



# 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, November 18, 2020 at 7:00 P.M. City Hall

Those Present: Chairman George Moriarty  
Member Theodore Vathally  
Member Ron LaPlume  
Member Louise Bevilacqua  
Assoc. Member: Lynda Brown

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

Chairman: Moriarty called the meeting in to order November 18, 2020

## Extension request

**Thomas P. McFadden, Trustee of McFadden Family Real Estate Trust for 6-8 Swain Street and unnumbered Swain Street (Map: 507, Block 250, Lots 1A and 2):** *Applicant was approved for a variance for front yard setback; rear yard setback for an addition to a three family structure in an RU zone. Existing building and lot have prior existing non-conformities. (BOA-19-44) Approved December 2019, applicant requests a six-month extension from December 18, 2020 to June 18, 2021*

Attorney Robert Harb (17 West Street, Haverhill): I am here before the board, requesting a six-month extension. Some matters have taken place, a plan was submitted to merge the lots, I went to Planning Board it was indorsed, I created legal documents. But regrettable one of the beneficiaries of one of the trusts is deceased, they have yet to probate the estate, we can't move forward until the estate gets probated and someone is in charge. So that has help us up from merging the two lots. As I have mentioned, we have had the property inspected, we went forward with the plan. But for the sake of insuring that our variances are still good, we ask for a six-month extension.

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

Member Vathally: I would like to make a motion to extend the expiration date for an additional six moths to June 18, 2021 for the approved variance from December 2019 for 6-8 Swain and unnumbered Swain Street. Seconded my Member LaPlume.

Member Theodore Vathally: Yes  
Member Ron LaPlume: Yes  
Member Louise Bevilacqua: Yes  
Assoc. Member: Lynda Brown: Yes  
Chairman George Moriarty: Yes

Passed 5-0



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**FANTINI BROTHERS REALTY LLC for 375 Washington Street (Map 520, Block 315, Lot 12)** Applicant seeks a finding to construct a 100 ft x 115 ft to bakery plant for a new oven. Existing non-conforming structure is located in both RU and CN zones. (BOA 20-41)

Attorney Paul Magliocchetti (70 Bailey Blvd Haverhill): My client is wishing to amend the prior decision that was issued by this board in June. You granted them a finding to do an expansion of their building to accommodate a large industrial oven, to expand their baking enterprise. In order to get the added benefits of the finding, we have to re-apply. The application for this finding meets the zoning code chapter 255-57, in that area of the code, the use may be extended or altered providing that no such extension or alteration shall be permitted. But that if a finding by the Board of Appeals is such change, extension or alterations shall not be substantially more detrimental in the existing non-conforming use in the neighboring environment which its sighted. And further an authorized extension or waiver does not exceed the limits proposed by 255-57 A & B. So, we believe that what we are requesting clearly fits in the zoning code for a finding in this particular situation. Actually, since this prior finding was issued this past June, we are only asking for a small increase in the floor area. Like I said the oven that they ordered is larger than the anticipated. Again, this is a finding, it is not a variance. So, the only issue is if what they are asking for is more detrimental to the neighborhood, than what is existing. With that being said, we do have the engineer incase you have any questions and I reserve opposition.

Paul Bergman (Bergman associates Washington St Haverhill): The building is an extension off of the rear of their existing building, so it is on the north side of the building. It is because the oven that they ordered from Germany is bigger. Or else we would have committed in the first place for this size building. The oven is actually replacing another oven. The Fantini's has told us that there will be no additional employees, that the computer will run and operate the machines. As far as parking issues, they would still have to go through sight plan review.

Chairman: Any questions from the board?

Member Vathally: Does this change any issues with the fire code at all?

Paul Bergman: Actually, the building is going to have full architectural structured drawings, it will have to go to Tom Bridgewater office, be sprinkled, accesses egress which is outside of my purview to be honest. This is strictly civil. That will be taken care of with a construction drawing

Chairman: And as you mentioned it is replacing an existing oven

Paul Bergman: Yes

Chairman: do you know the differential in the size between this one and the other one?

Paul Bergman: All I know is, that it is about 100 feet long. It comes in pieces shipped over from Germany on a freighter across the ocean, they flatbread it to Haverhill, to the sight, they put it together and the existing oven will be dismantled.

Chairman: Any other questions from the board?... Of we have a gentleman who would like to ask a few questions.

Tyrone Abreu (87 Pilling St Haverhill): I didn't know about the oven, there was decision taken care of this, until we see the appeal. I am impressed because my house is only 50 feet and I didn't know they were going to build an oven over there, and this is a neighborhood, it's not an industrial park. So why is this getting bigger? 16 years ago, when they first built an oven, I was told that they weren't going to do it, but they did. But now they are getting bigger. So, my question is, I know the land, the land is like on the street. When they get bigger, in a neighborhood, we got to move? What am I going to do with my tenants, with my house? We are not going to be able to sleep. It is a huge oven, the oven that we have right now I can smell the oven, I know they are baking because I live there. I know how everything and how they keep growing. So,



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what is going to happen to my house? The people that live in the house, my family, we are not going to be able to sleep at night because there is going to be noise. I don't know about all the technology, but I know an oven, an oven is an oven. And I know I live in a neighborhood, I don't live in an industrial park, so what is going to happen to my house, to the people, the tenants? I have a three-family house. No body is going to want to be living next to an oven. I don't know what happened to the other people that own the other houses but, I don't know why they didn't show up. But I am very, very concerned about this. 16 years ago, do you remember Joe (speaking to Joe Fantini) you told me that you would never do this, and I am surprised that you are going to build an oven right next to my house. You told me you would not build a new oven and now you are building a new oven and put it right in front of my house. An oven? This is not your personal space; this is my house. The value, how is it going to be, because of all the transportation? This is a neighborhood; this is not an industrial park. So, when you want to get bigger, are you going to tear down all the houses? I am glad that they are getting bigger, I am glad that any company in Haverhill is getting bigger but not inside a neighborhood. Get a bigger place in an industrial park, like Ward Hill, there is plenty of room around there. But an oven right in front of my house, I commit here for 30 years in that house. It is going to be tuff for me to sell it, and the depreciation. My neighbors, I don't know why they are not here, because I didn't know the first time about this. But they should here. Because we are talking about 100 feet, I don't know how great the technology but still it is an oven. I don't know if there is going to be traffic, because the bakery is 24/7, it is not only 12-14 hour. My question is, what is going to happen with my house? We are not going to be able to sleep. How quiet is it going to be? I don't know nothing about it. I am surprised, it is only 100 feet because I know, I can see, I can hear from my window. Sometimes at night, the only reason we don't hear the oven that is working right now, is because we have trees as a separator, so if you take down these trees, I can hear the oven no problem. What am I going to do with my house, that is my only question, my only concern, the value of the house? It is a 3-family house, people are going to be leaving and I'm attached to the mortgage, that is my real concern. I don't know much of the other details, about how far or how many feet can it be bigger. I know it is going to be more efficient but whatever. My question is, how is going to buy a house right next to an oven. In a neighborhood, you have an industrial park. Because when Fantini start, maybe 90 years ago it was only small place and now they are getting bigger and bigger, my family are wondering but how big is it going to be? It is inside the city; it should be or look for an industrial park. Let them get bigger or buy land. We have to choose is this a neighborhood or is this an industrial park. Who is going to by my house? I am willing to sell right now, because if this is going to go through, I won't be able to sell my house, this is hard to swallow. I won't be able to sleep. My wife is concerned, my children are concerned. I haven't even told my tenants, what am I gong to tell my tenants, what are they going to do, they are going to go out, they will leave. That is going to bring a lot of inconvenience. If we authorize, if the City authorize, down the road, a lot of people are going to be like what did we do, what happened. My question again is who is going to buy a house beside an oven, baking 24/7 right next to them. Please le me know, think about it, I know it is good for the city, I know its good for the country, whatever. But it is industrial, we have Ward Hill, we have Osgood Street right there. Because to me, I know the value of my house and the safety of the people. That is clear I don't know much information about the condition or math or that, but its tuff. Right there is a hill, when you it snows at night, people go backward from Washington Street up, they get stuck and I get up at night and listen to the trucks because they get stuck in the snow. Well if they are going to house more transportation, more trucks over there it will be worst and if we add an oven, what is going to happen? Completely crazy in this neighborhood, this neighborhood is for housing, it is not for industrial. They already had one right there, you want to make it bigger, why? Now all they will want to do is get bigger and bigger, because they have an amazing product, they do good and that is fine. Well do they want my house, because I probably won't be able to sell it once this is approved. That is my real concern.

Chairman: Attorney Magliocchetti, would you like to address the issues the gentleman has raised.



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Attorney Magliocchetti: Yes, thank you Mr. Chairman. So first of all, I want to make it clear that we are talking about one oven. We are going from about 60 feet to about 100 feet, and I have confirmed with my client and this is the same oven that was approved here before. The difference is the stuff that is around the oven, the mechanicals or the technology as you will. That is why it needs a bigger footprint, as far as the oven itself and the capacity, it is the same as what was here when we came before you before. I want to make that clear there is no difference there, like I said, in order to accommodate the stuff that goes around it, that's why we need a slightly larger footprint. We are not asking for a lot, this is not a substantial change from what is there now, nor is it a substantial change from what we brought here before. This could have been brought here then if we were aware of the mechanical issues, that is the first thing, so it really is not going to impact anything. With regard to the noise and traffic and all of that, we are talking about an oven, we are not adding floor space to the facility, so it is what it is, it is not really changing any of that. The other neighbors that have had concerns, we have dealt with them, they are all satisfied, so I don't know what else to say about that.

Chairman: Are there any noise abatement litigation that you can deal with?, wither it be shrubbery or fencing or something that would cut it down a little bit.

Attorney Magliocchetti: They don't intend to cut down any of the trees

Joe Fantini: No anything that is there now is going to stay.

Attorney Magliocchetti: I think what we can say is this that the city has noise ordinances in place, we have to keep the noise level below a certain decimal level, I think the building Inspector can attest to that. So, we have to comply with that, whatever that standard is, and we will comply with that. We have to do that. So, I think a lot of his concerns I understand, I truly do understand. But I think a lot of it , if we get approval of it and once it's built out, I think that some of his concerns will be alleviated, it is not going to have the impact that he thinks he is going to have. I think I will leave it at that.

Chairman: And if there are other ways to you know keep the noise down, I know machinery creates noise but if there are other things like added shrubbery, added things that could help. Would you be willing to explore some of those to see if it could at least abate?

Attorney Magliocchetti: Sure. They have been there for 100 years.

Paul Bergman: Also, one more thing that I just want to point out is that while they are constructing this, the construction methods that they are using are possible as well, so that is actually going to improve what is there currently. It is not really part of this application but Alex Fantini, this is Joseph Fantini his Uncle and Alex's Dad Robert Fantini have all asked me to look into noise abatement for some of the exhaust fans on the existing building. Because we have talked with people, not Pilling Street, but I believe next Street over is Freeman Street? And that is one thing that they mentioned, so I am working with Alex right now, I am not an acoustic engineer, but I am working with Alex to try to come up with something for the exhaust fans there on the existing building. Just to talk about the oven for a minute, the oven itself is fairly quiet and it is enclosed inside an insulated building. It is not like this is a piece making loud noise, it isn't. I have been at the plant so many times over the past year, I have been doing a lot of work up there and the ovens them self don't make work and I worked at Fantini when I was a lot younger and a teenager so anyways. So as far as the noise is concerned and then again as both Attorney Magliocchetti and I have said, there is no additional traffic tractor trailers cars or trucks associated with this application. As far as noise from traffic or anything else.

Tyrone Abreu (87 Pilling St Haverhill): The question is I can the one that they have right now at almost 300 meters.

Paul Bergman: Those are exhaust fans

Tyrone Abreu (87 Pilling St Haverhill): But I hear noise

Paul Bergman: But it is not an oven.

Tyrone Abreu (87 Pilling St Haverhill): But is only a few hundred meters.



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Chairman: We can not go back and forth

Tyrone Abreu (87 Pilling St Haverhill): The one that is there right now, I can hear, and I can smell it beyond, and I love that bread, I can even smell at 300 meters, maybe more. If you put it like 200 feet from my house, what do you think is going to happen, I am going to hear the noise. It wakes us up at night, even if I snore, I can hear my neighbor when he snores. And he is across the street and the oven is going to be right next to me and I can hear him sometimes, because I sleep right in front, that is my main bedroom. If I hear the one that they have right now, it's like maybe 300 meters, the one that is coming is amazingly quiet and doesn't require manning people around it, people talking at night? I used to work at the bakery, I know 90% of the people that work over there and I can see the noise, the problem is I have no problem building, but the problem is going to give me a headache I wont be able to sleep. I am willing to sell. Ask this to the people, who gonna want to have an oven beside their house in a neighborhood, that is my simple question. It is very simple, it is a neighborhood, it is not an industrial park. That is why people don't move in next to an industrial park. I am glad that they are getting big, but we have to find a resolution.

Chairman: Thank you, I think we have got a really good picture of it. Any last words from the attorney or from Mr. Fantini, before we move to a vote?

Attorney Magliocchetti: The only thing I will say to the board is Mr. Fantini is asking for no change from what the board has already gave us and as far as the noise, it is not the oven making the noise. It's the vents and those are going to be updated at a lower decimal noise and like I said the city already has ordinances at decimal levels, they already have the system in place.

Chairman: Any other questions or comments from the board? Member Vathally?

Member Vathally: I just want to comment to what you were saying Mr. Chairman about the noise abatement. And if Fantini will work with the neighbors for additional buffing the area and the new mechanics of these ovens that are like Rolls Royce's. I don't know how much of a buffer zone you have.

Joe Fantini: We have always respected our neighbors. This is not a new issue either, we always when it's the exhaust or flour system, a few years ago we put the new flour system in and we worked with the neighbors on Pilling Street and we went down to City Hall and we put a wall that buffered this and that. So, it is always little different things, but we are always proactive with the neighbors and we have their numbers and contact information and I will call up and see if it is better than what it was before. So, it is not like we ignore it. We are not going to deny there is noise, but we always work with each and everyone of them on a case by case basis. With what the engineer and Alex are working on it should get better, the noise.

Chairman: If no more questions ort concerns, I will entertain a motion.

Member Vathally: I would like to make a motion to approve the finding for 375 Washington Street. Seconded my Member LaPlume.

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes satisfies 255-57 A,B,C

Member Louise Bevilacqua: Yes

Assoc. Member: Lynda Brown: Yes

Chairman George Moriarty: Yes

Passed 5-0



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**Margaret Wade for 150 Summer Street (Map 404, Block 96, Lot 1)** Applicant seeks a finding to open a Massage Therapy business in a pre-existing commercial use building in a residential neighborhood in a RU zone. (BOA 20-57)

Margaret Wade (Lives in Plaistow NH): I have been working as a massage therapist in Haverhill for 35 years. I have been waiting to open up my own place, so I can control my own business.

Chairman: Is there any changes in the exterior of the building that you are dealing with, or is this all internal?

Margaret Wade: It is all internal

Chairman: What would be your hours of operation?

Margaret Wade: I had submitted those online on one of those sheets of paper, do you want me to find them

Chairman: No, I have them here. Would this be one person at a time coming in for the most part?

Margaret Wade: Yes, I like to have at least an hour in between to clean in between clients.

Chairman: And this is a therapeutic massage operation?

Margaret Wade: Yes, I am referred to by doctors. My clients have injuries.

Chairman: So, the hours of operation are Mon 8-12, Tue 8-4, Weds 4-8, Thurs 8-2, Fri 8-4 and Sat & Sub 8-12 (Alternating). Are there sufficient number of parking spaces in there?

Margaret Wade: Yes, I checked there is actually 12

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

Member Vathally: I would like to make a motion to approve the finding for 150 Summer Street Seconded my Member LaPlume.

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes satisfies 255-57 A,B,C

Member Louise Bevilacqua: Yes

Assoc. Member: Lynda Brown: Yes

Chairman George Moriarty: Yes

Passed 5-0

**Fabio Moreira for 47 Webster Street (Map 205, Block 41, Lot 6)** Applicant seeks a special permit to convert existing 2-family into a 3-family residence in a RU zone. (BOA 20-51) Also a variance for area of 11,082 sf where 11,700 sf is required

Fabio Moreira (47 Webster Street): I ask to make another apartment for my house, because I have two daughters and my apartment is too small. I have the big barn in the back of the house, I want to make another apartment for me. The apartment I live now, I want to rent out. I want to rent for some income for me to. I have two daughter that will grow up too quick.

Chairman: I see that you need a variance for the lot size, but it is a relatively small variance, less than 600 feet. Are you converting the barn?

Fabio Moreira: Yes, to one apartment

Chairman: Is there going to be any change in the footprint at all? The size of the barn or anything?



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Fabio Moreira: No it is going to be all internal.

Chairman: Questions from the board?

Member LaPlume: I looked at the barn, the barn looks very nice, repainted, fixed up, new windows. It looks good.

Fabio Moreira: I bought this a long time ago. This house was a piece of crap before. I been working on it, sometimes every day.

Chairman: Any other questions or comments from the board?... I will entertain a motion

We are going to take two votes on this, one for a variance on lot area 11,082 sf where 11,700 sf is required

Member Vathally: I would like to make a motion to approve the Variance for 47 Webster Street, Seconded my Member LaPlume.

## Variance

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes satisfies 255-79 A,B,C

Member Louise Bevilacqua: Yes

Assoc. Member: Lynda Brown: Yes

Chairman George Moriarty: Yes

Passed 5-0

Member Vathally: I would like to make a motion to approve the Special Permit 47 Webster Street, Seconded my Member LaPlume.

## Special Permit

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes satisfies 255-80 E 1-8

Member Louise Bevilacqua: Yes

Assoc. Member: Lynda Brown: Yes

Chairman George Moriarty: Yes

Passed 5-0

**David Adamo for 40 Brown Street (Map 422, Block 151, Lot 16)** Applicant seeks a special permit to convert a single-family home into a 2-family home in a RH zone. (BOA 20-52)

David Adamo & Donna Night: The proposed plan is to convert this into a 2-family, what we plan on doing is going up because what we planed at the time, the existing property is a single-family dwelling. It is a 3-bedroom ranch, so there is no second floor, so the proposed plan is to build up and put the additional apartment and then in the back, put 2 garages. Chairman; and where is the entrance way.



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Donna Night: Yes, the second apartment will have its own entrance. There is going to be a means of egress on the left side of the house and then the second means of egress, the front door is going to be between the 2 garages. Do you have a copy of the plans?

Chairman: Yes, we do, but it helps if we hear it from you directly.

Donna Night: Yes, there will be 2 means of egress and then the existing front door on the home now, is staying where it is. Actually, nothing is really changing on the single-family home, we are just going to be building up.

Chairman: Question from the board?

Member LaPlume: This is for the building Commissioner, the drawing looks like the addition is behind it.

Building Commissioner Tom Bridgewater: That is the garage, 2 story garages in the back.

Donna Night: 2 garages

Member LaPlume: So, the apartment is on the back?

Chairman: The apartment is above the existing ranch and then you are going to construct a 2-car garage. Basically, a new addition to the house.

Donna Night: Yes, correct. There are going to be 2 garages, that are going to be attached. So, it is going to come like an L shape, because the second unit is going to extend over one of the garages to give it extra space. So, it is going to end up being like an L shape. Then if you notice on the side as well there is going to be 2 additional parking spaces, there is going to be a total of 4 parking spaces

Chairman: in addition to the garage space?

Donna: Correct

Chairman: The apartment is going to be rented out, is that correct?

Donna: No the apartment is for me. I reside in Everett and Dave lives here in Haverhill. So, we want to live together but his house just isn't big enough for the two of us. And with our schedules and you know, we want to build a life together, but we really need our own space. My house right now is under agreement, I sold my home in Everett and to sell the houses, to sell both of them and buy a new one we would just both really not, because we love where we are right now. We love in here in Haverhill the location the neighborhood, it is just really grate. To be quite honest with you, Dave works in Boston at the VA hospital he is an endo nurse and he travels every day to Boston. Because as much as he doesn't like the traveling, he loves living in Haverhill and he loves the neighborhood. So, we could just as easily sell the 2 houses and buy another one, but we just don't want to we would rather stay in this neighborhood.

Chairman: Any questions from the board?

Member Vathally: I am just curious on your entrances here, from outside. Can you just tell me where your entrances are going to be?

Donna Night: "She explains it while they are looking at the plans" the front door is the existing one for the ranch. Then in the back there is a door in between the two garages for the new unit and also there are stairs on the left side of the house that lead to the second new door. Then in the back of the house if you look to the left there is a little deck t(enclosed porch) here now with an existing door. She explains further to Member Vathally. 98% of the construction is for the new apartment, for me for my living space. It has nothing to do with rental purpose at all.

Member Vathally: Ok. Commissioner do the setbacks inline.

Tom Bridgewater: Yes, the do. They meet all the other setbacks.

Member Vathally: ok thank you

Chairman: Commissioner do you see any other issues? With this, with the apartment above and the garage?

Tom Bridgewater: When they come for their other permitting, we will get into that. So, I am looking at the doors as we are getting into this, so you need a total of 4 doors, means of egress, 2 out of each unit.



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Donna Night: Right.

Tom Bridgewater: And the one you were talking about on page 4, this is the first floor, floor plan unit. Where is the front door?

Donna: The front door, is the door between the 2 garages.

Tom Bridgewater: So that door will go up the stairs?

Donna: Right, if you look at drawing number 2, do you see the door in between the 2 garages?

Tom: Yup, that is the doorway that goes up the stairs for the second floor.

Dionna: correct. And then if you look at drawing number 3, the stairwell on the side, that is door number 2 for the second-floor unit.

Tom: Ok, I see it. So where are the 2 doors for the first-floor unit

Donna: Ok the first floor, if you look at drawing number 1, that is the existing front door. If you look at the living room to the left, that is the door there. And then if you see the sunroom, there is a little door there that goes back in through his kitchen.

Chairman: So, we do have 2 means of egress for the 1<sup>st</sup> floor unit and we have 2 others for the second-floor unit. Any other questions or comments?

Member Vathally: I would like to make a motion to approve the variance 40 Brown Street, Seconded my Member LaPlume.

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes satisfies 255-80 E 1-8

Member Louise Bevilacqua: Yes

Assoc. Member: Lynda Brown: Yes

Chairman George Moriarty: Yes

Passed 5-0

**Christopher Doucette for 49 Tenth Avenue (Map 563, Block 27, Lot 6)** Applicant seeks a finding to close in an existing deck in a RH zone. (BOA 20-53)

Christopher Doucette (49 Tenth Ave): I wanted to put a roof over my existing deck that I did just before quarantine time, so I pulled the permit after, so that's when I found out I had to do all of this. I just wanted to do everything right and not have any problems later on, so now I am here.

Chairman: did you say, you already put a roof on it?

Christopher Doucette: Yes it is on there already, the framing and everything

Member LaPlume: It needs to be shingled

Christopher Doucette: It is not shingled yet and I want to shingle it before, the rest of the winter comes.

Chairman: You just didn't realize you needed a permit.

Christopher Doucette: I thought because I was doing it myself and the cost was low and it wasn't too structural, because it is not closed in or anything. We are just putting a roof over the deck. I thought that we didn't need a permit, but my Dad said go get a permit and I said, alright I'll go get a permit.



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Chairman: Building Commissioner is there any issue you would like to talk about on this?

Building Commissioner Tom: No, I just think when/if you guys approve it, then we just want to see what is holding that up. Because now he took an existing deck and added a whole new roof flowing over it, so if it gets passed, we will want drawings of the porch and will want to see what is holding it up, we will have you dig up a footing.

Christopher Doucette: It has Sona tubes in I think 4 locations for a 12x12 deck, is that sufficient?

Building Commissioner Tom: No

Christopher Doucette: It's not?

Building Commissioner Tom: When you have a roof over it, you need a spread footing underneath. We will figure all that out if this passes.

Chairman: Mr. Commissioner said there is additional work that needs to be done there. Once they put the roof on. That will be part of the permit process. Any questions or comments from the board?

Member Vathally: How old is your deck?

Mr. Doucette: I bought the house in 2017 and they did it in 2015.

Member Vathally: This was done before you bought the house?

Mr. Doucette: Yes, when we got the house it was still all pressure treated wood. We stained it the first year we were there.

Member Vathally: You don't know if they got that permitted to do the deck? You just bought the house?

Mr. Doucette: Yes.

Chairman Moriarty: Other questions or comments from the board? Could I have a motion?

Member Vathally: I would like to make a motion to approve the finding for 39 Tenth Avenue, Seconded by Member LaPlume.

Member Theodore Vathally: Yes

Member Ronald LaPlume: Yes, satisfies 255-57 (inaudible)

Member Louise Bevilacqua: Yes

Assoc. Member Lynda Brown: Yes

Chairman George Moriarty: Yes

Passed 5 -0

**Fred Shanahan for 296 Hilldale Avenue (Map 527, Block 12, Lot 13 & 14)** Applicant seeks a special permit to convert a 2 family into a 3 family. Also seeking a Variance for side setback, which is pre-existing, non-conforming for the current structure in a RH zone. (BOA 20-56)

building in a residential neighborhood.in a RU zone. (BOA 20-57)

Attorney Caitlin Masys. 462 Boston Street, Topsfield, MA addressed the board on behalf of the applicant. I am before the board today seeking a special permit for the applicant and owner Mr. Fred Shanahan who is here today if there are any questions. He is seeking to create a legal third unit on the third floor for the property on Hilldale. As you can see from the plans submitted there is off street parking. That will not be an issue. Its an existing non-conforming two family. The property was built in the 1880's, which is why the setbacks are what they are today. Mr. Shanahan has been very cooperative in working with the building department in order to bring the building itself. He is aware of the requirements for the third unit. He already has contractors lined up to come in and make some repairs and adjustments on the property.



# Haverhill

Board of Appeals  
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Chairman Moriarty: Can you talk about the adjustments that will be made to the existing building?

Attorney Masys: There won't be any changes to the building itself. It will be more of interior upgrades. There will be some electrical work. I believe there will be a discussion about installing sprinklers for three units. Everything would be brought up to code. The work being performed is to bring the existing property up to code. There wouldn't be any exterior renovation. There is no addition to the footprint. It is all staying as is, at the present moment.

Chairman Moriarty: Is there parking there?

Attorney Masys: There are six off street parking spaces. There is a garage that has two spaces.

Chairman Moriarty: This is basically being done in a livable attic space.

Attorney Masys: Correct. It is a livable space. It does have two means of egress. Technically a permit was never issued to allow it to be a third unit. The building department was notified they sent a notice to Mr. Shanahan and he immediately contacted me about doing it the right way. Getting the proper special permit and bringing the building up to code. It will be a nice safe place.

Chairman Moriarty: Comments or questions from the board?

Member Vathally: How long has the applicant owned the property?

Attorney Masys: 2013. He has owned it for seven years.

Member Vathally: During that time period was there a tenant up in this area?

Attorney Masys: It actually is the owner living up in that unit. It wasn't rented out or anything.

Member Vathally: At anytime was that unit being rented?

Attorney Masys: No, it was not.

Chairman Moriarty: Were you also living in the other part of the house too?

Mr. Fred Shanahan addressed the board. Originally I was living on the second floor.

Chairman Moriarty: What was the first and second floors being used for?

Mr. Fred Shanahan: rental.

Attorney Masys: The first floor was a rental.

Chairman Moriarty: The first floor was a rental. The second floor you were residing in.

Attorney Masys: He moved up stairs and then the second floor was a rental unit.

Member Vathally: He purchased it as a two family?

Mr. Fred Shanahan: I purchased it as a...yes legally I guess it was two family. The third floor was completely finished off. It had all the walls, old bath...

Member Vathally: Was it rented during that time when you purchased the property?

Mr. Fred Shanahan: No, when I...it had...you could tell people had lived up there but there was no one up there when I bought the place.

Member Vathally: You moved up there...

Mr. Shanahan: Yes, sir.

Member Vathally: Then rented down below?

Mr. Shanahan: Yes, sir.

Member Vathally: That is all I have. Thank you.

Chairman Moriarty: Where will you be living once this is converted?

Mr. Shanahan: I would stay up there, sir.

Chairman Moriarty: The third floor?

Mr. Shanahan: Yes.

Chairman Moriarty: You would convert the third floor to a legal three. You will live there and rent the other two out?



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Mr. Shanahan: Yes, sir.

Chairman Moriarty: All three units will have proper electrical, plumbing?

Mr. Shanahan: Yes, sir.

Member: Sprinklers?

Mr. Shanahan: I have already contacted an electrician and I have spoken with a sprinkler company to come in and do all three floors.

Chairman Moriarty: You said there is egress for all three floors?

Attorney Masys: Yes, there is. There are two means of egress for all three floors.

Chairman Moriarty: Internal/External?

Attorney Masys: Internal.

Chairman Moriarty: This is on the corner of Marlon?

Mr. Shanahan: That's correct. The white house. As you are coming up the hill it will be on the left side. It's a big white house with a barn behind it.

Attorney Masys: It is very close to Marlon Street. Its set back a little off of Hilldale.

Member LaPlume: The stairways were there when you bought the house?

Mr. Shanahan: yes.

Chairman Moriarty: Any comments or questions from the board?

Member Vathally: I know this is a special permit but are there any other issues with setbacks?

Mr. Bridgewater: No, it's a pre-existing, non-conforming. The area...the frontage didn't increase. It meets everything.

Chairman Moriarty: If there are no other comments or questions, I will entertain a motion.

Member Vathally: I would like to make a motion to approve the special permit for 296 Hilldale Avenue. Seconded by Member LaPlume.

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes, satisfies section 25-80 E special permit 1-8

Member Louise Bevilacqua: Yes

Assoc. Member: Lynda Brown: Yes

Chairman George Moriarty: Yes

Approved 5-0

## Minutes:

Chairman Moriarty: I will entertain a motion to accept the minutes from the October meeting.

Member Vathally motioned to accept the minutes from the October meeting. Seconded by Member LaPlume.

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes

Member Louise Bevilacqua: Yes

Assoc. Member: Lynda Brown: Yes

Chairman George Moriarty: Yes