



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, February 15 2022 at 7:00 P.M.

Those Present:

Chairman George Moriarty
Member Ron LaPlume
Member Kassie Infante
Member Louise Bevilacqua
Assoc Member Magdiel Matias

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

Nancy Pratti for 8 Cornell Road (Map 558, Block 2, Lot 25)

Applicant seeks a special permit for an accessory apartment to be constructed in basement in a RM zone. (BOA 22-54)

Peter Jegaro (Contractor)(22 Air Street, Haverhill) : I am the contractor that is going to be doing the basement remodel for them. I am speaking on their behalf as they are away in Arizona for the winter. I do have a small letter that they wrote basically explaining what they want to do. Rick and Nancy hired me to do the project in consideration of their remodeling plan to convert the 790 sf bottom floor of their single-family home into an accessory apartment with a kitchen, bedroom, living room and bathroom. The plan is to occupy the smaller accessory apartment while the adult family members occupy the other floors, the home is at 8 Cornell Road where they have resided since the house was built in 1983, they recently retired and would like to downsize for physical and financial reasons but still reside in Haverhill as they have been residents and longstanding neighbors in that neighborhood. They also have signed approvals from all of their abutting neighbors, there is five of them. That is their letter. Also Mr. Bridgewater can contest that they meet all 6 regulations, they are all being met. I was just hear to address that and hopefully we can move forward.

Chairman Moriarty: Thank you. I do confirm that we did receive notice from the abutters that they are in favor of it. Just to also reaffirm that the building Commissioner Mr. Bridgewater has noted that all 6 of the provisions for eligibility have been adhere to. Any questions from the board? Any opposition or in favor?

Member LaPlume I would like to make a motion to accept the application for a special permit for 8 Cornell Road for an accessory apartment. 2nd by Member Matias

Member LaPlume: Yes it meets the criteria for 255-10.4.2 and 255-8.1
Member Infante: Yes meets the criteria for 8.1 and 8.2
Member Louise Bevilacqua: Yes
Assoc Member Magdiel Matias: Yes it meets the criteria for 255-10.4.2
Chairman George Moriarty: Yes it meets 8.1 and 8.2 and 10.4.2
Granted 5-0



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

LEACH STREET LLC for 0 Montrose Ave (Map 534, Block 5, Lots 133-139)

Applicant seeks the following dimensional variance to create a new building lot for the construction of a new duplex in a RU zone. Proposed new Lot B shall include the new duplex. Requested relief for new Lot B sought for lot depth (90 ft where 100 ft is required). (BOA 23-1)

Attorney Robert Harb (40 Kenoza Ave): I am here with the manager of Leach Stret LLC, Mr. Dinisco and also consultant Rob Tusulo, if there are any specific questions you might have. We are here tonight for a depth variance prior to subdividing seven lots on this side of Montrose into two lots, there is a zoning change about here (he is showing on a map), so part of the proposed lot is going to be in the commercial zone, the majority of it contains over 13,000 will be in the residential zone, as you can tell from this plan there is no road in front of it, and also we are involved in developing land over on this street (showing on plan) Newbury or Newburg it keeps changing. So this is only part one, we need to go to the planning board for definitive review, long time back they used to call it road design plan, the planning the planning director said I don't want to do that anymore, so now it is a full design review, then all the city engineer and all the other departments will be involved with the design of the road, and what they want us to do with the road connect or not connect, I understand that there's some neighbors here tonight that would rather us not connect, we are having discussions with the fire department on that, as they might advise the planning board if they need too, but we are trying to make people happy. But that will come after this, all the neighbors that are here will get notified by the [planning board when that is going to be scheduled, then they will have an opportunity to speak with the board and the department heads about the road connection, that's why I said there is a part two, this is zoning and only for the lot depth. I submitted a plan with my brief rom 1910 by Mr. Wilber who owned a lot of property in town, Mr. Wilber, where he subdivided this whole area and since that 1910 the depth here has been 90 feet, we need 100. We have worked with the building inspector, redesigned the building and the decks, we don't need a rear setback, we only need a depth requirement, so we are going to meet all requirements except for depth. Here is an interesting thing, if we didn't take the land in the commercial zone to create that lot A on your plan, I believe I have grandfathered lots of record, we could build the duplex without a variance, that would make this the largest lot in the area, if you add the 13k the 5k, you are going to end up have 18, 19k sf, where only 9k is required for a duplex. We are already allowing 13,000 sq feet for the duplex that only needs 9,000, so latterly we don't need to be here for a variance if we weren't trying to salvage a non-buildable lot to see what we can do with the commercial abutters, that necessitated the depth variance, but as consisted I submitted plans and north of us there is 2 duplexes, I gave you the plans when they were built, those have 90 feet depth, so it is not unusual. Without the depth variance we couldn't build anything on a new lot there, but we could if we didn't develop, but it is not practical to leave the commercial zone with the residential zone property. So that is the reason for our depth variance and as I said in my brief, we certainly didn't create the depth variance, we are dividing the land but our lot meets all the requirements for setbacks, area, cover, parking, everything except depth which is consistent in the neighborhood since 1910. We are basically taking 7 lots, dividing them into 5 lots and two lots, the five are the buildable, the two are not buildable, we set that on the plan just so we could salvage some commercial land, that maybe the commercial people would be interested in, as of this point we don't have anybody interested, we didn't want to put it with the duplex lot to make it exceptionally large. As I said in my brief, we didn't created this, this is a condition that started in 1910, the lot depths were created before us, that was back in 1910 with Mr. Wilber, a strict application with the zoning ordinance would mean we couldn't build on this lot at all, we meet all the setback requirements, all the other requirements for area, the only thing we need is that 10 foot requirement, but with more than enough real estate, which in my opinion when the city started developing depth and frontage requirements, is because if you took the frontage and depth it came out to what they needed for square footage, but we have more than enough square footage because we make the lot wider, just deep, I can't make it any more deep. Behind us is the Market



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Basket plaza so I can't chop land off of them to make the 10 feet. This relief isn't going to hurt the public good, having a duplex there is going to help for the neighborhood, it is going to take vacant land and be able to develop it, it is not a special privilege, if you look around everybody on that street on the left hand side has 90 foot depth, we feel we met all the requirements of chapter 40A, again I refer to my brief and all the plans I submitted, showing the neighborhood and our consistency with it. We are only asking you for that 10 feet of depth.

Chairman: We also received feedback from the fire department and from the city engineer. The fire department noted that the fire department reserves the right to require additional fire protection system once the applicant submits the roadway plan, and the city engineer Mr. Pettis noting he has no objection to the requested variance, but looks forward to commenting at the definitive plan stage, where roadway extension and adequately addressing the existing stormwater issues will be handled.

Attorney Harb: I appreciate that Mr. Chairman. Since Mr. Pettis brought up the stormwater issue, you'll note on our lot A there's an easement there on the southerly side, that is to help accommodate the design plans for runoff and water retention, that is why I made the lot that big so we can take care of it on the lot itself.

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

Member Kassie Infante: I have a question Attorney. Can you just share a little bit more about how members of the public and neighbors can be involved in the design review process when it goes to the planning board. Just to share more detail on this.

Attorney Harb: I'm sure this board can send notes to the clerk or planning board and will pass it on, but I think we have told them, if they want to talk to the fire department Mr. Tarpay and give their opinions, I believe all of our department heads will listen to opinions, but as mentioned I know the neighbors were told, they are going to air on the public safety and if we can do whatever we can do that meets public safety, we are going to do. I can't tonight tell you whether we are going to do A or B because it depends on the city engineer, the fire department and all the specks out there, but we will have once we are done the proper access and not a loser access because we are developing the roadway. Something had to come first, the variance comes first, then we go to planning and talk about the roadway, we have already gone at least twice to review with the city departments to see what we can do, and they said well get more statistics and get through your variance and then come see us before you go to the definitive plan and even after definitive plan we still have to go to developmental review, so there are two more steps.

Chairman: The only issue before us is the depth issue of 90 where 100 is needed

Commissioner Bridgewater: When they get to definitive review stage, all department heads will be in that meeting and all departments, especially the fire will have some strong recommendations.

Attorney Harb: We are already working with the fire department, Mr. Tarpay said, send them information and statistics, have the engineer surveyor send them things, he will review things, but he's being very honest, he's going to tell us what we need to do based upon the public safety and things of that nature, he hasn't made a definitive ruling, he is keeping an open mind, but he is telling us sort of what we already knew safety first and then everything else second.



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Infante: Thank you.

Chairman: Any others in the audience want to make comments?

Joe Blair (16 Wyoming Ave): I just have one question, I was out in the hall way taking with the owner of the land and he was saying about the commercial side of the property, that he was going to make it non buildable. Attorney Harb brought up the fact that they may propose someone who may want the land and do something with it, I am getting conflict of interest here. What is going on with that commercial land?

Chairman: Ok. By he way I should note that Attorney Harb will come back up afterwards

Joe Blair (16 Wyoming Ave): I just want that verified, the owner is saying he is going to make it non-buildable and the whole bit and Mr. Harb is saying they may find someone who wants to do something with the commercial land.

Chairman: Thank you. Anyone else have any comments or questions they want to raise? Attorney would you like to address that point on any other points before we make a motion?

Attorney Harb: As Mr. Blair asked and he probably didn't get a copy, but on the plan it is only about 5,000 square feet and says non-buildable, so the plan that we are proposing creates a non-buildable lot. I don't believe in the commercial zone they can build much on that lot with no road and only 5,000 square feet, it might be wanted by someone that owns land behind it or next to it, to add t their area for zoning purposes because if you have enough area you can do more things. But by itself which is just 2 strips of land, is not enough to build on.

Chairman: Thank you. Any other points you want to add here?

Attorney Harb: No. I appreciate all the neighbors here and just want to add for the record that the owner is working with them, he is going to set up a meeting with them and he is going to continue with the department heads t see what we can do, which will make everyone happy. We always like to work with the neighbors. In fact the owners daughter just moved into a house in the neighborhood, so she is a member of the neighborhood now.

Chairman: I just want to reiterate that this is phase one of 3, there are two more steps before anything is finalized.

Member LaPlume I would like to make a motion to accept the application for a special permit for 0 Montrose Avenue for an accessory apartment. 2nd by Member Matias

Member LaPlume: Yes it's unique condition hardship land depth requirements meets general conditions of 255-10.2.2(2)

Member Infante: Yes meets 255-10.2.2(2) the general conditions

Member Louise Bevilacqua: Yes

Assoc Member Magdiel Matias: Yes it meets the criteria for 255-10.2.2(2)

Chairman George Moriarty: Yes it meets 255-10.2.2(2)

Granted 5-0



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com
