



# 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, April 19, 2022 at 7:00 P.M.

Those Present:

Chairman George Moriarty  
Member Ron LaPlume  
Member Louise Bevilacqua  
Member Lynda Brown  
Assoc Member Magdiel Matias

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

**Robert S DeNisco + Gianna M. DeNisco for 5 Newburg Street (Map 534, Block 29, Lots 48, 49, 71, 72, 73, 74 and 75)**

Applicant seeks the following dimensional variance to create a new building lot for the construction of a new duplex in a RU zone. Proposed new Lot C shall include the new duplex. Requested relief for new Lot C sought for lot depth (80 ft where 100 ft is required). Proposed new lot D shall include the existing single-family dwelling. Requested relief for new Lot D sought for lot depth (80 ft where 100 ft is required). (BOA 23-4)

Attorney Robert Harb ( 40 Kenoza Avenue): I am here representing Robert & Gianna DeNisco, they are father and daughter. This is similar but not exact to the petition we were here a month ago for Montrose, these are 7 lots that go from street to street in an RU zone. The only reason we are here, and I discussed it with the building commissioner and we almost at one point said maybe we don't need to be here, is we are moving a lot line to create two different size lots, of the size that meets all zoning requirements, except for depth, I can not make the lots any deeper, as the plans I filed with you show the depth of 80 feet have been there since 1910, right behind us there a duplex, as well as the lots on the street behind us, and that only has 80 feet, so I can't grab anymore depth. If I had left the lot configurations of those 7 lots, the same lot lines that you'll see dotted on the plan, we wouldn't need to be here but in order to make the lots more consistent we slightly moved the lot line, we are asking for a duplex on the new lot, that meets all the requirements, over meets the requirements for area other than we don't have the depth. I will note for some of the neighbors here that the plan does show a fence, my applicant has agreed to put a fence up in back on Gilford Street and that is depicted on the plan. So basically, we are just asking for a variance that already exists the 80-foot depth, only because we moved the lot line are we here, in the old days we would probably ask for a finding, but today we are asking for a variance. As I set forth in my brief these conditions are unique, these lots were set up in 1910, the lots behind us also in 1910. I can't further expand the lot or get anymore area, application would deprive us of the use on that empty lot to the left of the existing house or duplex, when we meet all of the requirements except for that 1910 depth which was legal in 1910, I think it was even legal in 1925 and maybe even 56, but I know 25. It is not going to hurt the neighborhood because the applicant is going to re-due that street, so we need to go for a definitive plan after this, we are already scheduled, hopefully with your approval to go to planning in May where they will review the plan designs of the road, technically not a subdivision, but as I may have mentioned before at another hearing, under our new planning regulations we have to file a full definitive plan, where as when I was a younger man it was called the road design plan, to get the approval of the road technically that's all they are really doing because they are not looking at how we are dividing the lots, but now we need to file a definitive plan and go through the definitive plan process, after which we will still have definitive permitting review through the normal channels,



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so this is just one in like 3 or 4 steps. and we would ask you to approve this variance, I think it is implacable to this lot because of its pre-existing conditions and we feel we have a hardship, because I can't make any more land, I can't get anymore depth and all I am doing is moving a line to make my areas more conforming together.

Chairman Moriarty: I have two quick questions; one is the unique condition that you are specifying here is basically the depth issue.

Attorney Harb: The topography, the existing shape of the lot, has this same existing depth and I can't make any more so that's my hardship.

Chairman Moriarty: And also, you really are looking for 2 variances, one on lot C and one on lot D, is that correct?

Attorney Harb: No, well I think that's only because they are sharing the 80 foot depth, so when I move the line, the building inspector and I went quit sure about the existing house, but in order to not have any confusion in the future, we applied for both, but it is the same lot line, it divides the two, but because there is two lots we mentioned two lots. And the prior existing nonconforming frontage on the existing house is grandfathered and not presently existing, so we point that out to you but no variances are needed for that.

Chairman: Great, thank you. Questions from the board? Entertain a motion

Member LaPlume: I make a motion to accept the application for 5 Newburg Street for lot C and lot D, so that would be two variances. 2<sup>nd</sup> by Member Brown

Member LaPlume: Yes, I believe it is a substantial hardship shape of the lot, yes it meets all the criteria for 255-10.2.2(2) for lot C

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

Member Bevilacqua: yes it meets all the criteria for 255-10.2.2(2)

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

Chairman Moriarty: Yes, noting the unique conditions regarding the depth of the lot, which can not be changed.

Member LaPlume: I make a motion to accept the application for 5 Newburg Street lot D, so that would be two variances. 2<sup>nd</sup> by Member Brown

Member LaPlume: Yes, I believe it is a substantial hardship shape of the lot, yes it meets all the criteria for 255-10.2.2(2) for lot

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

Member Bevilacqua: yes it meets all the criteria for 255-10.2.2(2)

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

Chairman Moriarty: Yes, noting the unique conditions regarding the depth of the lot, which cannot be changed.



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## **D & B Supermarket LLC/Winter Street LLC for 233 Winter Street for Map 306, Block 75, Lot 3 & 4)**

Applicant seeks a parking variance for 19 spaces where 22 spaces are required to construct new convenience store (existing structure to be demolished) in a CC zone. (BOA 23-7)

Attorney Ken Homesy (Methuen MA): I'm here on behalf of Arthur Broadhurst who couldn't be here this evening, so he asked me to speak on behalf of the petitioner. The petitioner is proposing to demolish the 1,600-foot existing building and replace it with a new building the new building to be 5,325 square feet, going to be a convenience store on the first floor, a couple of offices to be used with the convenience store on the second floor. The sight would provide 19 parking spaces. As I understand it typically there is 21 parking spaces that may be required, but based on the experience of the owner, who has had prior convenience stores, that parking is usually for convenience stores as I am sure everybody here recognizes is not constant, it is in and out, 5 or 10 minutes per customer, and he has 19 available on the plan which was submitted, not the 21 that are required, but he is confident and I think we all recognized that all 19 spaces won't be occupied all at once. So, we are requesting relief for the parking requirement and asking for a variance to allow 19 spots as opposed to 21 spots. We have the owner here; the engineers are here and that is basically the outline of the petition.

Chairman Moriarty: Thank you. All of the parking spaces will be, in what looks like the back of the building, is that correct?

Attorney Ken Homesy: That is true.

Chairman: How do they access that and do they access it through Lewis Street?

Attorney: Yes. I think you may have a copy of the parking spaces and yes through Lewis Street.

Chairman: Any questions from the board members?

Member Brown: The access is on Lewis Street, and I was on Lewis Street, I come up Lewis Street a lot and that is a really tough street to see out of when going back out onto Winter Street, so there is going to be no on street parking, correct, because you are tearing down the existing building and it is going to be a new building in front?

Attorney: Correct it will be a new building, which is shown on the plan

Member Brown: Right, exactly, because the existing building sits back and the parking is in the front currently.

Attorney: I see, but there will not be parking in the front according to this plan.

Member Brown: So there will be no parking on the street either right, because when you come out of Lewis Street it is really tough to see.

Tom Bridgewater: There is no parking on the street. Last we have talked to the police about this, they have come into developmental review PPR many times and we had the police and fire department in there and the building got changed a few times, because the first plan they had people backing out into the street and zoning doesn't allow that, so then they



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redesigned the building and moved it forward, and the police were like there is to be no parking in the front of the building, the parking is all going to be in the back.

Member Brown: OK, because things are going in and the street and up the street gets really busy, there are just like some blind spots. Ok, I am good with that, that's all thank you.

Chairman: Other questions from the board?

Member LaPlume: How many people are going to be working in the building with the second floor?

Mr. Bortega: 7 or 8 people

Attorney: Seven or eight per shift is what I am being told, question is do they all drive to work which requires parking? (client says sometimes, but sometimes they drive together, I have another store in Lawrence and

Board clerk Jill Dewey: I', sorry, either he can come to the microphone or you will have to repeat everything he says, we are recording this so he has to speak at the microphone.

Juan Sapeda: I have a store in Lawrence and they don't all take a car, some take a bus or they have a ride. Not all employees have a car to go to work.

Member LaPlume: So you are missing a few parking spaces, (I couldn't hear the next few words), I know people go in and they go out but that is half the 22, that is required.

Attorney Ken Homesey: Well without being specific, because I don't think I can be specific based on what you have heard and how many spaces will be dedicated to employees, I don't know what the remainder will be, if there's a question on that and if there's a substantial question that needs clarification I would urge to punt this down the road, I would hate to do that and to get clarifications so that we are not guessing about how many people are parking.

Tom Bridgewater (Building commissioner): Well he parking is done by a calculated square footage so there is a certain number by square footage so that is how we came up with the parking and it came up to I believe 20.3 so we rounded up to 21 spots so he has 19

Chairman: So Tom, it doesn't, you don't really take into account the number of staff

Tom: It is done by the square footage, that is what we go by

Chairman: So you are only off by the square footage by two spots. But it would be helpful if the employees were not parking where you want the customers to park.

Attorney: Of course, to both the business and the city



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Member Brown: Tom is there parking on Lewis Street on the opposite side?

Tom Bridgewater: I don't believe so, that is a pretty narrow street. So there will be no parking on Lewis Street at all.

Member Brown: Right, so the employees can not park on that street.

Tom: No

Member LaPlume: I think and the commissioner can tell us, but that is a really big stump right there.

Tom: I wish, because the fire department and [police looked at this and it was discussed in the meetings, and I don't know if the hump is back where the parking is, or if it is more towards the front

Member LaPlume: It is more towards the front

Tom: So the parking is way in the back.

Member LaPlume: I understand that. It looks like a very beautiful building, it will really clean up the area.

Chairman: Other questions from the board?

Member Bevilacqua: I am not sure if he completely understands what we are asking. I think what he was trying to say was that a lot of them would not be driving, that they would be dropped off, so it may not be 8 cars, there is not going to be 8 spots that are occupied, maybe he could come back and someone could interpret for him. I am not even sure that he even really means that there is going to be 8 people working there at once

Chairman: Lets clarify, I would rather not push it down the road if we can help it

Attorney: Especially in light of what I just heard that the required number of spaces is based on square footage, not on number of employees.

Chairman: so the number of people and the number of employees doesn't factor in, so I would like to stay on that kind of a principal

Member Bevilacqua: Most convenience stores there's a person at the cash register, a person stocking thing, there might be a person running the lottery but you never see 8 people

\*\*\*Now member Matias and applicant Juan Sapeda: speak back and forth in Spanish (I cannot type the minutes for this part, but we have the recording, so if needed anyone is welcome to come listen to it.



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Member Matias: So he is confirming again there are 5 for the first shift. I asked him from 7-1 a hypothetical shift, he said 4 to 5 and just like his other business he said that most of them are looking for rentals around the area, so they can walk to work.

Chairman: Thank you.

Member Bevilacqua: 4 to 5 is much more accurate than 8.

Chairman: Any other questions from the board.

Member Brown: What are the hours of operation?

Juan: 6 or 7 am till 8 or 9 at night depends on how much traffic

Chairman: Any other questions?

Attorney: In summary, we like the concept as Mr. Bridgewater expressed, that it is based on the square footage, not on the number of employees, not on the number of customers, so we are 2 short.

Chairman: It gives us more confidence when we know that there is only 4 employees and they may not even have cars. Any other questions from the board?

Member Bevilacqua: I was just wondering Mr. Sepada, are you planning on also having like a coffee station there, are you going to have premade sandwiches or is it just going to be a Strick convenience store?

Juan Sedada: For now just a grocery store for now, we are not thinking about the other services now, only groceries.

Chairman: Great, thank you. Other questions from the board? Entertain a motion

Member LaPlume: I make a motion to accept the application for 233 Winter Street substantial hardship because of the unman situation for parking. 2<sup>nd</sup> by Member Brown

Member LaPlume: yes it meets the zoning criteria for 255-10.2.2(2)

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

Member Bevilacqua: yes it meets all the criteria for 255-10.2.2(2)

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

Chairman Moriarty: Yes, and reiterates that it meets the specifications. The parking has been discussed

Granted 5-0



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## **Paul Lambert for 54 Coolidge Avenue (Map 565, Block 1, Lot 26)**

Applicant seeks a dimensional variance for side setback of 1.96 ft where 15 ft is required to construct an attached garage with work/storage area above in a RM zone. (BOA 23-8)

Paul Lambert: My wife and I are applying for a variance to add a 16x22 foot garage to the side of our house which has 18 feet to the property line. The variance is for that side yard

Chairman: Have you had conversations with your neighbor about it?

Paul Lambert: Yup, my neighbor Sharron Sullivan, I have spoken with her and she has no problem with it. My other neighbor Wayne who lives on the opposite side has no problem with it, in fact he even gave me a letter in case I need to access the backyard where I could go on his property if I even need to get access to our septic. I have a stockade fence there so I would have to take that down, and after doing that there would be plenty of room to get equipment back there. The other reason I'm making it 16 foot wide is I'm going to put a 10 foot door in the front and the back, which will allow smaller equipment to pass through. I have a small backyard, so there isn't going to be a lot of equipment back there at any one time. So I am trying to allow for a future problem if one ever arises.

Chairman: Great. And this relates to your job on why you need this space?

Paul: Yes basically. Part of the upstairs I want to use for my, well I am a construction estimator and I have plan tables, I have monitors and computers and in my basement, I occupy a space for roughly 12x11, so that space up above the garage is about what I am going to need. I also have a lot of things I want to store up there, that right now are stored in my basement and the basement is a problem with water, I deal with it, I have water coming in, I do everything to mitigate it but

Chairman: Questions from the board.

Member LaPlume: Probably more of a statement rather than a questions, we talked about the septic system in back and everything, but could you give that letter to Jill our head clerk here.

Paul: Sure.

Chairman: Any other questions from the board members? I will entertain a motion

Member LaPlume?: I make a motion to accept the application for 54 Coolidge Avenue, 2<sup>nd</sup> by Member Brown.

Member LaPlume: yes you have a unique land situation there but it meets the zoning criteria for 255-10.2.2(2)

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

Member Bevilacqua: yes it meets all the criteria for 255-10.2.2(2)

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

Chairman Moriarty: Yes reaffirming the general conditions of 255-10.2.2(2)



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## **Jonathan W Haigh for 234 Rosemont Street (Map 541, Block 618, Lots 28, 29 and 30)**

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 A shall include the new single-family dwelling. Requested relief for new Lot A include variances for lot area (15,429 sf where 20,000 sf is required), lot frontage (80 ft where 150 ft is required), and lot width (76.58 ft where 112.5 ft is required). Proposed new Lot B includes a pre-existing nonconforming two-family dwelling that is proposed to be converted to a single-family dwelling. Requested relief for new Lot B sought for lot frontage (114.8 ft where 150 ft is required). (BOA 23-6)

Attorney: Robert Harb (40 Kenoza Ave Haverhill): I am here representing Mr. Haigh who recently bought the property. Here with me tonight is Mr. Haigh's cousin as Haigh is out of town on business, so his cousin and I will speak on his behalf tonight, I just want to explain his not being here. The petition essentially comes down to two things, 3 lots, the combination of one which is large than the requirement for a single family in this area, which has been zoned to only single-families, not duplexes, not tri-plexes, just single-families and our existing duplex. The second thing is I have 3 lots, that back in, if you remember my last petition was in 1910, this one was like 1891 and these lots were setup with like 60-70 feet frontage, we have done the best we can to divide the property up and meet most of the current zoning, there are still like frontage we can't meet and square footage, but the frontage of the two lots are better than the three lots were in 1891 and the area combined we do have a conforming area for the existing double that would be converted to a single, so the second part of the application has to do with use. Would you rather have in the neighborhood a two family in a neighborhood zoned single-family, making the two family a nonconforming use allowed by being there, but still nonconforming to the neighborhood, which I gave you the assessors records for mostly single families or do we concert this to a single and allow a new single to be in that same triplex of lots, making both houses conforming uses, if I had much more land I could do that without a variance, but I need a variance because I don't have that much frontage, I have more per lot then was setup in 1891, but in 1891 as I said previously, they didn't have as many requirements as we do today, and duplexes were allowed back then in 1891 you allowed them, but now its not. So I am trying to take a nonconforming use in a house, it is a large house, but make it a single-family and build another single family, so my density is going to stay the same, I have two units and I am going to end up with two units, so I am not making my combined lots any more dense, I am just making the use conforming, to make the use confirming I need area variances, I have tried to meet all my setbacks, but I don't have frontage, the frontage goes with he mean lot width and we don't have enough frontage, we have plenty of depth, one of the lots had plenty of area. I understand you will hear after you hear from people in favor form the neighbors who were kind enough to talk to me and they are to the right of the proposed new lot and new house. I understand they are ion a duplex, they asked what can we do to move this house because they were concerned about having a house close to them, a new one, we went over the plan and I explained to them, and as you can see by looking at the new subdivision plan proposed, I don't have any place to move this single family, I am keeping 15 point 7 or 8 feet on the left, I have 15.7 feet setback on the right, I don't have a wide lot, so I can't move the house farther away from them, because then I would need another variance for the lot for the setback and as you know I always try and ask for the least amount of variances I need, I asked the surveyor to put the house on the lot that meets the setbacks the best you can, which you can't, but I don't have a lot, I have like 15 on one side and its required 15, and I have 15'something on the other side, so I can't move it anyplace. So if you go to density and go to conforming uses, you look at an exceptionally large lot, which is really 3 plus lots, as I showed you the deed, you can see that. And then go back to the 1891 plan, so we are trying to be more conforming in the neighborhood, don't increase the density, but I can't do anything for these lovely ladies, to say I'll move



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the house, they had a couple other concerns, I will wait till you hear from them, before I tell you a response to those. If you look at all the plans, look at all the accessors if you look at the change in zoning, if you look at the density, if you look at the uses, make it a conforming use, we believe we have met the requirements of 40a-10.2.2.2, this is a unique condition, there is hardly any lots in the area this size when you take all 3 lots together, I think we are unique because we have a nonconforming to family that we would like to turn into a conforming single, a strict application of the zoning ordinance wouldn't allow us to have a lot on a land similar to other lots, if you look at the Haverhill Map quest Haverhill online map that I presented that shows you the houses and the lots, I know it is small but I can't blow it up. There are many lots in the neighborhood that don't have area and don't have frontage, because they are all based on the 1891 plan, for some reason this property got combined together with only basically on the left-hand side built and the righthand side. So if we look at the history of the 3 lots, we go back to 1891, we don't think w will hurt the public good, we think we need housing in town, we are not increasing the density, we are not asking you to put more units on the same combined area, we are keeping the same amount of units, all I am doing is dividing the units up so that I have one un it on one new lot and one on the other and I say new but if you look at the plan, as I mentioned in my brief, we really are building on one of the 1891 lots, with a little bit taken from the other lots, so I can meet all of the side setbacks, so it is not like I am creating something that was neve there before, I am basically saying let me go back to 1891, we will keep two lots together, chop off one lot from the 1891 plan essentially and rebuild the single. That is our proposition, I hope you will agree with us, I know there are a could of people here to speak in favor, so if you don't have any questions from me I thought we could call them up and then I will come back up.

Chairman: Lets hear rom the people speaking in favor and then if the board has any questions, we will go from there.

Chris Zielinski: I am here with my mother, she lives at 231 Rosemont been there for about 35 years, it is directly across the street that we are talking about. So my cousin bought this house with plans on, I bought a house on top of Hilldale, my mother lives across the street, my cousin wants to move into it, all our family is around in the same area, same neighborhood, we are hoping to just all stay in that area, so when this house came up my cousin purchased it, he was down the street on Cogswell, like I said we have been in the neighborhood for 35 years, my mother is across the street from this and the family that was nice enough to sell this to us. But the two-family just as it stands now, it is just too small for two families to live in the property at that point, like Bob said isn't conforming to the neighborhood or the surrounding. Our plan was to move in one and build another and my sister would move in the other. Like I said we have been there for a very long time, we are not strangers to the neighborhood. We did attempt to go, cause we knew directly who the only people who are concerned with what we are doing is the concern, we did attempt to speak with them multiple times and every time we went and every time we went they either weren't there or were out of state, we met 3 different people there each time, it was my cousin who went over there, so we did want to address any concerns they had, with the neighborhood and what we were planning but were unsuccessful with contacting them. All I can say is if our wish was granted we would do whatever we have to do, to give them a line, whether it's a fence, shrubbery, that would create some type of blockage than what's there now, which is just wide open, we are from the neighborhood, we are not going anywhere and we would like to make this possible for me and my family.

Chairman: Great thank you. Any other people want to speak. Any questions from the board?

Member Bevilacqua: Mr. Zielinski, family members are going to live in these new structures?



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Chris Zielinski: Yes that is the plan, my cousin lives on Cogswell, he now is living in a condo, which is much too small. He wants a single-family house, so he is the one that purchased 234 Rosemont, he plans on rehabbing that and we're hoping that whether I move down the street from Hilldale across the street from my mother or have my sister go in, that would be our intention. My cousin is out of state.

Member LaPlume: The two-family will be made into a one-family but renovated.

Chair Z: Yes. And yes we would need to renovate, it's a two-family but it's a small two-family, it is not suitable for 2 families.

Charmain: And the new proposed dwelling would be a single family as well.

Chris Z: Yes, so basically we are trading a two-family for two singles.

Chairman: Other comments or questions from the board? Anyone seeking opposition?

Pamela Courtney (244 Rosemont): They would be abutting, if you are facing my house, the lefthand side. I have concerns because of the square footage between their house and my house, also I know they keep talking about nonconforming, that house is grandfathered in, it was 1891, and that house is huge, the front to back and the width of it, it used to be the Adair's, Charlie Adair and the house was huge, they have a huge garage, so they have all of this and as I look out my window and if they try to fit a house in here. It is going to be so close to my house, we are talking 15 feet from my property .line, and if you look, you don't even have to go, there is google maps look our street and seeing how the houses are all spaced apart, and now you want to squish a house in between me and Eithers house or whoever they are now, so there's going to be this big this, so when I look out my dining room window, my living room window, there is this big house. I didn't get the privy until the attorney over here showed me out in the hallway, even knowing what they planned on doing, I had no clue, as far as coming over to talk to me they came over one day I wasn't there, I work, I work a lot of overtime, I work everyday except for weekends, and then he came over the next morning again I wasn't there, I have to work, he didn't make any other attempt to tell me what the plans are, what the idea was, what they are going to do. Because I have lived there 25 years, I know that the water table where they are planning, its wet and at one point we were joking around about having an ice skating ring, and this is when the Eithers was alive about 5-6 years ago, because of the amount of water there, so you have to do the perc test, I didn't even know they did a survey there on the property so I could go look at the property line to see exactly what you are talking about. I never had problems with Eithers, I bought the house, I didn't have a survey done, there was a fence an old-time fence there. I just have a problem with them building a house, there's already a huge two-family house there, it has been there since 1891 or more and it fits in the neighborhood, it has been there, it is grandfathered in, so that's my concerns is having this house right there squished in, when it doesn't need to be as there is an existing two-family home and I didn't even know if they planned on raising that and putting up two modern single-family homes cause it is a house that already exists.

Chairman: Thank you. Anyone else speaking?

Member Brown: If I am looking at this house, and I was up there, I've been up there a couple of times, it is a very long house, its deserving, where do you live if I am looking at this house?



# Haverhill

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Pamela Courtney (244 Rosemont): I live to the right. Its this house, their yard and then my house where the bushes are, I'm the only house with bushes.

Member Brown: Ok so that's your house, I just wanted to make sure.

Member LaPlume: Can I talk to the attorney please. Did you say the sideline is 15'8 is that acceptable

Attorney Harb: 15 is required by the new code, so we tried to meet all the new requirements, and when I look at the other side Mr. LaPlume we only have like 15'6 so we can't push it over, or we wouldn't meet on that setback there, and as I mentioned and you know from my many years here, I try to ask for the minimum amount of variances as I can. I told the surveyor to try to conform this house to the current zoning, so he put it as much as he could 15'something and 15'something, so I have like 6 tenths of a foot I could move it over but if any more I would e violating on the left side.

Member LaPlume: The ladies were talking about water or whatever, I know it has to go to developmental review, fire, police, that maybe they could answer her questions for her, that's where it would have to go, and if it doesn't pass developmental review, than it wouldn't be able to go in.

Attorney Harb: If you don't know there is sewer on the street, the plans are to tie into the sewer they have to, so the percing, we don't need a perc for septic. But when you dig your foundation, they will require, we all know the city engineer is under law zero change in runoff, so we are not going to effect the runoff, and the only thing I noticed is Haverhill Map Geo, I gave you a color version, if you look at it our empty lot is basically marked in blue and south of that is where Mrs. Courtney lives and I pointed out to her that although these aren't totally accurate, it looks like her house is more to her southern line than her northernly line, so she has that distance plus the required 15 feet between us and her lot is on 27, 27 is approximately the same size as the lot that we are asking to build the single family on, and it's the same 27 that you see on the 1891 subdivision, so her lot isn't really different than the lot we are asking to put a single on. The conformity isn't that we illegally there, but we would like to conform with the neighborhood and make it 2 singles, and as my client said or his cousin said, the hope is that he is going to build a house for his self and live there, the other option is to just keep the duplex and rent it all out, but that's it, so he would rather, and I told him if you want the duplex keep the duplex, he said no I want a house for myself, so I said well than convert the duplex to a single do your density stays the same and you're in conformity with the zoning change, that he didn't do, but it was done I believe at least by 2000, it might even have been before that, that they made the whole area a single family.

Member Brown: Your client is saying that they want to do what with the existing house?

Attorney Harb: They are just going to renovate inside, they are not going to tear it down. Renovate it, and I believe to make it a single family they would have to take the extra kitchen out and convert it back to a single. Mr. Zielinski and the family are well the client is a plumber, so he will probably take care of all the plumbing, his cousin is a builder, you know we have done other projects with his cousin over in Bradford and other places, so he is probably going to assist on the renovations but as I said to the ladies I appreciate their concerns, but the engineer will take care of drainage, we are on city sewer, are lot is not any different than what her lot is, she is 27, we are basically 28, we are asking to put a single on 28, going back to 1891 and we are not increasing the density. I can't move that house any place, otherwise I would, but as



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his cousin said if it is the wish of the board that we need to put up more barriers between her and us, I'm sure that we would be receptive to be putting up any kind of a fence that you might recommend to give them some kind of protection. Thank you.

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

Member LaPlume: I make a motion to accept the application for 234 Rosemont Street, 2<sup>nd</sup> by Member Brow

Member LaPlume: yes you have a unique land situation 255-10.2.2(2)

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

Member Bevilacqua: yes it meets all the criteria for 255-10.2.2(2) and I want to say I think it's a wonderful thing when members of the same family are invested in the community, and that they all want to continue to live in this area. I grew up on a street, smaller than yours but 4 of the houses were lived in by relatives and one of them was my house, the properties always looked beautiful, everybody took care of each other and took care of the neighbors, I think it is a really, really good thing, it builds a character of a community, when family members want to invest and spend their lives there. We don't all live on that street anymore but everybody still lives in Haverhill

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

Chairman Moriarty: Yes reaffirming the general conditions of 255-10.2.2(2)

Granted 5-0

Motion to accept March meeting minutes

LaPlume: Yes

Brown: Yes

Bevilacqua: Yes

Matias: Yes

Chairman: Yes