



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, December 17, 2025

Those Present:

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

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

Chairman called the meeting in to order on December 17, 2025

Lindsey Martin for 7 Eudora Street (Map 528, Block 17, Lots 1B-7 & 1B-9)

Applicant seeks a dimensional variance for rear setback (17 ft where 30 ft is required) to construct a one-story addition onto a condex unit in a RM zone. Application involves replacing existing deck with proposed addition. (BOA 25-26)

Dan O'Neil: Me and Lindsey, she is my partner, we live at 7 Eudora Street, it is a condex townhouse, we also own the adjoining unit 9 Eudora Street, so we own both units.

Chairman: Tell us a little bit about what you want to construct there

Dan O'Neil: So like I said we live on 7 Eudora Street, there is an existing deck that is 17 feet from the rear property line, and we want to remove that deck and put a one room living space. We have three young kinds, 5, 3, and one, it is a 1400 square foot house, so we need a little bit more living space.

Chairman: And what are you looking for now for your variance>

Dan O: So the existing deck is 17 feet from the rear property line, the other side is 9, we are at 7, so the corner closest to the property line is 17 feet, and we want to keep that buffer and replace it with a living space instead of a deck

Chairman: Is it a one story living space?

Dan O: Correct.

Chairman: Comments or questions from the board?

Member Vathally: Can you show me where this is going to go, I see the site plan but



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Dan O” So on this left corner of the house, we are going to replace that deck and go all the way to the end of the house, with living space.

Member Vathally: Have you looked at other spots?

Dan O: Yes, and the other spot that would be available is the side of the house, and of course that does meet all of the buffers, but we have both units gas services on that side and our AC unit and all of our vents to our utilities in the basement, so I got pricing from national grid and Baldini Plumbing for moving both, and they said basically don't do it, but I could do it, I would just have to reroute both gas meter through the front of my house, but now I would have two gas meters in front of my house, which I wouldn't want to do, and the added cost of doing it. The AC units would have to move and the exhaust as well

Member Vathally: SO that would make it conforming.

Dan O: Yes, but cost prohibited for us

Member Vathally: So your argument for a hardship would be what you just said?

Dan O: It would be cost prohibited for us to have to conform to the exiting buffers.

Member Vathally: OK, is that the only other spot that this could go that you would have to reroute the piping that would make it conforming.

Dan O: Yes, because we couldn't do it on the front, it would be too close to that one, so it would have to be on the side, or the back.

Member Vathally: Ok, thank you.

Chairman: Other comments or questions from the board? OK, I will entertain a motion

Member Vathally: Chairman I would like to make a motion to accept the application for 7 Eudora Street

Member Soraghan: Second

Member Soraghan: Yes, I believe it meets the zoning criteria for variance 255-10.2.2(2)

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

Member Vathally: Yes, as he sights hardship and this variance meeting the zoning criteria for 255-10.2.2(2)

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

Chairman: Yes

GRANTED 5-0



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Deborah A. Hammer for 366 Kenoza Street (Map 467, Block 185, Lot 23C)

Applicant seeks the following dimensional variances to affirm a lot with a single-family home subdivided in 1960 in a RR zone. Requested relief includes variances for lot area (13,263 sf where 80,000 sf is required), lot frontage (100.62 ft where 200 ft is required), and side setback (17.7 ft and 24.2 ft where 25 ft is required). (BOA 25-27)

Attorney Tom Tretter (70 Bailey Boulevard): We submit a brief, summarizing the views and I am happy to address them, but essentially the relief we are looking for here is to get approval of a variance to correct an error that probably occurred in 1960 when the property was subdivided out from a larger lot from the Fitzgerald family, members of the Fitzgerald family are here along with the suspected buyer and counsel for the suspected buyer Attorney Harb. This house has been in existence as a residence on this lot since 1951, this lot and a couple of others were carved out and subdivided in 1960 and at the time my colleague believed the research complied with the 1944 zoning ordinance and the interim ordinances in 1956 and right now the dimensions comply with some of those, but we are really just looking to confirm this variance for my clients, so she can sell the home, she is elderly, she purchased the home in 1990, she has been paying taxes on that lot with the single-family home. Since that, she can not live there any longer on her own, as she relocated to the west coast and so she needs to sell this property. There are numerous other lots in that area that are similar size, so this is not really going to affect anything in terms of the character of the neighborhood or the public good, is really just a hardship for her, because she can't sell that unless we confirm. Essentially there has been no opposition, there is not going to be any increase to the home or the change of the footprint or really to confirm what has existed for a long time or actually existed even before the property was subdivided.

Chairman: Thank you. Comments or questions from the board

Member Brown: I just wanted to clarify something; did you say the house was built in 1951?

Attorney Tom Tretter: Yes

Member Brown: Ok, but it was subdivided in 1960?

Attorney Tom Tretter: In 1960 the deed from the Fitzgerald family to predecessor and title to our client in 1960

Member Brown: Is that why you were looking for the 1956?

Attorney Tom Tretter: Yes, that is why the reference is there, because it would have been the applicable code at the time

Member Brown, so you did the one in 1941?

Attorney Tom Tretter: I believe it was done for the code in 1944. Looking at the code book from the city that was published in 1962/63, but nothing I have seen as I am sitting here Pinching that this is the 1956 code. but some of the dimensions under that code in terms of rear setback and the size of the frontage is a little bit smaller, the lot depth is fine, and the minimum area coverage would have been fine at that time. There are other houses similarly situated in that district.

Member Brown: I did ride by a couple of times, alright thank you so much.



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Chairman: Other comments or questions from the board

Member Soraghan: Paul Magliocchetti uploaded a plan, a septic system plan, I don't think anyone on this board could open it, but my question is, is that even germane to this?

Attorney Tom Tretter: I don't think it is, I am not aware of uploading the septic system plan, I was informed that the planning board did approve the variance plan of land last week, so I didn't see that online, so I don't think there is any issues, but I have Attorney Harb here representing the buyer, so he might be more familiar with any developments or with the septic system.

Attorney Rober Harb (40 Kenoza Ave): I am representing the potential buyer and I am the culprit that discovered this. We couldn't find a plan in 1960, we couldn't find a variance in 1960, and I brought that to the sellers attorneys attention, Attorney Magliocchetti and we did some research and for the record, thanks to my good friend Jim Waldering, god rest his sole, I have a whole bunch of Haverhill's old zoning ordinances in my office, before he retired he said Bob you do a lot of zoning work, you might like these, I have the 1925 ordinance, I have a plan from 1925, I wasn't aware of a 1944 and I don't think he was either, but it then changed in 1956 and then changed in the 70's and then changed in the 2000's. so I have all those, and we didn't figure out, they didn't have a plan in 1960. I did a lot of research and when I talked to my title company it was brought to my attention that believe it or not the planning board has an ordinance how an innocent purchaser that bought a lot without a plan can go to the board and get a plan approved, they did that, I brought it to their attention, that is what Attorney Tretter is talking about. For the planning board who approved the lot as it was in 1960, so we have that plan, but there is no ordinance that says is you have a lot from 1960 till not, it is not suddenly ok, so I thanked their attorney Magliocchetti and Attorney Tretter working together and the application was filed, the septic that he may have uploaded and I couldn't open it either. The buyer is probably going to need to replace the septic in order to pass title 5, he has assumed the obligation of doing that, they did have a septic plan designed and that is probably why he uploaded, we are going to be improving the property, improving the septic, he is going to renovate the building, no additions, he is just going to renovate it, the building needs some work, it is old, and it was part of the farm, so Fitzgerald are here, if you looked at the accessors map there is a little strip to the left that goes around, and then the farm is gigantic in the back, that they still operate as a farm I believe. This house was part of the farm and the family cut it off and sold it in 1960, so as Attorney Tretter says, we are just trying to validate, they lady has a hardship she can't sell this lot unless we get this approved, I can't get him title insurance. We are happy it went through planning. The Fitzgerald's are here as they were wondering what was going on, what was missed, what was missed is we couldn't find the 1960 plan or a variance. So I don't know who thought, I think Attorney Magliocchetti was probably correct, whoever did it in 1960 thought he was following the earlier codes, which had very minimal requirements under our zoning, so he probably thought this is ok, it is bigger than the minimum code of 24 of 25, regrettably I don't think he followed the 1956 ordinance, so that is why we are here and why Attorney Tretter would ask for your approval, so the lady can sell her house, we would fix it up and put in a new septic and improve the neighborhood. Thank you.

Chairman: Any comments or questions from the Fitzgerald family? OK, any other comments or questions from the board?

Member Vathally: I have a quick question for Attorney Harb. Let's just say hypothetically this vote was denied to confirm, can the applicant still sell her house.

Attorney Harb: No, we are not able to buy it, my title company wont allow us to pass title on a lot that doesn't meet or have a waiver of zoning, I didn't discuss this with the building commissioner, but I think he is going to agree, the city can't go in and tell them to tear the house down, there is a 10 year statute on structures and it was built in 1951, but there's that disconnect, now we have the planning board saying ok your plan is ok, we have the city saying we can't tear the building down, so it would be horrendous to turn the lady down.

Member Vathally: You answered the questions



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Chairman: Entertain a motion

Member Vathally: I would like to make a motion to accept the application for 366 Kenoza Street

Member Soraghan: Second

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

Member Brown: yes, it meets the zoning criteria for variance section 255-10.2.2(2)

Member Vathally: yes, it meets the zoning criteria for variance section 255-10.2.2(2)

Member Bevilaqua: yes, it meets the zoning criteria for variance section 255-10.2.2(2)

Chairman: yes, it meets the zoning criteria for variance section 255-10.2.2(2)

The board voted to approve the meeting minutes from the November 19, 2025 meeting (all members approved)