



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, August 16, 2023 at 7:00 P.M.

Those Present:

Chairman George Moriarty
Member Ron LaPlume
Member Louise Bevilacqua
Member Lynda Brown
Assoc Member Magdiel Matias
Assoc Member Gary Ortiz

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

Craig Lemerise for 625 Lake Street (Map 571, Block 2, Lot 38C)

Applicant seeks a special permit for a detached accessory apartment in a RR zone. (BOA-23-28)

Craig Lemerise: I am looking for a special permit to make a detached accessory dwelling unit at 625 Lake Street. It is existing, it is about a 3 story garage, it has been existing since 1987. It is a 2-bedroom apartment, at one point it was an office for a plumbing contractor in Haverhill, but since has been turned into a 2-bedroom apartment.

Chairman: Does it meet all the new requirements for an accessory unit?

Craig: Yes it does

Chairman: Has that been confirmed by the building commissioner?

Tom Bridgewater: Yes it has.

Chairman: Any question from the board?

Member LaPlume: When I was reading through the regulations, I am asking the commissioner at the same time I am asking you, would you be willing to make a condition, I noticed there was a fence on the side, is that between you and the neighbors?

Craig: I have no fences on my property.

Member LaPlume: Is there a problem with that commissioner? Screening may be a condition.

Tom: You can make it a condition, if it is detrimental to the neighbors.

Chairman: There are new restrictions, nether the less we need the housing, but it has added new restrictions.



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Tom: It meets all the requirements for that

Chairman: As the commissioner has said it meets each one of those requirements. Any other comments or questions from the board? At this time I will ask the person in opposition to speak.

Doug Cox (621 Lake Street): I have been there since 1995. I do want to say that I do support this use case, I heard that Mr. Lemerise is going to have his father-in-law live there. I am very close to the same kind of situation in my house with my wife and I, where her parents or parent my join us. So I understand the situation and I very much do support it, I think it is a great use of that property to have a direct family member live there, like I said I am probably going to run into the same situation very soon, so I am very supportive of this. That being said I have lived here since 1995, this apartment has not always been an asset to the neighborhood, it's a rural neighborhood, it is very quiet, there have been people living in that apartment that don't match that profile, its been ruckus at times, my concern is that in the future this apartment becomes for rent, I see a for rent sign out front or it becomes an air B&B, that doesn't follow this neighborhood, that is not what this neighborhood is about. So I understand that I kind of have this conflictive opinion but I understand this decision is from here on out, I would like to see this decision be very narrow for this case, I would totally support that, but I don't want to live here with this apartment in the middle of a rural residential zone.

Chairman: I should note, and maybe Matt could correct me on that, but it can not be used as an air B&B, that is not allowed.

Tom: Correct. Air B&B's are not allowed in the Haverhill zoning code. And part of the requirements are it has to be owner occupied. Every year they will have to fill a form out through CDGB to prove that it is owner occupied

Doug: What does owner occupied mean?

Tom: So one of the units has to be owner occupied, the owner of the house has to live in either one of them.

Doug: So that apartment could be put up for rent?

Tom: Yes, as long as its owner occupied.

Doug: I am very much in opposition to that.

Chairman: It is allowed by the zoning

Doug: I have lived through that before, and it hasn't been fun. So that's my piece of it.

Chairman: Thank you. Any other comments? Mr. Lemerise, do you want to respond to that?

Criag: No, actually I don't

Chairman: Make a motion



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Member LaPlume: I make a motion to accept the application for 625 Lake Street. 2bd by Member Brown

Member LaPlume: Yes, it meets the special permit criteria for 255-8.1 and the special permit accessory apartment criteria 255-10.4.2

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

Member Bevilaqua: Yes, it meets the special permit criteria for 255-8.1 and accessory apartment criteria 255-10.4.2

Member Matias: Yes, it meets the special permit criteria for 255-8.1 and accessory apartment criteria 255-10.4.2

Chairman: Yes, so it is granted. Acknowledging as it meets 255-8.1 and 255-10.4.2 and it meets all the requirements in the new zoning stipulations for a accessory apartment in the new zoning.

Granted 5-0

Donna & Peter Carbone for 48 Colby Street (Map 742, Block 2, Lot 10)

Applicant seeks a dimensional variance for a side setback of 7.3' where 15' feet is required to construct an enclosed porch in a RM zone. (BOA-23-23)

Matt Lacy: I am speaking for the owners. Basically we are trying to get one of the home owners, who is in a wheelchair some more space outside. She has a current screen house and then she has a deck that is attached to that, that steps down, it is not easy for her to get down on it, so they called me to ask if they could extend a deck and make it all one level

Chairman: We have the designs for it, but could you just go over it a little bit about where

Matt: Yes, so basically if you are looking at the rear of the house, there is an existing screen house to the left, that's an 8x12 unit with a table in it, and it is real tight for her to get around, so what we are hoping to do, is there is another 5x9 deck that steps down, we wanted to remove that and keep the stairs in the same location and just add a little bit to the side of it, to just give her a little bit more room, basically a 16x8 area with a roof over it, the current enclosed screen porch has a roof, so we are just trying to add a roof off of that to the new section of the deck

Chairman: So the new porch will be to the left of the existing screen porch

Matt: To the right

Chairman: Questions from the board?

Tom B.: The reason we wrote this up as a variance is because they are continuing the line of the house down and adding a roof, and with the house setbacks of 7.7 feet, the lot line gets closer further back so it's a variance not a special permit

Chairman: Entertain a motion

Member LaPlume: I make a motion to accept the application for 48 Colby Street, 2nd by Member Brown.



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Member LaPlume: Yes, for condition of substantial medical hardship, meets criteria for 255-10.2.2(2)

Member Brown: Yes it meets 255-10.2.2(2)

Member Bevilaqua: meets criteria for 255-10.2.2(2)

Member Ortiz: meets criteria for 255-10.2.2(2)

Chairman: Yes meets the conditions for 255-10.2.2(2)

Granted 5-0

Tyler Brown for 27 Muriel Terrace (Map 748, block 4, Lot 25)

Applicant seeks a special permit to determine that the proposed extension of exiting non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application involves construction of an addition onto an existing single-family dwelling, that includes a bedroom in a RM zone.(BOA-23-24)

Tyler Brown: We are seeking to add a primary bedroom on the rear of our structure, on the Baskin Street side, right rear, it is 296 square feet on a pre-existing nonconforming structure, we are in the RM zone, so the side setback it 15 feet, our current structure is 11.5 and the addition would extend to 11.7 feet. The reason for the bedroom is that we hae outgrown our house and we would like to reside in the same residence due to adding to our family.

Chairman: Tell us a little bit more about the addition

Tyler: So it is on the right rea of the structure acing the street, it is going to be a 16x18.5 structure added, it will extend 38.5 feet to the fence line to the rear setbacks, so that's within the 30 feet requirement and the additional 296 square feet will add an addition 3.73 percent of additional coverage, which keeps us at 20.6 percent with falls under the 25 percent

Chairman: Great thank you, any comments or questions from the board?

Member LaPlume: I make a motion we accept the application for 27 Muriel Terrace, 2nd by Member Brown

Member LaPlume: Yes, it is not substantially more detrimental than the current house and it meets the special permit criteria for 255-10.4.2

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

Member Bevilaqua: Yes, it meets the criteria for 255-10.4.2

Member Matias: Yes, it meets the criteria for 255-10.4.2

Chairman: Yes, it meets the criteria for 255-10.4.2

Amanda Adamczyk & Erin Henry for 680 Main Street (Map 617, Block 511, Lot 3)

Applicant seeks a special permit to change a former non-conforming use (dentist office) of an existing structure to a (pet grooming service) in a RH zone. (BOA-23-26)

Amanda & Erin: We are looking to change the current nonconforming special permit just to a different use. 680 Mian Street used to be an eye doctor and we are looking to change it over to a pet6 grooming business, we have been in



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Haverhill for the past 11 years on Salem Street. Where we are now is in a more residential area and there is 3 apartments above us. We are just looking to move locations because we have outgrown where we are, we haven't taken new clients in almost 2 years, we are able to take a couple here and there, maybe a little one we can squeeze in, but the bigger ones take more time. We haven't been able to add more employees because we have no space for them to go.

Chairman: This is the former Doctor Kimball's office,

Amanda & Erin: Yes

Chairman: What is the difference in size from what you are in to what you are going in to?

Amanda & Erin: Technically our landlord has it at 1,250 square feet, on a good day on Salem Street. The 680 Mian Street is upstairs is about 2200 square feet and down below, they have a 800 square foot garage and then just under 1000 square feet finished in the bottom for office space, we would be using the upstairs. It pretty much would be double the space.

Chairman: Are you boarding any animals there? Or just day service? What are the hours?

Amanda & Erin: Right now we are Monday through Saturday 8-5, no over nights. No dogs outside, everything is inside. We have our clients pick up within 30 minutes to an hour after their dog is finished. Part of our business structure is that we don't want pets sitting there being stressed out waiting for their owners.

Chairman: And how many employees do you have.

Amanda & Erin: Seven including us two

Chairman: Any questions from the board?

Member LaPlume: Are they staggered, how many are there at one time?

Amanda & Erin: The max we have at a time is 6, ,but that is on a good day, because we have to rotate tables because we don't have enough space.

Chairman; This is strictly grooming?

Amanda & Erin: Correct, no boarding.

Chairman: Questions from the board?

Member Brown: Could you speak a little bit more, you said something about a self service dog wash, what is that?



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Amanda & Erin: Basically we would have one to two tubs, and if you wanted to bring them in, you would actually bath them yourself. There is one in Salsbury MA, there is one in Haverhill at Pet Supplies Pus, they have a self service wash there. Basically you would walk in, we have all the supplies you need, brushes, drying tables, drier and shampoo, so you just pay for the service and you bath your own dog, but we are there to help you if you need it. We have had a lot of people who have used that service at other locations, we don't have the space to do that now, but we know a lot of [people used the Winikini walking trails and their dogs get muddy and they usually bring them to us, but we don't always ha the time to be able to do it, so they can pop into the self service and hose them down instead of brining them home all muddy and trying to do it in your house.

Member Brown: But you don't ha it at your location in Bradford?

Amanda & Erin: No

Member Brown: Would that be upstairs, downstairs?

Amanda & Erin: Same level.

Member Brown: Ok, thanks.

Member LapLume: I looked at the parking, you've got 9 parking spaces, will you still be using the front entrance for the dogs being dropped off?

Amanda & Erin: Most likely, because righty now the back entrance is kind of wankers, you have to walk up the stairs and around, and the front entrance is handicap accessible and the safest.

Member LaPlume: What about a dumpster? You are going to need a dumpster, I take my dog to a walk and she walks down and takes a poop there and if its put in a dumpster, you are in a residential area, I am just wondering where that dumpster would go?

Amanda & Erin: When you look at the property for sale, they had a dumpster in the back corner where the garage is, there was a dumpster kind of behind it. It is not there anymore, but I know that they did have a dumpster in the back of the building. But really we don't have much trash, mainly the trash is dog hair and shampoo bottles

Member LaPlume: I am just concerned with he smell of the poop for the neighbors, its all wrapped I know that

Amanda & Erin: We never had anyone say anything where we are at now. Usually you have a poop pickup station, where there is a little trash barrel with dog poop bags. It is almost like it is double wrapped, because you pick it up in a bag and then tie it off and put it in the barrel.

Member LaPlume: I looked at your snow condition for parking down back and you have plenty of spaces to put the snow, so there is no problem there. Thank you.



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Chairman: And again where this is a special permit for a change of use. Any other comments or questions?

Member Bevilaqua: Besides self-serve, will there be any other services that you will be able to offer, where you have been constrictive because of space limitation?

Amanda & Erin: I mean if allowed we would like to dabble in being able to offer like a very small limited retail,, like if a dog wanted a bone or treat when hey left. So we are not trying to get people in just for retail, but after as you are leaving, grab your dog a bag of treats or a lot of people need tools for in between there appointments to maintain their coats, like hey we use this brush, its good for breaking up mats, if you want to purchase it we have it hear for you. Some people ask what kind of cologne you use, we could say oh its right here do you want a bottle. We don't have the space to put anything like that pout now. We don't want to be a destination retail space, but just something they could grab. Like you were a good girl today for your groom,, lets grab you a bone

Member Bevilaqua: So only dogs, or dogs and cats?

Amanda & Erin: we don't do cats right now, I just don't feel like we have enough space to properly groom cats, And I don't know if we would. You kind of need a separate area, cats and dogs in the same room just stresses the cats out.

Member Bevilaqua: So what was the number you said you would increase to, the number of dogs you could provide service to at the same time as opposed to where you are now?

Amanda & Erin: It would mostly be so that all of use could groom at once and give each stylist more space. Right now when grooming there is two tables in like a 6 foot area, so latterly our butts are like touching and the dogs are so close together. I you have a dog that is more reactive you can't groom them so close to the other person, so its like we have to schedule differently so if this one is a little naughty, we can't have it scheduled when this one here. We will be able to have what we call a quiet room where if a dog is reactive we can put it in its own little area where they can kind of settle down, we don't have that now and we have had to turn away some people, like hey we can't accommodate your dog because it may be over reactive, you might be able to use a mobile groomer or someone who is one on one, rather than being able to put them in a little space where they can't be distracted or see another dog.

Member Bevilaqua: Theres not that many in Haverhill, I don't think.

Amanda & Erin: There Paws Hawz and K9 Designs who like a one woman operation, shes probably going to retire soon honesly, we talk to her all the time.

Member Bevilaqua: This is a good thing, we need to keep people in Haverhill instead of going to other places.

Amanda & Erin: That is what we are trying to do, because there is so many groomers opening in other areas and there is so many residents in Haverhill, I would say like 80% of our clientele is Haverhill

Member Bevilaqua: That is good, then they don't have to go over the line to PetCo



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Amanda & Erin: Well that's what we want to do, we want to take those back, because we will be closer to Plaistow, like hey lets not give business to New Hampshire, lets keep it in Haverhill. Because we have a lot of New Hampshire clientele, you would be surprised, because we have people who have moved out of MA over the New Hampshire border, but they would still come to us, so we can get those Plaistow people back over. Maybe Atkinson, maybe Kingston.

Chairman: Thank you. Any more questions or comments from the board?

Member Ortiz: I just have one question. I imagine you hired a licensed plumber, there is a thing with a backflow preventor

Amanda & Erin: Yup, we have one

Member Ortiz: OK

Amanda & Erin: Yes we will probably put two of them in.

Member Ortiz: Ok, good two of them

Amanda & Erin: And we will do one for self-wash and one for our tubs, because they will be on two different water lines, they are on different water meters. But yea we do that now, they come in twice a year and service it, and then we have special hair traps that catches some hair two. Shockingly over the 11 years that we have been here, I think our pipes have maybe clogged twice. That is expensive, so no the hair traps do very well

Member Ortiz: Ok, that answered my concerns

Amanda & Erin: An all the shampoos and stuff that we use are septic safe, they are safer, Actually they are safer than the shampoos that we use, a lot of it is organic to be honest with you, they don't put a lot of stuff in it.

Chairman: Sounds good. Thank you. Entertain a motion

Member LaPlume: I make a motion to accept the application for 680 Main Street, 2nd by Member Brown.

Member LaPlume: Yes it meets the criteria for a special permit 255-10.4.2 it is not substantial more detrimental than the previous use

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

Member Bevilaqua: Yes it meets the criteria for a special permit 255-10.4.2

Member Ortiz: Yes it meets the criteria for a special permit 255-10.4.2

Chairman: Yes and notes as Member LaPlume did, it is not substantially more detrimental or more nonconforming and it meets 255-10.4.2



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Fantini Brothers Realty LLC for 375 Washington Street (MBL 512-278-10A, 512-278-10, 512-278-2, 512-278-1, 520-315-12, 520-315-7)

Applicant seeks a special permit to extend a non-conforming use to construct approximately 150x115 (17, 250' sf.) addition, in the rear of the bakery plant. Existing non-conforming use is located in both RU & CN zones. (BOA-23-27)

Attorney Paul Magliocchetti (70 Bailey Blvd): I believe this is the 3rd or 4th time we have come before you, there is a reason for that and the relief we are asking for is because we have to build the structure around this new oven, that is being engineered in Germany. Because of COVID and because of chip shortages and issues delayed designs, we now finally have the final designs and placed the order. This building that we are requesting relief from, is in fact the final phase in accommodating a new oven, that they are going to be implementing. Nothing has changed as far as operations from when we came to you before, only dimensional changes because of the shape and size, so we need this expansion to house the new oven. A little background, what most of you don't know Fantini has been in Haverhill since 1902, over 120 years as a business in the city. For those of us who are Italian and even more recently the Latino community, it is just a very popular establishment, a lot of our family members have worked there, they all enjoy their breads and products. Through the years they have made a lot of advancements on their facilities and again that is why we are here today, as these advancements, equipment and facilities require additional space, that being said the conditions that especially affect the property for which a special permit is sought, do not affect generally the zoning district in which it's located, this is very unique, as you can see from the zoning map, the RH intercepts with the commercial zone at this lot, if this was in the commercial zone we wouldn't even be here before you, it would just be allowed. The standard for review under the code is that the requested change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, if approved the proposed addition to the bakery will not cause substantial detriment to the public good, or impair the intent of Haverhill zoning code of the master plan of the city of Haverhill, the lot size the available parking and the traffic flow throughout the site (couldn't hear word) for the special permit, I would add that when we did the additional changes to the building, we went to site plan review, there was a concern from the fire department about traffic flow and that has been addressed and Mr. Bergman the engineer did a model showing the fire truck going around the site and that is why they approved it. So we have met all the criteria with the various departments, Mr. Bergman is here to answer any questions that you might have.

Chairman: I know the fire department was very concerned about it initially, so I think it would be helpful for MR. Bergman to walk us through how you resolved the problem that the fire department was pointing out.

Jill Dewey: And the fire department requested no parking signs be put up.

Attorney Magliocchetti: That won't be a problem.

Paul Bergman (Bergman & Associates, Washington Street Haverhill): I am not sure if we did submit this in the portal, but I will show you on the plan, we met specifically with Eric Tarcy from the fire department and he gave us specifications for the largest fire truck that they would participate coming on to the property and the truck can either access the property from Washington Street or Pilling Street (showing and explaining on the plan) this parcel right here is owned by Fantini, where the opening is, so I believe that satisfied Eric Tarcy as far as fire vehicle access



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Chairman: When we were looking at it the other day, there were some cars parked in that area there, how will Faniti insure that there aren't any there when the fire truck has to come in there from that side the Pilling Street

Paul Burgman: I know that Jill just mentioned that one of Eric's requests was signs would be added along the route of the vehicle

Chairman: But will they be monitoring that to make sure? There are some people who see no parking and still park. So I am not sure who is parking there but when we looked at it, Member LaPlume myself and the building commissioner, there was one or two cars in that area, so it is important that they not be there, that it is strictly enforced.

Alex Fantini: So we put up a fence and a gate, and what we can do we can either put signage up that say no parking in front of the gate, or if it would satisfy it just remove the gate all together and have an open lane, whatever we need to do.

Chairman: Obviously you don't want to get into a situation where there is a car blocking a fire truck and they have to somehow move it quickly.

Alex Fantini: Understood.

Chairman: Paul you also mentioned they can enter from Washington Street

Paul B: Yes, Washington or Pilling.

Chairman: Would Pilling be the better

Paul B: I think Pilling is the preferred one for the fire truck

Chairman: They couldn't quite make it in through the front

Paul B: The ladder truck couldn't make it in through Washington. All I know is that we used the vehicle that Eric gave us.

Chairman: Right he said the largest one would go through Pilling Street, but maybe other vehicles could make it through Washington Street

Paul B: I am sure, there's been 18 wheel tractor trailers make their way out there routinely

Chairman: Great, any questions or comments from the board?

Member LaPlume: During the pre-developmental review meeting I was sitting there when the fire department asked all the questions about the ladder fire truck and of posting of the signs and no cars being there and the removal of snow so the fire department can make it in, I didn't remember them saying anything about a gate, but I own property somewhere else that has a gate and I have asked, should I leave a key somewhere, or give you a key, or use a lock box, and he said don't



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worry about it, if its locked “it will be open”. So I don’t know what is going to transpire there if they say the gate, that it would be mandatory to put up a gate to keep the cars out or just signs?

Alex Fantini: So we just put the gate up just to keep out the kids in the neighborhood, they didn’t tell us to put it up, but we do have a common lock, that the fire department does have and that is going to be on the same pad lock

Member LaPlume: If that is the case, I am not saying that, that is what you should do, as it is not my job, but if you have a common key and they know that, that would keep the cars out, you would have to open it up for whoever is going to do the snow removal, also is it paved or is it ground asphalt?

Alex Fantini: It is ground up asphalt, we can pave it if needed.

Member LaPlume: They didn’t ask you to, they were fine with that?

Alex: They were fine as far as I know.

Member LaPlume: Ok, thank you

Chairman: Other questions or comments from the board?

Member Brown: That was the only thing that I was concerned with was fire, when looking at these I just wanted to make sure, because that oven is substantially larger but needed. So we just wanted to make sure that fire can get through, just incase anything ever happened, I know that was my main concern, I think it was all of our concern, but sounds like you have taken care of that.

Paul M: We agree and will keep working with the fore department, once the building goes up and whatever needs to be done, we will definitely cooperate with them.

Member Brown: Excellent, thank you.

Chairman: If no other questions I will entertain a motion.

Member LaPlume I make a motion to accept the application for 375 Washinton Street, 2nd by Member Brown

Member LaPlume: Yes it meets all the criteria for a special permit 255.10.4.2

Member Brown: Yes it meets all the criteria for a special permit 255.10.4.2

Member Bevilaqua: Yes it meets all the criteria for a special permit 255.10.4.2

Member Matias: Yes it meets all the criteria for a special permit 255.10.4.2

Chairman: Yes it meets all the criteria for a special permit 255.10.4.2, and it is also no more detrimental to what is existing there.



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Brad Patnaude for 30 & 36 Belvidere Road (Map 409, block 114, Lots 1, 2 and 3)

Applicant seeks a variance for a buildable lot, lots 2 and 3 currently have more than 50% of the lot that exceeds slopes of 15% on average in a RM zone. (BOA-23-25)

Brad Patnaude (26 Belvidere): Good evening I own and reside at the property, its actually 26 Belvidere Road, the project is for 30 in addition to 36 Belvidere Road it is collectively 3 lots. Tonight, I am seeking a variance between existing slopes on existing ANR lots in order to build two new single-family homes. I am happy to give a brief overview of how the project has gotten to this point and answer any questions that you may have. Before I do that, I thought we would take a quick minute and just recognize all the department heads that helped lead me up to this point in the project, I have gone to preliminary department review meetings, I have gone to development review meetings and now obviously I am here tonight, I really appreciate I have gotten a ton of feedback from every department head, we have revised these plans multiple times and everyone has been great answering multiple emails and helping incorporate feedback into these plans to make sure that they are done right and that is appreciated. I also want to recognize Rob Moore specifically because even know I am here tonight for a variance on slope, I think one of the primary concern or considerations is that we wanted to make for this project was regarding storm water, and storm water management and Rob Moore has been really helpful, I am sure we addressed all the storm water concerns and actually gone back and revised the plans, additionally with Rob's feedback and as a result of all that I am confident that here tonight I say that these plans now meet or exceed all of the requirements laid out by the city of Haverhill and the state of Massachusetts as for storm water and more importantly the project as presented is fully conforming to every requirement of the RM zone. I am not going to outline every single detail of the project, but I think it is worth reiterating the proposed does meet every single requirement as part of the RM zone, the only real challenge that we faced was installing the retaining wall at the back of these properties to insure that we met the grading requirements of the property and that was done by installing a retaining wall. I have already had the wall engineered, it will have all sorts of drainage behind it and a fence on top to make sure it is safe, it is about 10 10.5 feet across the length of the entire wall, so with that I am happy to take some questions that you folks may have.

Chairman: One of the issues we talked a lot about is if it is a buildable lot because of the slope, can you talk a little bit about how you are going to grade this in order to meet the requirements of a buildable lot.

Brad: So first what we'll do, is we are going in and clearing out the trees, and prior to that put in a still fence to manage any potential erosion issues that would come with the clearing of the lot, so there would be a still fence that would go basically the entire length of the property, including the existing house, which is now 26 Belvidere Road, then we would have excavation crews come in and clear out the necessary trees that needed to be removed for the new proposed homes, at that point they would install all of the drainage required for our retaining wall, the retaining wall would then go in and then they would proceed with excavation and grading.

Chairman: And it will not exceed the 15%?

Brad: Upon completion correct. This project will be fully conforming

Chairman: And how is, talking about the wall and all the other stuff, how is that going to benefit the neighborhood and also deal with the drainage, it would help with the drainage in other parts here?



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jdewey@cityofhaverhill.com

Brad: Yea, so there have been some previous break out issues noted particularly in this neighborhood, and so what we have done is we actually gone above and beyond and again the variance is not for storm water, but we will take additional considerations to make sure that we meet or exceed all of the requirements for storm water management in Haverhill. We put a , there's a drain that goes along the entire back of the wall, it is all crushed stone behind the wall, there's perforated PVC pipe, that will then also drain through the new proposed home lots, and connect directly to city infrastructure, so instead of the drainage running off the hill and potentially into the street, it will now be caught behind the wall, in addition to being caught with the perimeter drains around the foundations and will be directed into the city drains instead of onto the street, so its intended to actually improve the drainage or potential breakout issues that have been noted in the neighborhood.

Chairman: Comments from the board?

Member LaPlume: I have quit a few questions and maybe you could decide on putting a little more drainage, I walked that with the commissioner today, we were on top of the hill halfway up and there's a road that goes around up there, it is not a paved road, is that the way you are going to be getting in to build the wall?

Brad: No, we would probably enter from the front on Belvidere Road

Member LaPlume: OK. Where I looked at the 2 iron pipes, I didn't understand if that was the front of the house, or if that is where the wall is going to go

Brad: Iron pipes?

Member LaPlume: Yea there are two iron pipes with two pieces of wood on both sides and it says on it FNJ or something I think

Brad: I think the iron pipes might have been pre-existing, all the markings from the engineer Morin Cameron were done with wood stakes.

Member LaPlume: There was stakes on the side of them, but they were both flagged and the stakes were probably done within a year is that possible

Brad: Yes I purchased the property in 2021 and did all the engineering and survey work in 2022

Member LaPlume: Ok, I walked that and it looks, it definitely looks feasible, the problem I had and I talked to one of the one owners in the area and this does pertain to you a bit, because your slope goes all the way to the street and I pointed out to the commissioner, that that little road up there is full of leaf's and there was no water, no runoff, those weren't even moved, and we had some heavy rains, and the same with the slope, but I imagine and I wasn't there but some of that went into the street, and up over the curb because its filled with dirt right behind the granite curb, so if we could cut back a little bit in that area, even if you have to talk to the city about it, this is for everybody's benefit, and I wonder if you would entertain the idea, there is two catch basins going down that street, one sets back in the grass, when the water goes down that street, on your side of the street, next to 30, the water really hasn't hit it and it flows by and right straight across,



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practically right straight across there's another catch basin, and that one is off the gutter and the water flows behind it, so you have a lot of water going down the street that is not being caught, also when I looked in the catch basin there was a perforated pipe and it might go into the storm drain also going up the road, I am not sure, but that is what is looked like to me, so what I said to the commissioner was, I wonder if he would entertain the idea of putting, when I worked for the state, they called them guard inlets, or an offset inlet, you wouldn't have to put in a new catch basin in, but you would have to put a frame in and cover up, so it would be slanted, not set up in the air, but it would be slanted inside the frame, so it would catch water instead of just dropping in and it would stick out more towards the street so it would look like two catch basins, but it would only be down a foot or so I don't know whether or not to put that in and they can brake into that side and it would flow, that much more water would catch that much more water, and maybe pave around it a little bit the old one, so it gets in there some more water, so more water gets in there. It is not a financial hardship to do this, it is not that expensive, but it would make downhill better, a lot more better.

Brad: We would be happy to look into that in case that is needed, with water going down the street.

Member LaPlume: Can you make a note of that George.

Chairman: Sure

Member LaPlume: I didn't see anything else concerning

Chairman: Any other comments or questions from the board? People want to speak, feel free to come up

Rebecca Shaw (39 Belvidere Road): I just have a few concerns, I am worried about the water. The sewer that is across the street from us is always covered, I am always clearing it so that the water goes in there and right now it comes down my driveway and my porch and my deck. The other thing that I am concerned about is all the trucks being on the road, the road now has barely enough room to fit 2 cars, the fire department when they come up they hit all the trees when they come up the street, I know they are going to be cleared away, but right now the fire department can barely come up our street, so the road isn't wide enough. I have called Sargent Lynch and I had him detect the miles per hour on our road several times, and he said the road is a 30 mph road, we are worried about more traffic, we have people cutting through to race the cars down on Boardman Street, so he put up a detector or something on two of the light poles, so out of the 2200 cars he said only 21 cars were going over 30 miles an hour, there is no sidewalks, there's no where to walk on that road, so we have that concern. The other concern that I have is I have called the department of public works to come up and to clear that whole side of the road, because you can not see the curb there at all, so they have come up once to clear that, they just came up recently I called the City of Haverhill to come up and cut the trees, so we have a concern of this road being blocked by all kinds of trucks and traffic and everything else and not being able to get in and out of our house for one, and the water drain and we have that now, multiple houses on the road have that problem now, so we are worried about that too. The other thing is I don't know how far up its coming, how far the houses are coming up. So those are my main concerns and the other thing I wanted to ask, is what is going to happen if we end up with water damage during this process, who is going to pay for all that damage that we get, because we all have water now, so if they are going to be in there digging and taking down trees, there is going to be more water, so we are going to have more water down in our yards, I have a pool in my back yard, it will probably wash it away if it goes down after my deck.



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Chairman: Thank you. Ok, try and touch on different concerns

Victoria Westover (35 Belvidere): We seem to be in the middle of this, I have been there for about 19 years and I have lost 18 inches of property in my back yard along the retaining wall and my concern is losing more when we take out that vegetation. The other thing I am concerned about is it abuts all that conservation land on Plug Pond conservation property, which was already addressed once by a bigger family trying to develop property along that land, and I am wondering what changed, I don't understand, because it was turned down before and now it is going to be developed

Chairman: Sorry I don't remember the other time.

Victoria Westover: I just don't understand what happened, and losing all that conservation land protecting the wildlife on one of the last conservation properties left in the city, so that was my concern, but my biggest concern is the runoff, I don't believe that it is going to stop, because even with all the trees that are there, we are losing property, I mean it is 18 inches down from my retaining wall from the time I moved in. That's all I have.

Chairman: Thank you. Other comments or questions

Peter Markey (29 Belvidere): My wife and I live with our two small dogs directly across from where Brad is going to build 2 single family homes above a hill that protects pretty much all of us, we have been there almost 25 years and many people have been there a lot longer. Again as she talked about the conservation property, what is going to happen if you take all of those trees down, you take in the mountain down, you take and cut into it, how big are the single-family homes going to be, are they going to be 3 bedrooms, 4 bedrooms, how big are they going to be? It is a rural road, other people will tell you that Belvidere was closed off at one time, it wasn't even a road that was connected and is considered rural, and 30 miles an hour I have seems like a real high speed and as she said Boardman, everybody tries to get up on Board man, get to Belvidere, I don't know why, its just it's a very narrow road and they zip bye. What Brad is trying to do, he is just trying to change the neighborhood, I think what he is intending to do would be a detrimental to the neighborhood, because right now all of our driveways off of Belvidere, we have all put buffers on our driveways just to hold the water, but it doesn't work enough, you get a good flow that is going to go right down the sides and go down to Boardman, go through Linwood and go back down to the Merrimac River. There is no sidewalks, so it is very narrow that way too. Again what she brought up, when the Bidgerts were there, the previous owners, conservation property if a big deal because Plug Pond is right back there.

Chairman: This does have to go through developmental review and the commissioners and conservation commissioner will have an opportunity to talk about a lot of these things. Also a number of things you'll have mentioned do have to do with the property but it also has to do with that area too and the city should be doing more in that area as a city to correct a lot of these things and not the property owners to deal with, the city should be doing what the city should be doing.

Peter Markey (29 Belvidere): Yeas shes has been here 19 years and I have been here 25 years, that water was always a problem, coming from the other end there, and finally they corrected that, but there is still a little trickle.

Chairman: Thank you very much we appreciate it. Anyone else



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Ken Quimby (40 “Couldn’t hear street name’): What the folks have already spoke about, I don’t want to be redundant, but there is a slope, it is a major problem, I have been in that neighborhood since 1972, I own a building back when half was hot top and half was dirt road, nothing against Brad but I just don’t think the housing units belong there and I need to upgrade that whole area first, it needs to be addressed, it is a major issue. I go by there, you go in the winter time and its sheets of ice, and that’s all I need is to see someone slide and go into these folks property, you don’t need to do this, I think you really need to take a high look at these homes that are going to be built, you really need to think about it, you are going to disturb everything and we really need to preserve what we have. Thank you very much.

Chairman: Thank you. Any other comments or questions, if not Mr. Patnaude

Member Bevilaqua: According to his brief the conservation commission has already signed off on it, but there is no actual document of that, these other departments have already reviewed and signed off

Chairman: It was reviewed before it came to us

Member Bevilaqua: But there’s nothing that says, theres no document here that says its been reviewed.

Brad Patnaude: There are no conservation concerns for this project, its not on any conservation land, these are existing and accepted ANR lots

Member LaPlume: John Pettis wrote no objection, Mark Tolan doesn’t have any objection, the fire department doesn’t have any objections

Chairman: When you go on there you can see each one of the departments commenting on there and all of us get that, we look at it, so at this point and time it doesn’t have any comments, it doesn’t mean there wont be comments at some point and time.

Member Bevilaqua: I was only referencing the conservation approval, because one of the neighbors brought that up, that it had been rejected prior.

Brad Patnaude: So at a previous time by a different owner, I believe there was a project that was much larger proposed for this area that did approach upon part of the conservation land, it was on some of the tax-id maps that the town had, but that is all behind my property, this project I am proposing does not associate with any conservation in anyway and I would reiterate that I have gone through preliminary project review where conservation had an opportunity to comment on this, I have gone in front of developmental review twice, conservation had an opportunity to comment and again with the zoning board application had a chance to comment and in each case it was recognized there is no conservation issue. If you would like I can go through and address all the points that were made by the opposition

Chairman: Ok, that would be good.

Brad: I will start in reverse order, I think the first question was in regards to the scope of the project if these homes would fit within the neighborhood, the plans which have been submitted are for 2k square foot homes, they are 3 bedrooms



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which are the same if not similar to all other homes in the neighborhood. Drainage was a common theme again just to reiterate, we meet all drainage requirements laid out by the city of Haverhill and the stormwater requirements for the state of Massachusetts, we will spend a lot of time on drainage, I have gone above and beyond to try and accommodate and improving the drainage situation and not making it worse, I think with drainage we are actually adding here, we are adding drainage, not taking it away, as we cut into the slope. Again this is not conservation land, as far as clearing the side of the road goes, I am happy to actually accommodate and take that burden off the cities plate, as I work on these ;lots, I am happy to clear the land and clean up the side of the street. I walk up and down the street all the time, I have a small dog and I recognize that it should be cleaned up, and I am happy to do that. As far as the trees goes I can talk to the fore department again, I am happy to cut the trees back so that fire apparatus can more easily, someone asked how deep he lots are as required by the RM zone, you need 100 feet of depth and I believe these lots on average are 106 feet of depth and again they are pre-existing ANR lots. I think that addresses all of the comments, but I am happy to answer any other questions.

Chairman: Any other questions from the board?

Member Brown: I just want to make a comment. I know you answered the questions from the neighbors, but I think what came before the city for you was obviously the slope that was the main thing, and waste water right, there was nothing about conservation right, I just want to make sure, because that is very important that, that needs to be addressed

Brad: Correct, so there is about 55 acres of conservation forest, that is up behind these properties, but again this project is entirely in the ANR lot are already existing

Member Brown: we have gone through this and Ron and I have spoken, and I didn't see anything regarding conservation, and know its really difficult what is in our purview and to look over and take into consideration things, it is really difficult, but I don;t think it is in our instruction that says what we can do and can't do, so I just wanted to make sure those couple of things, as I was reading through and there was a lot to read, conservation was huge and I just dints see you approaching on that.

Chairman: Other comments or questions?

Member LaPLume: Commissioner, he still has to go to Developmental Review, is that correct?

Tom Bridgewater: Absolutely

Member LapLume: If this all passes, you have to go back to developmental review, all the heads of departments will be there, I will be there also and I will be asking a lot of questions, one of them would be Neil Kelliher he is the tree warden, he is out of the DPW, so you should get in touch with him. I don't believe you should cut down all the trees out front.

Brad: I wouldn't want to

Member LaPLume: Some of the bigger ones you can trim back, some in between you might want to possible take out, you would have to talk to Neil about it and what exactly he will require. You are going to have to do a curb cut at each one of



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those, you are going to have to do some protection with cil fences or whatever. This will all be brought up at the developmental review, but believe me I will be there and to protect the neighbors and the neighborhood, I will be there.

Chairman: As Member LaPlume has mentioned and Jill mentioned earlier, that give s conservation commission another crack at this, although they have already signed off on it previously. Conservation as well as the other departments will have another shot to look at this, I do not like kicking things down the road, but we certainly have some plans here that look like you are addressing a lot of the issues people are talking about, particularly the drainage issues, but it has to still go through developmental review for one more shot, and commissioner Rob Moore and the fore department and the tree warden and Mr. Kelliher and others will have an opportunity to look at the plans a third time now. Any other comments or questions?

Peter Markey (29 Belvidere): It is mainly a question to Brad, do you own those two parcels?

Brad: Yes

Peter: When you bought the Bigerts house, those two lots came with where you live at 26?

Brad: Yes, it was all part of the initial purchase.

Chairman: I think this is outside the purview, this discussion here.

Peter: I just wanted to be clear, because when it came up before, I don't believe the Bigarts owned that. And that is why the conservation came up

Chairman: You can certainly talk to him amongst yourselves

Ken Quimby: Question to the board, now after this, is this going to come back to you folks?

Chairman: No, it goes to developmental review and all the departments take another look at it, and look even more closely at all the details as Member LaPlume spoke of the trees, which trees will be taken down, Mr. Kelliher will have a comment on that, looking it as what the impact of that would be and he will control that for the most part.

Ken: OK

Chairman: OK, thank you. Entertain a motion

Member LaPlume: I make a motion to accept the application for

Rebecca Shaw (39 Belvidere Road): I just want to know if we have any damages done to our property, how is that going to be covered?



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Chairman: We have no authority to answer that question, so I can't tell you. You would have to go to the city and file some kind of complaint, you would have to prove it was a condition caused by his actions I guess, but I am not a lawyer I am not, I can't speak for the city on that, that is outside the purview. Anybody else?

Steve Jalbert (4 Dwight Street): The conservation thing, let me clarify why that was brought up, it is not his property it is on, it covers all around it. Now the big hearing that they had here 3-4 years ago, the conservation did an extensive survey of what was going on and they turned everything down, and I think that is what they should review is what was the outcome in that property, so if they were worried about run off and everything else, why does the runoff stop when it gets to the board, it is all the same hill

Chairman: I get it, and Rob Moore who is the conservation commission will be part of that review, I assume he was here previously, so he would know whatever the meeting was 5 years ago.

Steve: They tried everything and it was downed, now they are approving it

Chairman: I believe we already commented on that.

Member Brown: I would like to address people, we have to vote on whats before us, and I think it's really challenging, we want to hear all your concerns and stuff but we have to really stick with what's on our agenda, it can be dificulty I know at some times, but that's what we have to do.

Chairman: Member Brown is correct, there are certain issues that we just don't have authority over, often times people will say about traffic, but we don't have authority over traffic, that is the police department issue, and as much as we might have a concern about it.

Kaitlin Wright (17 Belvidere Road): I am not coming in that compacity, I am actually trying to address the whole conservation meeting that everyone keeps talking about, so I am the City Clerk and about 3 or 4 years ago before I was in this position, it was before the conservation committee of the city council for an intensely larger property, similar to what you would see on Mears Farm Road or Seven Sisters, so that is what everybody is discussing. So I don't know if it was with conservation as in Rob Moore but it was conservation committee of the city council at that point.

Chairman: Thank you for clarifying. Ok make a motion

Member LaPlume: I make a motion to accept the application for 30-36 Belvidere Road, 2nd by Member Brown

Member LaPlume: Yes, it is a unique condition, topography and I have read further by Mass General Laws C-131 section 40 and the City of Haverhill code chapter 253 and I find these laws and codes have no relevance to the variance, a little enforcement to chapter 255-79 variance states substantial hardship financial or otherwise partitioner and it meets criteria for 255-10.2.2(2)

Member Brown: Yes these lots do to unique conditions that zoning criteria for variance it meets criteria for 255-10.2.2(2)

Member Bevilaqua: Yes

Member Ortiz: Yes



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Chairman: We will be adding the stipulation that you will have the catch basin issues and the drain issues that Member LaPlume talked about. I vote yes noting the topography is an issue here and I think it meets the stipulations and chapters that Member LaPlume mentioned particularly also 255-10.2.2(2), but also I think the issue of drainage is a serious issue that it appears the applicant is really trying to address that and make sure that his intention to not add any issue to it, so it is granted.

Vote to approve the July 2023 meeting minutes
Granted by all.