about changing hours as far as additional trucks or will it be the same traffic pattern, I mean what are your hours your operation hours that the trucks are going by?

Robert Brown: It is mostly 6-4, summertime is our slowest time, so it is 7-3:30, we do stay open we have people there mostly for security reasons.

Member Vathally: But trucks themselves with this addition that you are installing, is there going to be additional trucks in and out or as needed to gain access to the property with traffic flow.

Robert Brown: No Sir. Jus because we are the only fleet that has this technology that can run 100 in our truck, so it is just for our fleet only.

Member Vathally: Ok, thank you very much.

Member LaPlume: I just wanted to clarify that you have ongoing meetings with developmental review and the fire department, the building commissioner and everybody was there, and the police department will be there, so everybody knows what's going on, and that is why the rest of this is not on the menu tonight.

Robert Brown: (Speaking about the propane that was originally on the application): I didn't want that on there in the first place because to me that is just more money that is going to be spent and we are a small business, so my project manager was just being really proactive, it was in his 5-year plan, which it is not in my 5 year plan. We just added propane so that it could be a compliment to our services, but I don't even see any reason to add any more propane because we are not a big company, especially with propane it is a new division for us.

Chairman: Questions or comments from the board?

Tom Bridgewater (Building commissioner): So that meeting Ron was talking about was a preliminary project review, not an official developmental review, that is where you guys come in and they get every department head thought, going forward what do you need, getting them ready to come here, getting them ready to go to council, then developmental review for a formal thing.

Member LaPlume: Do you think before we go into these things so there won't be so many questions that have already been answered and people on the board don't really know or really understand the project or know the product etc., you can explain not in detail but like you just did know so there wouldn't be questions about fire and traffic etc.. Is that a possibility Tom?

Tom Bridgewater (Building commissioner): Yes absolutely

Member LaPlume: Ok great.



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Chairman: No other comments or questions, I will entertain a motion.

Member Vathally: I make a motion to approve the special permit for 168 Hale Street , seconded by Member Laplume.

Chairman: One more comment from the building commissioner

Tom Bridgewater (Building Commissioner): In those meetings if the fire department had any issues with any of it, they would have flagged it and put a note or wrote a letter to all of you board members.

Member Bevilacqua: Why didn't they send a letter

Tom: In the future we can get them to do that.

Member Bevilacqua: They have in the past

Member LaPlume: This was a "pre" review meeting

Tom: It was a "pre" review meeting. In the future we certainly can get them to make comments on everything and you guys can go in and read them all

Chairman: Thank you Louise. Something like this, not on regular ones, but something that has larger implications with fuel and things like that, it might be helpful.

Tom: The propane they had an issue with.

Chairman: Exactly

Member Bevilacqua: That is an area where children ride bicycles

Chairman: Motion made by Member Vathally, seconded by Member LaPlume.

Member Vathally: Yes it satisfies criteria for 255-10.4.2

Member Brown: Yes

Member LaPlume: Yes it satisfies criteria for 255-10.4.2

Member Bevilacqua: I'm going to abstain on this

Assoc Member Matias: Yes it satisfies criteria for 255-10.4.2

Chairman George Moriarty: Yes it meets 255.10.4.2 and I think adding this does not cause more detrimental to the neighborhood or the traffic flow or anything

GRANTED 5-0



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Christopher & Jacqueline Barry 660 Boxford Road (Map 775, Block 791, Lot 16)

Applicant seeks a special permit for construction of an accessory apartment in a RS zone. (BOA 22-18)

Christopher & Jacqueline Barry (660 Boxford): We have an existing accessory apartment that we only found out after purchase and sale and sale of the house that we were advised that it wasn't permitted so we had to go renew some fixtures through the permitting process. Again, we bought the house mainly because of my mother-in-law was living with us and we were pleasantly surprised that there was not only an accessory there but also quite disappointed with the issues after we found out after we already had a sale and closing date.

Chairman: So, there was an accessory, but it wasn't permitted properly, so you took thins out and now you basically just want to make it a legitimate accessory apartment. Questions or comments from the board? Commissioner you were involved in this correct.

Tom: Yes sir, it meets all the requirements

Chairman: It meets all the requirements of an accessory apartment, thank you.

Tom: Like he said he had to remove some fixtures and go through the process and now here we are.

Chairman: I will entertain a motion

Member Vathally: Mr. Chairman I would like to make a motion to approve the special permit for 660 Boxford Road, second by Member LaPlume.

Member Vathally: Yes it meets the criteria for special permit 255-8.1 and 255-10.4.2

Member Brown: Yes it meets the criteria for special permit 255-8.1 and 255-10.4.2

Member LaPlume: Yes it satisfies the criteria for an accessory apartment 255-8.1 and 255-10.4.2

Member Bevilacqua: Yes it satisfies the criteria for an accessory apartment 255-8.1 and 255-10.4.2

Chairman George: Yes and I concur with the others, and it also meets the 6 requirements of 255-8.1

Granted 5-0

Christos Parkiotis for 251 Lake Street (Map 588, Block 422, Lot 24-1)

The Applicant seeks a special permit to operate a kennel in a RR zone. (BOA 22-17)

Christos Parkiots (251 Lake Street): I just want a license to do my business through my house, I do dog training. I moved here in 2016, I used to do dog training but after the pandemic hit, it was too difficult for me and I have to survive so I trained at me house. I didn't know that I had to get a permit license, I was thinking like a hairdresser, lawyer or any other one working from home are doing the same. I have clients that were begging me calling me crying saying please they are going to put down my dog, so I had to do something, so I take the dog to my house and fix him and save his life. I have more than 160 5 star reviews as a dog trainer. They know me everywhere, I try and do my best, I never have complaints,



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all my neighbors next to me have said nothing, they say Chris don't worry they are not going to take your license we have no issues. "He is showing pictures and explaining the yard before and after". I want to keep my yard for me dogs the best that I can. That is why I am applying for this license, so I can continue to do my job.

Chairman: So you have been there for about 3 years?

Christos: Yes

Chairman: And it never came up that you needed to get permission.

Christos: No. The neighbor has 2 pigs over there, so I said if they have pigs I can have dogs, what is the difference. I asked my neighbors and they said Chris no worries whatever you'd like. That's why I brought some letters from my neighbors, to show you that they don't have a problem.

Chairman: I have, I'm not going to read it all the way through it says, "I have lived on this property for some time and actually grew up on this street, I have never heard any dogs in that section so I don't feel this would have any effect on the neighborhood and he has done a lot of improvements on his house, he is an assist to the neighborhood. In closing I hope you allow him to continue his business at this location"... There are a couple of letters in opposition stating that "a kennel is not allowed in a RR zone, so why is this being considered". Others are complaining about the dogs who are actually screaming from the property, I do not mean barking or yelping, but screaming in pain." So you do have some neighbors that are not in favor, may have some that are in favor but certainty some hat are not. Can you tell us a little bit, how many dogs are there at any given time?

Christos: Depending on the situation, so maybe I would have 5 dogs or 3 or 10. Usually they come drop off the dog, work a couple of hours and then they pick them up. Sometimes I have to keep them during the night, as I said if the dog is aggressive and bit the owner depending on how hurt the owner is, I can't do the training at their house, animal control says put down the dog, so I have to take the dog to me house, I have been doing this 25 years, I was in police for 20 years, in K-9 for another 15 years, so I know a lot about dogs. So I started this to save many dogs life's, so if I have to take the dog to my house it is not because I want more dogs at my house, if a dog is barking at 3am then I have to take the dogs out, so if someone is complaining about screaming and I don't know who, all my neighbors next to me never complain and I said to them if you ever see something because I'm going to have my different trainers over there and I tell him to take the dogs in small groups but they are dogs, it is impossible to have dogs in the garden and not screaming, when 4 or 5 dogs play together, because they are playing, so how are they screaming, so of the dogs like to bark talk, so dogs like to scream talk, this is what I am going to tell you.

Chairman: How often do you actually keep dogs there overnight

Christos: I have to tell you it is not every night, but if I have to its overnight, depending on the dog.

Chairman: But how often? Like this past week how many dogs did you have.

Christos: I have 7-8 dogs



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Chairman: Overnight?

Christos: Yes, yes.

Chairman: And it this the usual of what you have?

Christos: Maybe, yes. Maybe I have 10 maybe I have 3, there is no standard. I wont have 25 but it depends on the situation. I have people who beg me, they call and they cry and they say please save my dogs life.

Chairman: An I appreciate that part, but we are dealing more with the zoning issue

Christos: I just want to say when you have the dog that is aggressive, he will scream, he will bark, he will do everything to attack me, I have to do something.

Chairman: If it has been there for 3 years without a permit, according to the zoning it is not to be in that kind of neighborhood, you would need a special permit, so it is kind of violating two things here.

Tom Bridgewater: it is allowed with a board of appeals approval. It is not allowed by right.

Chairman: It is not allowed by right, so you have two issues there, one it has been there for 3 years without being permitted, it is not by right to be there, we have to decide if we are going to allow it.

Christos: I did not know that I wish I knew that. Back in Greece when I was a police officer I had my business on the side at my house, they told me just pay the taxes.

Member LaPlume: I have been to your property; I was out there twice, and I have been to the property behind your property, and I drove through sat there for a while and wrote a report, and I went to your door knocked on it and you had one of those ring cameras, so I was there waving. There was no noise, I could not believe it, so I questioned the commissioner. There is a big building out back there, is that where you train them, in that building.

Christos: I started too, my son said to me Daddy I want to have the building to play ping pong with my friends, I put the gym over there. I didn't expect to get so big, then I said ok instead of going on the street and train, all the other dogs barking from t he neighborhood, I can go inside there to do my business.

Member LaPlume: So you do it in there in that big building in the back, you don't go in your basement or do you?

Christos: I use the big shed, but I keep the dogs in the basement. People say they trust me because I care and have the dogs inside my house.

Member LaPlume: I just saw those pictures and it was confirmed also that your place is meticulous. I just want to say I have worked down in Salem for awhile when I was working for the state and we worked right beside this building in



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residential areas and the rescue brought in 30-40 dogs a day and I never heard them, I never ever heard them, they trained them. Obviously, no one has complained in 3 years, so you couldn't have been too disruptive, but we just have to go by the rules and regulations.

Member Vathally: Sure how long have you operated your business?

Christos: Here at 251?

Member Vathally: Yes at Lake Street.

Christos: 2019 and after. When the pandemic hit, because I couldn't go to there homes during the pandemic.

Member Vathally: So were you already living at that property.

Christos, yes, yes. I bought the house in March 2019

Member Vathally: Ok you bought the house in March 2019 and then started that business?

Christos: I had the business before

Member Vathally: In Greece

Christos: No I have been here since 2016. So I started a business I went home to home to do my dog training which trainers do, and then I bought the house, I bought the house because I saw the back yard and this lady has 2 pigs here and the neighbors say nothing, so why would I not be able to have a couple of dogs.

Member Vathally: Ok, but she wasn't training pigs o anything, she just had two pigs as pets. So 2019 you had this business and did you inquire with the city for anything to see if you needed a license?

Christos: No, because I didn't expect to do this, I was going home to home to do private sessions. So when I bought the house the pandemic hit so I couldn't go to houses anymore and I had to survive with something. I had clients call me and say Chris I will tie my dog outside to the tree, come pick him up and fix him and bring him back.

Member Vathally: Pick him up and bring him to your house?

Christos: Yes

Member Vathally: But before the pandemic you were going out on site to different homes

Christos: Yes

Member Vathally: You weren't operating out of your house?



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Christos: No

Member Vathally: Is this what I Am learning?

Christos: So, it started I don't know when exactly. I didn't expect to be so big.

Member Vathally: Ok, so it was because of the pandemic that you are operating out of your house

Christos: I didn't think I needed a permit because I will try to keep it clean, I asked a couple of friends who are realtors and they do business out of their house, I have a friend that is a hairdresser, and they do business out of their house. I can have a couple of dogs, it started out of my garage, to have something to do because if it was snowing or raining o do something inside.

Member Vathally: Ok so when the pandemic subsides, and everything is back to normal will you be going back out to the houses or is your intent to continue at your house to have the dogs stay there?

Christos: Continue to stay here, because I saw that it is easier for me and for the dogs and for the owners too because it is difficult to train the owner once a week, especially when the dog is aggressive with one of the dogs or the owner can't handle the dog or if you have someone that has disabilities to make him a service dog, so there are several things and I decided it is better to keep the dogs a couple of weeks and then to give the dogs back, different dogs as my clients say.

Member Vathally: Have you made any renovations or changes to the home or yard that would act as a buffer area so hat the neighbors don't hear them?

Christos: The only things I did as I said, the mess I put fake grass on top so it wouldn't smell and inside this building I put installation, before it was for the kids not the dogs and after that I put installation, so no body hears barking.

Member Vathally: Do you have any employees that work with you?

Christos: 2 of them.

Member Vathally: You have two employees

Christos: Yes

Member Vathally: Is there a time of operation where people can come up to the house and drop off their dog or do you have hours of operation?

Christos: Depends the schedule of my clients. So they either will say Chris I will come at 10 or at 9 or I have to pick up the dog from the house or they drop off the dog and leave it there for a week or two weeks. My trainers working depending on what time I tell them, so you have to come at 2:00 you have two dogs, or you have to come at 3:00 you have 3 dogs.



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Member Vathally: So it is a twofold building business, from what I understand people will drop off their dogs of to you in the morning for training, they are out of control and need training, but do they also drop them off as a dog sitter service?

Christos: Yes, to stay at night.

Member Vathally: So, right now on this date, how many dogs are at your house?

Christos: 9

Member Vathally: 9 dogs at your house and your average is about 10 a day?

Christos: I will say if I is vacations then it will go a little bit more, because they my clients want to go on vacation, they ask Chris will you keep my dogs.

Member Vathally: So it is primarily a dog sitter business?

Christos: Yes

Member Vathally: You are sitting dogs and training them.

Christos: Yes

Member Vathally: Ok, thank you Sir.

Member Brown: I took a ride by your house 3 times and the last time was yesterday and I also didn't hear anything, but I do want to bring something up, you don't live in a real rural area, the homes are fairly close together. One of the questions I was going to ask Member Vathally asked, about when things go back to normal do you intentions of going back out to their houses, so that answered one of my questions. But before you started doing this, you didn't come to the city. Did you go to any of your neighbors to ask them how they felt about you bringing your business into your home when the pandemic started.

Christos: Yes, I asked, I asked, and I also told them if you hear something, if you smell something you have to immediately tell me, because I wouldn't have good residents with my neighbors. Sometimes they say if I have my assistant trainers over there, they would text me and I would tell them to stay in small groups 3-4 dogs at a time, not 10. I try to be perfect with my neighbors.

Member Brown: That answers that question, I also wanted to ask to say in a daycare there is 10 children you have to have a certain amount of people to care for them. Do you know depending on the number of dogs you have; do you have a sufficient number of trainers?



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Christos: That is mostly for the day cares, when you are a trainer, you know how to handle dogs, inside this pen myself I can handle 50-100 dogs because I have the experience, now my assistant trainers don't have this experience, so I tell them you have to bring the puppies or you have to bring the males with the females, so we switch depending on the dog. So say a pit bull came yesterday and bit its owner and they beg me, they beg me 5 years old, so I say to them don't touch this dog and when he came I say to my wife and child immediately go inside, so I can bring the dog, he came with a muzzle. So question is should I let them take this dog to put him down or save his life? When I do facetime with my clients they cry.

Member Brown: I think that is a legitimate concern, if you are the only person who is trained to do this. Like you said a bit ago that when you leave you have to let the people know who are there, don't do this. But if that dog was to get out, I am not saying that they would, but that would be a major problem in the neighborhood, I know it is all fenced in but it could also be a major issue with family members at your house. I also just wanted to bring out that I think that since you don't have any intention of going out anymore to people's homes, if you would maybe seriously think about if this is passed that you might think about putting in some specific hours of when people can pickup their dogs or pick them up, because running a business and having people picking their dogs off or dropping them off late at night.

Christos: This is what I have to see, if I pass, I want to see if its better to just board and train or private session, usually when someone comes, I usually give them one hour so you have to come at 10, then you have to come at 11, then you at 12. So one hour is enough to either tell me what they want and when they leave I have the other person come.

Member Brown: I have a question for tom, Tom is there anything in this that pertains to what he can have on the premises, like does it have to be training or sitter.

Tom Bridgewater: He is going for a kennel. Animal forms in completely closed pens, so they are sitting in a cage

Member Brown: Do we know anything like how many trainers have to be there, or is it not just a kennel, is it going to be sitting or whatever else e might decide to do.

Christos: The most important is how many dogs will go outside, because if they stay in the kennels than they stay in the kennels. When the trainer takes them outside 20 dos you can't it would be impossible with 20 dogs, so if you take 56 its ok you can handle the dogs.

Member Brown": Tom I just didn't know if we have any rules.

Tom: I don't know of any, at least right now.

Member Bevilacqua: I have been there twice and I can concur with what Member Brown and Member LaPlume has said, I didn't hear anything and it is a beautiful property and it looks as if it is meticulously, but I do want to follow up with some things some issues that Member Vathally weighs, I want to know what percentage of the dogs you have are incorrigible dogs, in other words you said hat some of these dogs come because they are on the verge of being euthanized and they arrive with muzzles, is that the majority, what is the majority of what you do, is it to save a dog or is it just dog sitting for working people, is it breeding.



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Christos: I would say that 60% of the dogs are aggressive or fearful, they don't want to walk, they don't want to go to anybody and now because people saw my job outside, they saw the dog was aggressive now they can pet the dog or the vets can send me dogs, so other persons say Chris that dog is perfect can you make my dog like this dog. I want my dog to walk free, go to the beach enjoy play, etc.. etc. .

Member Bevilacqua: 60% of the dogs that you train are dogs that are a problem.

Christos: Behavioral issues, major behavioral issues.

Member Bevilacqua: What percentage are just people who are working and need a place to drop their dogs, that need to drop their dogs off at doggie daycare?

Christos: No none of that.

Member Bevilacqua: You don't have any for doggie daycare?

Christos: No, if I opened day care the next day, I'd have at least 450 dogs at my house.

Member Bevilacqua: Ok, is there any eliminate that is dog walking service?

Christos: No. we walk the dogs when we do the training, they have to get some fresh air, we have to see how they are walking on a leash, but no not dog walking.

Member Bevilacqua: One of the opposing neighbors said that the dogs you are training are sharing the sidewalk with her dogs and other neighborhood dogs, is that not true? So that says to me dog walking. Do you walk the dogs on the sidewalk?

Christos: Yes on the sidewalk, So when they go outside we walk them around the neighborhood or wherever we have to walk them.

Member Bevilacqua: So you do walk them

Christos: we have to walk them; we can't leave the dogs 20 hours in a cage.

Member Bevilacqua: They don't walk in the pen that you built, you walk them on Lake Street.

Christos: we let them play in the pen, but we have to walk them, how are we supposed to see if the dog is aggressive on a leash or not.

Member Bevilacqua: But none of these dogs have ever been aggressive to another dog?



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Christos: No

Member Bevilacqua: Ok, is there any percentage of your business that is actually training service dogs?

Christos: Yes I do service dogs too.

Member Bevilacqua: So if it is 60% aggressive dogs, how many are service dogs?

Christos: Not too many. Usually I try to help my clients, if it is service dogs I usually say your dogs is perfect, just get a letter from your doctor that you have issues and then you have a service dog.

Member Bevilacqua: Are you a licensed school for training service dogs?

Christos: You don't have to go to school to train dogs.

Member Bevilacqua: No I mean, there is a certain protocol to make a dog an actual service dog.

Christos: Yes, yes I know that, but the first thing is for the doctor to give you a letter that you have issues and then the training, so if you say that the dog needs to be an emotion support dog you don't need training.

Member Bevilacqua: I'm not saying an emotion support dog, I am saying a real service dog.

Christos: The people who say it is emotional support, that is a service dog. So lets say you want to have a dog, as I said to the last lady that has issues with her knees, so if she falls and can't get up you have to teach the dog to go to her and help her up, I will do once in a while these dogs but not too much. Mostly I do the aggressive ones.

Member Bevilacqua: These aggressive dogs have any of the ones that left you have they wound up being euthanized?

Christos: One time, reason being I said to the owner to put him down because I couldn't train, he came to my house and kept him for 2 days, but because he was neutered the stitches got off, so I had to call the client and have them pick him up and do new stitches and then you can bring him back, so when she took the dog he bit her and gave her 45 stitches in her leg, so I told her you have to put him down now, he was a bad dog, very bad dog.

Member LaPlume: This sounds similar to the Broco Oil situation, I don't know if people who take their dogs to be trained, I take my dog to be trained,, my dog is a loving dog but she used to bite so I took her to a trainer, I took her for 6 weeks twice a week, when I went in they trained the dogs all 6 of them together with one trainer and those dogs came out of there excellent, I could not do it myself, the trainer has the expertise, there was other aggressive dogs, there was a little barking in there, but we were only there one hour and then you go home, you take your dog and you do what the trainer tells you to do and not what you want to do. So I understand where you are coming from and it sounds like you have some dogs that you really can train, that need someone who knows what they are doing.

Member Bevilacqua: Is part of the business just obedience school, for person that gets a new dog.



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Christos: yes obedience, only obedience, no protection.

Member Bevilacqua: So in other words, some of these dogs are not problem dogs but 60% of them are.

Christos: Yes

Member Bevilacqua: Ok thank you.

Chairman: Is there any opposition here in the room, trying to let people speak if they want to.

Sal Lovasco: (52 Christian Circle) : I am concerned with how many dogs he is going to have overnight. I have been by the place he has done an excellent job with the land; I haven't heard any noise but I'm just afraid if the dogs get out we are close, I live in the back of the place, on the circle down there. I have seen him walking 3-4 dogs at a time, I am not scared of them but I have seen 4 German shepherds and my concern is it's a tight neighborhood and there are kids in the neighborhood, I haven't seen I'm out that much but I am concerned with how many dogs he is going to have overnight. How much noise is it going to be? I am worried about the kids in the neighborhood.

Chairman: Thank you. Any other comments from anyone? Ok so to answer that, I know it may change but generally speaking how many dogs will be there overnight?

Christos: Generally speaking, if they are concerned about that, I will not walk the dogs in that neighborhood.

Chairman: And how many do you keep overnight?

Christos: I would say 10, 15, 8, 5.

Member LaPlume: Maximum?

Christos: 15 I would say

Member Bevilacqua: How many do you have tonight overnight?

Christos: 8, but plus I have another 3 of mine so it is 11. But no body tells me nothing, if somebody stops me in the neighborhood and says hey Chris do that, and I would do that immediately. I never have complaints that my dog bit someone or barked at someone, I just do my job. But I will say if they need that, if they are afraid the dogs will go out, I will say to my guys don't walk the dogs again in that part of the neighborhood, they can walk on the other side.

Chairman: Any other comments or questions from the board?

Member Brown: Would you consider with some of the concerns that were brought out tonight, would you consider having maybe specific hours walking the dogs on your property, especially the problem dogs



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Christos: The problem dogs do not go outside

Member Brown: So you don't take those ones out?

Christos: If the dogs are aggressive, then they have to be good, and then they have to walk. They have to be 100%, I have kids too. My son play basketball there all the time, imagen if I walked by they would bite my kid first. So I always try to be good first with my house and then my neighbors.

Chairman: Thank you. I will entertain a motion

Member Vathally: I make a motion to approve the special permit for 251 Lake Street, 2nd by Member LaPlume

Member Vathally: No, it does not meet the criteria for 255-10.4.2

Member Brown: Yes

Member LaPlume: Yes, it satisfies the criteria for 255-10.4.2

Member Bevilacqua: Yes, I think it does satisfy the criteria for 255-10.4.2

Chairman: No, I believe it does not satisfy the criteria 255-10.4.2 it does not serve the community needs as far as I'm concerned. It has some issues with the neighborhood character and the structure, and the fact that it has been there for 3 years without having a permit and I am a little confused with it being a training place and the overnights, so I have some problems with it. The special permit is denied.

Denied 2-3

Gary VanGeyte for 119 Cedar Street (Map 612, Block 496, Lot 4)

Applicant seeks special permit to change former non-conforming use (bar) of existing structure to a restaurant in a RH zone. (BOA 22-19)

Gary VanGeyte (24 Haverhill Road, Chester NH): I will introduce the two real-estate brokers I have here and the owner of the property. I was introduced to the property in 2019 and I was immediately interested in the fact that I thought it would make a great neighborhood restaurant, so I approached the seller with a contract, we put a deal together and over the course of time, which I put a timeline together I don't know if everyone has seen it, if you haven't I can go over it.

Chairman: It would be helpful if you just briefly went over it

Gary: So I had an idea for making a pizza parlor, modeling it after a restaurant that I had grown up with, that has been in business for 75 years, it was in a neighborhood. It was a nice neighborhood place to go, families could go there and seeing this opportunity, we put the contract together. It took awhile to get it through, we had some issues with the title from previous owners, came before the board, got an approval for a liquor license, we were moving forward. We were not focusing on it to be a bar, this was to be something that really is a restaurant, but also parents could enjoy an adult beverage, the idea of just being pizza by the way, so nothing in fryolators, not a big establishment, we would offer take out for the neighborhood and you could bring our kids here, that was the idea. So moving forward, we got that in place, I got



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everything in place with the ABCC and I got all the equipment lined up, then unfortunately COVID hit and the shutdown occurred, really impacting restaurants. At that point I thought the best thing to do was to leave the deal on the table. COVID ended officially in June of 2021 for restaurants. At that point I didn't know what was going on with the business, but recently I got a call back in April by the broker saying if you are interested it is available again, that brings me up until today.

Chairman: What improvements are you going to make to the property?

Gary: Primarily it would be adding the pizza oven, I have to update sinks and there are some other code related issues that need to be taken care of in order to bring it up to restaurant standards. Does anyone want pool, I'd rather have regular tables, so it would not have that bar type atmosphere. I would very much like to put a nice size window, with the name on the window, I don't know if that can be done, because that is something that has to be engineered, to change the outer appearance from the street.

Chairman: What about parking?

Gary: It would be street parking

Chairman: That is a crowded neighborhood

Gary: It would be similar to downtown, but with no parking meters.

Chairman: Comments or questions from the board?

Gary: I would like to add one other thing that might help people in the audience. The other restaurant that I knew of and I have also consulted with people I know in the business, I don't plan on opening until 4:00 in the afternoon, I envision closing at 9:00, weekends possibly 10-11, it will be dictated by people in the neighborhood and what they want, if I find a lot of people asking for lunch then I would probably expand.

Chairman: When you mentioned pizza, what else would be on the menu?

Gary: Pizza, just pizza, just something simple, it is not a large building.

Chairman: Seating for about how many people.

Gary: I did supply a chart, But it is currently 35

Tom Bridgewater: That may change, it depends how much kitchen equipment as it takes more room, so less tables. The building code will set the occupant load with the space that is open. It is not just a set number that we can pick. The building code will set it, once we can get in there and find out how much open space there is.



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Member LaPlume: I know the area well, I bought a house at number 38 which is 2 houses behind the building that you are at now and I had that for quite a few years and rented it out, it was a 2-family, it cleaned up the area quite a bit. There were some houses that were dilapidated across the street, and they made that look pretty nice. I also ran a pizza shop for 38 years, so I am pretty familiar with the area, with pizza and that little bar there, you know there never really was that many people who frequented that bar because it was just a neighborhood bar and small, and that is basically what you are getting into, a small pizza shop.

Gary: I envision quite a bit of takeout.

Member LaPlume: I didn't have any problems with this at all, as far as parking, because there weren't that many people at all that frequented that bar, it was a neighborhood bar, they walked to it. They were not coming from all over Haverhill, it is not a heavily traveled street by any means, especially up in that area so in defense I would say that it wouldn't be any more detrimental than the bar. Thank you.

Member Brown: You mentioned people could bring their kids and have an adult drink. Can you speak more about that, do you currently have a liquor license for this establishment? Is it with the prior owner, what is going on?

Gary: I was approved in 2020, I would imagine I would just have to probably reapply, but I would expect that it would go through again.

Member Brown: You were approved in 2020, when you kind of were going through this process before with this board?

Gary: Correct.

Member Vathally: So you are going to have full liquor here?

Gary: Yes

Member Vathally: And your hours are going to be 4-9, 4-10

Gary: during the week and then Thursday, Friday & Saturday I would say probably 11.

Member Vathally: Any idea how many employees, or I guess you have to wait and see.

Gary: I'll have to wait and see

Member Vathally: Are you going to have a fryolator onsite?

Gary: No. Its going to be simple and that it the way I want to keep it.

Member Vathally: An oven a counter and a register.



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Gary; and a refrigerator.

Member Vathally: Obviously the fire department will need to look at all that.

Tom: Well, the size of this building and the occupant load would not require a sprinkler system.

Member Vathally: Ok, thank you very much.

Chairman: Did you real-estate agent want to say anything or are you here just to be supportive? And then we will hear from opposition.

Miles Burke: I am employed by Virani Berkshire as an agent, I've been listing for my client for a few years now and this has become a financial hardship for our client to try to sell this building for actually less than he paid for it. He had some health issues that did not allow him to keep running the building as a bar and the flavor of the neighborhood we are trying to get away from just a bar and have a restaurant with a takeout, it would be an asset to the neighborhood. I happen to know the applicant personally; you do a great job with your business in Haverhill and as a resident and taxpayer at 66 Crystal Ct. I think to get the building up and running and keep it on the tax roll. Our client has continued to pay his taxes for commercial rate even for the last couple of years that it has been closed.

Chairman: Thank you very much. Anyone speaking in opposition?

Martha Meads (120 Cedar Street): Which is almost right across the street from the establishment. I am not right on the corner; I am the next house over. Of course, I want to say IO love pizza, but second of all I always had a problem with parking and noise, somebody said they didn't have a problem but right across the street there is always problems with parking, even now with nothing in the bar, people are blocking my driveway constantly. In the winter it is really bad because you can only park on one side after 6pm. The p[lace is full of multifamily homes with small driveways, driveways for one family, but not the other families. Parking has been terrible, when it was the bar I had to call the cops multiple times, I even have people park in mu driveway so I couldn't get out besides just blocking it. Then another thing was, when it was the bar too, the people would hangout outside making noise all the time, all hours of the night, after the bar closed there was all types of noise. If this is a takeout place then people will say, Oh I can park here for just a few, so I block a driveway for just a few seconds only to be in and out, it just won't work, it's a neighborhood with people that live there that have to go in and out of their own driveways, I just, its too condense there, especially with the one side parking in the winter.

Paul S. (120 Cedar Street): One of my concerns is the full liquor license. Are people just going to be hanging around there drinking or is it going to be eat and leave, because that is what happened before, people go outside and smoke, they were there all hours of the night, before when it was a bar it was open till 2 in the morning. They would be out there talking all hours of the night till 4:00 in the morning, its just the social thing. If it was just a beer license than that's fine, a restaurant like a Pappa Gino's or something, you have beer pizza you just have a good time. I am just afraid of the parking issues and excessive drinking. It is easy to say no one is showing up street bars but maybe they have food there, they might show up just for drinks, it may say it's a restaurant, but I am afraid it may turn into a bar again.



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Chairman: Anyone else?

Kathrine Wheaton (131 Cedar Street): Where the bar is across the street is on the same side as carpenter building a two family and then my house, so we are actually two structures away. I can give you a little history, my farther bought this house when I was in the second grade in 76, we have lived there over 50 years and I can tell you about that bar. That bar used to be when I was growing up a package store owned by the Shans, they just sold liquor and the guys used to play cards in the back, eventually it became the 8th Avenue Tavern, after that it became the Office. At one time it was owned by the Ryans, police officer Jimmy Ryan and his son, even though he was retired we had to have the police there like this couple told you constantly. There were motorcycles, they may close at 12:01 but people never left there. They used to park in front of out house, blocked my driveway, they parked all the way up to 9th Avenue because there is no place to park in our neighborhood. I even had a young lady, well I wouldn't call it a lady, who relieved herself in front of my house, because she couldn't walk far enough to her car, I mean that is disgusting. We are taxpayers and this is a residential area, we are cramped with people. In the wintertime they block our driveways because there is no place for them to park, they do it now if they have family gatherings. I have a house next door to me that is a 2-family, I swear the man is running a boarding house, there is like 7 cars to that house by itself. I mean since when does a pizza place sell alcohol, when I grew up you either went to a bar or a restaurant, you didn't go to a pizza shop to get pizza and a beer. I know a lot of places in Haverhill that just used pizza or a hamburger, so that they could sell liquor. Please we have kids, we have elderly people and the noise level, I don't care if you are takeout or whatever, sub shops, you can see people hanging around a sub shop. And to open up at 4:00, why 4:00, most sub shops open at 11, why 4:00 in the afternoon? Why open at 4:00, most pizza shops open at 11 or 10, not 4:00, 4:00 is almost like a night club opening. I am telling you, I can give you the history of that whole street. In his letter he said it was dotted with businesses, there isn't once business on Cedar Street, wherever the dots are supposed to be, and if you are talking about 7th Avenue store it is on Main Street. There are a bunch of little shopping centers, there are empty buildings on Merrimack Street, there is an empty building on white Street, they are in a business area where a pizza shop should be, Mr. LaPlume should know, he did very well. I mean please, this is a residential area, there is no sidewalk on the 8th Avenue side, none, and I will tell you a few years ago I don't know who owned it at that time, a man hung himself in there. Please if you want the history of Cedar Street and the corner of 8th Avenue, come to 131 Cedar Street, I can ell you about every business that was on there. I am asking you now to please consider the residents who pay taxes and have kids and everyone say oh what's that dilapidated building, but you know what, to us that live there it is a blessing because there isn't any noise, there isn't any crowd of people, there isn't anyone saying oh well I'm going to serve liquor, come on I'm 76 years old and I wasn't born yesterday, please, please consider us, us tax payers.

Chairman: Thank you very much. Anyone else out there, if not would you like to do a rebuttal?

Gary: Sorry about what has happened in the past, I can't be responsible for that. I know that area going ack to the 90's and I know people who ran, I have never been to the 8th Ave Tavern when it was open, I just have a vision for it today. As far as opening at 4:00 it is a business decision, most people are going to be buying it to take home and eat, or they just want to come in to eat after work. If in fact there was a market for it during the day, I would be happy to do that. But where as it is a small building, a small business, to keep a staff there all day long, especially after the lunch hour is over, it doesn't make business since, all I'm saying is I am not looking to open a night club.



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Chairman: One of the comments was about just going in there to drink, will you have a sort of stand-alone bar, or are people expected to be sitting at a table?

Gary: There is a bar yes, and being a single person going in anywhere and asking for a table of one is very awkward, so that I consider a social aspect, I don't look at it as a detriment. I certainly don't want the headache of people sitting there all day long drinking beer or whatever their beverage is, whether it is beer or liquor it all has the same amount of alcohol. So to address those questions.

Chairman: Obviously there is no smoking inside, right?

Gary: No, by law.

Chairman: So people would be going outside to do their smoking and hanging outside, so you have to let them do that but how would you handle or deal with that situation?

Gary: My hope is that the clientele that is attracted to the business will be decent people. I have also seen as Mr. LaPlume has said, a big change in that neighborhood, which is primarily why I have this vision, because I do remember 30 years ago, 20 years ago.

Chairman: Let me go back to the parking issue again, as we have heard that a couple of times. I have driven down there and it is very crowded. So if you have 35, maybe not all 35 at once at your restaurant but if you had 15-20 people in your restaurant, where are they going to be parking?

Gary: They would have to find parking on the street. As far as pickup, I can envision what they do downtown where they have a designated spot in front of the building where they could pull up get their takeout and leave.

Chairman: Have you thought about it just being a takeout place?

Gary: I don't think it would be economically feasible

Chairman: People just have to find their parking, what if the people can't find parking, won't they stop coming?

Gary: Well I am hoping that it will be good enough that they will want to go, also it is a neighborhood so people can walk. I know that when I want to go into Keon's, I will keep going around the block for a half hour if I have to.

Chairman: That is a downtown area though.

Gary: Yes it is not a neighborhood, but it is my favorite.

Chairman: Any comments or questions from the board?



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Member LaPlume: Question to the commissioner. Obviously, he his within the time limit because of COVID and such and he has filed. Let me ask you this if he did not file for a nonconforming use as a restaurant, because it is a non conforming use as a bar right now, could he file for a bar opening? So could he reopen it as a bar?

Tom (Building Commissioner): Because he filed within the time of the abandonment and then COVID hit, that is why he is here. You guys are going to vote on 5.2 whither it is more detrimental or not. If a bar wanted to go back in there, and we took a really good look at the COVID laws, but to me the way I interpret it is if he wanted to put a bar in there he would have to go back to City Council to restore the nonconforming use with a special permit. Because he applied before COVID hit and with everything shut down for over 450 days or whatever it is, that is why he is here. So if anything else came in right now, say he wanted to open a print shop or if something else came in right now, it would have to go to council to restore the previous nonconforming use through City Council and then they would have to come back here.

Member Brown: I have a quick question, something that someone ad brought up, because of the laws there are and smoking, I know you don't have a lot of land, would you consider maybe opening up something in the back, where people could go if they were to smoke in the back instead of hanging out front?

Gary: There isn't really an area, the only area is in the lower bottom corner, there is a small area right there, it is not very large.

Member Brown: I know it is small, I drove by your building a couple of times, and I know it takes up land. But I just know how it is in a neighborhood and understand what they are saying, you are not downtown where that can happen, where people can sit outside out front and smoke and socialize. I was just wondering if there was any other place where people can do that without having to be right outside your front door.

Gary: I am not a smoker but perhaps they would have to refrain from smoking while they are there.

Member LaPlume: Another question for the Commissioner, I can hear both sides of this. Let me ask you this, if he bought this could he turn this into a single-family with no parking?

Tom (Building Commissioner): No

Member LaPlume: So is there a hardship here?

Tom (Building Commissioner): I believe so. He would have to come back to the board because that is a nonconforming structure, so if he wanted to put in a single-family house, it doesn't meet any of the dimensional requirements. They would have to be back at the board to turn it into a single-family residence.

Member LaPlume: Id we deny this tonight, if we deny this tonight they cant build a house, they can't open it as a bar, they can't open it as anything, the property sits there and I am looking at this from both sides and I understand when you spoke, and with people relieving themselves on your sidewalk and realistically those things happen and parking happens. Thank you.



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Chairman: Other comments or questions from the board?

Member Bevilacqua: You said you have a vision and is your plan really to reinvent that space, because from what I heard from the neighbors, I think you want to do is get peoples perception of hat place to change

Gary: Absolutely.

Member Bevilacqua: So I am thinking of a place in Ipswich it is like an old fashion pizza parlor and all they serve is pizza.

Gary: You are talking about the River View Café?

Member Bevilacqua: Yes, that is what I was thinking, that is what you are talking about

Gary: That was the inspiration. And that is what they have, they have a bar, restaurant and just pizza and it has been there 75 years.

Member Bevilacqua: Yes just pizza, there is nothing else that they serve and families go. Really people go and they eat and they leave, they don't stay and drink.

Gary: exactly. And there is virtually no parking there.

Member Bevilacqua: There is no parking. What is your marketing plan, so that you get the neighbors to think of it like that.

Gary: I would have to hire somebody to probably do it online, Facebook advertising is probably going to be the most effective thing, direct mail.

Member Bevilacqua: What people are really objecting to is the way it was, the woman who lived there her whole life, through all the iterations of it, it has not been successful in terms of the neighbors. But you want to do something completely different.

Gary: I need the neighbors; I need that to be a community establishment that they are comfortable with in order for it to thrive and be viable. I know that what it was, that time has past, that is not what is needed, that neighborhood has completely changed.

Member Brown: Have you had a chance to speak to the neighbors personally?

Gary: No I haven't

Member Brown: I would suggest that you speak to the neighbors, sometimes a lot of assumptions are made on both sides about what is going to happen, or what might happened then one tells one person and then it rolls up into something totally different. I always like to suggest when you are new to the neighborhood and there has been a bad experience before hand and that is why I suggest to sit down with the neighbors, we did it in my neighborhood and it turned out very



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well, with the new owner the past owner, the neighborhood group and everything like that, and it turned out wonderful on all sides. It wasn't for a bar or anything like that, but it still turned out very, very well. It was a historic building that we were concerned that it wouldn't fit into the neighborhood, so when we all sat down they heard our views and concerns and we heard theirs and we were willing to compromise on all sides and it eventually worked out.

Chairman: I think Member Browns suggestion is a terrific one. I would like to propose or suggest to you, that you ask for a continuance to next month June, and you get out there and you talk to some of the neighbors and see what they think about having a pizza parlor there, talk to them about the challenges with parking. To be honest I don't like your answer to the parking issue (They will have to go find it) that is not a good answer, it really isn't (they can drive around like I do down on Washington Street), no that is not a good answer. I think that there are some neighbors that would love the idea of a pizza parlor that close, I am trying to think of where the nearest one is. So I think that if you sat down and talked with some of the neighborhood, you might get a better sense of if this is a good idea or a bad idea or. Cause right now I am pretty torn on it, I got to be honest with you and I don't want to harm you, I don't want to create a hardship for you, but I understand the neighbors and the issues they have with all of the things going on, and to say you hope to create a nice audience or a nice group, well I hope I win the lottery, but you got to do something to make that happen and not talking to the neighbors is not a good first step. So you have the option to ask to continue this if you want to or you can move to the vote tonight.

Member LaPlume: Before you do that I am looking at section nonconforming use and it does say that we can vote on this, we can vote on this, this would be up to you tonight. If it is not a substantially detrimental in the existing nonconforming use to the neighborhood, so that is what we would have to determine as a board, is it more nonconforming than the bar or not? I mean we would still have the same parking situation as the bar, but it was a bar. So if you listen to the way the people are talking on the board, it could go positive or it could go negative. So that is why you have been offered the change to talk with neighbors and continue.

Michael Sarenza (Methuen MA): I am the owner of 119 Cedar Street. Lori Sarenza is my daughter, I have power of attorney right now to speak on her behalf regarding the sale and ownership of the place. I was there many nights, and a lot of the issues would step because the place was open till 2 in the morning. If you come to a pizza place, you sit down for an hour and have a beer or whatever, you are in and out, there are bathrooms in there, they are not going to be getting intoxicated. If it was a bar like it was, people are sitting there for 5-6 hours, they are drinking, they are not in their correct mind, they are going outside, they are slobbering over the neighbors' yards, they are smoking, they are not going to be in the correct frame of mind and that can cause a big disturbance. If it is going to be a pizza parlor, the guy is going to close at a reasonable hour, 9-10 what have you, they are not going to be sitting there drinking, the normal person that goes out for a pizza is going to be there an hour, 3-60 minutes, and that would keep people in the correct frame of mind. I know if I have a beer, I am not going to go next door and know on my neighbor's door and urinate on his porch, if I had 10 beers and am not thinking clearly, I might do it.

Chairman: I don't want to punish him for what happened before, that is not fair. I know all of us from Haverhill remember it as the Office.

Michael: It has been there for 70 something years



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Chairman: So I don't want to punish because of that, but there has been some legitimate concerns

Michael: His dream to changing it, was the first step was the hours. No one is going to have the opportunity to sit there from 12 noon till 2 in the morning, 14 hours just hanging out.

Chairman: I hear all that but a month's delay shouldn't be a problem.

Paul (120 cedar Street): Going forward one of the things that concerned me, if they have all these people coming in on a daily basis, where is their trash going to go? Are they going to have a dumpster, there is no place there for a dumpster? Right now there is a rodent problem in that area, there is a lot of mice there is a lot of problems going on. I just envisioned before they just had a one cylinder bucket, if you are having upto 35 people at a time one days trash, where is this trash going to go, there is no physical place to put it, you would need a dumpster to keep it locked down to keep the rodents and stuff out. That is one of my major concerns.

Martha Meeds (120 Cedar): Is there going to be a stipulation that you cant drink unless you eat, because what is going to stop people from going there just to drink? I mean do they have to buy pizza or can they just get a beer? That is my main concern.

Chairman: Go ahead one more time, but I would like to just get this continued to another time, so that the applicant can address some of these things.

Katherine (131 Cedar): With all do respect to Mr. LaPlume and Gary, the neighborhood has not come back 100%

Member LaPlume: I never said it did.

Katherine: We have a drug dealer in our neighborhood that the police are watching, which is a few houses from where you are. There are also gun shots that were fired a month and a half ago, 4 avenues down. And we have all read about Harmony Montgomery, her father lived right in that apartment house on the same side where the bar is. Believe me I live there, it has gotten better but it is not 100%

Gary: I just wanted to address that there is a rodent problem it has nothing to do with that establishment because it is closed.

Chairman: I don't want to hold you accountable for problems that occurred before, but it gives you things to look forward to incase this moves forward.

Gary: There is room for a dumpster, a small dumpster, in that small area we were talking about for the smoking area., which is kind of what I was reserving that for in mu mind.

Chairman: I am assuming Building Commissioner, that they would have to show that, before you could give them a permit to open.



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Tom (Building Commissioner): Absolutely. We are changing the use kind of we would make them go to Developmental Review and the health department would be in there and they also would want to know what would happen with the trash.

Chairman: Thank you for that, so yes if this were to be approved, there would be a couple more steps. But I still would like to suggest a continuance but that is your choice.

Gary: I appreciate everyone's input tonight and I would like to have a continuance.

Chairman: Ok, thank you. Entertain a motion

Member Vathally: I make a motion to continue the special permit application for 119 Cedar Street to the June 2022 meeting without prejudice, 2nd by Member LaPlume.

Member Vathally: Yes

Member Brown: Yes

Member LaPlume: Yes but I would ask you to please get in touch with these people because they have concerns, if you don't work these concerns out it is going to be detrimental to you, so urge you to et in touch with the people, especially the people who are here.

Member Bevilacqua: Yes

Chairman George Moriarty: Yes

Continued to June 5-0

Minutes: Motion made by Member Vathally; I accept the meeting minutes from April 20, 2022 2nd by Member LaPlume

Member Vathally: Yes

Member Brown: Yes

Member LaPlume: Yes

Member Bevilacqua: Yes

Chairman George Moriarty: Yes

Approved 5-0