



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 16, 2022 at 7:00 P.M.

Those Present:

Chairman George Moriarty
Member Theodore Vathally
Member Louise Bevilacqua
Assoc Member Magdiel Matias
Assoc Member Gary Ortiz

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

FANTINI BROTHERS REALTY LLC for 375 Washington Street (Map 520, Block 315, Lot 12) Applicant seeks an extension of a finding/special permit previously approved on 11/18/2020, to construct a 100 ft x 115 ft addition to bakery plant for a new oven. Existing non-conforming structure is located in both RU and CN zones. (BOA-20-41)

EXTENSION GRANTED 5-0 for 1 year

Marcos DoCanto for 0 Seven Sister Road (Map 478, Block 1, Page 59)

Applicant seeks an extension of a dimensional variance previously approved 12/15/2021, for front yard setback of 30 ft where is 40 ft is required to construct a single-family dwelling in a RR zone. (BOA 21-44)

EXTENTION GRANTED 5-0 for six months

Debra & Neil Kelleher and Evan Kelleher for 457 Lake Street (Map 571, Block 2, Lots 17 & 17A)

Applicant seeks following dimensional variances to create a new building lot for the construction of a new single-family dwelling in a RM zone. Proposed new Lot 17A shall include the new single-family dwelling. Requested relief for new Lot 17A include variances for lot frontage (20.17 ft where 150 ft is required) and lot width (20.17 ft where 112.5 ft is required). Proposed new Lot 17 shall include the existing single-family dwelling. Requested variance for new Lot 17 sought for lot frontage (118.33 ft where 150 ft is required). (BOA 22-44)

Attorney Caitlin Masys (Downey Law Group, Topsfield MA): Debra and Neil Kelleher have for many years owned to lots of property on Lake Street in Haverhill, they are separately assessed, they are lot 17 and 17A. Even Kelleher is their son, he works for the Haverhill Fire Department, and they are looking to make the back lot buildable so that Even and his girlfriend can build a single-family home there, so that they can reside on the same property as their parents, he would be able to help them a bit. The plan that was presented to you, they do seam to move the existing boundary lines and create what would be considered as new lot 17 and new lot 17A, in order to do so, they do need some relief from the board, for a couple of variances, lot frontage and lot width are the two issues here, and I think the plan gives you a pretty good accurate representation of the frontage and width being a problem, because 17A as it exists now is a pan handle lot. There isn't much that can be done to change that without completely combining the properties and dividing them up, so they are coming to you seeking the variances. The lot in the back is more than large enough to accommodate the single-family home that is being presented, it meets all setbacks, area and everything other than lot frontage and width. I know the board is probably going to have a questions about hardship, because the plan that was presented to you does flip the driveway, so it sort of moves the pan handle from one side of the property to the other, that was not an arbitrary decision,



Haverhill

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

there are reasons for doing that, the first reason being that if the lot were to remain as is, the driveway would be latterly inches away from the house as it sits right now on lit 17, additionally there is a septic system fort he existing house, off of the back of that deck, and having the driveway go that way could potentially interfere with the septic that exists there now. I know it isn't shown on the plan, but it is located right in that area off the back deck. The thought was that to minimize the disruption to the existing property and the septic would be to just switch the pan handle to the other side of the lot. There is already a curb cut that sits there, so it is not as if it would be a new turn off of Lake Street being created, there is already a driveway there, it would just be extended so that it would reach the back of the lot for the new house.

Chairman: How long is that extension for the driveway, do you know?

Caitlin: I think it is paved already, all the way to the end, if I am not mistaken. It is gravel all the way back to the shed, the shed is going to be removed, so the pavement and the extension from the lot is probably half.

Chairman: Any questions from the board?

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

Caitlin: The applicant has owned the property since 1981

Member Vathally: Is the existing property a non-conforming lot?

Caitlin: Yes. There is an existing shortage of frontage, so the first lot is currently a nonconforming lot. It will actually end up being slightly more conforming, because the existing pan handle is roughly 23 feet and the pan handle at the top is roughly 20 feet, so frontage for new lot 17 they actually have gained 3 feet.

Chairman: They are just flipping it.

Caitlin: Yes they are just flipping the pan handle from one side to the other

Member Vathally: From the existing. So you are asking for the new lot, the proposed lot 17A right

Ciatlin: Yes

Member Vathally: Looking at frontage 20 feet where 150 is required

Caitlin: Corr4ect, but it is an existing lot that only has 23 feet

Member Vathally: Ok and the width you are looking for 20 feet where 100, what about total area?

Caitlin: Total is met for that zone.

Member Vathally: For both lots.



Haverhill

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

Caitlin: Yes for both lots

Member Vathally: Commissioner, does this still have to go to developmental review?

Tom Bridgewater (Building Commissioner): Yes it does.

Member Vathally: Attorney, I have a problem with the frontage that you are asking for, so please explain the hardship here for this proposed lot.

Caitlin: The hardship is itself the lack of frontage. The lot 17A in itself would meet all other zoning requirements, it just is missing that frontage and as a result the lot width, because you have to go by the minimum measurement when you are deciding lot width for zoning. Area is being increased for lot 17A, so there is a little bit coming off lot 17 and being added to 17A and both lots will still meet all requirements for area. The back lot, it has been that way since they have purchased the property, they didn't create that second lot, they didn't do anything to have that minimal frontage, they just happened to purchase both lots. However, this particular area of the city was cut up previously from other developments and other subdivisions, it just sort of left this lot with that minimal amount of frontage on Lake Street.

Member Vathally: But again, if the applicant wants to build a structure there, I mean how is this not a self-imposed hardship?

Caitlin: Well they didn't create the frontage that's there

Member Vathally: Understood, but they have owned the property, they understand the zoning requirements for frontage and how is this, I mean I am trying to work with you here, but I am not following the hardship here. To me this is a self-imposed hardship, they have owned the property. They are creating, trying to create another structure on the property, knowing that they are short quite a bit, and not 3 feet, you are talking about quite a bit of frontage, I am not seeing where this is not self-imposed.

Caitlin: It is the shape of the lot, it being a pan handle, that is the hardship, they didn't create a pan handle lot, that was created by whoever previously cut off Lake Street, they bought the property as is. It otherwise meets all zoning requirements for a single-family home in that zone district.

Member Vathally: Just for area

Caitlin: For area and the proposed house will meet all setbacks, there will not be any variances needed for side, front, rear, setbacks. They have a buildable lot

Member Vathally: Just understand, it's tough and with so much, both with 20 feet and with 150 and 122 respectfully, just to cram another building in there is what I have the issue with. I don't know how this isn't self-imposed.

Caitlin: well what part, there are self-imposing because they are asking to make use of their land?



Haverhill

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

Member Vathally: For the zoning requirement, yes.

Caitlin: So even though the lot exists as it does, with the frontage that it has. You are talking about the new lot, not the existing lot.

Member Vathally: Correct, that is correct.

Caitlin: They didn't create the hardship, they are just trying to make use of the property that they own, which otherwise conforms. It is large enough to accommodate a structure and all other aspects. Even the lot width is not really an issue, because again it is only because of the frontage. If you go by the actual width of the lots where the house is going to be, there is more than enough space to accommodate the house that is going to be built.

Chairman: And without an approval they would not be able to use the lot for the most part right?

Caitlin: Correct

Chairman: And both lots are going to be owned by family members?

Caitlin: That is correct, yes.

Chairman: You really are just flipping what is already an existing situation.

Caitlin: Correct. The existing hardship is there, as it exists right now. For the reasons as stated earlier, it just makes more sense, I know it doesn't look like it makes sense on paper, but if you were to go out to the property you would see how close using that existing pan handle it would be to the house, how it would effect the septic in the back, where as if you just flip it to the other side, there is less of an impact on the property, there is an old shed that is there, that will be removed, it is not as if you have to remove part of a house.

Chairman: And you have no opposition from the neighbors, have you?

Caitlin: No, no opposition

Chairman: Other questions or comments?

Assoc. Member Gary Ortiz: The construction of the house is it going to be for the parents or the children?

Caitlin: The parents own the existing house, they are either going to sell or gift the lot to their son and his girlfriend, who are then going to build their house and make their homestead there. Their son Even who is going to be living there is a Haverhill Fire Fighter, he is going to be remaining in the city of Haverhill. It is not something that they are going to turn around and sell to try and make more.



Haverhill

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

Gary Ortiz: Can you put a condition that the children will live there, at least while the parents are alive?

Caitlin: I don't think that, that is a legal stipulation that you can add. I am not entirely clear, does Haverhill Firefighters Haver to live in Haverhill?

Evan in the back: Answered but the mic could not hear hi,... (I/Jill) heard him say no, but they have to live within so many mikes and I can't remember the amount, but it wasn't many.

Caitlin: I think one of the big reasons why they want to do this, is because Mr. & Mrs. Kelleher are retired, they are aging and want to potentially remain in there house for a lot longer having their son and his family in the house behind them, as they can offer some assistance as they need it when they grow older.

Chairman: So it is really the unique shape of the lot that creates this problem.

Caitlin: Correct

Member Bevilacqua: So all the neighbors know about all these plans

Caitlin: Yes, they have all been notified by the city and a couple have even spoken with the Kelleher's, they came over and asked, and no one has had an issue with it. I will point out, 2 years ago I was actually in front of this board for another matter that was across the street, it was 452 Lake Street, they had a very large piece of land and they were looking to subdivide it and create 2 buildable lots, that variance was granted, however they did not take any action on that variance so it has expired, so currently it just sits as an single-family home. So I just want to point out that what was expected to be 2 additional houses already on that street, across the street, are not going to be there, unless they come before the board again and get a favorable decision. But all of the neighbors are aware, they have spoken to the Kelleher's. They have lived there a long time and they know them and they are mostly supportive of the petition.

Chairman: And as the commissioner mentioned, this still has to o to site plan review. Any other questions or comments from the board? Entertain a motion

Member Vathally: Mr. Chairman I make a motion to approve the variances for 457 Lake Street
2nd by Member Matias

Member Vathally: No, I am voting no as it doesn't meet the criteria for 255-10.2.2(2)

Member Bevilacqua: No

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

Member Ortiz: Yes

Chairman: Yes, as it meets the unique shape of the lot, it meets 255-10.2.2

DENIED 3-2



Haverhill

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

Mosab & Ayah Shaheen for 3 Maplewood Terrace (Map 446, Block 2, Lot 6)

Applicant seeks a special permit for the reconstruction of former non-confirming single-family dwelling after catastrophic fire in a RM zone. The new reconstructed single-family dwelling shall exceed the gross floor area of the original non-confirming structure (by approximately 200 sq ft), which shall cause the new structure to be located outside of the original footprint. Applicant seeks a variance for side setback (10.5 ft where 15 ft is required) as a result of the new footprint location. The proposed new structure shall be centered within the lot with 10.5 ft side setbacks on both sides. (BOA 22-43) **GRANTED 5-0**

Attorney Caitlin Masys (Downey Law Group, 462 Boston Street Topsfield): I represent the owner applicants who are seeking a special permit, to rebuild after a catastrophic fire on the premises, they are in front of the board today, because they are seeking to increase the footprint slightly and also to move the structure a little bit on the property, as a result they do need a special permit from the board, and they are actually seeking one variance for side setback. This particular fire took place on March 30th of 2021, and it completely demolished the structure, it was a total loss and very quickly the building department had the entire structure taken down as it was a hazard. As it happened before this fire, my clients who are the owner applicants now had already signed a purchase & sale agreement unfortunately and it is one of those situations where they were going to move forward and buy the property, and then there was a fire. They have spent considerable time going back and forth with the sellers, trying to come to an agreement, because they were still entitled to still purchase the property and have the insurance proceeds able to them, so they could rebuild. They were finally able to come to a resolution on that without litigation, and they did ultimately take ownership of the property. We are within the 2 year period for the special permit for the chapter 255 section 5.7/ The plans that are presented, the structure itself is roughly increasing by 200 square feet and that is mostly due to a single-car garage that was there that burned down and turning that into a 2-stall garage. The property as it existed before the fire, had a less than 3 foot side setback on the northerly side of the property, and it had a 20 foot setback on the southerly side of the property. The design as it's proposed right now actually centers the structure more on the lot itself, so it is actually increasing the side setback on the northerly side from 3 feet, even kind of less than 3 feet to 10.5 feet and then unfortunately that does reduce the side setback on the southerly side, 15 feet is required in that zone, the property would be centered and have 10.5 feet on each side. Because the 3 feet was pre-existing nonconforming, they only need a variance for the side, other than that the property is basically remaining the same, they are configuring it a little different in terms of like bedrooms and where things are located, but it is not a substantial increase from the existing footprint. As I said it is right around 200 square feet, that is the increase that requires a special permit. I do know that there is some opposition, I have seen the letter, I did read the letter and it is a letter from the abutter that lives at 1 Maplewood, which is the abutter who's side setback is being reduced, I understand he had concerns about privacy, but I actually think this design provides a little more privacy, what was facing his land prior to the fire was the living room, what is going to be there now is a garage, so there is actually going to be more privacy, someone will not be able to just look out their living room window at the next property, it will be a garage, there will be a car parked there, there may or may not be a window on that side. So I think the privacy concern is really litigated by the design and the fact that the garage is being moved to that side. I understand that it does come a little bit closer to his property, the zone itself has a 15 foot setback, so we are talking about 4.5 feet. In the letter he does state that the frontage on the structure is going to be from 45 feet previously to 69 feet, that is actually inaccurate, that did not take into account the garage that was already there, which was a single car garage that was 12 feet, so it is actually going from 57 feet to 69 feet, much less than what he has in the letter. I know there is a summary of what has happened previously on the property, it was an investment property for the prior owner, that is not going to be the case now, my client and her husband are expecting a child any week now and they are designing this home to make it their fulltime permanent final



Haverhill

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

never moving again home. So it is unfortunate that there were some issues that happened, but those are not going to be repeated, it is not going to be an investment property, it is going to be a single-family home. I would also like to point out, one of the neighbors that signed the petition in opposition, actually also signed a petition in favor, and we had a chance to speak with him and he did sign in support and he did mention that he felt very pressured to sign the petition in opposition, and that it took about 45 minutes of talking before he finally just said fine I'll sign it go away. There was another neighbor that we also spoke to that had a similar story, that there was a lot of pressure on them, to sign the petition in opposition. The rest of the signatures, because I got it so late, I didn't have a chance to do something terribly formal, but I did map out where those people live and while they are technically abutters, this design and the house being built really has zero affect on them or their property, 1509 Mill Street is across the street but on a different street, 12 Maplewood is really the closet abutter aside from number 1 Maplewood and he is the abutter that signed the petition in support, Johnson Street you have to cross Maplewood cross Mill to actually get to Johnson Street which 3 of the signatures in opposition signed, so I fail to see how increasing it by 200 feet by adding a 2-car garage really affects them in any way. So I just wanted to make sure that the board was aware that while there are signatures and they are in the general area, it doesn't really seem, there is much if any affect on their properties or their ability to use and enjoy their own properties. I can understand why number 1 Maplewood is in opposition, it would be that their setback is going in their minds from 20 to 10, but the zone allows for 15 so it is really going from 15 to 10.5, and though it does come closer on his side of the property, it actually creates less of a conformity on the other side, which was far closer to the property line, 3 feet and now they are going to gain 6.5/7 feet of a side setback and those neighbors are conspicuity absent from the petition in opposition of this project, in fact I think they are quite happy with the proposal as I said it increases the distance between their property and the existing property and the design was done purposely to have it be centered on the lot, so that both sides its 10.5 feet.

Chairman: Any comments or questions from the board?

Member Vathally: I just want to clarify, because it is not in the same footprint, what is the 200 feet for again?

Caitlin: The structure that burnt down had a single car garage and the proposal is a 2 stall garage

Member Vathally: So this is all garage related, so the house itself is in the foot print.

Caitlin: Yes the house itself is in the foot print, the garage is being flipped from one side to the other

Member Vathally: Ok thank you

Chairman: Questions or comments from the board?

Member Bevilacqua: So the 200 feet, and that is why the side setback goes from 10.5 to 15 right?

Caitlin: That's why it goes from 15 to 10.5

Member Bevilacqua: That's why it goes from 15 to 10.5, I mean that to me is a reasonable request, 15 to 10.5, but would there every be any kind of chance that they would cut the 200, in other words I think that would relay a lot of the concerns that the neighbor had, because the 10.5 is going to approach his privacy.



Haverhill

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

Caitlin: I think that while it is a possibility, it is not ideally what they would like to do. I mean they are building this to be their forever home and they are expecting a child, they would like to have the 2 garage bays and I think that the fact that they are increasing the setback on the other side, which was really the issue to begin with, I mean we are talking there was 3 feet between number 5 Maplewood and number 3 Maplewood and I think they tried to thoughtfully design it, so that they were taking into account both neighbors and not just the one, they are centering it on the property, they are doing the best they can to build a home that they want to live in forever and also take into account the other properties.

Member Bevilacqua: I don't think that it is really germane to us that at some point a construction worker might (the rest got cut off)

Associate Member Ortiz: They are saying that the other house and the history

Caitlin: Not all of that is accurate, the property was never actually listed for sale. They may have seen a sign but that is because my clients mother is a realtor and I think they had taken the sign off another property that had sold and was just storing it, there was never a for sale sign put up on this property, because it was never actually listed for sale. It was an investment property and it is my clients 2 uncles, who are Blue Moon Brothers investments, but they purchased the property, it is not a gift, it is not an inside family deal, there was a purchase & sale agreement for consideration that was signed before the fire happened. As far as the investigation goes, I don't really know anything about that, I know Mr. Bridgewater called himself and the fire department had no comment and they have the ability to comment on all these applications and I think if they had something negative to say, they could have said it then. Regardless my clients were going to buy the house as is and they were just going to renovate it, they were just as devastated when the fire happened and it has caused a lot of strife for them and their family, because it was not an easy agreement to enforce the purchase and sale, it took a lot of time, otherwise they would have been in front to the board a lot sooner. So yes to address some of those things, the property was never listed for sale, it was never an MLS, it was always a discussion about my clients wanting to buy that house and live in it.

Member Bevilacqua: What is in this opposition letter, the majority is really not the purview of this board and really not relevant and germane to this request, the only thing in it that might matter to me is that the person in saying that the privacy has been infringed is because he is concerned about the 10 foot side, but this board has approved variances of that request, of that size get granted, I have a hard time when the variances when they request 20 and need 150, I have a hard time with that, but I mean this is legitimate and that is what really I think the only part of this opposition that is germane to this. I don't think any of these things about who lived there and when it was put for sale, I don't think any of that comes under the rule book of the board of appeals.

Chairman: Any other comments from the board? OK, we can hear from opposition.

Walter Hopkins (1 Maplewood Terrace): I had written the letter. I am not sure how much time you have, but I would like to go over with you essentially where my concerns are. (got cut off for a sentence or two), I have lived at 1 Maplewood Terrace for 14 years, my house is located abuts right on that southern side where they are at. Both the variance and special permit need to be reviewed (cut out again). Yesterday I gave the letter about the property, because certainly this house has a big impact on our house. Primarily my first point is that the applicant isn't making a valid point for asking for a



Haverhill

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

variance on hardship according to the soil, topography or shape of the lot. The structure could be put on the same footprint, but I think it's the applicant not wanting to. My second point is this proposal for this application lacks some important information in detail and making a decision really in regards to total impact to the proposed construction, now I am not an expert on these things but when I read the figures that the legal memoranda identified saying that essential overall size of the proposed structure feet or square minus of feet of structure was 2300 square feet, that would certainly imply a very modest increase in the size of the structure, however when I reviewed the actual plans that are in the application and add up the footage it seems to be in much more asses that overall in generality the proposed building seems about 30% bigger than the prior building. A rough idea of where some of that information came from, was I did try to get a sense of the perimeter of the previous house and the previous house perimeter came out at 106 square feet, the proposed house would be 207, that is a 33% increase, the gross area from the records from the city show that the house was 2,577 square feet pre-existing home and that the proposed one would be at 3,430 increased over the prior building, which is essentially sort of the footprint that is there so to speak, roughly that would be about a 33% increase. The front of the house and the attorney did note that some of my figures were off, it is increasing essentially taking into account that garage, overall it is going to 69 feet but roughly 70 feet of the 90 feet will be part of this newly proposed home, which to me is more than insufficient, from the street if you were looking at the newly proposed house, it would be a significant filling in of the whole space, actually they are saying there will be about 10 feet on each side, which I think is accurate. The second-floor garage I think there is always questions about privacy, I think since it is going to be a 2-staory garage, so there is the garage on the first floor and then there would be bedrooms I would presume, I presume there would be a fully lived in second floor and so essentially where I am now at my house, I will have much less privacy. I will have a garage next to me, which I would say is a trade off in terms of privacy going from a home that was well designed with a garden in front of it and a side with a living room, with now a garage with windows on the bottom floor and then bedrooms looking right out to my second-floor bedrooms, so I think that is a notable privacy issue from my prospective. Essentially now people can very well be looking into my windows, I, concerned with the distance from my house and the layout. All of the houses in that community in that neighborhood, a lot of times the two garages are put together and the houses are on one side and then there is an open space, so that all of the houses are not compressed together, so it is pretty typical to have quite a bit more space between houses and one of the ways they do that the new garages were sort of nestled together (recording cut out). Now my house is designed to have a fairly good on the south side, a good space for a yard, so I do have only a 10-foot space between me and their lot, but it is more than made up with space on the other side. What they are proposing would essentially would reduce space to 20 feet between the two of our houses. Now the fire I think does have a lot of baring only because certainty it impacted us, but it also when it collapsed, part of it came into our yard, if the house had been any closer our house would have surly burned up, with that distance and the current footprint and save our house from the damage from the fire. I think another big concern I have, is that although the applicants say it won't be a significant impact, I am not agreeing with that point of view. Looking at they are roughly almost filling the entire front of that lot, which is a big lot, it goes back pretty far, they are filling pretty much the entire front with the structure, so roughly about 33% bigger or so overall structure definitely allows a lot more square feet for the structure. I know they sort of downplayed but the impact the neighbors who signed the petition would have, they actually really did, when I reviewed having, I did have a chance to review the applicants file, when I reviewed I was able to view the photos of the house that they are proposing and I think we are expecting to be good neighbors to these people, but I think the spirit of things is trying not to over impact the neighborhood to this degree is good for them, al lot of them the families for instance on Johnson Street are right across, so Mill Street sort of takes a turn, they are located here and in a U is all of the houses on Mill Street that are facing to the structure between how close my house it to the lot and the lot of their proposed structure and then the next house to it with the garage that they are talking about, will essentially be an ungroved line of houses of



Haverhill

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

buildings, so a lot of them will have a dramatically affected future of the neighborhood, so I would disagree with that they have no relevant or shouldn't have any others really concerned. I don't know if it would be helpful, I do have a photo of what the prior house looked like, I don't know if it would help give you folks a little context of it, I would like to share it. I will get to a little more of the petition, certainly we didn't intimidate anyone into signing it, we did not put any undue pressure. Back to a little of the history, this is the same family that was primarily comprised of the Blue Moon Investments, so when they purchased the home, they initially presented themselves as a couple moving into the neighborhood, fixing up the house, they talked about picking out wallpaper, paint, for a short time they actually changed their plans and they started to rent the house to a couple as a regular single-family residence and so that is kind of the timeline that I had sent you. After that year they began to rent the house as a boarding house

Chairman: I am going to interrupt you for a minute, because I think as member Bevilacqua brought up, this history is not really germane to this

Walter Hopkins (1 Maplewood Terrace): But the family has transferred this property back and forth for a number of times and they just recently did this.

Chairman: I think as member Bevilacqua is accurate in saying that it is really not what we should be considering at this point in time. The things about the variance and the special permit that the elements contained in there are what we really need to be focusing on.

Walter Hopkins (1 Maplewood Terrace): And I can respect that without a doubt, I think as we close, I certainly do have some concerns. The applicants property certainly the way it's been described, didn't in my opinion give a full understanding of how much it would impact the overall, a sort of micmansion on an undersized lot, it does take up most of that size sides. I am concerned for just the overall character of the neighborhood, as I drive around Haverhill I do see increasingly duplexes being put into all the neighborhoods, I think that is helping with housing, but increasingly the appearance of our neighborhoods are staring to look very different than they ever did before and I see the proposed project would really stand out distinctly as a big foreign kid of thing, landing there and it is so massive. This isn't a variance issue, they certainly have plenty of room to operate the footprint, which is particularly what they did in the purchase & sales agreement, they purchased a footprint, before the board asked for much more of that and I would like you to sort of use your judgment to try and weigh and balance that this is definitely going to have a impact on certainty where I am living now facing a garage next to me and I will have very reduced lot line between the houses

Chairman: Thank you very much, I appreciate your time. Attorney do you want to address some of the key points that were brought up

Attorney Caitlin Masys: So a couple of points, the first is that the footprint is really not increasing that much, from what I understand it was 3300 square feet that burned down and the new proposed is roughly 3500 square feet, that is with the bigger garage, it is 3300 square feet of living space

Chairman: Commissioner



Haverhill

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

Tom Bridgewater: I looked at the tax records today of what they were being taxed on square footage wise approx. 3213 square feet

Chairman: And you are proposing 3500

Caitlin: The actual living space is 3300 exactly and then there is the garage so 3500

Chairman: The garage is 200 square feet

Caitlin: Yes. I realize that on paper it kind of appears that as if the house is going to take up a significantly larger portion of the front of the lot, but that really isn't the case, it is being shifted, so it is taking up a little bit more space but it is being shifted so that there is equal distance on each side. Yes per the special permit they are fully entitled to build in the same exact footprint, doing so would leave a side setback for number 5 Maplewood of again less than 5 feet, which I don't think they would be happy about, and I do feel like my clients have tried very hard and spent a lot of money on designs and trying to build in the same footprint but also make it a little nicer and make the lot a little nicer. The garage is going to have a second floor, but that's no different than the house before it burnt down, that side of the property had 2 floors, I am sure it shows in your picture, but it is not as if a second floor is being added on that side that didn't exist before the fire. The other thing I would like to say, I am not a fire fighter, I was not there, I didn't see it, I'm sure shifting winds had something to do with it, but if any house was to potentially have damage from this fire, I would think it would be the one that is less than 2 feet away at number 5 Maplewood, the house that was at one time over 20 feet, even more than that, the setback was 20 feet so over 30 feet, there wasn't any damage to the house that was 2.5 feet.

Chairman: Any other questions from the board?

Walter Hopkins (1 Maplewood Terrace): So just to try and look at the picture now, there was a one-story garage on that left side, so if they are bring up that garage space than there are also adding, there is a significant amount of increased living, a large part of it is (couldn't hear the last few words)

Chairman: Thank you very much. Any other comments from the board? I'll entertain a motion. We have two things to vote on, the special permit and the variance, why don't we start with the variance first.

Member Vathally: Mr. Chairman I make a motion to approve the Variance for 3 Maplewood Terrace, 2nd by Member Matias

Member Vathally: Yes it satisfies the criteria for 255-10.4.2

Member Bevilacqua: Yes it satisfies the criteria for 255-10.4.2 and only asking for an accommodation of 4.5 feet

Member Matias: Yes signing 255-10.4.2

Member Ortiz: Yes I don't think that they are asking for too much

Chairman: Yes agreeing with my colleagues it satisfies the criteria for 255-10.4.2

Granted 5-0



Haverhill

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

Member Vathally: Mr. Chairman I make a motion to approve the special permit for 3 Maplewood Terrace, 2nd by Member Matias

Member Vathally: Yes it satisfies the criteria for 255-10.2.2(2)

Member Bevilacqua: Yes it satisfies the criteria for 255-10.2.2(2)

Member Matias: Yes sighting 255-10.2.2(2)

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

Chairman: Yes it satisfies 255-10.2.2(2), so both the special permit and variance are both granted

Granted 5-0

The board 5-0 approved the meeting minuets from the October 19, 2022 meeting