



# 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, June 21, 2022 at 7:00 P.M.

Those Present:

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

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

**Lawrence and Catherine Hicks for 230 Amesbury Rd (Map 465, Block 4, Lot 1)**

Applicant seeks a special permit for the construction of a self-storage facility in a CH zone. (BOA 23-11)

**WITHDRAWN**

Member LaPlume: Yes  
Member Infante: Yes  
Member Bevilacqua: Yes  
Member Matias: Yes  
Chairman: Yes

**Richard P. Early, Jr. for 462 Washington Street (Map 504, Block 239, Lot 1)**

Prior to filing for a Special Permit for Multifamily Dwelling with City Council, Applicant seeks following dimensional variances for the construction of a new three-family dwelling in a RU zone. The existing defunct single-story commercial structure shall be razed. Requested relief include variances for lot area (4,816 sf where 11,700 sf is required), lot frontage (60.5 ft where 80 ft is required), lot depth (78 ft where 100 ft is required), front setback (7.2 ft & 1.5 ft where 20 ft is required), side setback (4.9 ft where 10 ft is required), open space (29% where 40% is the minimum), and building coverage (35.9% where 30% is the maximum). (BOA 23-5)

**GRANTED 5-0**

Attorney Don Bornstein (Johnson & Bornstein, 12 Chestnut Street Andover MA): We have a variance application before you tonight, I will talk a little bit about the neighborhood where this property resides, the existing property and then I will get into detail about what he is proposing there. We are located in the RU district, the property is currently the location of the former business of Mr. Wayne's hair salon, my understanding is it was a neighborhood fixture for many years. Mr. Wayne discontinued the business and sold the building approximately a year and a half ago, what Dick is looking to do is redevelop that property, raise the existing structure and redevelop it as a three-unit residential property. To give you a sense of the neighborhood, if you are not familiar with the location, I did include this color-coded map, the property is outlined in yellow, you will see the hair salon is located immediately at the corner of Washington Street and Air Street, some of the building approaches into the right of way, the rest of the property is pretty much paved parking. The area to give you a sense of the area is a moderately dense neighborhood, I have outlined in blue the existing three-family homes,



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I would say within that intersection predominantly 3-family homes, I have outlined in orange the multi-family homes of 4+, some of those buildings go up to six units, I have outlined in black the two-families. As I mentioned we are located in the RU district, three-family homes are allowed by a special permit through the city council, if we are successful with the board here tonight we would be moving on to the city council for their approval of a special permit. What Dicks vision is for this lot is a townhouse style, you have the architectural in your hand, he has put a lot of thought on what would work on this somewhat interesting and unique corner property, we think it is an important property in that section of the neighborhood. The commercial building there now, was used for many years as a successful business, it is not the most attractive building, currently vacant, like I said it sits on part of the city sidewalk, and we would like to replace it with a 3-family town house style building, you would have 3 separate entrances on Washington Street, with stoops in the front, that allows us to have a natural slop, the corner is actually off the slope of Air Street and that runs downhill along the side of the lot on Air Street. The second page of the architectural, this is the real facing away from Washington Street, that is going to allow us to do a garage under from the rear elevation, so you would enter the driveway though Air Street and then you would be able to turn right into the garage, each unit would have one garage space and have a second parking space behind it, which is in access of the parking requirements for these units in that area. We like the attractiveness of being able to provide the off-street parking, being able to provide garage spaces, which is actually unusual in that neighborhood, most of the units of the properties I highlighted are mostly on street parking and very little driveway. My client has recently been in discussion with MASS Housing, he is considering their neighborhood stabilization program. So they have a neighborhood stabilization program, if he is successful with MASS Housing what he would end up doing is either partnering or selling to the nonprofit, those units in the building would be for sale affordables, now that is not a guarantee tonight, we are not asking for that to be a condition, but it is Mr. Early's number one prospect for what he would like to do with this building long term, once he gets it constructed, if not partner sell to a nonprofit and they would all work with MAS Housing to get into a neighborhood stabilization and get the financing that would allow those units, so in the works but not part of our proposal but it is an interesting aspect. I want to point out that the Early family has been building in this city for a long time and they have actually been active in this neighborhood itself as builders over time. So this is an attractive location, MR. Early thought of this for redevelopment, but with the problem on why we are here tonight is that we require several variances, so we have multiple dimensional variances to make this project happen, they are outlined in the application and I am happy to talk about any of them in detail, but there is a raft of dimensional variances that are necessary for this, but we bring this to the board with the number of variances, because we believe strongly in the project, and we believe strongly in the design. Someone else could possibly max out that lot with a narrow home or staked homes on top, maybe a traditional single family or more, 4-families allowed by special permit. We like the concept of this with the townhome style, you have the extra parking, you have the garage space which is unusual and you have housing that is sort of intermedia between some of the 3-family traditional triple decker's and some of the 4-6 multifamily and a little bit further down the street you have some 2-families, generally one over one and some small single families further down the street, we think this is a good combination of those two design styles and works really nicely on this corner lot, and the lot in its current status really lends itself to this development. With that, we are happy to take questions.

Chairman: The slope is very steep, can you address how that is going to be addressed.

Attorney Don Bornstein: Dick can probably go into more detail on it, but the architectural shows it too. The rear facing elevation you are going to have what amounts to the basement level will be garages, so that is going to be revealed on the rear elevations that is the second page that you have. That is how it will be handled architecturally is that ground level basement level is going to be garages, in the front it is going to have a very traditional 2.5 story, with a look with a higher



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elevation on Washington Street. Right now on Air Street is sloping as you come down, it is a noticeable grade, I wouldn't call it excessively steep, but it is a noticeable grade, it gives us enough grade change to do the garage. When you come in off of Air Street, you come in at the level of the garages, so you are not taking any of the, you are losing your elevation on Air Street to get to the elevation of the garage, so you are not. The driveway within the lot itself will be flat.

Chairman: What about snow removal?

Attorney: It's a typical driveway situation, you have room to maneuver back there, you have some extra parking behind the garage doors

Dick Early (50 South Main Street): We can haul the snow off site, we can put a condition that we haul the snow off site.

Chairman: Backhoe it out and put on to a truck?

Mr. Early: Yes. It is a tough site, but it is workable, I have seen tougher sites. You have to be creative and spend a lot of money on the site.

Chairman: Any other comments

Gary Ortiz: I know the neighborhood and the street is downhill, so how you going to put the garage?

Mr. Early: We still have to have this approved but the engineering department and we are going to have some off site drainage, tie it in and currently you have a pretty good slope on that side curb that they just put in about a year ago, so I'm going to probably have to redo some of that and make it all work, but we are going to have off site draining drainage right there with off site basins.

Member LaPlume: Quite a few questions, first of all the amount of what you would have to do there, you know the variances. No one has mentioned the slope down the hill, goes across angle, across the sidewalk like this, to get up

Attorney: One thing I do want to point out and I might have been a little confusing the way I describe it, but the rear elevation where the garage doors are, that does not face Air Street, that faces to the rear of the lot, opposite Washington, so what that allows is and we will talk in more detail, coming off Air Street onto the site our driveway is going to be basically flat, you would have to make the transition on to Air Street from the site, I think that is what you are inquiring about, you are definitely going to need to make a transition from Air Street into the driveway.

Mr. Early: Like I said before, we have to work with that sidewalk, to do the transition, I talked to RAM Engineering about it, he is going to design something on that and bring it in front of the engineering department, when they review it, but I have brought him out there a couple of times

Member LaPlume: I looked at a few others on that Street, across the street on top of the hill and as it goes in, they can transfer in and go in the parking space, I don't know how you are going to do that, you can't change the sidewalk. The sidewalk, is the sidewalk and it is brand new, I have no idea. Can I ask John's comment



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Tom Bridgewater: I didn't write anything on it

Attorney: The sidewalk unfortunately it is brand new, that sidewalk is going to end up being substantially worked by Mr. Early as part of his project, under the supervision of the city, because in fact part of the existing building is in the right of way, so part of the city's sidewalk is taken up with the existing building hair salon, so that is going to have to come out, the sidewalk I am expecting would have to come out to the true right of way line and that sidewalk, probably most of that length along that side of the lot is going to have to be instructed along the guidance of the city engineer

Member LaPlume: Reconstructed, obviously because the street goes down, you can't raise that and get a permit to do that is one hell of a, Dick knows he uses front loaders and such, if you put a machine on a hill like this, it would have to be down to the tar and back on Air Street facing down, I don't even know if you can, to do any of that work and the snow.

Mr. Early: In the snow you are totally right. You are going to laugh when I tell you this, but we do it every day, we do a lot of hand digging, we have a lot of hand diggers, more than you could ever dream, I have done a lot of snow work hand digging, what we are going to do, it is all going to be hand dug put in a little machine and we are going to walk it up to Washington Street, we are not going to put a truck on that street.

Member LaPlume: I am looking at the snow and I am looking at 3 cars parked in the lot, well if you had the cars parked in the lot, there is not much between where the car would be parked and the back line, it only looks like you have to come in on one side of the driveway and turn in the lot to park there, the cars are covered in snow, you can't get around the cars to clear them, it would be all good and clear if, well you couldn't get to the back lot and there is no storage for snow, and that front corner because of the difficulty with the property, you couldn't put the snow there either. You could only plow down that street with the snow plows, and let the snow in the lot. I know you might have a lot of people carrying the snow

Mr. Early: Orchard Street over here by Locus Street, are you familiar with those four buildings there

Member LaPlume: I am familiar with them

Mr. Early: I don't think they have had any problem with the snow over there, even though it is not on a hill, they bring the snow out to the front, they don't use a machine 90% of the time, I won't say 100, they bring it out to the sidewalk the same way, the same distance, same identical distance, and they haven't had a problem out there.

Member LaPlume: How much open space for this building and for these people?

Attorney: 29%

Chairman: Where 40 is required. Other comments or questions from the board? I am having a lot of the same trouble that Member LaPlume is having, on the plus side though, the whole Mt Washington area could use some help, it needs a lot of help up there, they are getting help up there, and this looks like just another improvement, which is good, we need to get new things up there, I think that if you can get the neighborhood stabilization involve and again its not part of this tonight, but again that would get some affordable housing available, and we desperately need affordable housing in Haverhill. If



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this wasn't going to city council and site review, I would be skeptical about all of this, but I usually don't like kicking things down the road, I would rather we make our decisions here and not push the other parts of the city to have to deal with these kind of things, but I'm just myself in sense of what Mt Washington area needs, this is a clear improvement over a building that will probably attract a lot of vandalism and other concerns as it sits there empty for a long period of time. So that is where I am leaning at this point and time.

Member Bevilacqua: I echo what you say. If this project can be made to go forward, I believe that this applicant can do it, if this project can work it should work. It is absolutely in an area that needs housing, the children in those 3 units will go to a new school around the corner, I assume they would go to the consintino school. If this project can go forward it should. I know that, that was a beautiful neighborhood and with this kind of development, it can be enhanced, for the families. I just you know this applicant has meet with are resistance before and it had always been and to the people cherishing these neighborhoods and it is a challenge, but you have met the challenge before, I just think it would be such a good project in that area and I think that our chair should know it and you should know it, when I was a little baby, I think as a toddler, before it was Mr. Waynes, I think it was a grocery store.

Mr. Early: Yes, back in the 50's

Member Bevilacqua: I think my parents told me about that grocery store. So they all had cars back then, they parked at the grocery store, I mean they still had cars. I just think, it is just wonderful to see that corner now be a home for 3 families, it would just be a wonderful thing, to see that grocery store that later became a salon, to now a home for 3 families

Chairman: Other questions or comments from the board?

Member LaPlume: Mr. Early, I know you have people that take care of things, but are you going to be the person who is going to be renting these out?

Mr. Early: There are a lot of options, I am talking to the MASS Housing, mater of fact there is a letter in there that I talked to the lady that was in charge of it, I have had a couple of conversations, I want to get in with a non profit, Bread and Roses, they are up the street. Now more than likely we will call this a condo project, they will have a management team that will manage that, and we will put in a stipulation that how snow has to come out. They wont be managing it themselves, they have to have a management company, most condo projects do.

Member LaPlume: I think with Bread and Roses the city wanted the sidewalk done. The building does look great, I just wish it was in a different area.

Chairman: Other comments or questions from the board?

Member Bevilacqua: We want to preserve that because (tape cut out)

Chairman: I will entertain a motion

Member LaPlume: I make a motion to accept the application for 462 Washington Street, 2<sup>nd</sup> by member Infante



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Member LaPlume: Yes unique conditions topographical lot, yes it passed 255-10.2.2(2)

Member Infante: Yes seems to meet the conditions for chapter 40 section 10, zoning for a variance, due to lot shape and more I think it will be a great benefit to city as well, so good luck.

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

Member Ortiz: Yes is satisfies 255-10.2.2(2)

Chairman: Yes it satisfies 255-10.2.2(2) and the unique conditions of the lot which is the size and shape and the slope and the fact that it is going to be seen by city council and the city engineer to deal with any issue that Member LaPlume has brought up.

## **Michael Dovey & Laurie Ann Richardson-Dovey for 21 Countess Street (Map 440, Block 4, Lots 3A & 7)**

Applicant seeks a dimensional variance for front setback (18.36 ft where 40 ft is required) to construct an addition onto a single-family dwelling that shall extend the front façade in a RS zone. (BOA-23-16)

**GRANTED 5-0**

Michael Dovey: we are seeking a setback variance of 18.36 feet where 40 is required to build an addition onto our existing structure as well as renovating the current house

Chairman: And what is the addition going to do for your house

Michael: Add bedrooms, the existing structure is from the 1900's, its old. We are looking to make one bedroom downstairs, and upstairs will be a living room, the new addition is going to have 3 bedroom's upstairs, the kitchen will be on that side, living room, play room

Tom Bridgewater: You are going to remove the other kitchen, right?

Michael: Yes it will be gone.

Chairman: You have an unfinished attic?

Michael: Yes, eventually what we are probably going to do, is once the new side is up, we would tear that side down. And probably just do a single floor

Chairman: Ok, 3 bedrooms upstairs.

Michael: Correct

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

Member LaPlume: I make a motion to accept the application for 21 Countess, 2<sup>nd</sup> by Member Infante

Member LaPlume: Yes the hardship is the unique condition in the way the septic system is and it meets the criteria for 255-10.2.2(2)



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

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

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

Chairman: Yes it meets the criteria for 255-10.2.2(2), and as Member LaPlume mentioned, the shape of the lot and in particular where the system is located

## **Rosalie Adolphe for 60 Arlington Street (Map 204, Block 47, Lot 22)**

Applicant seeks the following dimensional variances to convert existing single-family dwelling into a two-family dwelling in a RU zone. Requested relief includes variances for lot area (6,422 sf. where 9,000 S.F. is required) and lot frontage (66.09 ft where 80 ft is required). (BOA-23-17)

**GRANTED 5-0**

Couldn't catch her name, but speaking on behalf of her Mother Rosalie Adolphe: The house was currently purchased as a single home, but back in the day in the 1980's it was a 2-family at some point, so we were trying to see if we could convert it back to a 2-family, to get that rental income for my Mom for when she retires

Chairman: And you are seeking relief on the lot size

Daughter: Lot area and frontage

Chairman: Great, and how much work will you have to do to the interior to turn it into a 2-family?

Daughter: Not much, there is a space for the kitchen, so we will just add a kitchen to the second floor, that would complete it and then the attic has enough space to add bedrooms and a living area, as well as office space on the second floor, so there it is just basically adding a kitchen to the second floor, and we wanted to add a second exit on the second floor next to the kitchen area and there will be a little deck in that area as well.

Chairman: Tom you have taken a look at this?

Tom Bridgewater: Yes. This lot belongs to you also?

Daughter: Yes

Tom: The planning department is probably going to have you delete that lot line and make that all one lot

Daughter: OK

Chairman: Comments or questions from the board?

Member LaPlume: I noticed it has two front doors, can you tell me does one go up and one go down?



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Daughter: So we would have to add a fire wall separating the first to the second floor. So there was a wall when we got it, but we took it out because we didn't know what it was for, it wasn't like the proper wall that we needed to have. So we just take the other stairs to go upstairs and then the first floor wouldn't have access to it.

Member LaPlume: How are the stairs, like 4 feet wide?

Daughter: Yes, they are wide

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

Member LaPlume I make a motion to approve the accept 60 Arlington Street, 2<sup>nd</sup> by Member Infante.

Member LaPlume: it is a unique condition, it has two front doors, in my opinion it was a 2-family home. I vote yes, it meets the conditions for 255-10.2.2(2)

Member Infante: Yes meets conditions 255-10.2.2(2), hardship is lot area & frontage, I think it is a great use of the building.

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

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

Chairman: Yes it meets the criteria for 255-10.2.2(2), and the unique conditions of the size of the lot and the notation of that other lot line, so notation on that.

## **Petter Hedstrom for 15 Eastland Terrace (Map 445, Block 2, Lot 6)**

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 removal of existing rear deck and construction of extension of east facing facade to include new back entry and covered porch in a RM zone. (BOA-23-18)

**GRANTED 5-0**

Petter Hedstrom: I am the homeowner of 15 Eastland Terrace; I am here to request a special permit for the removal of the existing mud room back entrance of the house and rebuild. The current dwelling is aprox 4 feet from the property line. I propose to build a addition of 12 feet depth, that is in complete alignment with the east facing façade, obviously not meeting the 1 foot setback

Chairman: We have gotten a number of letters from neighbors who are concerned about the work that you have done in the past. I should note for the record that most of the letters don't address zoning issues, which is what we as a board are required to take into account, whether approving or disapproving, but none of the less I would like o to hear about some of the neighbors concerns. I am assuming they addressed them with you?

Petter: I am aware of their concerns. 2 of them in the proposed project, the noise complaint that the deconstruction and the reconstruction of the proposed project, would not impose any heavy equipment, so on excavators or front end loaders, no jackhammers or any other noise induced, we will just be using traditional hand held power tools

Chairman: And what time of day would this be done and how long would it take?



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Petter: It is my understanding that if the permit is issued it would be good for 12 months. Tom is that correct?

Tom B: If you abandon it, it is good for 6 months, if you are actively working on it. If you let it idal for 6 months, you will need to renew it.

Petter: So depending on when in the season, because it is going to be excavation being done, and I am going to be doing the excavation by hand, this would be a piled foundation, so no poring of massive concrete walls, that would be done by hand, obviously you can't did in freezing conditions, you can't pour concrete in freezing conditions, so that would sort of set the duration for if this was being started lets say in November or December, it could really affect it till March or April.

Chairman: How long would it take, once you get started?

Petter: My estimation is a couple of months, depending on when we can align the inspections, when we can get trade people in to do the electrical, plumbing etc.. But if it is a 6 month duration, It should be more than sufficient.

Chairman: The materials that would have to be carted away, what are you going to do with them?

Peter: Two choices a dumpster on the property, I Have had that before, it's a decent solution but it takes up the driveway, an alternative would be to have an onsite remove with a truck

Chairman: One of the letters we received telling us about you dumping stuff, 20 barrels filled with stuff.

Petter: So that, I can explain that, the project of digging out knot weed, removing from a site between the two garages. I have delt with tis in the past on a different property and I know that you have to go and dig again, so my approach to this was to remove all of the rocks, so that it would be easy to dig down again and remove any remnants for resurfacing of the knot weed. The agreement was made with the owners of the adjacent street, I have her representing me here Val Falehm and John Nelson, to dump all of the debris on their property, to access this part where they wanted it to be dumped, which was stones and some soil, I had to pass through the Coco property of 5 Eastland, and I have a letter in support from them, and it was far into Val's property, to make sure that it was not on the property line. I have approval from all involved parties and I don't know where this complaint is coming from.

Chairman: Do you talk to your neighbors, have you had

Petter: I have talked to the owners of 19 eastland Terrace, I haven't talked to the people who are sitting on the left behind me

Chairman: And as I said earlier, we have to deal with the zoning issue, that contain to the cities voting regulations, and some of the complaints that we heard, do not fall under the zoning regulations per say, however we also know that we want them to make sure that we are approving projects that are good for the neighborhood and that people in neighborhoods are aware of what is going to happen and if things don't go as well as they should, one should be talking to



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the neighbors, and it doesn't sound like there has been much conversation with the neighbors about this or other projects in the past.

Petter: I have talked to neighbors on other projects in the past, I have had a difficult relationship with the neighbors that are here in opposition of the project. But I have 3 letters in support from other neighbors, I also talked to the owner of 19 Eastland Terrace who would be the one who is right adjacent to the property line, he did not want to get involved, he is new to the neighborhood, been there for about 6 months, he said I don't want to get involved with he neighborhood or the drama, I just want to stay out of everything, if I don't show up that is a silent approval from my end and that I have no concerns, if I had concerns I would bring them up in writing to the board or to any of the building inspectors and I provided him email address, to Paul and Tom.

Chairman: In the past did you dig up the sidewalk there without getting permits?

Petter: I did

Chairman: Why?

Petter: I had a sidewalk that was crumbling

Chairman: Why didn't you get the permits?

Petter: I attempted to get a permit, I as in contact with the city for several months and I never got any response, I talked to people up on the street that have done similar projects in the past and I asked them how did you approach this, I can't even get a response, I cant get an email response I can't get a phone call or anything, they said we just did it and there was no problem.

Chairman: It is a problem though. You didn't have a permit to do it, and you can't get response from the city, you can't, you push on other buttons, talk to city councilors, you can talk to the Mayor's office, you can do all sorts of things rather than go ahead and dig out sidewalks that you are not allowed to do without a permit.

Petter: So I recognize that, I have learned my lesson, this was apox 6 months ago, so I have definitely matured as an individual and I understand better the procedures and processes that are involved. I had a city official come out and took a look at the project as it was in progress, I spared no expense on the materials. I uploaded pictures, I utilized 18 by 6 inch highway grade granite curbing, they came out and applauded my work, they were thankful for the fact that I took on fixing up city property.

Chairman: It just puts us in an awkward situation when we have a lot of comments back from neighbors and I am going to give neighbors a chance to speak. We have no ability to go back and withdraw our approval or anything of that nature and we all live in neighborhoods in the city and we want people in our neighborhoods doing things that are detrimental to our neighborhood, so it is always difficult to us when you have things like this.



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Petter: The changes that I have done to 15 Eastland Ter over the last 18 years can not be detrimental in any way shape or form, I bought a run down house, but it was a house that was in desperate of repairs both cosmetically as well as mechanically, I have taken on all these things myself and addressed them

Chairman: It doesn't sound like, based again on the letters, it doesn't sound like you were very responsive to the neighbors and their concerns.

Petter: They just brought their concerns to my attention, so its difficult to become responsive when you don't know.

Chairman; Well for instance the noise, does someone have to tell you that you are doing something late at night or early in the morning or whatever like that, that you are creating a lot of noise, I know that when I mow my lawn, I am very cognizant of my neighbors who have two little children, so I take that into account

Petter: So I have a workshop in my garage and in my spare time I enjoy building furniture, I recognize it makes noise, I did not recognize how much noise or that it was disturbing anyone. I myself have small children sleeping nearby, I have neighbors that are significantly closer to my garage workshop that have never raised any concerns or comments. I was once approached very directly about the noise that I was making and it was a concern, this was aprx 16 years ago, after that incident I recognized that I was disturbing some people in the neighborhood and I took that in consideration and stopped doing all that late night.

Chairman: What time are you normally in your workshop until?

Petter: The last several projects that I have been doing, I rounded up my nights usually around 6 or 7, there could have been an occasion or a cut that I needed to do after that but not anything sustained

Jill Dewey: I just want to put on record if I may that all 3 of those opposition letters come from one couple from one house, and then he has three other neighbors who gave letters in support plus one neighbor is here, so 4 different houses are in support, only one house is in opposition.

Chairman: Comments or questions

Kassie Infante: I could be wrong, but I didn't see any letters of support in our packets

Petter: Yes, I did upload one, but I have additional ones here with me (Jill handed to the board)

Member Bevilacqua: I'm going to say what the chair said, the purview of this board is narrow, it is not about whether people get along in the neighborhood, it is not whether people think a good neighbor or bad neighbor, or whether they think a neighbor is considerate or not. The purview of this board is about the variances

Petter: That is what I understood too.



# Haverhill

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Member Bevilacqua: And it is a beautiful street and your property is a beautiful property, it is a lovely property, I have driven there several times. Could you just address for me, I am just curious, can you go over the situation with supposedly there were some bricks, on the driveway of an elderly neighbor

Petter: So I had a project where I wanted to establish a garden between my garage and their garage, the majority of the property there is my lot, so I said I am going to take advantage of the space and plant some flower beds, in that area there was a tremendous amount of Japanese knot weed, I wanted to remove that entirely as they are invasive and they are a very aggressive species, I started an excavation project for that to extract the roots, once I got into the soil, there was a tremendous amount of rocks, those rocks I removed, so that I could easily dig down to remove any remnants or any resprouting that occurred, these rocks I had to dispose of somewhere, so I spoke to my neighbor behind me who has a very large lot that is partially vacant, it is not developed, I spoke to John Nelson who is Val Nelsons husband and said hey John I know you are looking for fill material, because he has been telling me that if you have anything that you need to get out of your yard, that is not something that can rot or deteriorate or any plastic material, just give it to me, I want to fill up my lot, perfect opportunity I felt, so I went and talked to John, John told us to put the rocks in his yard, but to access the yard we had to go through the elderly neighbors, the elderly neighbors are the Coco's from 5 Eastern Ter, which I have a letter of support from. None of the material was ever left on their property.

Member Bevilacqua: So it was never left on his property?

Peter: It was never. I did go through his yard, multiple times, put stress on his lawn, so in return I provided him with several wheelbarrows of sifted soil top soil, so that he could do any kind of restoration as needed.

Member Bevilacqua: Thank you

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

Member LaPlume: Looking at this picture, is that your house?

Petter: Yes that is my house. I brought that picture so you can see the area, my house, and envision what I am proposing. One story addition extending just further back.

Member LaPlume: I know, the houses next door, actually that isn't your driveway

Petter: I do actually own part of that driveway, but I don't utilize it or anything.

Member LaPlume: it looks like you have done quite a nice job on the front of that house, and this is also your curbing?

Petter: Yes

Member LaPlume: Did you put that in or did the city put that in.



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Petter: I put that in, as a matter of fact the city people that came out were first upset that I didn't have a permit, but they applauded my efforts and they actually waived the permit requirements and even asked me if I needed any help completing the project, I didn't decline any help, I said I am paying for this myself, I will take care of it, as long as you don't come after me because I don't have a permit.

Member LaPlume: That is a very nice neighborhood and the only thing I would personally ask you is to be good neighbors, talk to them and try to get along, that's all I am personally asking

Petter: I have good relationships with all neighbors around me with one exception.

Chairman: Great thank you. Other questions or comments from the board? If no we will hear from the opposition. Ok come on up, and like we mentioned prior, please try and be specific to zoning issues.

Todd Proia (9 Eastland Ter): Normally do to zoning issues there probably would not be filing against this approval, but in this case you have just witnessed that he will go above and beyond whatever the permit is, whatever the rules are, to get his vision. He didn't mention using a jackhammer at 9:00 at night, he didn't mention dumping it in a metal construction trailer at 11:00 at night with a bobcat, but that is just because the ends satisfies the needs, he showed you the pictures of what the end result was, that is all said and good, it looks great now, but it was hell living next to it, for years. Because like he said, the same with the Japanese root knot or whatever, once he starts something, he finds something else, and then it goes deeper and deeper and further and further until it goes past the permit, past the noise ordinances, it goes past 11:00 at night. Part of the front lawn he showed you, used to have a tree, well that tree came down, the city took it down, they left a stump, and he will tell you the city wasn't quick enough removing the stump, so he got a Sawzall and he went out and he removed it, till 2am in the morning. My whole point and I sent you the noise ordinances which I'm sur you are all aware of, he said he was only going to use hand power tools, I labeled them all in the letter I did today, the decimal numbers and the lot lines, the lot lines are very close, the levels do not get down to 50db. The fact that he says he might do one cut at 9:00 or this or that, that is because he is not doing a project, when he is doing a project he is doing cuts until whenever, and I understand this whole thing is for zoning, but I am telling you that he will go past his permit, he will go above and beyond and like in the past, and he even said it, the city is not responsive so he just does it.

Chairman: Now it is my understanding that we don't have anything on record of any neighbors complaining about any of these things, none.

Laura Verrette (9 Eastland): So I had, there was 5 years of unbelievable noise, it was unbelievable. 7am sawing bricks, 11:00 at night lying in bed listening to power tools

Todd: We are not going to call the police.

Laura: No we are not the type of people who call the police , we are not going to call the police. I have called Maria, I mean gosh 11 at night, what am I going to go out there in my pajamas and ask him to stop power tools. So our letters wanted to show a pattern of behavior, a patron of disregarding laws, disregarding safety. Did you read about the 8 foot trench in the front yard, he made a French drain in his front yard, it was Halloween there was an 8 foot pit in his front yard, the fire department came. Like no regard for public safety, no regard for rules.



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Chairman: My point is that if you had made formal complaints, this now becomes a he said she said. If you had actually filed a complaint than city officials could have gone up there

Laura: They did, I called the building inspector . He was working at 7 on a Sunday and I sent him a copy of the noise ordinance. I think I did probably talk to police, you know just saying what can we do, but I don't know what we could have done, it was like 5 or 6 years of hell. My concern is if you give him and inch he is going to take a mile

Chairman: You put up with it for 5 years, you shouldn't have stepped forward

Laura: If I could address Louise, so my neighbor Al Coco we were out working, we live in between Al and Petter, so we were working on our hedges and Al came up to us, he was very upset

Jill Dewey: If Al is not here to speak for himself

Laura:" Well that was the letter, he was upset about all the rocks that Petter dumped, and he put a sign on a tree in his yard, he was very upset, he is 85 years old, at the time he was 85, he is 92 now, he came to us

Chairman: Again this would be helpful if there were actual situations

Todd: You are correct, and we will be monitors for the city from this day forward.

Member Bevilacqua: We have a letter here of support from him/Al

Laura: That was Priscilla and it is from like a day ago and to me that is another example of how he takes advantage of his elderly neighbors, he went over there and bothered Priscilla and had her write, she didn't understand what this was about, he went over there and bullied her into writing this letter saying I give permission and I don't think she understood what she was even writing

Jill Dewey: That is hearsay too

Tom Building Commissioner: If you call the police when they are working after hours or the noise is too loud, call the police, they will come out with a noise meter. If there is something going on that they are doing construction or anything, they will refer it to me and we will take action.

Todd: The problem is that the work will stop when the police get there, so what are they going to metor

Tom Building Commissioner: Well they are going to warn him and then they will refer it to us.

Todd: OK. Can we have definitive times, so that we can start our monitoring



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Tom B: Well if he has a work permit he can work from 7 to 7, anything after 7, if he is making furniture in his own house and its too loud after 7 call the police. And they will come right out and they will refer it to us.

Todd: Ok. My last question is that 7 to 7, 7 days a week?

Tom B: I believe it dose say 7 days a week.

Todd: Thank you

Chairman: Thank you very much. Does anyone want to speak on your behalf?

Valeri Nelson (22 Lakewood Terrace): My back yard abuts with both Petters and Todd n Laura. It is my gully that they did the dumping in,, we have a big decline and yes my husband and I wanted to put in a retaining wall and flatten the land out, so in the mean time we have agreed dirt, rocks, that kind of stuff could be put in there, because we have to fill it. The other comment I would like to make is as far as regarding noise, is Petters workshop is actually much closer to the back of my house than it is to the side of their house, my bedroom window is directly above it, it is just a matter of feet, I have never once had an issue with noise, never, in all the years and I have actually lived in my house longer than either of these neighbors have and there has never been a noise issue.

Chairman: Thank you very much I appreciate it. Anybody else? Any more questions or comments from the board?

Member LaPlume: If anybody is digging and makes a trench any deeper than Massachusetts general law, it is a law you can not make a trench in the city of Haverhill, even on private property.

Chairman: Thank you. Any other questions? Entertain a motion

Member LaPlume: I make a motion to accept the application for the special permit request for 15 Eastland Terrace, 2<sup>nd</sup> by Kassie Infante

Member Ron LaPlume: Yes it is not substantially more detrimental than the existing structure to the neighborhood and the general 255-10.4.2

Member Louise Bevilacqua : Yes and again I reiterate that we are just voting on a variance, and I would love to see this neighborhood, it is almost idyllic neighborhood when you drive up that street. I would love to see the neighbors coexist in harmony, but it meets the criteria

Member Kassie Infante : Yes, it seems to meet the special criteria for a special permit, I just hope that throughout the construction process that it is something to be celebratedly discussed with the neighborhood.

Assoc Member Magdiel Matias: Yes

Chairman George Moriarty: Yes and I reiterate what I said before like Bevilacqua just said, we are voting on what is pertinent to the zoning, we are condescend to all the allegations of high noise and so on and so forth, but we have to stay within our zoning requirements and the special permit meets 255-10.4.2

Vote to approve the May meeting minutes: **Granted**



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