



# 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, May 15, 2024 at 7:00 P.M.

Those Present: Chairman George Moriarty  
Member Louise Bevilacqua  
Member Lynda Brown  
Member Ron LaPlume  
Assoc Member Magdiel Matias  
Assoc Member Gary Ortiz

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

Chairman Moriarty called the meeting in to order on May 15, 2024

## **Request for six-month extension**

### **Richard P. Early, Jr. for 462 Washington Street (Map 504, Block 239, Lot 1)**

Applicant seeks following dimensional variances for the construction of a new three-family dwelling in a RU zone. The existing defunct single-story commercial structure shall be razed. Requested relief include variances for lot area (4,816 sf where 11,700 sf is required), lot frontage (60.5 ft where 80 ft is required), lot depth (78 ft where 100 ft is required), front setback (7.2 ft & 1.5 ft where 20 ft is required), side setback (4.9 ft where 10 ft is required), open space (29% where 40% is the minimum), and building coverage (35.9% where 30% is the maximum). (BOA 23-5) **GRANTED June 21, 2023**

**GRANTED**

Attorney Gordan Glass (12 Chestnut St Andover): We are requesting a variance extension. Last June this board by unanimous vote granted a variance number BOA-23-5 authorizing the raising of a commercial structure at 462 Washington Street and replacing it with triplex housing, since that time Mr. Early has been diligently pursuing construction on the project including recording the variance and seeking and entertaining a special permit from city council for the project also by unanimous vote. The reason for the delay is Mr. Early was originally partnering with Bread and Roses on the project, but as the board may be aware, they are not taking on new projects at this time, so Mr. Early is starting to work with Habitat for Humanity. So now he is seeking that the board grant an 6 month extension to allow him to start construction of the project, which is still supplying 3 critically needed affordable housing home ownership units to the city.

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

Member LaPlume: I make a motion to accept the application for 462 Washington Street, 2<sup>nd</sup> by Member Brown.

Member Brown: Yes  
Member LaPlume: Yes  
Member Bevilacqua: Yes  
Member Matias: Yes  
Chairman: Yes



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## **MRH ASA LLC for 315 Primrose Street (Map 605, Block 480, Lot 4)**

Applicant seeks Special Permit to convert existing (non-conforming structure) two-family dwelling into a three-family dwelling in a RH zone. (BOA 24-5) **GRANTED**

Mark Harrington (5 Appleberry North Hampton, NH): About 3 years ago I purchased a property at 315 Primrose Street in Haverhill and the correspondence with the seller at the time of purchase was indicating verbally and in our correspondence that it was a 3 tenant unit, so there are two 1-bedroom units and studio apartment. So over the last year we connected with the city of Haverhill Building department and discovered that it was actually a two unit dwelling and the third unit was never officially approved in the past, it was news to me at the time and I have been working with Tom Bridgewater and Tim Wicks and they suggested that we put in an egress access door, in the studio apartment and we did that, and we are willing to do whatever else is necessary, if we are granted the special permit. So the individuals that were in there at the time of purchase, are still the tenants in there so everything just continued as it was prior to the purchase, and I guess I am caught in the middle a little bit, I could go back to the seller and try to work something out, but we would like to continue it as a 3 tenant if there are not any problems.

Chairman: Great thank you. What changes did you have to make to it, you added a door?

Mark: Yes we added a door to the studio apartment, there was one egress and we added a second, and it was added and approved and get a permit for it

Member LaPlume: And some detectors

Mark: Yes and the sensors for carbon dioxide

Tom Bridgewater: We went out there and inspected it and it is safe. And it doesn't need any variances, it is just a special permit, because it is already inside the envelope

Mark: We did have a surveyor go out there to do a full report and get it over to Tim & Tom

Chairman: Any other comments or questions from the board?

Member Brown: The parking, where is your parking?

Mark: Yes, so the parking if you are looking at it from the dwelling at Primrose Street, it is at the corner of Primrose and Ninth, as you are looking at it the parking is to the right facing the dwelling

Tom B: It meets all the [parking requirements, it meets everything

Member Brown: Thank you

Chairman: Any other comments or questions? Entertain a motion

Member LaPlume: I make a motion to accept the application for 315 Primrose, 2<sup>nd</sup> by Member Brown.

Member Brown: Yes

Member LaPlume: Yes, shall not be more detrimental with the neighborhood, and also passes all zoning criteria for special permit 255-10.4.2

Member Bevilacqua: Yes it meets the criteria for 255-10.4.2

Member Ortiz: Yes it meets the criteria for 255-10.4.2

Chairman: Yes it meets the criteria for 255-10.4.2



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## Esteban Grullon for 20 Tenth Avenue (Map 613, Block 499, Lot 6)

Applicant seeks a special permit to convert existing (non-conforming structure) two-family dwelling into a three-family dwelling. Applicant also seeks dimensional variances for lot area (6,050 sf where 11,700 sf is required), lot frontage (55 ft where 80 ft is required) for conversion to three-family dwelling in a RH zone. (BOA 24-8) **GRANTED**

Attorney Michael Migliori (280 Merrimack Street Methuen MA): I am here representing Esteban Grullon. Mr. Grullon is the owner applicant and lives at the property at 20 Tenth Ave, we are here for a variance and special permit this evening, the property is located in a RH zone, the property currently contains a three story residential property containing two residential units, along with a two stall garage. The existing neighborhood is a mix of multifamily properties, Mr. Grullon's along with some larger properties as well. Mr. Grullon wishes to convert the existing third floor into an additional residential unit, the purpose of the additional unit is to help out a family member, it is actually his mother-in-law, who is in need of some reasonably priced housing. In light of the recent requested application, we need some dimensional; variances, the existing building is non-conforming, the building will require a variance for lot area 6,050 feet where 11,7000 is required. 55 where 80 ft is required, a front setback of 19.82 feet where 20 feet, side setback where 8.2 ft where 10 is required. In light of the expansion of the residential dwelling variance request, we are also applying for a special permit As well, per the zoning ordinance. We respect the variance requested that they are minimal in nature, they have no advance impact, there will be no expansion of the nonconforming property that currently exists, everything on the exterior will remain the same. A review of the plan presented in the case it is a partial land is narrow in relationship to the zoning requirements currently in place. Again the variance request is for a very reasonable use of the property, that due to the general neighborhood, this particular use is appropriate and desirable, the site is large enough to provide the right amount of parking on site. We shall restrict application of the zoning ordinance would deprive the applicant and owner of a reasonable use of the conditions and circumstances that exist at the site were not created by Esteban or his ownership of the property. We believe the relief sought will not cause a substantial detriment to the public good or appear the purpose and intent of the or rather result in a beneficial impact to the public good, carry out the goals and purposes and the intent of the provisions of the Haverhill zoning ordinance and provide another badly needed housing unit in the city. With respect to the special permit, which we feel we mee all the requirements contained in the ordinance needs will be served by the proposal will create additional housing units, there will be no negative impact on traffic, pedestrian flow or on any utilities or public services are adequate at the site, there will be no negative impacts on the environment, the character of the neighborhood and the additional provider a modest beneficial fiscal impact to the city. In summary it is a variance and special permit are both appropriate and that the result would be a beneficial impact in the neighborhood and for the city as a whole and again although it is only one new housing unit, we all know the critical need in Haverhill and elsewhere for affordable housing, with that we respectfully request that the board approve the application.

Chairman: Thank you. Comments or questions from the board? The only thing, I just want to have you reiterate that the variances you are looking for are already current?

Attorney Migliori: Yes its nonconforming

Chairman: Its nonconforming based on these variances you requested, so there is no change on that at all.

Attorney Migliori: Yes, no change. No exterior changes to the building, these exists right now today.



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Chairman: Great thank you. Any other comments or questions? Entertain a motion, we will do the special permit first

Member LaPlume: I make a motion to accept the application for the special permit on 20 Tenth Avenue, 2<sup>nd</sup> by Member Brown.

Member Brown: Yes it meets the zoning criteria for 255-10.4.2

Member Laplume: Yes it is not substantially more detrimental, the topography of the lot and it meets the zoning criteria for special permit 255-10.4.2

Member Bevilaqua: Yes it fulfills the conditions for 255-10.4.2

Member Matias: Yes it meets the zoning criteria for 255-10.4.2

Chairman: Yes it meets the zoning criteria for 255-10.4.2, it also meets the six criteria's for special permit and acknowledges for not making it substantially more detrimental. So the special permit is granted.

Chairman: Now I will entertain a motion for the variances

Member LaPlume: I make a motion to accept the Variances for 20 Tenth Avenue, 2<sup>nd</sup> by Member Brown

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

Member Laplume: Yes I believe it is a substantial hardship and meets criteria for 255-10.2.2(2)

Member Bevilaqua: Yes it meets the conditions 255-10.2.2(2)

Member Matias: Yes it meets 255-10.2.2(2)

Chairman: Yes

## **David and Diane Morey for 17 Passaconaway Avenue (Map 656, Block 3, Lot 26)**

Applicant seeks a special permit for a detached accessory dwelling unit in a RM zone. Applicant seeks Special Permit to determine that proposed alteration of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application involves the extension of the existing detached garage for the creation of a detached accessory dwelling unit. (BOA 24-9) **GRANTED**

Diane Morey: We were before you all a couple of months ago, with a design plan for a detached ADU and thankfully it was unanimously approved, we then went and got a couple of quotes and it was way too expensive, so we kind o started back at square one with he architect and I think you all have access to a second design, which is smaller simpler one story no stairs attached top the existing garage, and we are here tonight hoping you'll be ok with this one as well.

Chairman: Comments or questions from the board?

Member LaPlume: Could you tell me how may square feet?

Diane: 594



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Tom Bridgewater: When these ADU's come through, we do extensive research on these and make sure that everything meets the requirements for the ADU, detached or attached and the basement or inside the envelope, we make sure it meets all the square footage, iut wouldn't even come to here, unless our office approved it.

Chairman: Thank you, any other comments or questions? Entertain a motion on the detached accessory first.

Member LaPlume: I make a motion for 17 Passaconaway Avenue for the special permit, 2<sup>nd</sup> by member Brown

## SPRCIAL PERMIT

Member Brown: Yes it meets the special criteria for special permit accessory dwelling unit 255-8.1

Member Laplume: Yes the special permint and it will conform with all requirements with all the setbacks 255-8.1

Member Bevilaqua: Yes it meets the conditions of 255-8.1

Member Ortiz: Yes

Chairman: Yes it meets all requirements 255-8.1

Member LaPlume: I make a motion for the nonconforming for 17 Passaconaway Avenue, 2<sup>nd</sup> by member Brown

## VARINACE

Member Brown: Yes it meets the zoning criteria for special permit 255-10.4.1

Member Laplume: Yes it meets the zoning criteria for special permit 255-10.4.1 which shall not cause more detriment to the neighborhood

Member Bevilaqua: Yes it meets the zoning criteria for special permit 255-10.4.1

Member Ortiz: Yes it meets the zoning criteria for special permit 255-10.4.1

Chairman: Yes it meets the zoning criteria for special permit 255-10.4.1

Members voted to approve the April 2024 BOA meeting minutes