



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, August 20, 2025 at 7:00 P.M.

Those Present:

Chairman George Moriarty
Member Louise Bevilacqua
Member Ted Vathally
Member Lynda Brown
Member Michael Soraghan
Assoc Member Magdiel Matias
Assoc Member Gary Ortiz

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

Chairman called the meeting in to order on August 20, 2025

Mikaela & Christopher Gondolfo for 45 Haseltine St (Map 726, Block 4, Lot 1)

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 the construction of an addition off the rear of the existing two-family dwelling in a RM zone for the purpose of creating an additional bedroom. (BOA 25-16)

Mikaela Gondolfo: We are hoping to build an addition on the back of our house, from a previous addition that was built before and brought the property closer to our neighbor at 39 Haseltine Street, so that is why we are here today, to see if we can build it even though it is only 7 feet from our house.\

Chairman Moriarty: Have you had conversations with that neighbor?

Mikaela Gondolfo: She is here in support today.

Chairman: OK, no opposition obviously. Any comments or questions from the board? Can you tell us a little bit about the size, we have the dimensions, but how much are you adding on

Mikaela Gondolfo: We are going to go straight back 20 feet into the back yard, from the edge of the house, which would be 20x12

Chairman: And this is to create a additional bedroom

Mikaela Gondolfo: A bedroom. We have two children and they have shared a room for a long time, but now that they are older, we need to have a new bedroom, so we will take the back bedroom and they will have the two front bedrooms.



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Member Vathally: I know I had a conversation with Chris, but its pretty much the same snapshot of the property next-door, with that extension, and the setbacks and side setback is the same, it is not going to encroach into that side fence

Chris Gondolfo: Nope

Member Vathally: Any water, any plumbing?

Mikaela Gondolfo: No

Member Vathally: Ok, thank you.

Chairman: Any other comments or questions? Entertain a motion

Member Vathally: I make a motion to accept the application for 45 Haseltine Street

Member Soraghan: Second

Member Soraghan: I vote yes. I don't see it as being substantial or more detrimental to the neighborhood, and I believe it meets the conditions of 255-10.4.2

Member Brown: Yes it meets the zoning criteria for special permit 255-10.4.2

Member Vathally: Yes it meets the criteria for 255-10.4.2, sighting that the neighborhood character needs are satisfied and it is not more detrimental to the neighborhood

Member Ortiz: Yes it meets the criteria for 255-10.4.2

Chairman: It is approved, thank you.

US PROPERTIES INVESTMENTS LLC for 5 South Central St Unit A (Map 704, Block 645, Lot 3BB)

Applicant seeks variance for a second sign in a CG zone. Requested relief sought for a second sign equal in size to the existing 27.5 sf sign on the front of the building. Proposed new second sign shall be located on the parking lot side of the building. (BOA 25-17)

Rodrigus Dorvalina: We are here to seek a variance for the second sign on my building. Right now we have a sign on the front of our building that faces the street, but then we want to put a sign on the side of our building where you can see for faraway, from the other street you can see the side of the building on the side, right now you can only see when you are driving by the front.

Chairman: What side of the building is it going to be on?

Rodrigus Dorvalina: The right side, From the street there is a front door

Tom Bridgewater: The variance is needed because one square foot sign area per street frontage for building frontage, so the variance they are seeking is the sign, because they don't have any actual frontage where they are looking to do the



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sign. They already have a sign that is on the front, that meets all the requirements, but this is in the parking lot. So that is what the variance is for.

Chairman: Any comments or questions from the board?

Member Vathally: Can that sign be seen from South Main Street?

Rodrigus Dorvalina: The new one, you will be able to see

Member Vathally: That is the reason for the variance, because it is really another Street.

Chairman: Any comments or questions? Entertain a motion

Member Vathally: I make a motion to accept the application for 5 South Central Street

Member Soraghan: Second

Member: Yes it meets the criteria for 255-10.2.2(2) as it would not affect the zoning district.

Member Soraghan: I also vote yes, I feel it meets the criteria for variance 255-10.2.2(2)

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

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

Chairman

Yes as it meets the criteria for variance 255-10.2.2(2)

Yvonne Ingalls for 31 Lowell Ave (Map 531, Block 381, Lot 3)

Applicant seeks the following dimensional variance to create a new building lot for the construction of a single-family dwelling in a RM zone. Proposed new Lot B shall include the new single-family dwelling. Requested relief for new Lot B sought for lot frontage (129.29 ft where 150 ft is required). Proposed new Lot A shall be a conforming lot and shall include the existing single-family dwelling. (BOA 25-18)

Attorney Caitlin Masys (462 Boston Street Topsfield, MA) I am representing Ivonne Ingalls, the owner of 31 Lowell Ave. She comes before the board today seeking one singular dimensional variance for frontage, in order to create one new single family buildable lot, on Lowell Avenue. In all other respects these lots would be conforming for the zoning district and their requirements. The existing house is going to remain on the lot, that is fully conforming with zoning. The newly created lot is seeking a variance for frontage of roughly 20 feet, the requirement is 150, and the new lot would only have 129.9 feet of frontage. The city map, that is being pulled up on your screens, is a little bit misleading, and I urge you to look a little closer at the plan that is in the package, this is an extreme oddly shaped lot, in that there are various jogs out, that have come over time, in particular where the frontage variance is being requested, it does look on the city map as if the property line on the left hand side is straight, but if you look at the actual survey, that line does jog in a little bit, which reduces the frontage, so it is not exactly a straight line. In addition, most lots when you think they are rectangular or maybe they border. Some day the street, this particular lot has over 11 different meets and bounds in its description, so I



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certainly think it meets the requirements for a variance, being that the shape of the lot is odd, and there is one particular jog in of the property line that directly affect the frontage on the proposed new lot, for the variance that is being requested on lot B. Lot A has an existing house and that would be a fully conforming lot. Lot B doesn't show on that accessors map, but on the plan you can see where that lot line angles in a little bit. Additionally Lowell Ave on paper it does curve a little bit there, which technically it sort of affects the frontage, if you were to draw a straight line across, it might only be a variance of 3 feet that would be needed, but because the way it draws in and then the curve through the road, it ends up really being calculated via survey as 20.1 feet needed for the variance.

Chairman Moriarty: Questions from the board?

Member Vathally: If you are facing the property, where is the driveway going to be

Attorney Caitlin Masys: The driveway will likely be

Member Vathally: I am looking at the sight plan now and it is very difficult to see it

Attorney Caitlin Masys: I don't believe it is identified on the sight plan. I think the intent was when going through the developmental review process to sight the driveway and what the recommended location by the city professionals

Member Vathally: Well is it proposed, do you have a proposed structure on the sight plan?

Attorney Caitlin Masys: NO, there is not a proposed structure on it.

Attorney Caitlin Masys: But do you have one?

Attorney Caitlin Masys: NO, currently we do not. But a single family home would fit within the envelope, no other variances would be needed. So we didn't move forward with putting a proposed structure on there since whatever gets built will be within the envelope.

Member Vathally: But you need the variance for frontage.

Attorney Caitlin Masys: Correct. The driveway would likely be located further away from Smith Street and closer to the proposed new property line

Member Vathally: So it would be towards the existing single family house?

Attorney Caitlin Masys: Correct.

Member Vathally: So you just have a buffer along Smith Street



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Attorney Caitlin Masys: Yes there will be, there is a buffer along Smith Street, there is also, there is over 100 feet already from the corner of Smith Street, to what would be the corner of this lot. So there would be, that 110 feet plus or minus, plus the additional buffer, putting the driveway closer to 31 Lowell the existing house

Member Vathally: ok. Thank you

Member Soraghan: Attorney Masys, on the survey plan and I know we go through this time and time again, but it shows a 50 foot right of way that was never constructed, what is the status, what's the legal status

Attorney Caitlin Masys: So the legal status, is that it is considered a paper street, a paper street that has never been constructed, to the center line of that street, well right now it is one lot, so the whole of that paper street is actually considered owned by Ms. Ingles who owns the property

Member Soraghan: Would you swear to that?

Attorney Caitlin Masys: Well yes, it is a paper street that has never been built out, and if it does not get built out, then it becomes part of the property. The way that we are proposing the property line to go down the middle, what then happens is each owner, gets to consider to the center line of that street as part of their lot area.

Member Soraghan: Ok. With that being said, sort of the way the lot was meant to be divided, like when that subdivision was proposed years ago, it was like, this lot B, was the way it is shaped now, and lot A would be the way it is shaped now

Attorney Caitlin Masys: Yes

Member Soraghan: Ok

Attorney Caitlin Masys: Yes because the center line of the paper street, would be right down the center line that we are proposing

Member Soraghan: Ok, I am going to trust your legal expertise on this matter

Chairman: Other comments or questions from the board?

Member Vathally: Is there a lot behind that lot? Because I know it is all shrubbery now along Smith Street, but I remember 100 years ago, that, that was a elongated lot all the way back, and is that alluding to Mr. Soraghan's paper street?

Attorney Caitlin Masys: Yes, I think at one point the entire corner, so it's really a triangle that goes, driveway, Lowell Ave, Smith Street, and I think, I would have to do a little bit of history, but just from my own general knowledge, it would appear that at some point, someone wanted to create a subdivision down the whole triangle and have a cul-de-sac go in there

Member Vathally: Right, because that is a big lot



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Attorney Caitlin Masys: It is a huge lot

Member Vathally: the shrubbery wasn't there when I was a kid, and it said it went 100 miles behind the spot in questions

Attorney Caitlin Masys: Yes

Member Vathally: So can that lot now, if this is approved, can that lot be developed?

Attorney Caitlin Masys: No. They would have, the only way that could be developed, is if they had access from Broadway, they would not be able to develop it with access from Lowell Ave, but if someone owned the land in between these lots and Broadway, if they wanted to have access

Member Vathally: Using the paper street

Attorney Caitlin Masys: They could not use the paper street

Member Vathally: They could not use the paper street to access that second lot, correct?

Attorney Caitlin Masys: Right

Member Vathally: Ok. Thank you

Chairman: Other comments or questions? Do you know who does own that part of it?

Tom Bridgewater: Victoria and she owns, that one right there also (showed on GIS)

Attorney Caitlin Masys: Right, she owns the lot in front too, that is on Broadway. So that small lot would not become a landmarked parcel, it has access to Broadway.

Chairman: Right, ok. Any other comments or questions? Anyone who wants to speak in opposition?

Chris Burrill (48 Lowell Avenue): I am here tonight to oppose on behalf of my neighbor in front of me, my neighbor to the right of me, Sean he is at number 36. So this street is a very dangerous street, and there is a posted speed limit 35 right there, and that is on a good size curve right there, we have seen at least a dozen accidents where the driveway would be. So not only that, it is a very pretty neighborhood, the esthetics are great, just very concerned about safety number one, number two the esthetics of the neighborhood, my property values could potentially diminish, crowding because of the lack of frontage that they are going to have, and if you really look at it, it is smaller than the picture, I look at it, I live right across the street, it is not large at all. It looks huge on the picture, but if you actually saw the site it is a lot smaller. I am hoping that you guys consider our opposition, thank you.

Theresa Guay (34 Lowell Ave): I live in my childhood home, so I know the neighborhood, I know the property, and I know how deep it goes. There is a lot of accidents there that we have seen, recently there was an accident, the car went into the



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tree in front of that property. We are concerned about safety, we are concerned by the traffic it will bring. It is a beautiful lot, and with that lot comes habitat, with a building there has been building going on in the neighborhood, where its got rats, and the city has been called, we don't want more rats, which this will cause as well. We are concerned about that. I don't think that property, Mr. Vathally I know where you used to live, I think that property was meant to be that one house with beautiful land, to be beautiful, it is not meant to be divided and put a house on it, I don't think that is what the previous owner wanted to have happen, and I certainly don't want to see it happen either. We don't want it, the neighborhood is beautiful, people take care of their properties and we are afraid of our property values as well. Thank you.

Chairman: Thank you. Any other comments or questions?

Member Bevilaqua: My question is for the neighbor that just spoke. You just mentioned that the beautiful property has habitats there, do you have any evidence that there's habitats there? Any endangered species? Like eagles? because there are eagles further down.

Theresa Guay (34 Lowell Ave): We have seen foxes, there is a fox in the neighborhood, there is a lot of wildlife and the more you build, the more you take away from it. We don't want that to go away, there is a lot of building going on, and yes we need housing, I understand that, but I don't think this property was meant for that. I think when this house was built back in the day, it was meant to save some of that, and I think that is what the previous owner wanted.

Member Bevilaqua: Do you know of any particular protection agency that has come in and looked at that habitat?

Theresa Guay (34 Lowell Ave): Not to my knowledge.

Chairman: Jill we didn't get any comments back from conservation, right?

Jill Dewey Board Clerk: Nothing, and I checked today.

Chairman: Nothing, ok. Any others

Paula Sherlock (19 Lowell Ave): I live right next door to the left. When these homes were built, mine was a former mayors house, beautiful land, we keep it up, my husband is very particular of our property, the land next door has always been kept. I agree with them, there have been several accidents with people coming around that corner, they hit the mail box, the tree. To put a single family home in there now, it is going to take away all the trees, Smith Streets house's are along there and out backyard is very close, hers and mine, we both have pools, the trees around them that we keep, we didn't take them down for our pools, because it is just nature. Just to try and squeeze everything thing in that we can on these properties is not right. The city, we have had issues, the city has had water issues, overbuilding I think is the problem, yes we need some homes for people, but this is not going to be an affordable home that someone is going to be living in. My husband and I are really taken away by them wanting to develop this property. Like the other neighbors said there are a lot of accidents and the rats from digging up properties, that we have had to call the city. I have had the fox living in my backyard, coming right from the back between Broadway and it is living somewhere in those woods.



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Member Bevilaqua: Do you know of any particular species that are living there, I don't, but this gentleman just said he has pictures of eagles. Seeing all the birds in there before, I have probably seen them, but if there are eagles nesting that won't pass conservation I wouldn't think.

Jill Dewey: It goes to conservation after here, during developmental review.

Paula Sherlock (19 Lowell Ave): It would be a shame to take down, we don't have enough land between homes. The neighborhood isn't, and I own two families in Haverhill, and I have a spare lot beside it that we could have developed, but we said no, we want to keep it green, we want to have it, it's near Sweezy field, we didn't want to tear down all those trees.

Member Brown: I know there are concerns tonight with rats, or preservation for wildlife there, but I want to say that we are here to vote on what is upon us tonight, on a variance for frontage. And we want to hear concerns about different things, but we have to make sure that we don't have to take, we can not take so many things that are not on our purview into consideration on voting, so we want to hear the concerns, and if it is something that is in conservation we can't, and I would have to ask Jill, it goes to something afterwards with developmental. I just wanted to bring that up, because I am a person who loves green spaces but we can't vote on everything sometimes, on things that come up within a neighborhood, so I just wanted to bring that up. I want to be fair to everyone. Thank you.

Chairman: As I mentioned, it did go before the conservation commission person, and we haven't gotten any comments back from that person at this point and time. One more person.

Fran Froehlich (49 Lowell Avenue): I live directly next to the proposed home, and I have to say that many times I have been blown out of my bed because of cars hitting trees and coming around that curve, it is just very upsetting and to put another home there and another driveway would just complicate the street much more, and I worry about more accidents happening, I don't know, is that outside the perimeters to emphasize the traffic?

Member Brown: I think it is within what we are talking about, but we have to vote on, I think all of us take our jobs very, very seriously and Lowell Ave is a busy through way.

Fran Froehlich (49 Lowell Avenue): I understand. So that is why my kind of major concern is how many times I have gotten up in the middle of the night not knowing if I should run out there or not, because someone has run into a tree. Thank you for your time.

Chairman: Any other comments from

Chris Burrill (48 Lowell Avenue): I just want to over emphasize the safety of that curve, and just the matter of this variance itself. It is not 5 feet here, so the frontage is not 8 feet, it is 20 feet which is significant to me. 20 feet is a good distance and it is going to make that entrance really narrow and it is not going to be slightly, and it's just not a good idea and thank you guys once again.

Chairman: Tom did you want to make a comment?



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Tom Bridgewater (Building commissioner): Yea, if approved its still got to go through developmental review process, and if there is any conservation issues or eagle issues or endangered species or endangered species issues, that will come up in developmental review. Fire department, police, engineering, water, sewer, conservation, everybody is in that meeting, and certainly if approved and if traffic is an issue, that will be the police department, I will make sure that is brought up.

Chairman: Great thank you

Attorney Caitlin Masys: So by way of rebuttal, I don't discount the neighbors concerns obviously they live there and they have legitimate concerns, that being said, if you look at the map, Ms. Ingalls lot right now is one lot, is larger than all of the lots of the neighbors along Smith Street combined, what she is seeking to do, is divide it simply in half and create another building lot, that aside from the frontage completely complies with all of the requirements of the zoning district that it sits in. The same can not be said for all of the houses surrounding this lot, except for maybe the single one on the corner of Smith & Broadway, none of those lots comply with he zoning as it is currently constituted, so while I can appreciate people wanting green space, if is unfortunate that a lot of these people on Smith Street viewed Ms. Ingalls property as their own backyards, the reality of the situation is that there is a property line and Ms. Ingalls is just seeking to make the best use of her property, and for reference I have been working with Ms. Ingalls for several months now and there have been multiple irritations with what she has tried to do with this property, all of them much larger in scope than just simply creating one additional lot, with a frontage variance, so in no way do I think what she is requesting from this board today is unreasonable or not in line with how the neighborhood with how it currently exists.

Chairman: Thank you very much. Any last comments from board members? Just note that member Vathally will not be voting on and instead Member Matias will be voting in his place.

Member Vathally: Just as a question, explain to me again what your hardship is for this application?

Attorney Caitlin Masys: So the way that the lot is situated, there are the shape of the lot prevents there from being a full 150 feet of frontage for each lot, that is based on which doesn't show on your GIS, again that shows a straight line, but really the interior line jogs in a little bit, that reduces directly some of what would be considered frontage, as well as the curve of the road, in all other aspects and towards the rear of the lot you can see where it jets out from the corner, if you took the corner and came straight out to Lowell Avenue, there wouldn't be a need for a variance at all. So it is just sort of the way the lot was broken up and misshaping and not really divided into what you would normally consider a square rectangular building lot, that there is a little bit missing here and a little bit missing from there and sort of makes it uneven so that it just falls short of the requirement.

Member Vathally: So your argument is shape, shape of the lot

Attorney Caitlin Masys: Yes

Member Bevilaqua: Didn't she know that when she bought it, that is was that shape?

Attorney Caitlin Masys: Yes, it has been that shape for hundreds of years, so she didn't create that shape, she didn't create



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Member Bevilaqua: She knew it when she bought it that it would be that shape.

Attorney Caitlin Masys: Yes, yes she knew that, but she didn't create it. She purchased the lot as is.

Member Vathally: That is the reason for the variance request?

Attorney Caitlin Masys: Yes

Member Vathally: Thank you

Chairman: Entertain a motion.

Member Soraghan: I make a motion we accept the application for variance for 31 Lowell Avenue

Member Brown: Second

Member Soraghan: I vote yes, and I have faith in the department review to address all of the concerns that were brought up today, but I feel it meets the criteria for variance 255-10.2.2(2)

Member Brown: Yes, I would like to narrow it to what Mr. Soraghan said, I do have a lot of faith in our department heads, so I'm going to go ahead and say yes, as it meets zoning criteria for 255-10.2.2(2)

Member Bevilaqua: I concur with what Member Brown said regarding the purview of this board, however one of our purviews is the character of the neighborhood and I am not talking about properties going up or down, but I am concerned one about the safety issue, I have driven by that many, many times since I knew this was on the agenda, I am concerned about that, and number two although I appreciate Attorney Masys matriculas preparation, I also am concerned about the issue of the wildlife because even though you spoke outwardly about her property being exceeding all the other properties combined, that was then, this is now, and now if that property has become a habitat for endangered species than it is what exists now. With that said I would not have any predigest to hear more about this but I have to vote no.

Member Matias: I believe it meets the zoning criteria for 255-10.2.2(2)

Chairman: Yes, it meets criteria for 255-10.2.2(2), and not ethe shape of the lot which was not created by the applicant, and I also second Member Soraghan's comments about the review that will take place after this, when the police department gets an opportunity to look at the issues around safety, as well as the conservation commission will have an opportunity to weigh in on the habitat and the wildlife and issues there, so the application is granted.

The board voted to approve the meeting minutes from the July 2025 meeting (all members approved)