



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 16, 2025 at 7:00 P.M.

Those Present:

Member Louise Bevilacqua
Member (Acting chairman) Ted Vathally
Member Michael Soraghan
Member Lynda Brown
Assoc Member Magdiel Matias

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

Member Vathally called the meeting in to order on April 16, 2025

Frances Poirier for 226 Kenoza Street (Map 467, Block 185, Lot 27)

Applicant seeks a special permit for a detached accessory apartment in a RR zone. BOA-25-6

Frances Poirier: I initially started designing this to go into a barn, but structurally the bar did not work out, it required too much other work. So we did a standalone, realizing that we have to get a special permit. We have 23 acres and we tried to Strick this so that it doesn't disturb any of the neighbors or the views from the house and we are not taking any of the fields or woods or any or any of this land behind, it is just right behind the house. It will be a 2-nbedroom, a bedroom & office type thing, and laundry room and kitchen, Livingroom and garage which I have never had in my life.

Member Vathally: From what I understand this application and going through it, and obviously a lot of land, and the commissioner just enlightened me, I believe the applicant can use this without coming to the zoning board by right if they didn't need the additional 900 square feet.

Tom Bridgewater: They could do one by right up to 900 square feet, but where she is going above and beyond, she needs to be here for a special permit.

Member Vathally: What is the purpose of this addition.

Frances Poirier: I am going to be living in it, my granddaughter will be living in my house

Granddaughter: We just started our family, we are growing it.

Member Vathally: Wonderful. Any questions from eh board? Entertain a motion

Member Soraghan: I make a motion we approve the application for the special permit for the detached accessory apartment at 226 Kenoza Street
Second by Member Brown



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Member Michael Soraghan: Yes I feel it meets the conditions of 255-10.4.2
Member Lynda Brown: Yes it meets the accessory dwelling unit for special permit 255-10.4.2
Assoc Member Magdiel Matias: Yes I feel it meets the requirements for 255-10.4.2
Member Louise Bevilacqua : Yes I feel it meets the requirements for 255-10.4.2
Member (Acting chairman) Ted Vathally: Yes it meets the criteria for special permit 255-10.4.2

Granted 5-0

Early Contractors, Inc. for 47 Railroad Street (Map 701, Block 631, Lot 1)

Applicant seeks following dimensional variances for construction of 4-Unit townhouse condominium structure (existing auto repair / machine shop to be razed) in a RH Zone. Requested relief includes variances for lot area (12,648 sf where 40,000 sf is required), lot depth (82.5 ft mean where 200 ft required), front setback (20 ft & 21 ft where 25 ft is required), side setback (11 ft where 20 ft is required), rear setback (18.2 ft where 40 ft is required), maximum floor area ratio (.85 where .5 is maximum). BOA-25-8

Attorney Don Bornstein (12 Chestnut Street, Andover): This is an application that has come to the board twice before, we are hoping the third time is a charm, it was approved by the board in 2018, it was approved again by the board in 2021, unfortunately Mr. Early was delayed in getting out of that property, that property is currently automotive repair shop, a machine shop, a equipment yard, he has part of his business operation in there, he was delayed over the years getting out of the property, so he could resort it to residential use. The property is located in RH district the high-density residential district and the proposal is to convert a nonconforming machine shop auto repair equipment yard into a four unit townhouse, you see some architecture's Infront of you they would have been in your packets. The project is the same as what was approved by the board in 2018 & 2021. It has improved a little bit than what we had before, the same basic dimension, but the look of it and esthetics have improved, you can see it on the plan I have on this board next to me and in the packets that Mr. Early just handed out. We are asking for several different dimensional variances, mostly because we have a very front shaped lot, the lot itself is a corner lot, has significant frontage on Railroad Street, South Charles Street has more than compliant frontage on Railroad Street, and then another 92 feet of frontage on South Charles, but it is not a very deep lot, the lot depth for a multifamily lot in that district is 200 feet and we only have 83.5 feet, there are some difficult slopes in the back, we are also asking for variances for lot are4a, small variance for the front setback requirements 20 foot front setback, the existing building is tucked up in the front, sort of left corner, basically the side of the lot, basically on the lot line, the front and the side. We are going to bring the building a little off that property line, we are going to provide 11 feet's setback, that is another variance on the left side, we do have compliance on the other side, that is actually where our residential neighbors are located, so a residential neighbors really behind us, and on the other side of Charles Street, we try to maximize the green area around the town folks to be on the side where the neighbors are located, that actually was developed over time after to listing to the neighbors at prior meetings and several discussions with the abutters as well, so we ask for your support on this project and are happy to answer any questions, but in essence we are asking the board to reapprove and finally get Mr. Early out of that machine shop and get what we think is a very high quality town house project in its place.

Member Vathally: Thank you attorney. So there are no new changes from the initial application, right.



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Attorney Don Bornstein: Correct. As I said before I believe it is all the same dimensions, I believe our sight plan represents that.

Member Vathally: Everything is the same from the 2018 and the 2021

Attorney Don Bornstein: Correct. Combined parking, parking for each of the units

Member Vathally: There is no contingencies set on those last two, right commissioner?

Tom Bridgewater: No

Member Vathally: Ok, questions from the board?

Tom B: Excuse me there is one change, it was approved with 49,000 feet depth, it was incorrect as I re-reviewed it, it actually needs to be 40k feet instead of 49, it downgraded.

Member Vathally: OK, if there are no questions I will entertain a motion

Member Soraghan: I make a motion we approve the application for the variances 47 Railroad Street
Second by Member Brown

Member Michael Soraghan: Yes I feel it meets the conditions of 255-10.2.2.

Member Lynda Brown: Yes it meets the accessory dwelling unit for variance 255-10.2.2(2)

Assoc Member Magdiel Matias: Yes I feel it meets the requirements for 255-10.2.2

Member Louise Bevilacqua : Yes I feel it meets the requirements for 255-10.2.2(2)

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

Bradford Unlimited Corp for 463 Hilldale Avenue (Map 528, Block 10, Lot 151)

Applicant seeks the following dimensional variances to create two (2) new building lots and construct two (2) new single-family dwellings in a RH zone. Proposed new lots 151A & 151B shall be conforming lots that shall include the proposed new single-family dwellings. Proposed new lot 151 shall include the existing single-family dwelling. Requested relief for new lot 151 includes lot depth (70 ft mean where 100 ft is required) and rear setback (6.2 ft where 30 ft is required). BOA-25-5

Attorney Russell Channen (25 Kenoza Avenue): We would like to request with the board's permission a continuance for 30 days. Mr. Defeo who has been here on a number of occasions in the past, try's to go out and speak to the neighbors before we come in, he was unable to speak to the neighbors before, now with this individual showing up here, we think it would be more appropriate to continue for 30 days while Mr.\. Defeo speaks to the neighbor, find out what his concerns are, find out if there are any other neighbors that have concerns and try to address those before we come back in 30 days or the next hearing date



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Member Vathally: OK, so you would like to continue for 30 days to the May meeting, without pedagogist obviously. OK, can we have a motion for continuance please, any questions from the board? Motion for continuance.

Member Soraghan: I make a motion to continue the variance request for 436 Hilldale Avune to the May 21 meeting

Member Louise Bevilacqua: Yes

Member (Acting chairman) Ted Vathally: Yes

Member Michael Soraghan: Yes

Member Lynda Brown: Yes

Assoc Member Magdiel Matias: Yes

Michail Sofos for 69 – 71 South New Street (Map 715, Block 692, Lot 7)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RH zone. Variance for new lot (Lot 7B) sought for lot frontage of 61 ft where 75 ft is required. Proposed Lot 7A shall include existing two-family dwelling. Requested variances for Lot 7A include lot area (7,572 sf where 9,600 sf is required), lot frontage (60 ft where 80 ft is required), and maximum building coverage (26.36% where 25% is maximum). BOA-25-7

Michail Sofos: Good evening, my name is Michael Sofos and I have owned the property at 69 South New Street since 2007. I am here today to request approval to subdivide my lot and build a single-family home, which I plan to personally occupy. The variances requested for this subdivision are as follows:

*Lot frontage: 61 feet on lot 715-692-7B (75 feet required)

*Lot frontage: 60 feet on lot 715692-7A (80 feet required)

*Lot area: 7,572 square feet on lot 715-692-7A (9,600 square feet required)

*Building coverage: 22.36% on lot 715-692-7A (25% allowed)

The late variance can be eliminated by removing the existing garage, if you think that this extra 1.36% will help with your approval.

As you may remember, my application was denied four years ago after three meetings because I was trying to create a non-conforming lot. After that, I decided to wait until something change to the zoning laws. I am here today because many things have changed, I have made some improvements to the subdivision, to eliminate the lot width variance that I used to have, so compared to my previous request I was asking for 5 variances, now I am only asking for three.

1. Improved subdivision plan: By adjusting the subdivision line, I've eliminated one of the variances (Lot Width). I am also offering to remove the garage to address the building coverage issues, if needed. Compared to mu previous request, where I needed five variances, I now only required three.
2. Smaller footprint: The proposed house has been reduced from 36x40 feet to 30x35 feet, allowing for more open space on the lot.
3. Maintaining neighborhood character: I want to stand on this subdivision and the creation of a non-conforming lot since was the reason that my request denied last time. This subdivision is important to maintain the character of the neighborhood and line up with the remaining lots on the area. I could subdivide the lot in a way that requires ONLY 2 variances for the new lot ONLY and still be able to build a single-family house. If I do this, it will change the feel of the neighborhood, the new lot will not blend with the remaining and I will have to remove the 2 big trees. Also the single-family house won't have a garage, and there won't be much space for parking causing more traffic and increasing the safety of



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the pedestrians. All the other requirements will be in line with the guidelines. Instead, I'm proposing a subdivision that also aligns with the accessors plans from 1969 and will confirm that both lots blend with the surrounding properties.

4. Precedent for approval: I have reviewed other similar cases where the board approved subdivisions that created non-conforming lots. Some of those cases required more variances than mine and still granted approval. I hope my request tonight can be treated the same.

5. Recent developments in the area: Since our last meeting, the lot next to mine has been developed with a two-family house and a single-family house, without causing any water or traffic issues. These were major concerns on my case last time. In fact, this development may have even reduced water runoff into the neighbors' backyards. Personally, I haven't seen any water at their properties like we used to.

6. Lot size and zoning consistency: The current lot is nearly double the size required for the existing house. The location of the current house, on one side of the lot allowing the construction of another house on the remaining lot. It fits. There is no use for this lot and without maintenance it could become overgrown and have a negative impact on the surrounding homes.

As you can see from the table, that I submitted with my brief, even after the subdivision, the two new lots will still be larger than many of the existing lots in the neighborhood. The subdivision is in line with the remaining lots on the area.

7. ADU vs Single-family home: The new state law allows me to build a 900 square foot accessory dwelling unit (ADU) by right. While this is an option, it is not the ideal choice for my family. I would only pursue the ADU if the board does not approve my request for a single-family home, and this would be only for financial reasons. The ADU would be used as a rental property, but it would not include parking or a garage. This could lead to increased traffic and safety concerns for pedestrians, especially given the lack of sidewalks and narrow roads in the area. It will be cheap construction, and it will be used to generate income from the unused lot. The ADU would not fit the style or character of the other homes in the area. In contrast, building a single-family home would provide a two-car garage and sufficient parking, which would blend with the neighborhood and maintain its character.

8. Rental Property: Regarding the house I currently live in, if the board approves my request to build a single-family house, my plan is to either rent it out or have family members live there. Eventually, both homes will be occupied by my family. This rental will have a two-car garage and four parking spaces, unlike the ADU, which won't have any parking spaces. This rental also will be more affordable than ADU because of the age of the property.

In either case, a rental property will be developed to help with the housing shortage. However, approving this variance would allow for an affordable rental unit that would positively impact the neighborhood, compared to an ADU, which could have a negative effect on the area.

9. Footprints: The footprints of the two options are almost the same-31x31 feet for the ADU versus 30x35 feet for the single-family home. The impact during construction for both would be similar.

10: Neighbor support This time, I have the support of most, if not all, of my neighbors. I spoke with them and sent two emails explaining my plans. Four of the neighbors who were against my proposal last time and spoke at the last meeting are now in favor of developing a single-family home instead of an ADU. The remaining neighbors that didn't have any issues last time prefer a single-family house from an ADU unit too.

In conclusion, I believe the subdivision is the best option for this lot. It will match the other lots in the area. It matches the assessor's maps from 1967. Building a single-family home that I will personally live in is the best choice, as it fits with the surrounding houses. Building a single-family house will keep the family character in the area. Any other option could lead to problems or more development in the future. The company wants to see a single-family home here. This proposal



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meets zoning criteria 255 10.4.2. Since I plan to develop this lot anyway, I ask for the opportunity to do it the right way, to build a single-family house. Thank you for your time

Member Vathally: I remember this from a few years back. Let me just ask you, your plan for this is to live in the new single-family is that the plan?

Michail Sofos: Correct

Member Vathally: And then what are you going to do with the two family?

Michail Sofos: The two family I am going to rent it, if there is a possibility to rent for the next six or eight years, depending on when my kids are older. SO I will rent it or I have my parents or my brother, my brother is doing some other things, hopefully he is going to sell his house, it is going to be family or rented, eventually it is going to be all family in both buildings.

Member Vathally: Ok, so if you do the ADU by right, are you still planning on living there and bringing the family in that ADU as well.

Michail Sofos: No, I don't know about the family, the family is like question mark. You talking about the future, eight years from now, my kids, right now the ADU is going to be a rental, and honestly I don't know what I am going to do, possibly is is going to be a rental

Member Vathally: Ok, so the variance for the new lot is just frontage for 61 feet, the other variances are for the existing two-family, correct?

Michail Sofos: Correct. I said why I'm doing this, because I could subdivide the lot and ask only variances for the new lot, only 2 variances, but it is not going to look right in the neighborhood, I don't want to destroy this neighborhood.

Member Vathally: Something about the parking on the proposed single family

Michail Sofos: I am planning to have a 2 car garage and then outside I am planning to have at least 2 or 3 parking spaces

Member Vathally: And how big is your driveway proposed for, the driveway for the garage, how long is it

Michail Sofos: It is going to be 25 feet from the road, it is going to be exactly like the development next to mine. Close to the single family house they developed next to me, the only difference is I'm going to have a 2 car garage instead on one

Member Vathally: You have a two-car garage on the two family as well

Michail Sofos: Yes. Again I don't know how important



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Member Vathally: I am looking at the new proposed single family, where you are looking for frontage of 61 where 75 is required. How long have you owned the property?

Michail Sofos: Since 2007

Member Vathally: I was going to ask you, this is a self imposed hardship, I know when you bought the property you bought it with that piece of land next door, and usually to sell the board to satisfy I mean this is a self-imposed hardship what you are trying to do, I mean to me you explained it, but those are questions that the board would have. Any questions from the board?

Member Brown: I was at your house last week on the 3rd of April because I wanted to visit as it had rained that week for 2 days and it didn't seem like you had any issues with that, so I just wanted to check with Tom on the filtration system

NOTE:***Member Brown, applicant and Tom all talking at once, I can't make out as too much for the recorder.... Only missed a bit. All I "Jill" got out of it was that the water situation is better and the new residence will need to have a EV charging station and solar A

Member Brown: Great, thank you. That was a huge question for me, and I just wanted everyone to know I went and didn't see that.

Member Vathally: anymore questions from the board?

Member Bevilacqua: Mr. Sofos, I think last time you were I think your original plan was for your daughter, for your daughter to live in the new house?

Michail Sofos: I don't know who is going to live in there, my daughter is like 10 years old, so she is not living there alone, 8 or 10 years from now

Member Bevilacqua: You all know events that transferred not to do with you, since your appearance here four years ago, as you know it is a very active neighborhood, so I am curious because this is a very substantial petitioned you brought here, I don't see any architectural drawings for the house, are you planning on a ranch or

Michail Sofos: I have done some renderings and I forgot to upload it, but it is going to be two story (He passes around a drawing)

Member Bevilacqua: Is that in keeping with the neighborhood.

Michail Sofos: Yes. If you seen the new house built next to mine, it will be almost the same

Member Vathally: Any other questions?



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Member Soraghan: You are very willing to give up that garage, in your opinion is that garage in good shape or should it be torn down.

Michail Sofos: It is in really good shape.

Member Soraghan: So you want to keep it

Michail Sofos: If it is a deal breaker for the board over that 1.36 percent of building coverage, I can maybe eliminate the garage or maybe make it smaller

Member Soraghan: If it is in good shape, I don't

Michail Sofos: It is in perfect shape, I had it built when I bought the house.

Member Vathally: Any other questions from the board? Ok. Is there opposition?

Alex Evangelista (50 South New): I have been there since 2007, I don't think I have ever talked to him, because we are private people, you go your way and I go mine, that is just the way it is, I don't even know if I have seen him. I have no problem with him building an ADU, my problem is when you are starting to take lots size from a two-family and shrinking that down, in order to squeeze in a lot, and granted I don't know the history of that lot, but you say he bought the lot when he bought the house, but at the time it was probably an unbuildable lot, you just bought the land for like a buffer, which I can understand that. When he is comparing it to the house next door that used to be B's house, that was two lots all the time, that was zoned for a duplex and zoned for a single, and then the guy tried to get two duplexes and that's why we were here last time, and he ended up settling for what he had, I have no problem he settles for what he's got. My problem with these ADU's are is everybody is going to think they have two lots, so lets do something, lets build something, now I'm land rich and incompetent, because now you have a lot that is only worth \$250k, now it is worth \$500k because I have two lots and that is what I am seeing happen here. I have no problem with you guys making money, but I have seen it before when someone says they are going to live there forever and as soon as it is built they are gone after 3 years. An ADU, I don't have any problem with ADU's, you want an in-law I am fine with that. But I am looking big picture, he does that, the people next door to me they got more land than he got, they do that, I am more worried about WSOOD School because I don't expect that to be there forever, and something will happen there, it is just one domino after another to get to the point where I am living in downtown Haverhill, and I didn't buy Haverhill for downtown Haverhill, I have a little bit of space around me, just a little bit, I probably have a 75 square foot lot, but that is good enough for me. So that is my only thing about it, is the 7500 that he is going to squeeze single family that is what I've got. You are stealing 2,000 square feet from the duplex to make it. I don't want him to tear down the garage, the garage looks good, I wouldn't want to see him get rid of that, I am not one of those people up here, I am not concerned about traffic on South New, I am not concerned about Sidewalks, I ma not concerned about anything that goes on on that street, because if you park out on the street you are gonna get what you get, and I know he parks over there, he has parking, and I haven't seen any from the two apartments over there on the street, parking is not an issues for me , I am not one of those idiots who thinks there should be a sign or a curb on South Nedw, that is not what we've got. He is probably the only one that has sidewalks going around his house, and that could have been from when Wood School was built, but I don't know, but other than that there isn't any problem over there, and ADU I haven't got a problem, I just don't want to see a lot created where I don't think there is a lot



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Member Vathally: OK, thank you sir, thank you.

Member Vathally: Is there anyone else who wishes to speak in opposition? Anyone here wish to speak in support? Any more questions from the board?

Member Soraghan: Just as a point of discussion, I don't know, I can appreciate MR. Evangelista's position but there are numerous neighbors that supported the single-family option rather than the ADU, I don't know if you are aware of that Mr. Evangelista

Alex Evangelista: An ADU doesn't bother me. I don't talk to probably any of my neighbors, when I come home, I just want to kick back, I don't know anybody else's opinion, I'm just concerned about mine.

Member Soraghan: The board received a letter from multiple property owners around Mr. Sofos's property in support of a single family rather than the ADU, I just want to make you aware of that

Alex: That is their opinion, I got no problem with anyone's opinion, I come here to speak mine, an ADU I don't have a problem with, because then I know you are being an in-law, you are not building for something different, you can tell me all day that you are going to do this, I don't buy that, anything can happen, the market could go from where your house could go from 600 to 1.2 and I don't expect you to sit there on it, you know what I am saying?

Member Soraghan: I understand what you are saying, I just wanted to make you aware that there were other people, other neighbors, abutters to his property that stated they supported what he submitted rather than

Alex: I would support two houses in a heartbeat, if he's knock down the duplex, because then he would have two lots, they both would be 7500 feet

Member Vathally: Thank you Sir. I just want to reiterate Mr. Sofos, you made a comment earlier in your brief, that you know, you have to understand our position here at the zoning board that every application stands on its own, so when applicants say you have two houses here how come they have it and I am going for that, so every single application just to make it clear for everyone, you can't really use that as an argument because as we said your application stands different than anyone's application or this gentleman's application, so just to let you know that, because you had made that comment that other properties in the area, that person comes up and makes their argument with their case, we get that a lot, I just wanted to clarify that so that you are aware

Mr. Sofos: I am going to point something else out, let's say that we are building the ADU and we don't get the approval today, and in 2 years from now the zoning, the state comes in and tells that now all the ADU can become single family, and I convert it to a single family and then I add construction to the area, again more noise, more dust

Member Vathally: I'm sorry Mr. Sofos we can't go down the road that way. We are dealing with the current zoning issues right now.



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Mr. Sofos: I know. I think since I can build something, I can build by right an ADU, why not build something that is correct, the right thing to do, it's going to be a normal house with all the parking, the garage, this is what the neighbors live on, this is what the community wants, I appreciate his opinion, but you know its like 4 people want a single family and one doesn't. It is up to you know.

Member Vathally: Any other questions form the board? Entertain a motion.

Member Soraghan: I make a motion that we approve the variance for 69-71 Sount New Street

Member Brown: Seconded

Member Michael Soraghan: Yes I feel it meets the criteria of 255-10.2..2.(2) and I have to side with the majority y on this.

Member Lynda Brown: Yes it meets the accessory dwelling unit for variance 255-10.2.2(2), plus with he improvements with he water in that area

Assoc Member Magdiel Matias: Yes I feel it meets the requirements for 255-10.2.2(2)

Member Louise Bevilacqua : Yes I feel it meets the requirements for 255-10.2.2(2) and that really is what our purview is, I valuate the criteria

Member (Acting chairman) Ted Vathally: Yes it meets the criteria for variance 255-10.2.2(2) echoing Member Soraghans comments that the general consciences of the neighborhood.

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