



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, September 18, 2024 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Louise Bevilacqua
Member Michael Soraghan
Member Ted Vathally
Assoc Member Magdiel Matias

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

Chairman Moriarty called the meeting in to order on September 18, 2024

Harold James Kuemkong & Essi Kuemkong for 45 Columbia Park (Map, Block, Lots 622-535-11 & 622-536-5a)

Applicant seeks a special permit for a new detached accessory dwelling unit in a RH zone. (BOA 24-10)

****WITHDRAWN**

Chairman Moriarty: The applicant has asked to have it withdrawn, so I will entertain a motion.

Member Vathally: Mr. Chairman I make a motion to withdraw the application for 45 Columbia Park
Seconded by Member Soraghan.

Member Soraghan: Yes

Member Vathally: Yes

Member Bevilacqua: Yes

Member Matias: Yes

Chairman: Yes

GRANTED (withdrawal)

EXTENTION requested for Joseph Greenwood, 0 Edgehill (Map 644, Block 3, Lots 132 & 133A)

Applicant seeks a six-month extension on the following variances to build a single-family dwelling in a RM zone. Variances sought for lot area (18,029 sf where 20,000 sf is required), frontage (73.02 ft where 150 ft is required), lot width (101.31 ft where 112.5 ft is required), front yard setback (15.5 ft where 25 ft is required). Requested variances previously granted on December 21, 2021 and again on September 20, 2023. (BOA-23-31)

Joe Greenwood: We purchased the lot, the previous owner had a variance granted and we haven't had time to start the project, I was hoping for a six-month extension so we can get started.

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

Member Vathally: Mr. Chairman I make a motion to approve a six-month extension for the approved variance granted September 20, 2023 for Zero Edgehill
Seconded by Member Soraghan.



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Soraghan: Yes
Member Vathally: Yes
Member Bevilaqua: Yes
Member Matias: Yes
Chairman: Yes

GRANTED (6-month Extension)

Debra Ann Trust for 34 Seventh Ave (Map 611, Block 495, Lots 22 & 23)

Applicant seeks dimensional variances for the construction of a second dwelling unit to be attached to existing single-family dwelling in a CN zone. Requested relief include variances for lot area (9,150 sf where 9,600 sf is required), lot depth (97.5 ft where 100 ft is required) and building coverage (27.3% where 25% is maximum). (BOA 24-22)

Attorney Paul Magliocchetti (70 Bailey Blvd): Good evening, Chairman and members of the board I am here this evening on behalf of Stephen Doherty Trustee of the Debra Ann Trust, he is looking to purchase this property at 34 Seventh Avenue, and he is looking to add a second unit to it, I believe the current home is not in good shape, so it needs substantial rehabilitative work. The property is located in a neighborhood with many multi-family homes on similar size lots as we have here, the property is underutilized as a single-family home, it sits on a lot that allows the requested use, it has ample space for parking, it has plenty of parking for both units. When the second unit is added, the entire space is going to be developed and it is going to enhance the entire neighborhood, it needs repair, this is one of the unusual situations where it is in a CN zone, this is a house when they drew the lines, they included this house there, it really doesn't belong and that is mainly why we are here, it does have some dimensional deficiencies, but it is really the CN zone that precipitated us filing with the board, so we believe that we meet the criteria for a variance in this case, the condition of the lot is unique to the applicant's property, a strict application would deprive the applicant a reasonable use of the property, a two-family home in this neighborhood of Primrose Street is a reasonable use. If you look around it every house looks like a multi-family. The unique conditions are not a direct result or actions of the applicant substantiated to the adoption of this chapter. That house has sat in its current condition for years, it is actually part of an estate, which is why it is in a dilapidated condition. If approved, it would not cause substantial detriment to the public good or the intent of the Haverhill zoning code or the master plan. Again, this fits in the neighborhood, it is really what belongs there, there is really no other reasonable use when you look at the property and you look where it is situated, the grant for a variance would not constitute a special privilege inconsistent with the limitations on other properties, again if you look around or go in other variance or special permits there have been variances granted all around this property. The hardship in this matter is that this parcel is in a neighborhood surrounded by many multi-family homes, and it sits almost alone as a single-family, the residents right now are surrounded by multi-families or commercial uses. I do have the developer here if you have any questions, other than that, that concludes my presentation.

Chairman: Thank you. Questions or comments from the board?

Member Vathally: Attorney correct me, or the commissioner can correct me as well. This is in the CN zone, correct?

Attorney Paul Magliocchetti: Correct



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Vathally: So no two-families are allowed in a CN zone, correct?

Tom Bridgewater (Building Commissioner): Correct. If they were starting new, two-families are not allowed in there, but there is a little foot note in there that says #12 that an existing residential usage follow the RH zone, so that is what they need to follow

Attorney Paul Magliocchetti: Like I said this is a very unique situation, so even though it is in the CN zone, it follows RH which does allow for two-families

Chairman: Is that what you basing this on, that you want us to use the RH

Attorney Paul Magliocchetti: No, that is what your code says.

Tom Bridgewater (Building Commissioner): That's what my interpolation was

Chairman: Ok. Can you tell us about, you say this is in a dilapidated condition already, what is going to happen with the existing one.

Attorney: I don't think anyone has lived there for a long time, I am not really sure, I know there was someone. Like I said it is part of an estate I believe, I don't know really the specifics, but I believe it has been vacant for a while. I don't know if Tom knows more of the details on it, but I know it is in really rough shape. Someone needs to do something with this property, otherwise it will be condemned at some point, it is that bad.

Chairman: Ok. So I guess I am trying to understand it, this is going to be attached to that?

Attorney: Yes it will be connected with a garage, so there will be the existing garage, and then the new house we are constructing will mirror that, it will be next to it with garages in between. We sent in a plan with the application. It will look like a duplex, it will look like it fits, it will look like it always was that way.

Chairman: Ok, good. I guess I am having a hard time, attaching it to a decapitated house already

Attorney: Well he is going to rehab that house

Chairman: He is going to rehab it?

Attorney: Yes

Chairman: OK, because someone has to do something to it. So they are going to rehab the existing single-family, and also build a second unit.



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Attorney: Yes, and then sell them as codex. They wont be rented out as apartments, these will be sold as condos

Chairman: Ok, great. Other questions or comments from the board? Entertain a motion

Member Vathally: Mr. Chairman I make a motion to accept the application for 34 Seventh Avenue
Seconded by Member Soraghan.

Member Soraghan: Yes

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

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

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

Chairman: Yes it meets the section 255-10.2.2(2), and it actually improves with eh work that is going to be done on the existing one, and by adding a brand-new unit, it actually improves the neighborhood. It is not detrimental to the public good

GRANTED

Bradford Unlimited Corp for 24 Jordan Street (Map 425, Block 155, Lots 25 & 26)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RH zone. Requested variances for Lot 25 include lot area (6,000 sf where 7,500 sf is required) and lot frontage (60 ft where 75 ft is required). Proposed Lot 26 shall include existing single-family dwelling. Requested variances for Lot 26 include lot area (6,000 sf where 7,500 sf is required) and lot frontage (60 ft where 75 ft is required). (BOA 24-24)

PART ONE

Attorney Russell Channen (25 Kenoza Avenue): I am here with Stephen Defeo who is the principle of Bradford Unlimited Corp concerning our request for a variance for a property at 24 Jordan Street. Two things, when I first filed the application for the variance, it included the approval of the then owners Kenneth and Ellen Palma, since that time Mr. Defeo through Bradford Unlined Corp has purchased the property, so for purposes of tonight's meeting, he is not only the applicant, he is also the owner of the property. One other thing that I would like to provide members, is that one of the direct abutters was going to be here this evening to voice her approval of this, but because of COVID issues in her family, she wasn't able to be here, but I did get this signed by her, unfortunately could not upload it ((Has Board secretary, hand members copies))

Chairman: And just to confirm it is a home agreement with Bradford Unlimited Corp variance request for the single-family to be build on the lots of 24 Jordan Street

Attorney Russell Channen: When I looked at the agenda, I also wanted to point out that on the agenda, it is almost looking like we are suggesting two variance, for both lot 25 which is the vacant property, but also lot 26 where the existing home sits, really what we are here seeking was to seek a variance for lot 25 for lot frontage and area, and then for lot 26 the house has been there, it is pre-existing, in fact what we have is we have lots 25 and 26 owned by Bradford Unlimited, they are equal size and area, 60 foot frontage and 6,000 square feet, the home currently sits on lot 26, so what we are seeking is just a variance on lot 25 of 60 foot frontage where 75 feet is required, and 6000 square feet area where 7500 is required. What we have indicated in our brief is that Mr. Defeo, when he first looked at this property noticed that across



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

the street there was this structure being built that was sort of attached to the existing house, which in fact would be allowed by a matter of right, so what Mr. Defoe did was spoke to the neighbors and it was uniramous from all the neighbors in the area, that what was being built by the developer across the street was just something that did not look or fit the characteristics of the neighborhood, what was in fact decided and in fact requested by the neighbors, and in fact not only did they provide an approval by the direct abutter but we also uploaded an approval by a number of other abutters and neighbors in the area is that the construction of a single home on that vacant lot, would fit in much better with he characteristics of the neighborhood and in fact frankly probably increase the value of the existing homes in the neighborhood, attached to the brief exhibit A was a copy of the home that is being constructed across the street, and as exhibit B were copies of small single family homes that MR. Defeo has built in the surrounding area, one on (I couldn't hear the name of the street), it would be similar to what he would on the lot 25, which we believe the neighbors unanimously agree upon, would be a much better use for that lot, and based upon the lot size and the area in question we believe that the application meets the criteria for the variance, again the variance request is not egregious in nature, the lot that is going to be used is basically the same lot that the existing house sits upon and for these reasons we believe that the variance should be granted.

Tom Bridgewater (Building Commissioner): So after speaking with the city solicitor and the tax assessor, I believe this lot in my interpolation, this is one lot so you do need variances for this one and this one that it is the same map, block and lot, that whole parcel there is the same map/block/lot, just like this one right here (he is showing on the GIS map), same exact thing, that is an interior lot line. Like if they were coming in for an addition and going through Developmental Review John Pettis the city engineer would make them delete that lot line

Russell: When we looked these up on the assessors office we saw these as lots 25 & 26

Tom B: This is the way ID them, I believe that my interpretation that is one lot and you need variances on them both.

Russell: Than I guess the application and agenda would be incorrect, it was just my understanding or interpretation, but if Mr. Bridgewater believes that the variances would be required for both, than we would seek under that scenario

Member Vathally: In the brief it is written as two separate lots, correct?

Russell: It is

Member Vathally: So in essence this is one lot, that you would need the variance for both Commissioner?

Tom B: Yes

Russell: When we had this up on line we saw it as lots 25 and 26

Member Vathally: But you have a conforming lot now, right? And you would be seeking, if you don't touch it, it would be conforming, right commissioner?

Tom: Yes



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Vathally: So now you are looking to have two non-conforming lots.

Russell: That would be correct.

Member Vathally: OK, just making sure I understand this. The unique conditions requesting this that would not be detrimental to the neighborhood, are what? I think the area looks beautiful, but we are trying to establish, where it is one lot now, not two, now you are making two nonconforming lots.

Tom: Yea, so you are going to make two nonconforming lots.

Russell: Well we would just say that in fact

Member Vathally: So you Are looking at 2 variances now, cause you said you were requesting a variance for one lot, correct? Now you need them for both>

Russell: That is the understanding of the city's attorney, than we would need variances for both lots.

Member Vathally: Does anything change then on the plot plan?

Russell: No the plot plan wouldn't change, again what we are looking to do is to have the lots stay the same size

Member Vathally: The frontage would change.

Russell: The frontage would change, but it would change as far as 60 for one, or I guess the other scenario would be unfortunately keep one lot conforming.

Chairman: One of the things we are trying to avoid I, it is a conforming lot now, and you are now creating two nonconforming lots, and the zoning laws sort of discourage that obviously, unless there is a very specific reason why you want a hardship or some other reasoning to go from one conforming to two nonconforming lots.

Steve Defeo (The president of Bradford Unlimited: When I looed at this plan Bob Masys the engineer, there was already a line in between the lots and he said the best thing was to leave it right in the middle the way the city has it, and then you go for a variance for a new lot and the preexisting nonconforming lot, ok.

Chairman: But I think what the commissioner has said is that, that line should in essence ignored, it is there, but it is not an official line as he said city engineer John Pettis would basically say to get rid of it, so I guess we are trying to look for a good bases to say how are you going from a conforming lot, to two nonconforming lots. Theres strong support for this, but we need grounding on why we should approve it obviously

Russell: Could I ask we table this for a second call, so that I can discus this with my client?



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Chairman: Right now, you mean?

Russell: Yes

Chairman: Sure, you want to come back in after we deal with some of the other ones?

Russell: That would be great

Chairman: Is there any objections from the board? Ook, we will put it aside

Russell: In court we call it a second call

Chairman: Ok thank you. We should probably move on, 340 Main Street.

Haverdough, LLC for 340 Main Street (Map 610, Block 490, Lots 10, 15 and 18)

Applicant seeks following dimensional variances to create new building lot and construct new two-family dwelling in a RU zone. Requested relief include variances for lot area (7,644 where 9,000 sf is required), lot frontage (64.83 ft where 80 ft is required), front setback (11 ft where 20 ft is required) and building coverage (31.5% where 25% is the maximum). (BOA 24-25)

Attorney Russell Channen (25 Kenoza Avenue): I am here Michael Diplatziwho is the manager of Haverdough, LLC, the owner of the property at 340 Main Street. This is an application for a variance for frontage, lot area and lot coverage, that would allow Haverdough to build a two-family on one of the lots that comprised of 340 and was the map to the city of Haverhill, that shows the unique area. One of the things that Mr. Bridgewater requested as part of this application, was to ensure the city that the parking lot that used to be behind Santana Bank is no longer being leased to Santana Bank, and that was submitted as part of the application. So what we are looking to do is to take that area of property that has frontage on 4th avenue, to allow the owner to construct a two-family property, one of the things we attached to the application was also the area in question, which showed a direct abutter to the property in a 4-8 unit, there is a 2-family right next to the property as well and there is a number of other 2-families as well in the area, so we believe that the proposed development fits in well with the neighborhood. And again based upon the uniqueness of this area, we believe that it meets the definition for a variance, and the request is not (couldn't hear the word he said) in nature and in explanation we believe that the application for a variance would be approved, and also I would like to point out that my client is a developer here and just recently finished the construction of the plaza right across the street, where Bruster's and Dominos is located, so he has an interest in trying to maintain a presence and to help develop the properties here in Haverhill

Chairman: Would the house be facing 4th Avenue

Russell: That is correct. Also I uploaded late today the proposed sketches of the property, if not I do have copies for the board



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Vathally: Can you just explain the parking

Russell: There would be four parking spaces underneath, garage parking. I believe there needs to be 1.5 spaces per unit, so again we wouldn't have 3, so one and two, so we would have two parking spaces for each unit.

Member Vathally: so where is it on the plot plan?

Russell: It is not on the plot plan, but it is on the sketch, the drawing, on the second page.

Chairman: The two garage doors....That lot has been vacant like that, for a long time, right?

Russell: It has been

Chairman: Every time I have gone by it has been vacant, it has been years.

Russell: My client, who has owned the property for 5 years

Member Vathally: What about the setback in back, is it the parking lot?

Russell: That is correct.

Member Vathally: Any plans for a buffer there?

Russell: Again it is not being used by the bank

Michale Diplatzi (5 Tarbox Lane North Reading): We basically have a lease with Santana. Santana wasn't using the parking for 30 years, so we are basically going to buy him out of the lease, pay the taxes and maintain it, so that is how we ended up with the property. Santana has a presence in the neighborhood and extended the lease another 5 years, and in turn we gave them money for their new lobby

Chairman: Member Vathally had mentioned in the back of the property and going into Santana's property will there be any kind of a barrier there, a fence or something?

Michael: According to the (couldn't hear him) with Santana we will put up a fence

Chairman: So you have to have a fence there.

Michale: There will be a fence there, yes.

Chairman: Other questions from the board?



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Soraghan: Santana never uses this piece of land? I guess my question is there parking on their lot, Santana's lot is it compliant?

Russell: Correct.

Chairman: Entertain a motion

Member Vathally: I'd like to make a motion to accept the application for 340 Main Street, 2nd by Member Soraghan

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

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

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

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

Chairman: Yes it meets the section 255-10.2.2(2),

Duane Blackie For 206 Webster Street (Map 621, Block 539, Lot 2)

Applicant seeks Special Permit to determine that proposed reconstruction of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application involves the replacement of the existing garage with a new garage on the same footprint in a RH zone. (BOA 24-26)

Dwayne Scofield: I am speaking on behalf of Dwyane Blacky. There is an existing garage with setbacks of 2 feet, and it is falling down, so we would just like to rebuild it where it is, put a new garage up, on the existing setbacks.

Chairman: Just to confirm, it is on the existing footprint?

Dwayne: Yes. It is tight there, so we are keeping it the same. We have letters in support from the neighbors saying they are fine with it.

Chairman: Ok, great. Any comments or questions from the board? Entertain a motion.

Member Vathally: I'd like to make a motion to accept the application for 206 Webster Street, 2nd by Member Soraghan

Member Soraghan: Yes it meets this application meets the criteria for 255-10.4.2

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

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

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

Chairman: Yes it meets the section 255-10.4.2. Notes getting rid of a dilapidated garage and replacing it, is an improvement to the neighborhood

Mardy Tes for 479 Washington Street (Map 511, Block 271, Lot 5)

Applicant seeks the following dimensional variances to construct a new two-family dwelling in a RH zone. Requested relief include variances for lot area (3,790 where 9,600 sf is required), lot frontage (49.4 ft where 80 ft is required), lot depth (79.45 ft where 100 ft is required), lot width (49.4 where 60 ft is required), building height (37 ft where 35 ft is maximum), # of stories (3 where 2.5 is maximum), rear setback (15 ft where 30 ft is required), and building coverage (27.3% where 25% is the maximum). (BOA 24-27)



Haverhill

Board of Appeals

4 Summer Street – Room #201

Haverhill, MA 01830

Phone: 978-374-2330 Fax: 978-374-2315

jdewey@cityofhaverhill.com

Attorney Robert Harb (40 Kenoza): Let me first address the gentleman that was here prior in opposition is no longer, he actually thought it was a different property. He is on Chick Ave, but he lives in the neighborhood and resides there and he said to me, oh you have that lot that really needs fixing, because of the junk and the cars and the trash, and everything else on it. He say oh I would be in favor of that. Again before I forget, you have a letter via email that was sent in from the founder of Make It Haverhill, IT Haverhill, he is down the street, and he also thought it would be a great improvement to the neighborhood, to take this vacant lot, as I mentioned in my brief, used to be a three-family, and the gentleman who was here Mr. Cody, actually said he was there the night of the fire, you saw the picture of the building and the fire. Tragicality someone died in that fire and it has been vacant since, it is really an eyesore in the neighborhood. You also say all of the other pictures that I took with my cell phone that shows all the other houses in the neighborhood, they are big, they are 2 and 3 stories, there are multi-families. The applicant just wants to build a duplex, regrettably the owner didn't have any money after the fire, because as you know, similar to the garage case you just had, if she had come within a year and just rebuilt it, she could have just rebuilt a three-family on the same footprint, and we would need no variances, no special permits, nothing, but she didn't. So we are here to try and do something that we think will fit in the neighborhood, it is definitely going to be an improvement, a two-family will fit, it is actually a better footprint than what was there before, we have some conforming, with before the picture of the zoning and the accessors map, there was no conformities for the old building, it was likely there before 1950 because I submitted the 1950 accessors map showing you its location. As I looed at the picture of the fire, I noticed there was no parking there, and I know some people said you can park on the street, there is allowed parking on the street, but we have worked with a developer here in order to present a nice building who did the architectural drawing with two garages under, so we are actually going to be better than most of the people in the neighborhood, we have four parking spaces there, so you look up and down Washington Street and many have no parking spaces. So we are actually improving what was there before probably 100 years the old building burned down, we are going to be better than other lot sin the neighborhood, we really don't want to keep this vacant lot the way it is. I was just reviewing our ordinance for density regulations, without a variance we couldn't do anything with this lot, it doesn't have enough frontage, it doesn't have enough square footage, so without that, it stays vacant. It can't be a grandfather on record because once you build a house you lose the grandfathering on that zoning ordinance, so we would be stuck with a lot that could never, never be built on, so you giving us what we are asking will enable us to build, a great building, more parking, meets better than before which they could have put in, if they had done it within a year. As I said in my brief, this is unique piece of property, it is unique because we are now presenting parking, where most of the others don't have it. If you don't give us this waiver, our hardship is you can't do anything with this lot, so without your assistance, the lot stays vacant. It certainly isn't what the neighborhood wants, these conditions of course weren't made by the applicant, we are not going to be inconsistent with any of the other lots that I showed you pictures of in the neighborhood. It is not going to be a special privilege to us, because the whole neighborhood is nonconforming, worse than what we will be with this, so they said this is better than before, and it is a needed structure in the neighborhood, we all know we need housing, they are not asking for a three-family, they are only asking for a two-family, and that is because of the side of the structure, they way that the building goes, and the land goes and the topography and there is a retaining wall in the back, hence we had to ask fort he three stories, because I can't put this in the ground and the slant of the land the topography. This is a great building, I think this is a great project, I think the neighborhood and the neighbors are in favor of it, we might have someone else in the neighborhood that might want to speak in favor. We are here to answer any questions you might have and we ask for your assistance in passing this application.



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Chairman: Thank you very much, and I just want to acknowledge we did get a letter from Keith Boucher who has lived in the neighborhood for quite a while and has invested a lot in the neighborhood, does a lot of great work there with Make It Haverhill. Any comments or questions from the board?

Member Vathally: Commissioner, this still has to go through Developmental Review?
Tom Bridgewater: Absolutely

Member Vathally: Ok thank you, I think it is a great project by the way.

Dick Early (50 S. Main Street, Bradford): I own property at 462 Main St, the old former Mr. Wangs and I believe this is going to help the neighborhood. Thank you

Chairman: Other comments or questions from the board? Ok, I'll entertain a motion

Member Vathally: I'd like to make a motion to accept the application for 479 Washington Street, 2nd by Member Soraghan

Member Soraghan: Yes it meets this meets the criteria for 255-10.2.2(2)

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

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

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

Chairman: Yes it meets the section 255-10.2.2(2). Also as noted, it will bring us more housing to the neighborhood, it gets rid of a blighted lot there a blighted building and has many unique characteristics to it and is obviously adding to the neighborhood instead of being detrimental to the neighborhood.

MARTE C, LLC for 15 York Street (Map 603, Block 468, Lots 1 & 11)

Applicant seeks following dimensional variances to create new building lot and construct new two-family dwelling in a RU zone. Requested variances for Lot 11 include lot area (6,901 sf where 9,000 sf is required), depth (73.8 ft where 100 ft is required), and rear yard setback (20.2 ft where 30 ft is required). Proposed Lot 1 shall include existing single-family dwelling. Requested variances for Lot 1 include lot area (4,058 sf where 7,500 sf is required) and building coverage (30.6% where 25% is the maximum). (BOA 24-29)

Catlin Masys (462 Boston St Topsfield): I am here with Wizmar Marte, who is the manager of the LLC that owns the property at 15 York. This particular application is going to sound very familiar to the board, as it mirrors that of the one that you previously heard for 24 Jordan Street, so similar to that, there was currently the assessor a lot line dividing this property, leading the applicant to believe that it was two separate lots, given the building inspector and the City Solicitors recent review and interoperation, they have determined to be one lot, which is why the application is asking for variances on both of the lots. What makes this different from 24 Jordan Street is actually the shape of the lot itself. So where 24 Jordan Street was rectangular and there is a line right down the middle, this particular lot is very much the definition of a pork chop, it has a narrow section but then it opens up into a wider section, but in addition to that, its also not symmetrical, it is more of a trapezoid shape than a square, and one lot is about 13 feet longer than the other, so what the applicant is proposing is seeking variances for today is basically to reinstall the lot line, that is shown on the city maps and build a two-family structure on the vacant parcel in the back. The way that the plan is presented we tried to minimize the number of variances that would be required, so seeing how there would be variances necessary for both the remaining single-family



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

lot, a proposed two-family lot, the way that it was developed, there are only three variances requested for the new proposed two-unit building, one is for area, one is for lot depth which is a little misleading 100 feet is required, but again this is not a symmetrical lot so the depth varies and we have to use the average which was 73.8 and the math makes it look 73.8, but if you really look at it, it is closer to 80 feet, so the variances requested is really for closer to 20 feet than 25, and then rear setback we are looking for a 10 foot variance, 20 feet where 30 is required, as far as the existing single-family it would be simply lot area and building coverage, the existing home that is there is very spread out, it covers quite a bit of the lot area, and the remaining setbacks are pre-existing nonconforming you can see from the plan that was submitted, the frontage for it is on York Street, as part of this proposal the applicant is going to create two parking spaces for lot one, the existing single-family home on the Kimble Street side of that property, there would continue to be off street parking for the existing single-family home and then for the proposed two-family there would be garages underneath for each unit, so there would be two spaces garaged per unit and then there would be additional space in the driveway for off street parking as well, this particular part of Haverhill is urban residential zoning district and the goal of urban residential zoning is to have a lot of housing and not a lot of space. There is a recent trend in zoning called infill housing, where you are seeking to utilize open space parcels in urban density areas to create new housing as opposed to leaving it vacant, as is, and while everyone likes to have a nice yard, somewhere to sit outside, the urban areas it is not the goal, more housing units in a smaller area. So with that being said I think this particular project poses another opportunity for the board tonight, to increase some housing in an area of Haverhill that quite frankly needs some more housing but there is not a lot of place to put it. Additionally the shape of this lot makes carving it up a little bit difficult, but as I stated there was some effort put in to where the sighting of the proposed structure would be, to minimize the actual variances requested, and the proposal here makes the lot with a proposed two-family as conforming as it could possibly be without over burdening

Chairman: Comments or questions from the board?

Member Vathally: Attorney quick question, both lots are nonconforming, correct?

Catlin: Correct

Member Vathally: So you are requesting variances for both lots, this isn't going to be attached, correct? It is going to be a separate structure.

Catlin: NO, it is going to be a separate structure. The existing single-family that is there will remain where it is.

Member Vathally: So your hardship is what, is it based on topography

Catlin: So it is based on the shape of the lot, where the current single-family home is sighted, is on a very narrow portion of the lot, that is on the corner of Kimbel and York, as you go further down York Street is where the lot jets out and has more area. So even though in terms of area and building coverage for lot one, we are seeking variances for that, the only reason it complied previously was because there is this whole other giant parcel behind it, it is not as if it was a single-family in the middle of a lot and we are changing that, that particular existing single-family it still only has the amount of room that it has on the front side and other side.



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Vathally: I know there is a single-family diagonally across the street, but what are most of the properties on that road.

Catlin: Most of the properties are multi-family homes on York Street, there is a single-family home on Kimbel, there are two-family homes at 1 York Street, 2, 6, and 8 Kimble, Primrose Street also has some two-families and all of those two-family homes have similar lot areas they are below what is required for the zoning district. Also very nearby is a 4-8 unit apartment building on Primrose Street.

Member Vathally: Thank you

Chairman: Other comments or questions? Ok, we have some opposition, someone wants to speak?

Michale Stroth (20 York Street): I live right across the street from this property, it is a beautiful street, it is tree lined, there is a lot of single families out there, parking is a problem. We would like to see something built out there, myself and the neighbors, we would like to see a single-family. There is a two-family at 1 and 3 York they are big, big, big, I live in a two-family, the next house is right above that far away, and the other side is a little bit farther, so the density on our side of the street is severe. We would like to keep the street nice, Kimbel is a nice neighborhood, we know everybody, everyone knows your name on York and Kimbel. I talked to people, and we just think a two-family in there is too much, way too much. It is a beautiful parcel, it has the most beautiful maple tree in Haverhill, on that property right in the back, and it is gorgeous. I am going to be planting some other trees, I would be crushed, and I speak for a few neighbors, that you approve a single-family there. OK so they divided the lot and it is 10,000 square feet, so they are going to have 60% on 40% on the other side 4,000 square feet and 6000 square feet, it could have been divided in half 5k and 5k, but they are taking it from the existing house, which is an old building and they are doing a nice job renovating it, these people are wonderful, we love them, and I wish they could get their wish of a two-family but it is not right for the neighborhood, we need to put in a single family. There is a single-family house that replaced a two-family house, behind them at 10 York Street, there is another single family house that almost touches this house, it is right in the back. The big house is 1 and 3, you are all the way down at the bottom of the hill, which overflows in parking all the time, the parking is the issue, and my side of the street is always full, so and we don't have enough parking in our lot, but we understand, we live in the city but lets not make it a little worse. It is ideal for a nice single-family home, like this home, I would like to see something complementary there. It is a beautiful street, come on down and walk around, it's nice because it doesn't go all the way through, this would be like 4th Avenue if it went all the way through, but it goes up to Kimbel, it is a nice break. Parking is a problem, and you can't get a fire truck around that corner, it is full, in the winter it is full. We have had tires slashed, we have had police called, parking, parking, and I know they are going to try and take care of the parking.

Chairman: Thank you very much, we have gone to the neighborhood by the way, it is a nice neighborhood. Any other opposition? Do you want to rebuttal or comment.

Catlin M: Valid concerns, he lives in the neighborhood, in urban areas parking is a problem, and I think the proposed plan here shows that the applicant was taking that into account, by showing on the plan the additional proposed parking for the remaining lot 1 off of Kimbel, as well as sighting the two-family house so that there is space there will be a garage, but there will also be a short driveway, that would allow for parking off street in addition to what would be underneath the



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

garage spaces, so I do think the parking here is more than adequate so it shouldn't pose any issues for this neighborhood or increase the issues in any regard.

Chairman: Thank you, any other questions from the board? I'll entertain a motion

Member Vathally: I'd like to make a motion to accept the application for 15 Your Street, 2nd by Member Soraghan

Member Soraghan: Yes it meets this meets the criteria for 255-10.2.2(2)

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

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

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

Chairman: Yes it meets the section 255-10.2.2(2). And it also the attorney brought out the unique shape of the lot is unique. And again it is not detrimental to the neighborhood.

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

Applicant seeks the following dimensional variances to construct a new single-family dwelling in a RH zone. Requested relief include variances for lot area (4,751 where 7,500 sf is required) and lot frontage (44.2 ft where 75 ft is required). (BOA 24-23)

Mr. Casado: I can say that I don't have all the technical terms, but I am just requesting permission to build a single-family house on a piece of land that we have, the house is for my family. Anything else?

Chairman: Any comments from the board?

Member Vathally: Is the plan for someone in the family to live at this property?

Mr. Casado: It is for us

Member Vathally: Do you have a copy of the p[lot plan in from of you?

Mr. Casado: Yes

Member Vathally: Can you show me where your parking is going to be on that.

Mr. & Mrs. Casado: The parking, we have on the left side with one car behind the other

Member Vathally: How long have you owned the property

Mr. Casado: Since 2017

Member Vathally: 2017? I believe this came before us

Mr. Casado: So, I tried to sell the land. I work in finance so (I couldn't hear the next sentence), certain times paying on the taxes and maintenance, so I said I have no utility on the land, the value of the land depends on the future uses of the



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

land so I said I am not doing anything with it, so I might as well sell it to someone who might do something with it, it was denied, but no since, a lot of thing happened, like I changed jobs and it is an opportunity for me and my family to build a house where we can settle, because right now we are renting, so its now time where we are saying hey it is time to settle, time to be in one spot, because we have been moving around with rent.

Member Vathally: Can you address your hardship, the hardship you are looking for, for this variance.

Chairman: It is part of the zoning requirement, that there be some kind of a hardship, in order to approve these kinds of variances. It can be financial, it can be other kinds of hardships.

Member Vathally: Because, you are requesting area here, you are requesting frontage, and total area and I guess the board wants to know, what are you basing your hardship on, in order to satisfy the variance, you are requesting.

Mr. Casado: Well first, the main reason is and I don't know if this is a good enough reason for the board, but the main reason is we want to live in our home our own house, we don't have that right now. The second reason is I am paying taxes on a piece of land that has no usage .

Member Vathally: And you have owned the property since 2017

Mr. Casado: Well, I don't know how to express this, but that piece of land is part of another

Jill Dewey: (Shows on the map) they are on the same deed

Member Vathally: So you own a parcel that is two parcels down?

Mr. Casado: I bought them on the same deed, but I was able to separate the deeds

Member Vathally: So was that a separate lot line commissioner, and then something else

Jill Dewey: Someone else owns the others

Tom B: They were never abutting, it is a separate lot.

Member Vathally: Did you come previously for a variance for this

Mr. Casado: No, not me.

Member Vathally: But you have owned it since 2017

Mr. Casado: Yes

Member Vathally: ok



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Chairman: We have some people who want to speak in opposition, so we will hear what they have to say and then we will ask you to rebut it.

Ed Martin with wife Robin (115 Grove Street): I am speaking for her estate, her sister and her mother and stuff, I am also speaking for the abutters on the other side at 107. This is the third time this property has come up, nothing has changed, except for the dates, in 2002 a flipper tried building a single family home there and it was denied unanimously by the board, because it did not meet the criteria, there is bad drainage, if any excavator work is done, the lot next door you could be damaging their foundation and everything else and he is an investor, he is a landlord, he rents that, there is a two stall garage on that property right now, that he rents out and he has the three-family at 123, on any given day there is between 7 and 11 cars, where there is only 4 parking spaces, and we have had trouble there before, there was suspected dealing, which can be verified by the Haverhill police department, nothing was found because they couldn't prove it, but it was suspected and we have a drainage problem on all the lots, there is a big drop off behind all these houses and every time it rains we get flooded out and stuff like that, I have a petition here signed by many people that live in the neighborhood that are against it, because of the parking issues we've had. He has never lived in Haverhill, so what is he going to do in a year or two after he builds this house, like I said he is an investor, is he just going to go and sell it to somebody, we have no way of knowing that, which is his protractive, there is nothing we can do about it. It has been a nonconforming lot since 1949, Mr. Parry bought that property those two lots and I have a picture of even before the garage went up from 1900's something, it has been that way for many years, many years, nothing has changed. I didn't make copies of the petition, but we are asking the board, this is the third time, like I said he is renting the two stall garage off of it and it just does not meet the criteria to let a house be built there, and we don't want it. That is all, I don't know what else to say.

Chairman: Thank you. Is there someone else that wants to speak?

Robin Martin (115 Grove St): I have lived there all my life, I lived there with both of my parents which have passed, it is an estate trust with my sister and I, and I plan on staying there, I have lived in Haverhill all my life, so I really don't want something built there. Thank you

Chairman: Do you want to address the comments.

Mr. Casado: First obviously nothing is going to change, the land has no usage. But also I did a little bit of research on the street, and there's and there are other pieces of land the same size and they have three-families, we are only asking for a single family and its for ourselves, so we are going to be part of the community. Also he mentioned that we have 123 Grove Street, I own that property, it is a three family, and right now it currently occupied for only two apartments, because we had to get rid of the other tenant that was giving problems, so it is not a problem anymore, it has been vacant for about 5-6 months and we are right now not planning to rent it.

Geraldine Casado: Also I want to say when we rent a property we try to do as many background checks as we can, but after people have ownership of the property, we can only have so may rules, and then you don't know how hard it is to ask them to move, when we are considered a dying matter. The foundation of the house is going to be a slab and if there is any issues like, we are going to be there, we don't like want to cause any problems for us or the people around us, we are not trying to just build a house and have all kinds of problems, there is not going to be anything like that or they would also be our problems, so anything comes with that we are going to address it



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Bevilaqua: Have you talked to the neighbors? Have you reached out to any of the neighbors, to basically discuss their concerns.

Mr. Casado: When we decide to request your permission, we knocked on doors, we spoke to, we couldn't reach them, or I think they live in front of (audience too loud to hear)...So I presented myself, I did just a quick introduction and I told her that what my intentions with the land, she was ok then, it surprised me because she was ok then, she said its your land you do what you have to do. Cause I know based on the previous denial that they were opposed, so I tried to be in good faith with them, and tried to address any concerns they have.

Geraldine Casado: Also back then it was multi units I believe, but right now it is just a single

Chairman: OK, member Vathally, do you have a comment.

Member Vathally: Something your wife, well something the opposition said that I am concerned with but if something happens, they will be responsible because we live in the area, well probably what you want to do is prevent that before you even build a home, and if there is a drainage issue there, I am not aware that there is, but it may be a good idea to get some documentation or more background information on your plan, because I am trying to decipher between your hardship and if there is an issue up there perhaps the city engineer can give us some inside as to the drainage, if there is a drainage problem, there are just too many questions here on this project.

Mr. Casado: What are the questions you have?

Geraldine Casado: The drainage, how did they solve it on the other houses?

Mr. Casado: It is not a particular problem to that lot. We are building from the ground up, so if that is an issue obviously we are going to address it

Member Vathally: Did you mention it is going to be a slab?

Geraldine Casado: Yes

Member Vathally: So there is no foundation on the property, right?

Geraldine Casado: Yes

Member Vathally: I just feel you need some more information, and the variance you are requesting, so I am comfortable and I just haven't seen it.

Mr. Casado: I apologize, but I still don't understand your concern. The problem needs addressing is, they all have that problem and we are aware of it, if we spoke to an engineer and there is an actual problem it, I just I cannot articulate properly, we are willing, you know I don't have the engineer terms, but I am aware of that water in the back of the lot, there



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

is water when it rains hard, it holds water in the back of the lot, and again we spoke to an engineer and we are aware, and again we have a plan behind it, I don't know if you can express it but we are aware of it.

Geraldine Casado: What I was going to say is, we have professionals working on the plan, we have a whole system of people that are looking that everything goes to codes and everything, and if we have all that and we are going to address everything and any project or any construction, at the end of the day there shouldn't end up being any issues, but what I hear at the end is we don't want it period, like if we don't even try to do things right, to build this the right way, it is just like the bottom line we don't want it, like ok we own this and we would like to build something that is also going to enhance the street, if we don't even try, just because people don't want it, other people that are not doing the work

Chairman: when you bought it were you aware that its half the size that's required, basically half the size?

Mr. Casado: I had no intention of building

Chairman: You had no intentions of building anything, you just bought the property, what were you going to do with it?

Mr. Casado: We were going to leave it, we had 123, the lot was just kind of a bonus it came with another piece of land.

Chairman: OK. Any other comments from the board? If you would like to come up and speck that would be fine.

Maria Sardinha (107 Grove Street): This gentleman one day knocked on my door and told me he wanted to build a house next to me, and questions if I was against it, I say no I am not against you building a new property, because a few years ago it did not pass because they didn't have enough space. I said you do whatever you want to do since you did it abutting, I am not against anybody but I know it does not have enough space, because it is a small small space. I am not against anybody, you just don't have enough space.

Chairman: Ok, thank you. Any other comments or questions from the board?

Member Soraghan: This is going to go before developmental Review before any permits are issued

Tom B: Yes it will go through Developmental Review and we will go over the sight plan that needs to be approved by the city engineer, and part of that will be about the drainage and their engineer will discuss. If you look at all those lines right there, each one of those lines is a two-foot drop, so it looks like it is pitching towards the back, 8 feet towards the back, so it is not pitching towards the street or anything, it is pitching towards the back of the property.

Chairman: Alright

Member Bevilaqua: Do we have any history of why the prior petitions were denied? Is it because they were multi-family, not because of issues of drainage, but because of issues with multi-families. But now he is moving from originally 3, to a 2 to now a one single family. But there were no issues expressed before about drainage

Chairman: I am going to move to a vote. Entertain



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Ed Martin (115 Grove Street): That is totally wrong. In 2002 a flipper came in and proposed a single family house and it was unanimously denied by the board for a nonconforming lot at that time, and I believe that, I have the letter somewhere, but if you read the meeting findings, that drainage was brought up. Mr. Casado in 2021 wanted to put a two-family there and drainage was brought up at that time and it was denied, by the board at that time too. So this is the third time and it is just, it is a nonconforming lot, it has been that way since 1949, nothing has changed. There is a 2-car garage on it right now that he is renting out.

Chairman: Thank you. I want to make a suggestion to you

Mr. Casado: So on 2021 it was not me that came to request a two or I'm not sure if it was a 3-family, but on that hearing the commissioner said there is nothing that prevents the land from being buildable and I think that is it.

Chairman: What we would like to propose, is maybe you ask for a continuance, and you go back and look into the drainage and some of the other issues related to this, and more conversations with the neighbors to see if what you propose can be something that they would be

Mr. Casado: I still don't understand why they are opposing a single-family house.

Chairman: Well you can talk with them, that would help.

Mr. Casado: You can see they are reluctant to have conversation, um that's why I came here, and as I said I felt we were in good faith. I don't see how building a single-family that we are going to live in would hurt them in any shape or form, for me it is the opposite, that is one reason and the other one is, if I own a piece of land that has no usage, the land itself has no value, so I am paying taxes on a piece of land, which again to me doesn't make any sense

Chairman: That is why I asked you earlier, when you bought it, you saw that it was undersized

Mr. Casado: Yes

Chairman: So, you bought a property that was not meeting the zoning area and frontage. Again, there appears to be a lot of questions here and I am not predetermining whether it will pass or not, but the question is, would you prefer to continuance for 30 days to the October meeting where you can look into some of these issues about drainage, if there is no drainage issue than fine, you can come back and present that to us, you could try again to talk to some of these neighbors, ask why do you not want a single-family in this neighborhood, we are good people

Mr. Casado: There are here now

Chairman: It is up to you, if you do or don't want to continue.

Me., Casado: No we do, we do want to continue, yes.



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Bevilaqua: Do you have documentation where it was said, the last time you came when you were requesting a multi-family, that where it was said there is nothing to prevent this lot from being built on

Mr. Casado: The only thing I have is, as it was not me who came is your records you know the conversation, but that is it, that is all I have.

Chairman: OK, it is just easier if we just clear this up, we like to see people move into neighborhoods as we have said this has been a great meeting tonight about housing and adding more housing to Haverhill in areas that need it, and that is another area that would benefit from having more housing. So entertain a motion

Member Vathally: I'd like to make a motion to continue the application for 1023 Grove Street, for 30 days to the October 16th meeting. 2nd by Member Soraghan

Member Soraghan: yes

Member Vathally: Yes

Member Bevilaqua: Yes

Member Matias: Yes

Chairman: Yes so it is continued to the October 16th meeting. Do whatever you can to talk to neighbors, or get some more engineering don't, whatever and I know you think about how much money you spend but we prefer to have all of that, so that we can all feel comfortable when you come back in a month.

Mr. Casado: Thank you

Jill Dewey (Board Clerk): I'd like to say something to the neighbors. Just so you know, you are not going to get notified again, so it is always the third Wednesday of the month, so October 16th, third Wednesday, the same time and same place, you wont get another notice

Neighbor: Can we appeal the continuance

Chairman: We haven't voted on the case, you do understand we are continuing it, without accepting or rejecting it, we are just continuing it, to give them an opportunity to look into some of the issues. And I would ask, you seem like good neighbors, to talk with them and express what your concerns are, and see what happens.

Mr. Casado: I have one question, would it be fair to ask a specific reason why, when the neighbors are opposed how that affects

Chairman: We can't dictate that at all

Mr. Casado: Thank you

Bradford Unlimited Corp for 24 Jordan Street (Map 425, Block 155, Lots 25 & 26)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RH zone. Requested variances for Lot 25 include lot area (6,000 sf where 7,500 sf is required) and lot frontage (60 ft



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

where 75 ft is required). Proposed Lot 26 shall include existing single-family dwelling. Requested variances for Lot 26 include lot area (6,000 sf where 7,500 sf is required) and lot frontage (60 ft where 75 ft is required). (BOA 24-24)

PART TWO

Attorney Russell Channen (25 Kenoza Avenue): Again, I spoke with Mr. Bridgewater and again a mistake on our part, in again the belief that the lot line existed and we were only seeking one variance. I know Member Vathally had talked about wanting some information as far as the hardship is concerned and although the board previously granted the variance for Attorney Masys on her application for a conforming to two nonconforming, her hardship she talked about the area and the topography and the shape, ours is different, it is a square lot, that is a given. The hardship is actually from our prospective is unique in that the hardship may not be for Mr. Defeo but it is for the neighborhood, one of the things he did, noted by the approvals is that we went to everybody in the neighborhood Mr. Defeo did, to find out what would be considered appropriate for him to build on that lot, it's a given that the structure that we attach as exhibit A could be done, but everyone in the neighborhood was up in arms, they did not want to see something like that built, again it is currently being done by the developer across the street, they did not want that done on lot 25. So from our prospective, again it is unique in that is the hardship to Mr. Defeo and if the board does deny the variance, then Mr. Defeo may have no other option but to do what the neighborhood does not want done, and so from that prospective we believe that it does create a hardship and that we would ask the board to grant in this situation the variances for both lots, where the variances would be similar, 60 feet for both lots frontage and 6000 square feet where 7500 is required for the area.

Chairman: Comments or questions from the board.

Member Vathally: Just a quick question for the commissioner for my own education, so attorney this is going to be a separate structure correct?

Russell: It is, rather than, again what we wanted to be able to begin you can visualize it, exhibit A in our brief was this structure that could be built as a matter of right, where as just attached, so its sort of a separate small structure similar to what we have shown as exhibit B a small colonial

MEMBER Vathally: OK, cause commissioner this could be an ADU by right, it wouldn't have to come back here, correct?

Tom B: Correct, up to 900 square feet. Right now before February 2nd, it would need a special permit through the ZBA, but after February 2nd I truly believe the state that could be an ADU by right

Member Vathally: If it is attached

Tom B: Nope, detached

Russell: And we are just trying to do what the neighborhood wants



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Soraghan: From the building inspector or Attorney Channen, you are looking for variances on both lots and there is a handful of variances on the lot with the existing house, setbacks, am I correct? You have a 6.6 side yard setback that you would need a variance on, am I correct?

Tom B: No

Steve Defeo: It is pre-existing nonconforming, the existing house.

Member Soraghan: I understand Steve, but the discussion we were having

Steve Defeo: We are just talking lots, just lots. Lot depth, area and frontage.

Member Soraghan: Why wouldn't you want variances for

Steve: They aren't needed because they are pre-existing nonconforming.

Member Soraghan: Is that correct Tom

Tom B: He is correct. Say this lot line right here, if that lot line got moved or this house was too close to that lot line, then you would need a variance, but right now this is a pre-existing nonconforming. You don't need anything here, this garage is going to be removed

Member Soraghan: OK

Steve Defeo: The garage is not going to be removed, the carport on the side of the garage is going to be removed, the shed is going to go with the new house. Ted was out there and I showed all this stuff to Ted. It will be off the setbacks which is allowed, the garage, pre-existing garage

Tom B: Can you clarify that, so this garage right here

Steve Defeo: That is wrong Tom. The new plan, if you look at my plan, after the survey, it is ok. The lot line is a little off, as you know the city lot lines are not always correct

Chairman: Right exactly, we acknowledge that.

Tom B: ok, yup that makes sense

Steve D: The shed is going to go with the new house, I am taking the carport off the side. I wanted to wait until the variance was granted hopefully.

Chairman: Ok, any other comments or questions?



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Member Bevilaqua: (I couldn't hear the first sentence), (but she is reading a letter in support) she said Mr. Defeo approached us about our feelings regarding his intent to build a single-family home. We could dispense a lot of the drama if everyone followed that lead.

Steve D: George knows I tried to. I go into their neighborhood and these people have been there forever and I am there to improve things, but I want to get them on the same page, I don't want to start trouble, I don't like fighting, I am trying to make things better.

Member Bevilaqua: I appreciate that. (I could not hear the next two sentences, too far from her microphone)

Chairman: I'll entertain a motion

Member Vathally: I make a motion to accept the application request for 24 Jordan Street, 2nd by Member Soraghan

Member Soraghan: Yes it meets this meets the criteria for 255-10.2.2(2)

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

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

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

Chairman: Yes it meets the section 255-10.2.2(2). It is not detrimental to the neighborhood or the public good.

*Board approved the meeting minutes from the August 2024 meeting