



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, October 15, 2025

Those Present:

Chairman George Moriarty
Member Louise Bevilacqua
Member Ted Vathally
Member Michael Soraghan
Member Lynda Brown
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 October 15, 2025

Cesar Casado for 0 Grove Street (Map 518, Block 308, Lot 8)

Applicant seeks a Special Permit to determine that the proposed reconstruction of a preexisting nonconforming structure, and the proposed change of use of said structure to that of a single-family residence, will not be substantially more detrimental than the existing structure to the neighborhood. The application involves proposed reconstruction of a lawful preexisting nonconforming structure and primary use of a 1930s garage (that preexisted single family zoning) into a single-family home (a conforming use) on a nonconforming lot, deficient as to lot area and frontage. (BOA 25-22)

Attorney Donald Bornstien (12 Chestnut Street, Andover): I represent the applicant, and we are requesting a continuance from tonight, to your next regular scheduled meeting.

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

Member Vathally: I make a motion to continue the application for 0 Grove Street, to the next Board of Appeals meeting on November 19, 2025

Member Soraghan: Second

Member Soraghan: Yes

Member Vathally: Yes

Member Brown: Yes

Member Bevilacqua: Yes

Chairman: Yes

CONTINUANCE GRANTED



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NOYES FAMILY REALTY TRUST for 994 Main Street (Map 661, Block 4, Lot 5)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RM zone. Requested variances for Lot 5A sought for lot frontage (60.94 ft where 150 ft is required) and lot width (60.94 where 112.5 ft is required). Proposed Lot 5 shall be a conforming lot and include existing single-family dwelling. (BOA 25-25)

Attorney Donald Bornstien (12 Chestnut Street, Andover): I am here tonight for the Noyes Family Trust, Randy Bennet the manager of the estate, is with us tonight as well. I am also working with Dick Early Jr, who is here with us tonight, who is looking to purchase a portion of the property, the property is at 994 Main Street. The property is located in a RM district. We are requesting two waivers, one for lot frontage and then a related waiver for lot width. We do have some very unusual circumstances for this piece of property, so in the RM zoning district, it requires 150 feet of frontage, we are providing 60 feet of frontage for our proposed lot, lot width is 75% of lot frontage, so the usual requirement would be 112.5 and we are providing 60 feet. On the plot plan in front of you, you can see that we have a large oversized lot, the proposed lot itself is over 70,000 square feet, so the lot area on this proposed lot is over 3.5 times the lot area, so we have an unusual circumstance, of having a very large lot with a relatively narrow frontage. We also have on the lot an older home from 1780 historic home in one corner of the property, and as you can see on the site plan, that home is located on one of the extreme corners of the site, what that does is it allows us to create a conforming lot and preserve that historic home, but once we do that and we have the historic home on its own conforming lot, what will happen is we have then over an acre and a half of leftover land, land that can't be used otherwise without the variances requested, because we only have 60 feet of frontage. We have plenty of room for access as there is an existing curb cut, the lot is fairly flat and certainly amenable to further development, but we have this unique circumstance, we have a historic home, 1780 home in one corner, we create a conforming lot in that corner and without your variance basically the rest of the lot is wasted. So we are here asking you for is a variance to bring that lot frontage down to 60 feet, lot width will be 60 feet, because we basically have a straight shot to get us in past the lot where the home is located. (Property is pulled up on the monitors for all to see) I am looking over to my left and you can see the home 994, we are sort of just down the street from the highway ramp, we are about a half mile quarter of a mile from the highway ramp, the house would be on the right and you see that large area where the two mature trees are, there's our lot right in the center on the screen now, we are creating a square conforming lot for the existing home. The home would actually be located, you see those 2 mature trees, the home would be located behind those further away from Main Street, so the home location is well towards the back of the lot. The back of the lot is also heavily tree'd now, and there is a single family neighborhood behind us, but we have a dense screen of existing mature trees behind us, so we have about 50 feet of dense mature forest behind us, that is going to stay, we don't have to do any clearing, so we are between the mature trees. We will bring in a driveway from that 60 foot of frontage, we bring it 250 feet to the back, it is going to be a 70,000 sf lot and the home site is going to be way in the back of the lot, we are going to be screened with that existing wood area. We are proposing a single family home with a little over 3k sf, with an ADU as part of our proposal, a attached ADU. When we originally filed, we had requested a ADU special permit, we have since took a look at the bylaws and this ADU doesn't actually require a special permit, so we are only here asking for the variance to basically create the lot and to allow the use of the rest of the property... **He shows & explains on the GIS map where the house will be located).

Chairman: Ok. Any questions or comments from the board?

Member Vathally: IS the house going to go behind the existing house that is there now?



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Attorney Donald Bornstien: Yes, it is about 100 feet behind that home and over 200 feet off of Main Street.

Member Vathally: How long is your driveway going to be?

Attorney Donald Bornstien: 250

Member Vathally: 250, so commissioner will that go to developmental review?

Tom Bridgewater (Building Commissioner): Yes, that will go to developmental review

Member Vathally: is the current house conforming now, the existing structure.

Attorney Donald Bornstien: The existing structure, doesn't meet all the setback requirements, but it would be on a conforming lot.

Member Vathally: OK, but that structure will be conforming if this gets approved?

Attorney Donald Bornstien: Yes, so you would have the home on a conforming lot with this variance.

Member Vathally: And how is the sight plane, I see the plan, but can you just tell me how that driveway is going to be.

Attorney Donald Bornstien: So the driveway goes straight down where we are looking at now, to the right of the home as you are facing it, it goes past the home and then takes a bit of a turn to the left and then comes in to the home sight, we are proposing seven total parking spaces, for the home and the ADU, so more than double the requirement of three, so there will be plenty of parking and basically a turn a round that would head to the driveway, that would allow for the turning around of vehicles

Member Vathally: And basically a garage and a half, right?

Attorney Donald Bornstien: Yes. So a full size garage for the home and a half size garage for the ADU. And plenty of space to turn around, as the fire department wanted a turn a round or something like that, there is plenty of room to do that fairly divvy end to that parking spaces are, but there will be more space available. This lot does not suffer from lack of area

Member Vathally: Right area, so when you get to the back of the house, you have the room, you have the setbacks, and that is why you are asking for a variance for frontage. Can I ask you your hardship explanation?

Attorney Donald Bornstien: Sure, I think the hardship is very clear, we would be putting the existing historic home on a conforming lot and then have 70,000 square feet that we can not use at all, there's no development possibility without this variance, just basically the frontage and width variance go hand and hand, because if you don't have frontage you're not going to have width. So the hardship would be, without the variance we have 70,000 square feet, otherwise without the development of the land, the land would be of no use. And also land, not located in any proximity to the existing home, it is



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just an unusual situation we have, the home sort of put in the corner, plenty of room to have a complying lot out there and then all this additional land that you could get to with essence a frontage variance.

Member Vathally: Jill can you give me a shot of across the street on the screen please. Thank you.

Chairman: Other questions from the board?

Member Brown: Can you talk a little bit about the existing house. When was it built, and what are the plans for that house?

Attorney Donald Bornstien: According to the accessor's records, it dates back to 1780, and the plan is to sell that complying lot with the house on it separately, so the home would be preserved.

Member Brown: So that house will be preserved and not torn down or anything like that.

Attorney Donald Bornstien: Yea and that's another part of the hardship, without this variance, you are left with a small but older home on one corner, the obvious response to that, most clients would be coming to me asking how quickly can I tear down that home, and then have all this land that I could operated under, what this variance allows, it allows a creation of a slightly more compliant 23,000 square feet area where 20,000 is required, just enough frontage, it puts that home on a comfortable lot, it is a smallish home, it would fit just nice on that lot, and then allows that home to be sold separately. And what helps make that happen, is if we have a frontage variance, that then makes the rest of the lot usable, while keeping the house there.

Member Brown: Commissioner, do you know if that house has a historical condition or anything with that home

Tom Bridgewater: I can't tell you that at this moment right now.

Member Brown: That is always a concern, we want to make sure we are complying with everything that might be designated with that house. That was my concern, thank you.

Attorney Donald Bornstien: That is a reasonable concern, we are not proposing, as part of this application nothing is proposed to that home.

Member Bevilaqua: To Member Brown's point, nothing is going to be done to that older home in terms of any kind of renovation, in other words that home does not need renovations at this time, the home is actually inhabitable

Attorney Donald Bornstien: I believe it was occupied by the deceased until approximately a year ago, but she passed, in fact the woman who lived in that home I think her entire life and had it from family, was actually Dick's third grade teacher in 1963

Member Bevilaqua: So when you say that the new construction will be a single family home and then there will be an ADU

Attorney Donald Bornstien: Yes



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Member Bevilaqua: But when it says how many families to be accommodated 3, the third family will be what is in this older home

Attorney Donald Bornstien: Nothing is proposed as part of this application for

Member Bevilaqua: Is there any thought about the new construction having some sort of harmony in terms with the structure with the historical

Attorney Donald Bornstien: We do have building plans that we passed out tonight, we haven't proposed anything specific, other than the height equivalent, you can see it is a fairly low building, although a two story home its built like a true colonial, which those two stories are actually pretty short. This home is designed to be of that type of height so we would be similar or slightly lower than this home, the way it will be set on the lot I think will be will have some good sight to it, it will be set behind two large existing mature, I think they are maples, that are sort of in the middle of the lot, the house is going to be behind that, so the view from the street is not going to change substantially, as this home is going to be setback 250 feet, we are going to have two mature trees that are in the middle of the lot that sort of shade it from the main street, there's two other mature trees up close to Main Street and it looks like both of those could be saved, there is an existing curb cut on that side of the lot, I don't know what it went to in the past, but there is an existing curb cut next to those trees that are up in the front of the property. To give you a sense of the setting that, the old home is in now, on one side of it there is a church property with the church itself and several buildings the Christian Assembly church is there, and their parking lot is on one side, on the other side there are two group residential settings by Vin send that manages those properties, they are on either side of us, our only single residential neighbors immediately are to the back, in a neighborhood behind us, and all those home in the neighborhood behind us and along the side of us, I have submitted a GIS plan I know you can look on the portal, but the GIS plan, shows there is a fairly extensive work of single family homes around us. All of those homes, predominantly all of those homes are 50 to 100 feet of frontage and 5,000 to 10,000 square feet, so the frontage of all those existing single family homes that are all around us, besides these two institutionally uses on either side of us, they are all frontages with equivalent to 60,000 square feet, so that 60,000 feet of frontage will not be awkwardly different from what you see in the neighborhood that is naturally developed already.

Chairman: Other questions from the board

Member Ortiz: It is about the parking for the house and the existing house, are they going pave on the left side, and how far is it going to be from, the new driveway how far from it would it be from the existing house? I am concerned about the snow, plowing the snow

Attorney Donald Bornstien: The frontage for the entire parcel is about 210 feet, 150 going with the older home, and 60 feet going with this proposed new lot, the driveway fort he existing home you can see on the extreme edge of one side of the lot, the proposed driveway is on the other extreme edge, so they are about 200 feet apart, the center line is about 200 feet apart, so a lot of curb line left for snow plow.

Chairman: Thank you. Other comments or questions?

Member Brown: Just try and keep the trees



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Attorney Donald Bornstien: I said the same thing as soon as I walked down the property yesterday, And the house impressed me and the exterior of that old home is in very good condition, especially for a home of that age and so are the beautiful trees that are out there, and that was something that I brought up immediately, those trees are assets to what he is trying to do. The trees are certainly over 100 years I would say.

Ember Brown: Riding by, it is kind of tough to see, because it is a busy street, you can't stop to see too much, but there are wonderful mature trees back there, it would be great to keep them.

Chairman: I went buy to look at it and it's a little, hard to

Attorney Donald Bornstien: It is hard to get a sense of the building site, without actually walking out on it, as soon as you get past those two big maples, the back of that site is actually quiet, you would not know you were so close to 495 and Main Street, its a wonderful home site.

Member Brown: It really is a nice lot.

Chairman: No more questions? Entertain a motion.

Member Vathally: I make a motion to accept the application for 994 Main Street

Member Soraghan: Second

Member Soraghan: Yes, I feel the general conditions of 255-10.2.2(2) have been fulfilled

Member Vathally: Yes it meets the criteria for 255-10.2.2(2), sighting unique conditions of size shape and topography, which would not affect the zoning district

Member Brown: Yes, I believe it meets the zoning conditions 255-10.2.2(2)

Member Bevilaqua: Yes, I believe it meets the zoning conditions 255-10.2.2(2) and in terms of the way it will affect the neighborhood, I just think it is an absolutely fabulous project and it will really enhance that neighborhood.

Chairman: Yes

GRANTED

Klemm Family, LLC for 427 River Street (Map 506, Block 251, Lot 2)

Applicant seeks a Special Permit to determine that the proposed alteration/extension of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application involves renovating/upgrading existing carwash to include combination of self-serve bays, automatic wash bays and a wash tunnel. in a CH zone. (BOA 25-24)

Attorney Caitlin Masys (462 Boston St in Topsfield & 345 Main Street in Haverhill): Mr. Tom Klemm is here this evening to entertain any questions that the board my have, as well as an engineer representative from GPI also here who can answer any questions. If you are familiar with this site of River Street, it is the existing car wash, that is almost directly across the street from Smith Motors. The Klemm family very recently purchased the property from the longtime owners. I think everyone can agree that the property has been slowly detreating over time and is in a extremely dilapidated condition as we sit here today. Mr. Klemm is proposing to completely revamp the property, renovate the existing structures



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that are there, as well as slightly expand at the back of the lot to put a tunnel wash. What sits there right now are some self service wash bays, some torn up pavement, basically no direction or signage for entering or exiting, and it is completely automated, there is no attendant at that property at all. The proposal before you today is seeking a special permit, the existing building is already pre-existing nonconforming in several different ways. The proposed project here, while it would expand along the back of the property line, so it would increase the nonconformities, it doesn't actually increase or decrease the setback, the setback would stay roughly the same, additionally the center before the board for this special permit is not substantially more detrimental to the neighborhood. I think we can all agree, that this is the complete opposite of the detrimental, it is going to completely renovate the property, it is going to have new signage, new pavement, it is going to have clear directions on the pavement and signage for entering and exiting, and it will also be attended 7 days a week, there will be an actual physical person on site. So while they will retain some self-wash bays, there will also be free vacuums installed and the biggest part of the project is towards the rear of the property we are going to be adding the tunnel wash.

Member Vathally: Is that, look at the property now, show me where is the rear of the property, where it abuts the parking lot?

Attorney Caitlin Masys: Yes. The rear of the property which is another factor that makes this not more detrimental to the neighborhood, where the building is going to be increased in size it abuts that parking lot that you see, that I believe is for the apartment building across the street.

Member Vathally: So that tunnel wash that you are proposing now that last bay there, that is a touchless bay, right?

Attorney Caitlin Masys: Yes it is.

Member Vathally: So is the tunnel going behind that?

Attorney Caitlin Masys: No, it is going to replace that, and that bay already is only a couple of feet from the property line. So it is not an addition that is going on, it is not expanding outward towards the property line in the rear, it is expanding length wise along the property line from side to side.

Member Vathally: It has an equipment room attached to the end of it there?

Attorney Caitlin Masys: Yes, so the last two bays, the equipment room will be moved from where it is right now in the center of the building, to the back of that. So the last two bays on the end

Chairman: So it wont go further in to the parking lot

Attorney Caitlin Masys: No

Tom Bridgewater: That is why it is a special permit and not a variance

Chairman: The other end, the street end, you have a wash bay being converted to a garage?



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Attorney Caitlin Masys: Yes

Chairman: What is the purpose of the garage?

Attorney Caitlin Masys: It is an existing garage already, it is not an open bay, it is a closed bay, and it will just be for storage.

Chairman: Was it always a garage, or was it an open bay for awhile?

Attorney Caitlin Masys: I think the prior owner had it as an open bay at one time, and then closed it up.

Chairman: You said it would be staffed seven days a week, are there staff there all day, well not all day, but a certain number of hours?

Attorney Caitlin Masys: Not 24 hours, but open to close which would be over 8 hours, it would be at least 8 hours.

Member Soraghan: But the bays would be open 24, right?

Attorney Caitlin Masys: The self serve bays

Chairman: For the staff that is there, is there a office, where are they there, are they outside the whole time?

Attorney Caitlin Masys: So that would be the office, the tunnel wash would have someone at the entrance at all times. I don't know if you are familiar with what used to be the Clean Machine in Bradford, that the Kleen family also purchased, so you will notice that there is kiosk where they can pay for the tunnel wash, but once you go through the back and there is an actual person there, so there will be a person staffed at the tunnel wash and then if more than one person was working at the time would be in the office.

Chairman: I guess what I am leaning to, is there any amenities for the staff person who is there 8 hours a day, do they have a place to be sheltered.

Attorney Caitlin Masys: Oh sure, there is an office and there is an existing bathroom. There is an existing office, they just never utilized it before as they had no one there staffed at the premises.

Member Vathally: Just alluding to Chairman Moriarty, will the bathroom be a public bathroom?

Attorney Caitlin Masys: No, it would be employees only.

Member Vathally: So, I notice a note from the fire department, if there was a plan for a customer siting area, is there a plan for that?

Attorney Caitlin Masys: No there is not



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Member Vathally: Ok, so there is not. Commissioner, if they don't have a plan for that, will this have to still go to developmental review?

Tom B: I am going to request they do, because of the amount of work they are doing.

Member Soraghan: You show a sign in the front that is going to be refaced, you have a free standing sign out back, what is going to happen with that?

Attorney Caitlin Masys: The back sign will probably be removed, there is no need for it.

Member Soraghan: My other question is, when cars are queueing out that go through the wash tunnel, how do you expect that queue to operate?

Attorney Caitlin Masys: That queue will be along Vila Street. So part of going through the developmental review process, they will be speaking with Mr. Bridgewater and some of the other city departments, about setting up the queue, so that is doesn't block anything on Vila Street, but also provides enough space so that it don't any backup or queueing on River Street itself.

Member Soraghan: I would appreciate that. I look at the proposed plan, the proposed improvement plan and it almost shows the queue out in the right of way, between the curb line and the property line on Vila Street and I don't have a issue with that, I just I would rather have the cars queued out in the street, because if there is ever a proposed sidewalk or something going in, I would like a reserve with that strip of land for city use, where, do you understand what I am saying.

Attorney Caitlin Masys: You would prefer the queueing actually be in the right of way and leave a strip.

Member Soraghan: Yes, that is just my preference.

Tom B: This will all come out in developmental review. All the cones stuff, all the accessibility. The amount of work that they are doing the police might not want them queued up in the street, they might want to follow the plan here and have them queued up on the property. I twill all come out in developmental review.

Member Soraghan: Yea, what I am saying Tom, that queue is shown in a right of way, like if you were to add a sidewalk, that queue of cars would

Attorney Caitlin Masys: Correct, I believe there is a sidewalk on the other side of the street already so, I am not sure if it would ever become an issue, but I understand what you are saying, and yes the way it is shown on the plan it would if a sidewalk were ever to go in, yes the queue would be bocking it.

Member Soraghan: If that got put into the record that I as one board member, don't like the way that queue is laid out on the site plan.



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Member Vathally: I noticed on the property, because I had my car washed there the other day, and I know the sign says no music and things like that, is there a plan for noise abatement with the new plan here?

Attorney Caitlin Masys: Yes, So I believe the biggest contributor to the noise pollution in the area is the facts that the property is not attended regularly by the staff, so while having signs that say no music, there is really no one there in enforce it. I think that you would see a marked improvement, at the site, once this project is complete and there are actual employees on the site, that can enforce those regulations during the hours that they are there.

Member Vathally: Jill can you zoom onto that for a minute. What is across the street, are those apartment buildings?

Attorney Caitlin Masys: I believe on the corner of River Street there are commercial and industrial buildings, further up Vila Street is a recently converted building that is now all apartments.

Member Vathally: Behind it right?

Attorney Caitlin Masys: Right, it's the newer brick building that you see, so its in the background there.

Member Vathally: Is that parking lot there that abuts the property, parking for them?

Attorney Caitlin Masys: Yes. I believe it is. And across the street is Smith Motors.

Member Vathally: Yup, I am just seeing where the cars will abut that tunnel wash, where that is a parking lot full of who.

Attorney Caitlin Masys: So that is a parking lot for the brick building that is in the back, not the commercial industrial space.

Member Vathally: So that's apartments in the back. Ok, thank you.

Member Brown: I just wanted to ask, how long has this particular owner owned this.

Attorney Caitlin Masys: hey only purchased it last year.

Member Brown: And do you have any idea of the hours and days that it is going to be operated, are they sorter on the weekends or longer on the weekends?

Attorney Caitlin Masys: 7-7 roughly, 12 hour days

Member Brown: 12 days and what hours do you think it would be maned?

Attorney Caitlin Masys: 7 days a week from 7 to 7, there would be someone there, there would be at least one person there.



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Member Brown: OK, and so it will be open 7 days a week.

Attorney Caitlin Masys: Yes.

Member Brown: Thank you.

Chairman: Other comments or questions? People want to speak in favor or opposition.

Shirly Rutherford (14 Bowley St): I am a home owner, I have been there 27 years, which is right next door to this car wash. I am objecting anything that they want to increase for the fact, for 27 years I have been here it has been nothing but loud music after 7 at night, 2 or 3 in the morning we have drug activity going on at that car wash, there are individuals I have had to have the police department come at 5:30 4:30 in the morning to do a well being check, because they purchased from the car wash and came over to Bowley Street because it is darker, to do their business, I have also called the police department numerous times about the loud music. If you look at my property line on Bowley street my hedges are extremely high, because I am trying to cut down on getting the noise in my apartment, it is a two-family and if you are on the second floor it is even louder. The house that is across the street from me, its got the same amount of property they also have to deal with it, the surrounding area has to deal with the loud music and unfortunately there is only so much the Haverhill Police Department can do about the loud music, there is only so much we can do about the drug activity going on, after 7 at night you should go by that place, go by at 2 or 3 in the morning and see what it is like, it is sad. 27 years I have been there. During COVID they were supposed to be shut down, even the self service part was supposed to be shut down and it wasn't, there was a lot of traffic coming in and out of that car wash, so there are no guarantees, because they said after 7 at night there wouldn't be anyone there, so what about the self service part, are you going to close the doors on the self service so nobody can do it or are you going to leave it open so we can continue the drug activity and the loud music that goes on after 7 at night. Their signs that are hanging there right now, it is a joke, again nobody reads them. We already had an individual last year on a motorcycle get killed by one of the entrance ways that abuts the car wash and the restaurant, the young man was going back to work, heading up River Street, and somebody coming down River Street, decided to turn in to the little entrance way between, the car wash and the fencing and they killed a young man on a motorcycle. So that's my opinion.

Chairman: Thank you very much. Any others want to speak?

Attorney Caitlin Masys: I actually think that all of the residents concerns are legitimate and that has been the case for a long time at this location, but what is being proposed by the new owner who has only just purchased the property in the last year, it is going to substantially improve this property, it is going to substantially improve the markings on the pavement in terms of entering and exiting, signage in terms of where to pull in and where to pull out, there will be someone there during the day, in the evening hours. The property is going to be completely renovated, it is going to be striped, it is going to have defined parking, it is going to have curbs. It is not going to be a property where the owner is going to just walk away from and let whatever happens when it happens in the middle of the night. I am certain that there is going to be a lot of extensive new equipment there that they are also going to want to keep safe.

Chairman: Would you be able to, would the applicant be able to provide surveillance cameras during those off hours?



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Attorney Caitlin Masys: I am sure that, that is something they are probably going to do anyway, to protect their investments.

Chairman: I am not sure that would completely detour late night drug deals and other things like that, but if they were there and it had cameras that were looked at from time to time. All the improvements you are saying you are going to do seem great, but that doesn't necessary address the issue that they brought up.

Attorney Caitlin Masys: I think it will address some of the issues they brought up, in terms of the signage that they have issues with, the traffic with someone being hit on River Street, it is going to be very clear where the entrance and exit are in this new development. It is not just going to be a flat paved wide open area, they are going to add in raised spots in between the bays, so it is not going to be as much open space in the parking lot there, there is going to be defined areas to where you go in the bays and out of the bays and again this is a significant investment that the owner is putting into this property and they have an interest in protecting their investment as well. I think they share some of the same goals as the neighbors to try and curb some of this activity.

Chairman: I don't want to hurt the business model, but would different hours be possible? I mean how much use is there after midnight; how many people come and get their car washed?

Attorney Caitlin Masys: That I can't speak to, but the standard for a special permit is not more detrimental and while it sounds like I am just talking about the business model, it is the business model that is making the impact less detrimental on the neighborhood, not more.

Chairman: And I understand, but we have neighbors that are fearful of the drug use, if there is drug use there and loud music and traffic, if there was a way to modify the hours, I mean does a car wash have to be open 24 hours to make enough money to justify its existence as an investment for the owner, but could some of those hours be cut back a little bit and can we get a commitment that you will get cameras there that can record stuff if it is possible. Again I am not trying to get into the special permit, but

Attorney Caitlin Masys: Yes, I think all of those things are on the table, but I think a more appropriate time for that session would be during the developmental review. It is not as if the property, I understand that there are issues with the property from the past, but again these are new owners, they are making a significant investment into this property, they have their own vested interest in keeping the property clean and keeping away drug addicts and discouraging all kinds of illicit activities on the property. I think the fact that they are coming to the board with this proposal to spruce up this property, it is not a minimal amount of money that they are looking to put in here, they are making a significant investment which I think indicate how important it is going to be to them as well, to maintain their property.

Member Brown: You said you owned the one in Bradford, can you speak a little bit about those hours, I know it also offers the tunnel, it offers self-serve and the touchless one, what are the hours there is it 27/7

Attorney Caitlin Masys: All of the self-server and the touchless are 24 hours, the tunnel wash I self is limited hours from 7 to 7, seven days a week.



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Member Brown: I definitely hear both sides of this I do see the concerns, I drove by a few times the past few weeks and I do see the condition it is in and I am glad to hear there are some improvements coming to that, obviously there are huge concerns and that's why many of us are feeling with it being open so late, it is a concern definitely. No one wants to have those kind of things happening in their neighborhood, but we have to take that seriously. Another thing that I wanted to ask you is about then noise issue, do you ever this of adding any buffer area, adding some by the fence area could contain some of that noise, because now you are having a tunnel wash right?

Attorney Caitlin Masys: Yes, that tunnel wash borders the parking lot, so there is no need for a buffer there, there is no building, no house, but the site is limited in terms, there is no green space really on the site to begin with

Member Brown: I am just saying when I look at terms of improving it, can that be something, something to maybe discuss with neighbors to show that you are willing to work with the neighborhood.

Attorney Caitlin Masys: Oh sure.

Member Brown: Just to help with some neighborhood concerns

Attorney Caitlin Masys: Yes absolutely and I think just the, even the improvements that they are planning on making alone are going to buffer some of that noise anyway. The structure are going to be shored up, there's going to be newer equipment that supposedly makes less noise in terms of the actual washes themselves

Member Brown: That is it, thank you.

Member Ortiz: According to what I have heard you are having an employee there because of the tunnel, and the tunnel is not going to be open after 7

Attorney Caitlin Masys: Correct.

Member Ortiz: How many bays are you going to have open, other than the tunnel, how many people can go at the same time?

Attorney Caitlin Masys: 6 total

Member Ortiz: Do you think you are going to need six open, do you think you could do something like close three. Do you have so many clients at night that you need all those open, like can you put a garage door and then have less opening spaces for less people to go in, so less noise, one or two maybe, do you think

Attorney Caitlin Masys: They will have doors on them already anyway

Member Ortiz: OK, so they are all going to close. What about a system where you have to pay, and then the doors open and you can go inside and clean the car, then they close automatically, so that way people on the street doesn't have



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access to your business, so I think if you are going to have a garage door, having that system would help your business help the neighborhood.

Attorney Caitlin Masys: I think that there are some open bays in the past or the doors haven't been working, again these are going to be completely renovated bays that have automatic doors, so you would have to pay for a car wash to have the door actually open

Member Ortiz: Before the doors open you would have to pay

Attorney Caitlin Masys: Correct

Member Ortiz: Once the car gets out the door is going to close and no one else can get in.

Attorney Caitlin Masys: Correct, it will be closed on both sides, you pay for your carwash and then the door opens and you go in and the door closes, the carwash finishes

Member Ortiz: Safer for the client, because the doors will be closed, so nobody going to come to attack you while you while you have your car open at 2 am in the morning and safe for the neighborhood, because nobody is going to be around to do drug dealing, so I think in a way that it will be better. I think that answers the concerns from the neighborhood. Thank you.

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

Member Vathally: I make a motion to accept the application for 427 River Road

Member Soraghan: Second

Member Soraghan: Yes, I don't believe this project is substantially more detrimental than the existing structure to the neighborhood and the general conditions of 255-10.4.2 are fulfilled.

Member Vathally: Yes it meet the criteria for special permit 255-10.4.2

Member Brown: Yes it does meet the criteria for special permit 255-10.4.2

Member Bevilaqua: Yes it meet the criteria for special permit 255-10.4.2

Chairman: Yes, and again I just want to clarify the issues about the safety is outside of our purview, although it does reflect on some parts of what we do here, as generally outside of our purview, but never less we as a board need to feel comfortable about some of these things, so I will vote in favor 255.10.4.2 and note that the improvements shall not be more substantially detrimental to the existing conforming structure.

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Tom B: The police will also be at the Developmental review and they will have a big say in it



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RKACO LLC for 199 Wilson Street (Map 506, Block 252A, Lot 21)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RH zone. Requested variances for Lot 22 include lot area (5,000 sf where 7,500 sf is required) and lot frontage (50 ft where 75 ft is required). Proposed Lot 21 shall include existing single-family dwelling. Requested variances for Lot 21 include lot area (5,000 sf where 7,500 sf is required), lot frontage (50 ft where 75 ft is required), and side setback (5 ft where 10 ft is required). (BOA 25-21)

Attorney Michael Migliori (280 Merrimack Street, Methuen MA): I am representing Rob Ahern the owner of RKACO LLC, who is here tonight with me. Rob and his brother Russell built well over 100 homes in Haverhill over the past 30 plus years, done a great job over those years without any issues. Rob purchased this Wilson Street property a few months ago planning to construct an attached second residential unit to the existing home located on the property. The parcel contains two lots, lot 21 and lot 22, lot 21 contains the existing home, each lot contains 5,000 square feet, the property is located in the RH zoning district. In the RH zoning district you can build a two-family home by right, based upon this 10,000 square foot combination of these two lots, I'm sure MR. Bridgewater can confirm this, Rob can go out right now and get a building permit to construct a second residential unit attached to the existing structure and end up with two units on the property, without the need to obtain any variances any special permits or anything otherwise than the foundation permit and building permit, it is allowed by right. Rob in looking at the situation thought that a better way to accomplish obtaining an additional unit on the property would be to construct a single detached home on lot 22 as shown on the plans we submitted, a new single-family home would fit in with the existing neighborhood better, than the creation of trying to attach a second unit to an existing building, it is difficult, it gets complicated, it is not always the more esthetically pleasing way to get a second unit. Rob thinking and looking at the neighborhood thought the better way to do it would be to get a self-standing second unit, obviously to do that we need variances. If you look at the Wilson Street neighborhood, you'll see that most of the single-family homes are built on 5,000 square foot lots and that the multi-family units seem to be on 10,000 sf lots, what Rob wants to do, would be indistinguishable in the neighborhood, once the home is constructed. Rob did canvas the neighborhood a couple of weeks ago, on the weekend and explained what he wanted to do, to the neighbors that were home, and explained the difference to trying to attach a second unit to an existing building as opposed to duplicating a home that is in the neighborhood with a detached brand new building that fits in and looks like all of the other properties in the neighborhood. The people he did meet with and explained it to, once they understood the situation and how it impacts parking and the look, the immediate abutters, if you are looking at the site the immediate abutter to the left and the immediate abutter to the right and the immediate abutter behind the property all signed a petition in favor of going with the single-family construction on the separate lot as opposed to an attached second unit. These are the folks at 19 View Street 206 Wilson and 217 Wilson Street, again those are the immediate abutters. The use that we would like to go in and construct the new single-family home, will provide additional single-family property on what is now an underutilized lot, and again providing some badly needed housing within the inner city, properties in a neighborhood that contains nice single-family homes on lots of similar size, in light of the requested use we are seeking a dimensional variance for lot 21 we will require a variance for frontage of 50 feet where 75 feet is required and for lot area we have 5,000 where 7,500 sq is now required in that zone, front yard setback of 9.85 feet where 20 is required, side yard of 4.76 where 10 is required. The proposed building on lot 22 required a variance for the frontage of 50 feet where 75 is required and area of 5,000 where 7,500 is required. With respect of the variances we are requesting its our opinion that they are a minimum of nature of most of them are variances that go with existing structure, so there is nothing that we can do about those, the existing building is responsible for most of the required variances. There will be no expansion of the nonconformities other than what's existed for many years. We believe that this approach in getting a new single-family home verses attaching a second unit, is a reasonable use of the property and is far more desirable than the attachment of the second unit process. The site is large enough to provide accurate parking for both units. One of the other issues, if he has to go with attaching the unit to the existing unit, one of the problems that comes up is the car port that is there now, which accommodates four vehicles, in all likelihood would have to go, so parking is improved by allowing the second detached unit. We don't see any substantial detriment to the public good, the purposes and intent of this chapter but rather result in a, this option we feel is a benefit with initial impact verses attaching this second unit. With that we are available for any questions.



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Chairman: Questions from the board?

Member Vathally: Attorney, you said the carport was going to stay? Commissioner does that need a variance?

Tom B: He does have a variance in there of 4.76 where 10 feet is required, on the carport.

Chairman: And you said it was going to stay?

Attorney Michael Migliori: It can only stay, if we do the detached. With the attached we will lose that, because that is where the attachment to the house will be connecting the second unit, so we go backwards with respect to parking by forcing us to go with attached concept.

Member Brown: 4 cars can fit in the carport, really?

Attorney Michael Migliori: Yes. 2 under the carport and two out.

Member Brown: OK, because I thought you said 4 in the carport, and I drove by it and was like what. And the proposed parking for the new would be to the left?

Attorney Michael Migliori: Yes correct.

Member Brown: And how many would be in that one?

Attorney Michael Migliori: There is two there on the proposed site.

Member Brown: OK

Chairman: Other comments or questions? And other people want to comment on it?

Jose Mendez (210 Wilson): I have been here for 26 years and my issue is parking, it has always been the parking, in the winter it is even worse (looking at the map)... See where the white car is, three cars can park there and in the winter it is even worse, in the with this side only like four cars can park and three in the winter on the other side, and others they don't know where to park. That is my issue, it has always been like that

Donna Sakakini (178 Wilson): my concern is parking, major. We are only allowed to park on one side of the street from November till April, and a slot of people on that road on Wilson Street and on Bowley Street don't have driveways, or a large enough driveway, so we end up with cars parked in front of our houses, that don't dig out, and then when they do, they just leave all the mess there and then we end up doing it. When they plow, because our houses are so close to the street, they are latterly plowing us in, then we dig out and then someone else takes the parking spot that we are digging out, so parking is definitely a major issue in the winter time.

Christian Gozmen (206 Wilson): I am the owner of 206 and I also represent 200 Wilso Street condo association. I did speak to the gentlemen and I did tell him our biggest concern is the parking, for the simple reason is that house has been



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empty for a long while and we still don't have room for parking. I explained to him, the biggest issue is what is to guarantee us that if he does build something and that home owner has 4 or 5 cars.

Chairman: Other comments or questions?

Shirly Rutherford (14 Bowley St): We do have to do the odd & even side parking, but again we have people on Wilson Street I think they are condex's or side by side homes and some of them have 4-6 vehicles directly across from my street. And they are parking now, even though the winter band is not in affect, there is no room in their driveways, so they have 4 vehicles and their company vehicle that they drive, they are parking on Bowley Street, and now that is taking up space on my street, so when winter comes I am going to have issues with my parking. I don't have off street parking, I can if I want to do over my yard again, I di at one time have an RV parked there but I got rid of it, but I don't have off street parking, and what is happening is a family that lives on Bowley St, a gentleman drives for a cab company in Lawrence and brings it home and parks it on Bowey Street because he has no place to park it in the driveway or Wilson Street, because there is already 4 vehicles in that driveway. So again if you are going to add more homes on Wilson Street, where are these people going to park? Bowey Street is running out of space. Me. Smith was a gentlemen, every winter he would take care of my property because I abutted his property, and now I am hoping the gentleman who is taking over for Mr. Smith will continue taking over the plowing part, he even sands for me, because the city doesn't know where Bowey Street is, I have to give directions to Bowey Street.

Chairman: Thank you very much.

Attorney Michael Migliori: I understand where they are coming from. By allowing the detached single-family home, the parking situation is going to approve. What I don't think some of them understand is, there will be a second home on this property, if it is an attached second home the parking situation worsens, if it is a detached single-family home the parking improves, we have the ability to accommodate 6 vehicles, by going the detached single-family residence route. What Rob Ahern and his brother have done over the years, is sold starter homes typically to first time buyers, so these aren't going to be rentals with god only knows how many people are living there, apparently down the street they are talking about 4, 5, 6 cars. These are starter homes, maybe two cars each home, these are not large homes. So the parking will be improved by granting the variances.

Member Vathally; Because you have designated off street parking in the plan

Attorney Michael Migliori: Yes

Chairman: One of the things that we struggle with, is that if there are pre-existing problems, with parking, that have nothing to do with the new plan that is coming in before us, we understand what the hardship is for the neighborhood because of that, but the zoning requires a certain number of parking slots, and you I believe are proposing two, which is what is required there.

Tom B: It meets the parking requirement, yes it does.



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Chairman: It only requires two parking spots and that is what they are proposing here. The issues about where people are parking and too many cars, that is really a police department issue I would assume and again this will be going before developmental review, and it is at that time that the issues about the street and the excessive parking issues can be addressed at that point in time.

Attorney Michael Migliori: I will certainly between now and then revisit this and see if there is something else that MR. Aher can do to even take more. We don't have any objection to that.

Chairman: Any more comments or questions, any one else?

Member Bevilaqua: We can stress the real problems the neighbors are having are not caused by this development, they are caused by another situation. He is going to make sure that what he builds has what it is required to have.

Chairman: Other comments from the board.

Member Brown: I think that it is imperative that we let people know that when they come in with concerns or what is happening in the neighborhood, we do want to listen to that so don't think that we don't take them seriously, but we have to go with what is before ourselves on our agenda. We can not vote on things that we don't have any power over. But we do hear you, we know parking is a big issue in many parts of this city. There's a lot of cars all over the city we hear you, but we have to vote on what is here before us, and the applicant does have sufficient amount of parking for the zoning.

Chairman: You are absolutely right, because these are pre-existing problems that haven't been addressed, but you can't ask the applicant, if the applicant doesn't have enough parking spots that certainly can be an issue we could take in account, but in this case the number of spots are part of being enclosed in the inclusion of this. If there are no more comments or questions, entertain a motion.

Member Vathally: I make a motion to accept the application for 199 Wilson Street

Member Soraghan: Second

Member Soraghan: Yes, I feel the zoning criteria for variance 255-10.2.2(2) has been met

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

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

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

Chairman: Yes as noted it meets the zoning criteria for 255-10.2.2(2) and I will second Member Brown's concerns, we hear these concerns, we take them seriously, that is why we give neighbors the opportunity to speak and if there is any way for us to address those issues we do, and it was helpful to hear that you would be willing to look into it as much as you possibly can

Attorney Michael Migliori: We will

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The board voted to approve the meeting minutes from the September 17 meeting (all members approved)