



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, July 19, 2023 at 7:00 P.M.

Those Present:

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

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

Haverhill Taxi LLC for 0 River Street (Map 503, Block 227, Lot 3A)

Applicant seeks a special permit for parking of 25 vehicles (including taxis and other transportation vehicles) in a BG zone. (BOA 23-20)

Attorney Howard R Perkins, Jr (28 Foster Circle, Andover): I am representing we Joseph who is the sole member and manager of the of Haverhill Taxi LLC, he has been operating in Haverhill since 2014, and the first thing he told me was that he had no complaints with the police or the city license commission while he has been in operation. He has recently been renting space at 127 White Street, and he had to leave that space as the landlord is developing the site, he had been parking there for some time, he is temporarily at 1 Broadway, he has made a connection with the owner of this lot JC Hostetter Family LLC and they have a business across the street, I think it is Precision Roofing. He is renting 25 spaces, he has 10 taxi licenses in Haverhill and then he is going to park 15 other vehicles there, he also operates transportation for various school districts, including Haverhill and the Essex County area, and he also has contracts with MA Health and he goes all over the commonwealth delivering people to appointment etc., he also employes 37 employees, most of all who live in the city of Haverhill. So he is looking for a special permit because this is in a general business zone, it requires a special permit for taxi parking. As I remember being down there, there are no residences within 300 feet, it is all commercial, there is access to River Street, and there is a tared area where he is going to be parking on, as indicated in the presentation he is going to be putting lines for parking spaces, he has a lease with the land owner which will convene if this gets approved tonight and the approval period expires, we are assuming that will be sometime in late August early September. That is basically it, its fairly straight forward.

Member LaPlume (Siting in as Chairman): Do we have any questions from the board?

Member Brown: You said that you have 10 taxi licenses and you have 15 other vehicles for delivering people to their appointments.

Attorney Perkins: Yes, they are all part of the Haverhill Taxi LLC

Member Brown: Ok, and where do the employees park, do they drive to there and leave their cars?



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Attorney Perkins: There is only 6 employees that have their own automobiles, they come to his office at 145 Winter Street and then he drives them down. Right now it is on Broadway, but when they get them in place on site, he will drive them down there and then he picks them up. They call when they are getting near and he picks them up and brings them back and they Uber from his office to wherever they live in Haverhill.

Member Brown: Alright, thank you.

Member LaPlume (Siting in as Chairman): Any other questions? Ok entertain a motion.

Member Brown: I make a motion to approve the special permit for 0 River Street for parking of up to 25 vehicles in a BG zone.

Member Brown: Yes

Member Infante: Yes and I give authorization for the chair to sign the decision on my behalf

Member Bevilacqua: Yes

Member Matias: Yes

Member LaPlume (Siting in as Chairman): Yes meeting 255-10.4.2 and the city will continue to benefit from this

Granted 5-0

John & Mary Jane Ulrich for 648 North Broadway (Map 571, Block 2, Lot 45)

Applicant seeks Special Permit to determine that proposed extension of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application involves construction of an addition onto to an existing single-family dwelling that shall include a family room and attached garage in a RR zone. (BOA 23-19)

Matthew Steinel (Millennium Engineering): My clients came to me regarding an extension of their single-family home of a 26x26 garage with an attached 22x14 family room that connects to the primary structure. At this time the property is pre-existing nonconforming as it relates to the area of the property, it is in the RR district and requires 80,000 square feet of area, it currently has 39,356 square feet, the structure itself is nonconforming as it relates to the front and side yard setback in this particular district you are required to have 25 feet on the side, and on the front 40 feet where currently only 14.8 exists on the front from the front porch to the front property line, and then on the accessory structure on the eastern side on the main structure there's a detached garage, that one is 10.4 feet from the side lines. Those two pre-existing nonconforming setbacks are unchanged. The addition that is proposed to be going on the structure would not intensify those nonconformities what's so ever, the new setback on the front of the addition would be 21 feet, so the 14.8 would still be the closest point, and the addition is on the western side of the structure, where it is well in access of the required 25 foot setback to the sideline, so again the side and front setbacks are not being changed by this structure, A couple other permits that are being required through this process, we had to go through conservation and they have already issued their approval and the board of health, at this time they don't really know where the septic is, I advised them to go out and get a title 5 inspection. Jake is my old high school teacher and he told me from the onset that its an old system, its squishy, so we went out and conducted a couple test pits and then designed him a new leach field and the Board of Health



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has since approved the design. So in doing this we are upgrading the septic system to a much newer modern system, and we are hopefully giving him the added living space that he needs for him and his family. I think it is a pretty straight forward application. We did submit as part of the application a signed letter from all the direct abutters, the 2 across the street and both sides of the property have signed off in support of the project. I am happy to answer any questions the board has.

Chairman Moriarty: Thank you, any comments or questions from the board? Ok, I'll entertain a motion

Member LaPlume: I Make a motion to accept the application for 648 North Broadway, 2nd by member Brown

Member Brown: Yes

Member LaPlume: Yes it meets 255-10.4.2(2)

Member Bevilacqua: Yes

Member Ortiz: Yes

Chairman: Yes. Noting that the special permit meets the criteria 10.4.2(2)

Granted 5-0

Shoe City Development Corporation for 335 Groveland Street (Map 423, Block 151, Lot 18A & 1B)

Prior to filing for a Special Permit for Multifamily Dwelling with City Council, Applicant seeks following dimensional variances to expand existing 4-unit multifamily dwelling to an 8-unit multifamily dwelling in a RH zone. Requested relief include variances for lot area (13,789 sf where 40,000 sf is required), front setback (20 ft where 25 ft is required), rear setback (3.6 ft where 40 ft is required), and rear setback for deck (2.1 ft where 20 ft is required), and parking design. (BOA 23-21)

Attorney Robert Harb (40 Kenoza): I am representing the applicant Shoe City Development, here with me tonight I have Angelo Petrezelle the designer architect, he is going to speak after me and go over the design of the building. In addition also with me is Bob Driscoll the president of Show City Development and for the record a transfer of the real-estate has not yet been done, but we expect Show City will be the owner of this lot in the near future, and Show City is a sub entity under the Haverhill Housing Authority, so the Haverhill Housing Authority will end up managing the premises under this entity Shoe City Development so we wanted to make that clear for the record. I know you received communication as I did from Rob Moore from Conservation and he mentioned that we may need to look into a request for determination or something, because of a drain that we didn't know existed that someone in the back of the property sort of was covered over, after this hearing the applicant is going to pursue that with the conservation commission./ You also received a letter from the city engineer, he had not looked at the amended plan, which eliminated the stacking of parking, when I spoke to him, he said you can tell the board I now have no opposition and no questions, now that you removed the staked parking, he does agree and admit as the building inspector has agreed the parking location, although it doesn't meet zoning, is grandfathered, he said he would have no opposition to our special permit. I also wanted to mention to you, since filing the building inspector and I had talked and he doesn't believe since I have removed the staking, we actually needed a variance for the location of the parking, we just wanted to put that on the record although it is in the application, he agrees the parking is grandfathered and pre-existing. We are submitting new parking, which eliminated the concerns of the engineer on Haverhill Housing Authority you see that on the amended plans. I tis kind of unique that we are here for this



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variance because this building was built in 1964 by Sil Angelatii, he did a lot of homes by Silvio, he actually lived there I'm told, which I wasn't aware of, and back around 1979 and 64 he got variance for setbacks, 79 he got a variance for setbacks to put the garage, over the garage he extended his living room for his unit and had an entrance to go into the main unit and the proposal, when Mr. Petrezelli goes over it, we are not connecting them so his, play room family room or whatever is going to be separate than the new structure. The other interesting thing is as I mentioned in my brief, there is a minimum square footage requirement for multifamily dwellings, it didn't need it for the 4-family, the 4-family was built in 1964 under our 1956 dwelling ordinance and as you know it changed in 71, 72, 2000 and then more recently, so when it was built I don't believe the 40,000 was in affect but it is in affect and is pre-existing grandfathered. The fact that we are adding 4 more units doesn't change the 40,000 requirements, so it was a tough and go with did we need a variance or not and we decided with the building inspector that to be safe we would ask you for the variance for area, but it already is non existing a nonconforming area at 40 which is still required for a for and the 40 is required for an 8 so we haven't changed the requirement, we are just adding units. As you know this is just the variance for the structural location, not for the 4-family additional 4-family, we meet after this to go to the city counsel to increase the existing 4-family to 8-family. This is a strange lot also by shape we are on two streets and the back line doesn't go straight across it bends as you see in the plan, because of that we happen to not meet the second front setback of the building, because by our code, the building needs to meet two front setbacks, instead of a side setback, because Cassaras Drive becomes a front setback, so that is the reason for the front setback requirement and you can see the bend in the plan, where the lot comes in and bends and then comes out, when Mr. Angolatti got a variance in 79, his decks and stairs were not where the new proposal asks for them to be, so in order to have proper means of egress and exit for safety reasons for the additional units, we had to put in a deck and some stairs, well that brought us closer to the rear line, than his existing garage, so that's required, the request for a variance for the deck and stairs setback, and the building setback even though the new structure goes straight across, but because of the bend in the line and the lot shape, the left hand side is now too close, so that shape again necessitates the request for the variance for the rear setback of the building. So there is really 2 requests for setbacks, one for the deck and the stairs which is a different one and one for the building because of the bend and the shape, I keep mentioning the shape and the location on the 2 streets, to show you how we need a hardship under the zoning and why we are asking for this variance. The front of the building there is no change to the exterior structure, there will be no visible look of any change from the street on the front on Groveland, the parking will be the same on the left. The building will fit in the area because as I mentioned in my brief that there's over 80 units of Haverhill Housing Authority at Kennedy Circle that's been there for a number of years and not caused any problems or detriment to the neighborhood, he has the existing 4-family, so when we go to city counsel I'm pretty sure that we are going to be able to prove the use is going to be acceptable for the increase of the special permit. The new building out back will be fully sprinkled and that will be a safety because I don't believe that extended living room is sprinkled to my knowledge, so we are going to make a safer building out back. The city needs housing, Haverhill Housing needs to get housing, so although it is a separate entity for court for reasons it is going to be managed by the Haverhill housing authority and the director and I think it is going to bring added needed housing, with proper maintenance and management to the city, I believe that you have the facts before you to validate the approval of the setbacks and area requirements, based upon prior existing variances that he already got in 64 and 79, the existing lot, the shape of the lot, the location, the 2 streets and there is no other place to put the exits and no other place to put the addition. You will note that the building that requires the front setback, is going to be built in the area that has the deck overhang and they are going to build onto the deck overhang and then out. I think this is a good project, because of the front being exactly the same, the building being in back to our left is going towards the hospital, so I really think this is a good project for you approve, I think we meet all the requirements of 255.10.2.2 and the state code to get



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these variances, for dimensional variances and allow us to proceed to city counsel for our special permit. I would like Mr. Petrezelli to go over his plans and then we will come back and ask if you have any questions.

Angelo Petrezelli (design Partnership Architects): I'm going to explain the plan, I'll go from the existing to the new. The existing plan, the ground floor has 2 units and upstairs there is 2 more units, with that pavilion that was there from the previous owner, so what we are doing is we are keeping this building with couple means of egress, that building is basically grandfathered, we will be putting new fire doors in the stairwell, and renovating the building, just cosmetically on the inside. The new plan maintains the ground floor, between the new and existing ground floor we have a connector piece here (he shows on plan) and we are going to have 2 units here with a disabled unit on the end, upstairs will be two additional units, we will have two means of egress for all of the units, plus we are going to have on the ground floor exit windows on both ends on the ground floor, plus we are going to put fire doors in the stairwell. We do have an existing connection on the ground floor, that was used, built this would be two basically individual buildings and the new building will be completely sprinkled and fire alarm etc., where the existing building doesn't have to do that, but we are going to put the fire alarm in anyway. The new part would be basically where the garage is adding on 16 feet and where the deck was adding on another 16 feet, and that is why we need a variance on this quarter, if you look at the 2 ends you see prospectives of what we plan to do, and it shows all views of the building on Groveland Street and Cassanders Drive, and the neighbors part, so we try to blend the building to the existing building, by putting shutters and flower boxes. There was a question about trash removal, we intend to do the trash removal, we are having an open 3 sided vinyl fence where you can put the barrels inside that, and it would not be seen from the site. Thank you very much, if you have any questions I would be glad to answer them.

Chairman: Thank you. Any questions from the boards?

Member Brown: I just didn't hear about the barrels, did you say they were going to be enclosed?

Angelo: Yes, if you look at the existing Kennedy Cir, you'll see 3 white fences, so you won't see them from the street.

Member Brown: OK

Member LaPLume: So you are going to make the older units smaller?

Angelo: The older units will stay as they are, exactly as they are, but we are going to clean them up, they need some attention, the building is 40 years old, it always needs attention. So we are going to redo the stairwell and put some fire doors in and internally we will probably provide new kitchens up to par and cosmetic on the interior and wood or laminate floors and paint it. The new building will be completely up to par

Chairman: And the new and old building is not connected right?

Angelo: They are connected but one connector. There will be one sprinkler head into the existing boiler room

Chairman: Thank you, other questions from the board?



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Attorney Harb: I think he has explained the benefits of the new building, with he sprinklers, and they are connected because that would have caused a different variance, so they are connected. As I mentioned we meet all the requirements, the current lot already has these existing pre-existing nonconformities, we meet the code for parking with he parking that we now have on the HHA property, other units in the area also don't meet the dimensional requirements, these pre-existing variances setbacks and we are not really going away from that, that much, but because it is a new building. As I said this fits in the areas, and it abuts Kennedy Circle, and it is going to be a benefit, it wouldn't harm the city or neighbors at all, so we ask you for your approval. Thank you.

Chairman: Any other comments or questions from the board.

Member Brown: I do have a comment, I am loving to see that this is for senior housing and this is much needed, I know sometimes that gets overlooked, so it is nice to have some more senior housing going in in that general area, and it is very centrally located as well, so I love it.

Chairman: Thank you. Entertain a motion

Member LaPlume: I make a motion to accept the application for 335 Groveland Street, 2nd by Member Brown

Member Brown: Yes as it meets the criteria for 255.10.2.2(2)

Member LaPlume: Yes it meets the criteria for 255.10.2.2(2), it is a hardship that would deprive the owner of a reasonable use of the land, the city would benefit from this

Member Bevilaqua: Yes, this is a great project. The senior population in Haverhill is growing, this is what we need, this is what we should be doing as a community and as a society.

Member Matias: Yes it meets the criteria for 255.10.2.2(2)

Chairman: Yes sighting 255.10.2.2(2)

Granted 5-0

Virginia Reynolds for 2 Stephan Avenue (Map 589, Block 2, Lot 1)

Applicant seeks a dimensional variance for side setback (18.4 ft where 25 ft is required) to construct an addition onto a single-family dwelling in a RR zone. (BOA 23-22)

William Penny (Andover Renovations/ Longfellow Design Builds): We are the people who designed this and hopefully build it. The current lot is in the RR zone and it currently a nonconforming lot, it is only 40,000 square feet where you need 80 and the frontage is only 150 sf where you need 200, so the owners came to us looking to build a family room, more of a man cave if you will, and where can we put it, you can't put it in the back because the septic is in the back, we can't put it on the other side, because it would make it nonconforming, so we picked the lessor of 2 evils and went to the left side of the garage, with a one story addition, it fits in nicely with the house, it is not detrimental at all with the neighborhood, but it does require us to be here tonight to ask you to grant us a hardship variance for lot shape or size, because we are going to be 18.4 feet where 25 ft is required from the side yard setback.

Chairman: Comments or questions from the board.



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Member LaPlume: I make a motion we accept the application for 2 Stephan, 2nd Member Brown

Member Brown: Yes

Member LaPlume: Yes it meets the criteria for 255.10.2.2(2), it is a hardship with he shape of the lot and with the septic in the back

Member Bevilaqua: Yes

Member Ortiz: Yes it meets the criteria for 255.10.2.2(2)

Chairman: Yes sighting 255.10.2.2(2) mimicking what Member LaPlume said it is a hardship with he shape of the lot and with the septic in the back

Granted 5-0

June Meeting minutes approved