



# Haverhill

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

The regular meeting of the Haverhill Board of Appeals was held on Wednesday evening, November 20, 2024 at 7:00 P.M.

Those Present: Chairman George Moriarty  
Member Louise Bevilacqua  
Member Ted Vathally  
Member Michael Soraghan  
Member Lynda Brown

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

Chairman Moriarty called the meeting in to order on November 20, 2024

## **William Bourque for 217 Lake Street (Map 588, Block 422, Lots 23E & 23F)**

Applicant seeks a dimensional variance to reduce lot area of a non-conforming lot from 58,910 sf to 50,710 sf where 80,000 sf is required in a RR zone. (BOA 24-33)

William Bourque (201 Lake Street): This isn't like the other ZBA applications, this is not for any building, and no building will be taking place. This basically is a triangle piece of land that Mr. Wyman at 217 Lake Street, the Wyman's and my Dad bought this property in 1954, and my dad built a stream around the perimeter of it and Mr. Wyman to pick up the second culvert on Mohawk Trail, dug it by hand and with a 14 horse power bowing tractor, I was a little boy I couldn't reach the peddles. Basically we have owned the property and he owned that property for 70 years, until Chris purchased it. So the reason we are here today is there has been a series of events that has just dragged this thing on forever, when I was like 8 our house burnt down, my Dad was dealing with that and rebuilt the house, then I went to college and the next thing you know, we had this plan done, to basically convey this little triangle piece of land out back behind the houses, in 1986 which was signed by the city, it is the same exact plot of land, except we had Greg Bowden who is a friend of mine update the plan and that is where we are at today, this plan was done back in 1986, it was going to be done back then, but unfortunately Mr. Wyman passed away, he wanted a few years and we spoke to Lucy, and Lucy came down with dementia, so that went on for like 10 years, then Lucy passed but her daughter had moved in, she had substance abuse and she passed, then squatters moved in, so for 70 years we have been trying to purchase this property, and it just hasn't happened. Basically it squares off our land and puts the stream back on our property, as a matter of fact when I met Chris, we walked out back and he was asking me where the property line was, when I showed him the old plan before we had Greg do it and he actually thought it was part of my land, because my Dad had been using it for the past 70 years anyways. My Dad before he passed asked me to try and get that piece of land and he passed last October, and Chris purchased the land through a realtor and I reached out to him and he agreed to sell me that triangle piece of land, the same piece of land that has been signed over since 1986, just trying to get it finally done, so unlike most ZBA applications there is going to be no building, it is just a triangle piece of land, a swamp out behind the houses, 150-200 feet behind the houses, the existing dwellings of both mine and Chris's, there is going to be no building, no change, nothing, so it is just to transfer the land that we have been using for years. I wrote right in the application that no building will take place.

Chairman: Any questions from the board?



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Member Bevilaqua: Mr. Bourque I just want to clarify, so you still live at this property?

William Bourque: Yes, I purchased it from, I bought my other two sisters out of the trust, so yes I bought is back in 2018

Member Bevilaqua: And you live there?

William Bourque: I live there, yes.

Member Bevilaqua: What is the situation regarding the squatters, are they still there?

William Bourque: No. I think the sherifs department ended up getting them out, they were finally able to put it up, the daughter she lives out west and I couldn't get a hold of her, because it was in a trust and when I asked the squatters, who I thought were tenants, they wouldn't give me the information, I found out why, because they were squatters

Member Bevilaqua: So that is all resolved.

William Bourque: Yes and Chris purchased the house

Chairman: Other questions or comments from the board? Anyone want to speak in opposition?

Annette Marchand (180 Mohawk Trail): I purchased my land from Ed Wyman back in 1986, and at that time he sold us that land it was his land, West Meadow condos up behind there and he sold us the land at a really discount price because he did not want condos up there, he was very particular about who he sold what to, and he lived there for a long time, he kept up the road for us, he worked for the city, so I am not sure why he didn't sell the land to him at that time, because he was there for many years. So our concern is here, the people on 184 as well and 186, is that he has a business and that he would use that road behind Mohawk Trail to continue his business on, what we have seen currently is employee cars I think parked going in behind Mohawk Trail and parked behind the mail boxes, we see a lot of trucks there and stuff, he put a fence up there but we do see a lot of his equipment behind the fence, so he doesn't have enough room we think, so we think he will expand his business down Mohawk Trail and I did hear from a realtor before and a lawyer before, that there is a lot off of the Mohawk Trail that could be variance and bought, and put a house on.

Chairman: And where is the lot?

Annette Marchand (180 Mohawk Trail): It is across from 184

Chairman: But it is not part of this parcel?

Annette: I don't know how to read plot plans, but that is my concern when he was buying land form Chris. That is our concern, and we see plenty of cars going down there and the road just got taken over, we always thought it was city owned land, because Ed Wyman took care of it, he paved it one time, but then we had a problem with the culvert recently, so we went down there to ask about it, because it had a big hole in the road and it is are only way out and they said it was a private road, but they did put a metal plate on it so we could drive over it, and just last week they fixed it, they said it was



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a city road, or said it should be a city road, but it hasn't been taken care of since 1986, there is a lot of pot holes. There is another culvert down the road that has issues, so we are just concerned about the traffic, commercial vehicles or anything like that, because he has a lot in and we are just concerned that it span down that way, his front yard is impeccable, his back yard is where our front yard it, if you go out his backyard you see our front yard, and so we just want him to respect our zoning. Thank you

Chairman: Thank you. Commissioner, you wanted to say something?

Tom Bridgewater: As for running the business, it is not allowed in that residential zone, if some of the neighbors or anyone makes an anonymous complaint, we will go out and investigate running the business out of a residential dwelling, and we will deal with it.

Chairman: Do you want to respond.

Chris Zelinski (580 Hilldale Ave): I am the owner of 217 Lake Street; I own the parcel that Mr. Bourque utilized takeback and his family. I just want to give her a little in sight, I am a builder/developer here in this city and if there was anything I could do with the land, that we are basically giving him, I was told by everybody in this city that it is wet and there is nothing you can do with this small piece of triangle, I would of tried to develop it for a variance or anything in that matter. I buy and I flip houses in the city, I bought 217 Lake Street which was very decrement, an eyesore in this neighborhood, I bought a lot of houses on Lake Street in the past and never had no problems with neighbors or anything. Bill came over one day, he is like you own two pieces, I said yea I know about it, I would like to try and develop it and after speaking to everybody, they are like Chris there is nothing there, you can't do nothing there, he said it is personable to him and his farther, he told me the history that he just told you guys, that it is just a personal thing, so the land that I own 217 Lake Street and this parcel that he wants, it is behind his house, it is no use to me or anybody else, it is just a weird shaped triangle that really rightfully should go with him, there is no monetary thing going on here, or that he has any plans, whatever he has been doing there for 30 years, or the business or whatever she is referring to I'm sure is going to have no impact to anything more, he is not looking to put a big commercial garage, and the land that you are talking about that might be a parcel of land, is the land that is not buildable, it is unbuildable. I am selling the house that I bought, it is on the market, these people are neighbors, he lives there she lives there, the land means nothing to me, and I am sure the new owners who are buying 217 Lake Street aren't going to care about the triangle land that is behind his house. He is staying in the neighborhood, so I thought the right thing to do is to give this guy what his father's wishes were, what they tried to do many decades ago, that just never came to tuition. But I just wanted to give you Mama a little piece of mind, that I am a builder developer, and if I thought something could be done I would have went down that avenue and I was hit with all road blocks so that's why I am giving it to him as he wants it. Thank you, guys.

Chairman: Great thank you. Come up and tell us about the business that she referenced.

William Bourque: I have a small part time seasonal landscape business and I run out of one truck and one trailer, I have gone over this with the building department and I am allowed to have one truck and one trailer because I drive it back and forth to work everyday. I have no interest in developing Mohawk Trail, and this parcel of land is basically pinned right beside where the culvert is, you can't fill it in, it is wetlands.



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Chairman: Is there more than one truck there? Are there trucks going in and out?

William Bourque: No, I have one truck and one trailer.

Chairman: Any comments or questions from the board? Any other comments? Did you want to say anything else?

Annette: So from the back, which is his backyard my front yard, I can see a lot of different things, maybe there is just a truck, but there is a lot of equipment over the fence, ladders, stuff like that. I can see it, so just be respectful, and I am telling you I did hear from a lawyer or a realtor or something, that said it could be done as a variance, and if you want to put a single family house I have no objection to it, if there is a single family house down there, but you could go back and get a variance is what they told me, because my husband was also a builder and he did look into it at one time, and we never purchased it through MR. Wyman

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

Member Brown: Mr. Bourque, I just wanted to clarify something. You said this has been going on for a while with your family, you just want this, to what even off your property?

William Bourque: Yes. Actually, when I walked with Chris, he thought it was part of my land. But the plot of land that she is talking about, this was done in 1953, and when she talks about the two lots of land, I think even the realtor when he advertised it to Chris, said it was two lots. The lots were in 1953 on this plan, my dad had lots 1, 2 and 3, small lots, and Mr. Wyman kept 4 & 5, so those are the two lots, but they become contiguous they become one lot after zoning, they are not two lots, they are one lot, if they were two lots Chris would be building a house back there.

Member Brown: Exactly, I understand that.

William Bourque: And this triangle piece of land stops right at the culvert, you can't fill it in, I am not doing anything with it, and I wrote right on the application that there will be no building, there will be no additions, there will be no nothing.

Member Brown: And I know the building commissioner will be right on top of that, we do take neighbors concerns into consideration, because obviously there are no businesses in that area, I just wanted to clarify that. Thank you.

Chairman: I will entertain a motion

Member Vathally: I'd like to make a motion to accept the application for 217 Lake Street

Member Soraghan: Second

Member Louise Bevilacqua: Yes as it meets the criteria for 255-10.2.2(2)

Member Ted Vathally: Yes as it meets the criteria for 255-10.2.2(2)

Member Michael Soraghan: Yes as it meets the zoning criteria for 255-10.2.2(2)

Member Lynda Brown: Yes as it meets the zoning criteria for 255-10.2.2(2)

Chairman George Moriarty: Yes, so it is granted.



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Board voted to approve the meeting minutes from the September (all members approved)