



Haverhill

Board of Appeals
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Meeting Minutes

BOARD OF APPEALS will held A PUBLIC HEARING ON WEDNESDAY EVENING
SEPTEMBER 18, 2019 AT 7:00 P.M. in ROOM 202, CITY HALL, to hear the following items:

Members Present: Soraghan, Sullivan, LaPlume, Vathally, Bevilacqua, and Chairman Moriarty
Absent excused: Member Brown

Continued from the August 21, 2019 Meeting:

BOA-19-7 Peter Yannakoureas for 32 Whittier Street (415,149,1 & 2): Applicant seeks a variance prior to subdivide into 2 non-conforming lots in a RH zone. Lot 1 requires a frontage variance where 60' is proposed and 75' is required. Lot 2 seeks frontage 60' is proposed and 75' is required. Lot 2 has an existing house side setback of 4' where 10' is required, a front set back of 12' where 20' is required.

Opposition:

Larry Skates, 31 Whittier Street

Carolyn Grecco, 32 Whittier Street

- The applicant has made no improvements to the existing house in 19 years.
- If he constructs a new dwelling, he probably won't maintain that either, leaving the neighborhood with two dilapidated dwellings.
- The applicant has had staging up on the existing house for seven years, with no work being done.
- Very unclear as to who will be living in the new house. The applicant has given several different answers to the Board.
- Does not have issues with the application, they are worried about the lack of maintenance, upkeep, and completion of the project

Q. Would you consider selling the property to a developer?

A. No.

Q. Who will live in the new house?

A. Initially will rent the house. Later a family member may move in.

Some members of the Board noted that the application **did not** meet the requirements of 255.79C. Specifically, (2) strict application **will not** deprive the applicant of reasonable use; (3) the circumstances **are** the result of action taken by the applicant; (4) relief if approved **is likely** to result in detriment to the public good.

The Board **denied** the Variance on a vote of 3 No and 2 Yes.

Motion by Member Soraghan

Seconded by Member Vathally

BOA-19-30 Marlene Stasinis for 22 South Cross Road (759,3,2): Applicant is seeking a variance for a 9' fence in a RR zone where a 6' fence is allowed.

Letter received prior to the meeting from the applicant requesting to withdraw her application. No action was taken on this application. Vote was taken to accept the letter of withdrawal.

The Board **granted** the Withdrawal on a vote of 5-0.



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New Business:

BOA-19-26 Christopher Velonis for 20 Computer Drive (548,1,10BB): The applicant is seeking a special permit for a 60' x 60' fenced in chain link area for storage.

Questions from the board:

Member Vathally: How many employees?

A: 10 employees

They will have zero pedestrian and public traffic and will have 10 employees.

The location is the section of the building formerly occupied by Southwick. The new occupant is a storage company that handles oil tank storage, using the twelve loading docks. The applicant requests a Special Permit to erect a six-foot fence around the area where the oil tanks would be located.

Q. Any pedestrian traffic?

A. No, other than the ten employees who might walk by.

The Board noted that the Applicant met all of the requirements of Chapter 255-80, 1-8.

The Board **granted** the Special Permit on a vote of 5-0.

Motion by Member Soraghan
Seconded by Member Vathally

The board granted the special permit for a 60' x 60' fenced in chain link area for storage

BOA-19-31 Attorney Michael Migliori for Andy Chen for 89 Plaistow Road (638,3,7): Applicant is seeking a variance for two (2) restaurant signs that exceed square footage allowed.

The restaurant is part of the chain business, which requires standard signage for all of its locations. One of the signs meets the code requirements, However, the second sign does not, as it is designed according to company specifications.

Q. Will the signs be illuminated at night?

A. Yes, backlighted during hours of operations.

Q. How late will the restaurant be open?

A. Until 1 a.m.

Q. What is the square footage of the proposed sign?

A. 79 square feet, where 80 square feet is allowed.

Q. Why is there a need for two signs?

A. This allows traffic on Main Street to see the sign.

The Board noted the requirements for signs contained in Chapter 255-30 through 255-41.

The Board **granted** the Variance on a vote of 5-0.

Motion by Member Soraghan
Seconded by Member Vathally

BOA-19-32 Attorney Paul Magliochetti for Carolina Properties, LLC for 316 Gile Street (670,601,9):
A dimensional variance is required for only 3 of the 5 proposed lots in the proposed subdivision in order for the properties to use shared driveways A dimensional variance is required for the proposed subdivision and construction of 5 new residential homes as follows: Lot 2 has proposed lot frontage on Gile Street of 70 feet where 150 feet are required, and a lot width of 70 feet where 112.5 feet are required; Lot 4 has proposed lot frontage on Crosby Street of 30 feet where 150 feet are required, and a lot width of 28 feet



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where 112.5 feet are required; and Lot 5 has proposed lot frontage on Crosby Street of 30 feet where 150 feet are required, and a lot width of 28 feet where 112.5 feet are required.

Water runoff situation. The applicant has turned over a parcel to the owner of 136 Crosby Street.

Q. Will there be covenants addressing who will take care of the shared driveway?

A. Yes. The applicant will use the existing driveway for Giles Street. The Crosby Street abutter to the driveway is in support of the application. The applicant will provide additional runoff water mitigation actions.

Q. Would 11 units meet the requirements?

A. Yes

Q. Could you eliminate the shared driveway?

A. Would have to build a road, which would cut into too much of the landscape.

Q. How wide is the common driveway?

A. 16 feet.

Comments from the Board: We don't know if this application has the go-ahead from the Fire Department and other relevant departments. The applicant has assured us it does. He noted that the City Engineer was the person who came up with the plan to reduce from 18 lots to five lots. But we have no documentation from these departments. Some members would be reluctant to vote tonight without assurances from those departments.

The Chairman agreed to reach out to the Fire Chief and other departments to determine if any opposition exists.

Neighbor is Support:

Paul Ciaraldi-Kolola, 136 Crosby Street Extension, supports the application
Robert Hobbs, 328 Gile Street, in support no issues, only concerns are water

Concerns from neighbor(s):

Linda Koutoulas, just has concerns with drainage and water issues.

Neighbors Opposition:

Brian & Heather Debina, 139 Crosby Street
Marc Segan, 175 Crosby Street Extension
Robert Young, 11 Woodland Drive

- The location of the shared driveway creates a safety issue.
- There is another location that could have been used for the driveway.
- Concerns about the traffic on the hill on the Crosby Street extension portion of the project.
- Disrupts the neighborhood feel of the area.
- Gile Street is a through street with Rt. 108.

The applicant requested a Continuance to the October meeting, waiving the notification requirement.

The Board **granted** the Continuance on a vote of 5-0.

BOA-19-34

Attorney Paul Magliocchetti for Peak Premises, LLC for 19 Franklin Street (303,64,4): Prior to filing with the Planning Board and subdividing into 2 residential lots. A dimensional variance is required for the proposed subdivision and construction of a new 2 unit residential building on a new lot which has a proposed lot area of 5,908 where 9,000 are required, frontage on Franklin Street of 57.94 feet where 80 feet are required, and a lot depth of 64 feet and 89 feet where 100 feet are required.

A dimensional variance is required for the proposed subdivision for existing 2 unit residential building in the existing location which has a proposed lot area of 2,707 where 9,000 are required, frontage on Franklin Street of 34.75 feet where 80 feet are required, a lot depth of 73 feet where 100 feet are required, a front yard of 3.9 feet where 20 feet are required, and side yards of 2 feet and 5.4 feet where 10' is required. and rear yard of 8.7 feet where 30' are required.



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The property has been in the family for approximately 100 years. There are two lots, one of which previously had a house on it. All of the setbacks are current, without any action and there is ample parking.

Q. What is Peak Premises?

A. It is a Trust established by the family.

Q. Could you use Williams Street as the entrance, rather than Franklin Street?

A. Yes, with a curb cut on Franklin, which could be used as the exit.

Q. What style of house will be built on the second lot?

A. Not sure yet.

The Board noted that the application meets the requirements of 255.79C. 1-5.

The Board **granted** the Dimensional Variance on a vote of 5-0.

Motion by Member Soraghan
Seconded by Member Vathally

BOA-19-35

Joseph & Elayne Tulliani for 3 Countess Street (440,4,2): Applicant is seeking a dimensional variance for front setback, 20 ft is required for open deck, applicant would like to encroach into setback 12" in SC Zone.

The applicant seeks to construct an open deck that will encroach into the setback by 12 inches. The deck needs to be constructed in this way due to the incline of the property.

The Board noted that the application meets the requirements of the 255.79.C.1-5.

The Board **granted** the Dimensional Variance on a vote of 5-0.

Motion by Member Soraghan
Seconded by Member Vathally

BOA-19-36

Attorney Caitlin Masys for Leslie Brown, for 150 Riverside Avenue (418,186, 3 &4): Applicant is seeking a dimensional variance for front setback of 12.8' of a pre-existing, nonconforming structure where 20' is required so that she may divide the property into two separate lots via an ANR Plan in RH zone.

The property in question is in the Estate of Michael Sullivan. The application takes into account the flood elevation and FEMA. The applicant wishes to divide the lot into two lots; therefore, needs one variance of 12.8 feet of frontage. Both lots meet all other requirements, but the one frontage.

The Board noted that the application meets all of the requirements of 255.79C.1-5.

The Board **granted** the Dimensional Variance on a vote of 5-0.

Motion by Member Soraghan
Seconded by Member Vathally

BOA-19-37

Matthew Corso for 96 Summer Street (203,33,1-2): Applicant seeks dimensional variance for lot area of 15,636 square feet where 25,000 square feet required for multi-family in RU zone. Pre existing non conforming exists with structure, frontage, side yard, and lot depth. Applicant seeks a parking variance for 7 parking spaces where 8 spaces required for 5 units multi family dwelling. Applicant seeks special permit to convert existing commercial unit into additional residential dwelling unit in an existing multi-family structure.

Letter was received from the applicant prior to the meeting to continue his application to the October 16, 2019 meeting. The board accepted the letter of continuance waiving the time notification.

The applicant requested a Continuance to the October meeting, waiving the notification requirement.

The Board **granted** the Continuance on a vote of 5-0.



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OTHER MATTERS:

The Board **approved** the Minutes of the August meeting on a vote of 5-0 Approval of minutes for the August 21, 2019 meeting.