



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 17, 2024 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Louise Bevilacqua
Member Lynda Brown
Member Kassie Infante
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 April 17, 2024

Sean and Rosa Clark for 45 Fernwood Avenue (Map 740, Block 3, Lot 103)

Applicant seeks a special permit for a detached accessory apartment in a RM zone. (BOA-23-4)

Sean Clark: Myself and my wife Rosa have lived here since 2006, we are looking to do a ADU accessory dwelling unit. Rosa's mother had a stroke last August, she was in Spaulding rehab for the initial part of it and then she went to Whittier rehab here in Haverhill, and then she was at Hannah Dustin and then she moved in with us in January, so we have been taking care of her since then. Our house currently is just a 3 bedroom and 1.5 bath, the full bath is on the second floor and she can't get to the second floor, so our intention is to build this for her housing assuming that she will be able to live on her own and if not, than we would move my mother who is living down in Florida, up and into this residents, if Rosa's mother was unable to live there on her own. "Hands out picture to members". This is a rendering of what we our thinking of doing, something that conforms with the neighborhood, nothing huge

George: Can you just walk us through it for a minute or two

Sean: Sure, so we have kind of laid out on our property the location where we are thinking. We are looking at something that is just a single level with one bedroom, one bath with an open kitchen and living room area, something easy and accessible for her. At the most we are looking at 700 square feet, at he very most. And that 700 square feet is gong to include that porch area, so the heated area is only going to be around 550.

Member LaPlume: 650 you have here here

Sean: Ok, I am sorry

Building commissioner Tom Bridgewater: We sat down, again before anyone ends up here we sit down and go a lengthy process and make sure it meets all the requirements for an accessory apartment and again this one does.

Chairman: Great. Any comments or questions from the board? Ok, I will entertain a motion



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Member Bevilaqua: This looks really great, is that a ramp in the front?

Sean Clar: That doesn't show a ramp, but we probably would need a ramp, especially where her mother is 80 and my Mom is 78

Member Bevilaqua: So they are both going to live together in it.

Sean: NO, no its only one bedroom. So our intentions are to put Rosa's mother, because she is living here, she actually went to the emergency room Monday and now she is at Aspen Hill doing some rehab, but she is hopefully going to be coming home shortly, our intention is to have her live there as long as she can, you know without constant care, and then if she can't no longer live on her own, then we would move my mother up.

Member Bevilaqua: It looks beautiful.

Sean: Thank you

Chairman": Other comments or questions? Entertain a motion

Member Infante: I just have one comment. I think this is beautiful and I think its really consistent with the neighborhood, I certainly emphasize and just with you all healing and wellness, my mother just had a stroke and I can also understand how difficult the recovery process is. I just wanted to say that I am glad, you at least have this option

Chairman: Other comments or questions?

Member LaPlume: I make a motion to accept the application for 45 Fernwood Avenue, 2nd by member Infante

Member Infante: Yes, I would say it meets the criteria for 255-10.4.2

Member Brown: Yes it meets the zoning criteria for 255-10.4.2 for an accessory dwelling unit 255-8.1

Member LaPlume: Yes it meets accessory apartment 255-8.1 and the criteria for a special permit 255-10.4.2

Member Bevilaqua: Yes

Chairman: Yes, again sighting the special permit 255-10.4.2 and the 8.1 accessory dwelling unit conditions.

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)

Applicant did not show up at meeting. The board voted to continue the application till the next meeting on May 15



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Joseph A. Rizza for 40 South Lakeside Avenue (Map 753, Block 1, Lot 48)

Applicant seeks a Special Permit to determine that proposed partial reconstruction and extension of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application involves extension of single-family structure and reconstruction / extension of existing attached shed. Applicant seeks a variance for front yard setback for a detached accessory building (14.2 ft where 20 ft is required) and a variance for minimum distance from an accessory building to any principal building (0.5 ft where 5 ft is minimum) for the construction of a new detached garage in a RS zone. (BOA 24-6)

Attorney Robert Harb (40 Kenoza): I am here representing MR. Rizza, currently the property is held in a trust by his sister, and she is going to transfer the property to Mr. Rizza, that's why she signed the asset for the petition. This has been a long-time family home. I did supply three signatures of people in the neighborhood who are in support and I uploaded that to the website, people at 44 South Lakeside, 34 and 32 Lakeside, you can see there is no one here in opposition, and I was talking to Mr. Early, he owns around, and I believe he is going to speak in favor of this petition. What the applicant is trying to do, perhaps if I tell you as I did on the first page of my brief is what we want to do and why we need this. He is trying to rebuild and extend the existing shed to the left side of the building like it shows on the plan. He is going to put like a farmers porch, he would like to build a garage, he is going to put a deck out back so he can overlook Chadwick Pond, he is putting in a new septic system, and importantly if you look at the plan he is on well water, and his well water is just in front of where he proposes to put the garage and because of the existing building, even without the deck in the front, the porch in the front, he can't meet the front setbacks of 20 feet to build a garage and he can't go in the rear because now you get the waters act and the pond, although it is not a drinking source, you have to be so far away from the water. The applicant has already gone to conservation has an order of conditions, they approved what he is proposing to do here with an order of conditions, I had suggested to him that he go there first. So basically we are asking for two different votes, one which I discussed with the building inspector, is we need a special permit to show that extending the existing shed it really isn't substantially more detrimental than the shed as it is. It is only like .2 feet difference and he wants to build a shed two stories, right now it is one story, so the commissioner said that would qualify you found that it is not a substantial difference for a special permit, the variances needed are the setback between the detached garage and the front porch, which we only have a half of feet and it needs to be five, but if I made it five I would be right over my well, so I can't really move it front to make my distance and really on the right hand side is where they're going to access and go around and get to the septic and the tanks, I can't put it on the right because then I won't be able to get out back to work on my septic, so I have a hardship based on the existing structure and what he is proposing, I can't make the five feet and although it's a detached, I missed this and the commissioner picked up on this, although it's detached I was under the impression on my memory that it is a 5 feet setback everywhere, but it is not, it's 5 feet setback from the side of the building, but 20 feet from the front, so you can see I don't have 20 feet from the front, I can't move it back, I can't move it forward because I am going to be over the well, hence I need a variance based upon the topography and existing structures, so we feel we meet the requirements for a variance. So all the special permit considerations I believe meet, I put in the brief what we think we meet, 255 section 5.0 and also the special permit considerations 10.4.2, it's not going to be a detriment to the neighborhood, he needs this garage, he doesn't have a garage, traffic has been adjusted it's the same traffic, we have the utilities, he is going to put in a new septic, the character of the neighborhood is not going to change, so we meet all these requirements for the special permit, including the fact that this is not a substantially detrimental of the shed and we meet the requirements of the variance for the garage, because I really topographically have no place to put it, so I need the setback from the house and the setback from the front, we meet the side setback which is 5 feet. So that is why we need these variances, no one is in opposition, I would ask you to approve the special permit and the variance request.



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Chairman: Thank you. Our role tonight is on the zoning issue, we are aware that there are other issues having to do with the septic system will be addressed at a later date, there are follow up steps that the commissioner pointed out to you I believe. So just acknowledging that the appeals board knows this. Any comments or questions from the board

Richard Early (Boxford Road): I want to speak in favor of this, I called Jill today, its funny I didn't know the name of that street because I have so many deeds over there. I've got some deeds saying I own on Barker Street, other deeds say I own South Lakeside, but anyway I remember talking to Joe's dad 35 years ago, I wanted to buy that place 35 years ago, but I don't have any problem with it. Father's a great guy, and he's a good kid.

Chairman: Thank you. We will take a motion for the special permit

Member LaPlume: I make a motion to accept the application for 40 South Lakeside Avenue for the special permit, 2nd by member Infante

Member Infante: Yes, I think it is not substantially more detrimental than the existing nonconforming structure and it meets the criteria for 255-10.4.2

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

Member LaPlume: Yes, it meets the zoning criteria for 255-10.4.2 and its not more detrimental than existing

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

Chairman: Yes, noting that it is not more detrimental than the existing structure, so it meets the conditions of 255-10.4.2

Member LaPlume: I make a motion for the variances for 40 South Lakeside Avenue, 2nd by member Infante

Member Infante: Yes, there are unique conditions with the existing structure, the topography that meets the conditions 255-10.2.2

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

Member LaPlume: Yes it meets the zoning criteria for a variance 255-10.2.2(2) and topography

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

Chairman: Yes, also noting the topography on the lot and the shape and the location of the well, all of those conditions help it to make 255-10.4.2 so it is granted

94 PORTLAND STREET, LLC for 94 Portland Street (Map 609, Block 489, Lot 2 & 3)

Prior to filing for a Special Permit for Multifamily Dwelling with City Council, Applicant seeks following dimensional variances for the construction of a new 4-unit multifamily dwelling in a RU zone. Requested relief include variances for lot frontage (55 ft where 100 ft is required), lot area (7,177 sf where 25,000 is required), front yard setback (12 ft where 25 ft is required), side yard setback (6 ft where 20 ft is required), rear yard setback (14.1 ft where 40 ft is required), and open space (19% where 25% is minimum). (BOA 24-7)

Caitlin Masys (462 Boston Street, Topsfield): I am here on behalf of the owner applicant Mark Colantonio, he is here this evening with his mother. I would like to start off with a little bit of background on the applicant, he is as you can see a young man, who is trying very hard to create a portfolio of properties. He started out 10 years ago when he bought 9-11



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Dover Street in Haverhill, where he still resides today, the other unit is rented and that's when he first became a landlord. He was inspired to become a landlord because he grew up in a section 8 housing voucher apartment with his mother who is a single parent and that experience growing up has sort of lead him too a path of creating housing units, trying to serve a population that has a tough time now and again. When he moved in to Dover Street and saw the surrounding neighborhood, he saw an opportunity to maybe purchase some additional properties, fix them up and try to make this neighborhood in the City a little bit better and brighter. As far as his ownership of the property goes, Mr. Colantonio does all of his own maintenance and landscaping, he does a spring cleanup and a fall cleanup on every property, and I did uploaded earlier to the portal of properties that Mr. Colantonio has purchased and the improvements he has made to them. This particular property 94 Portland Street, has come a long way, and I think anyone who has driven by and he had driven by in the past can see there has been some professional landscaping done, a retaining wall had been put in, a nice front porch, so there is a pride of ownership here for Mr. Colantonio and as I said he lives at 9 Dover Street, he is in the area, he has a interest in improving the area and keeping it nice and that is hi intent with this project. So this particular property is a rare piece of vacant land in the Avenue section of Haverhill, it is a separately accessed parcel, however it is connected to this dwelling. The proposal here is to add a three story row house sort of structure, that has a 2-car garage underneath for each of the four units, if you have driven by it would be similar to 28 Broadway, the project next to Saint Joseph School, so there would be 4 units side by side, each unit would have 3 bedrooms and each unit would have a 2-car garage for parking underneath. In addition to creating that, as part of the project the existing lot of 94, it has already been cleared of some massive overgrowth of brush, the intent is to pave around so that there would be a turn around so, you would e able to come in one way, parking would be in the back for those tenants, so there would be no street parking needed for those units, all of those cars would be moved to the back of the property at 94 Portland, and then the particular plan that I uploaded showing paring spaces one and two being perpendicular 2,3,4,5,&6, but I do think the plan is to swing those spaces around, so that they just all lineup and then it allows traffic to flow through out the other end. In addition to the two-car garages that are underneath the proposed new building, there are also 3 guest parking spots for anyone who has a guest there. In terms of the zoning aspect, there was a case that I sighted in my brief that states, that substantial hardship safety issues, can be a hardship under the Massachusetts statue, this particular lot is currently a safety issue for the city of Haverhill, Mr. Colantonio has done a good job trying to clean it up, if you have driven bye it. If you drive by it there is a car parked in front of it, there is a car with a cover on it. At one point I drove by and there seemed to be a broken down car there, there are two dilapidated sheds in back of the property, Mr. Colantonio had been trying to clean the property up he discovered some needles, some other drug paraphernalia, so this property as it was in the neighborhood that its sighted is a safety issue for the city of Haverhill. The proposal here is not outside what would fit in this neighborhood, this neighborhood is all multi-family residential dwelling units, whether they are owned or rental units, just a brief rundown 72-74 Portland Street is five units, 76-78 is two units, 82 has 3 units, 86 has 3 units, 94 has 4 units, 98 Portland Street right next door has 4 units, 72-74 is a five unit building with 5 bathrooms, 82 Portland Street has 3 units and 7 bedrooms, so there is a lot of housing units condensed in this small area. A little bit more about the neighborhood, you'll see in the portal that I uploaded a petition with some signatures for some neighbors of support, also here today is the person who manages the property at 98 Portland Street, which directly next door and he is here in support of the proposal, as part of this you will see the proposed access and parking on the North side of the property, that borders 98 Portland Street, part of this project injunction of number 98 would involve paving the driveway at 98 Portland Street, which would widen it a little bit, so that additional cars can also be parked on that property. So essentially if this project is approved, there are three properties where all the parking is moving off stream. The property would be serviced by town water and sewer and trash, however Mr. Colantonio is certainly open to providing a private dumpster, if that was something that would elevate burden on the city. I do know that Chief Tarpy had uploaded a comment today about the



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plan not reflecting a place for the snow, I did mark up the plan and I uploaded a new copy, It shows the back of both lots on the west property line, there is plenty of room to store snow in the winter time for plowing, there is space between the building on the proposed lot 3 between the building and the rear property line, and there is space in the entire rear corner of the lot for 94 Portland Street. Mr. Colantonio does all of his own maintenance, he is the one that plows the properties, and if for some reason it got out of control and snow needed to be removed, he would be able to accommodate that as well. Another note about the neighborhood, over 9 properties since 2018 in this area have changed hands, they have been sold, there is a small group of people that have sort of been buying up properties in this neighborhood, they are all young, they all have a vision for what this particular neighborhood and these blocks could be in the City of Haverhill, which is why Mr. Colantonio application has the support that it does, I think that in terms of from public policy standpoint no one can deny that there is a housing crisis, the proposal tonight I think checks a lot of boxes for the City of Haverhill, they are 3 bedroom units, so they are going to be for families, they are not the typical one bedroom studios that are going up along the river or over by DiBurros, these certainly will be family friendly units, in addition the location is very close to downtown, it is right behind the Walgreens, it is within walking distance to pretty much any amenity that one could need, there is central plaza with a grocery store, there's a Walgreens, there is an Urgent care center, there is also walking distance to downtown, so this particular project actually fits very nicely in the cities master plan, where they are trying to have some housing units but keep the city feel and have a downtown area where people can walk around and feel like they are part of a larger community. In terms of development, I don't think you could ask for a better person to come before the board to put these properties in, he lives in a neighborhood, he drives by the properties he owns everyday, he takes care of them, you can see from the slideshow just the improvements that have been made in a brief amount of time. 94 Portland Street looks entirely different than it did before he purchased the property aside from the fact that it did get hit by a car right after he put in this brand-new porch and retaining wall, which he is in the process of dealing with the insurance and getting that back to looking the way it did before that unfortunate accident. This is in addition to , Mr. Colantonio said, there is another group of young people who have bought some properties in this area and they all have the ultimate goal of providing some much needed units of housing to a population that is in desperate need and it is also in a good area of the city, to start having a bit of a revitalization.

Chairman: Thank you. You are asking for a lot of variances and some very substantial differences, the lot area for instance is 7100 where 25000 is required

Caitlin Masys: Yes I can speak to that, I was actually a little confused when I saw the requirement there was 25000 square feet, that is a lot of space for this particular zone, the urban residential zone is meant to have a lot of residential units in a small amount of space, so I think potentially the zoning ordinance in this case may have been a little short sighted, in that it just continues to add more square footage per dwelling unit, that is being proposed for the property. Every other property, if you put your pen on 94 and then went out and drew a circle, you will not find a single property in that zone that is 4 units that has 25000 square foot of space, it is just an unrealistic requirement, so while I do admit it is a substantial variance that is being sought, I do also think that, that requirement is a little bit high for the area that we are talking about.

Chairman: And your substantial hardship you mentioned the safety issues

Caitlin: Yes



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570-2-1617Chairman: And one of your requirements here for which a variance is, do not affect generally the zoning district in which its located and are the safety issues prevalent in other parts of this neighborhood, do you think

Caitlin: I think that the fact that this particular lot is vacant is what creates the safety issue, the other properties in the district have houses on them, they might have small yards but there isn't a vacant lot of land that's over run with brush that people can hide in or squat or do some illegal activities under the cover of darkness, so the fact that this particular properties is vacant, I think is the reason that it is a safety issue.

Chairman: Ok, thank you. Questions from the board?

Member LaPlume: So 94 also owns that lot, is that what I am hearing?

Caitlin: That is correct there are two different parcels

Member LaPlume: So that lot could be kept up and maintain that space

Caitlin: It is a possibility. I think from an economic standpoint and from a standpoint of just the character of the neighborhood, it would be a little difficult to leave it as just that, I think you would have a hard time sort of containing it to just the tenants at 94, with it being open space, other people in the neighborhood again may feel the ability to go and use it, that presents a liability issue, it wouldn't be a public park in any sense. But yea could it be a yard, it is possible.

Member Matias: I could wanted to make a comment, we manage 77 Portland, so I do understand all the tracks trash goes in there, even though we try to keep it clean, but we do see the same needles, we do see the same trash coming over and over, it doesn't matter how many times we try and clean it, but yes I understand that, I just wanted to make that comment.

Chairman: Other comments or questions

Member Bevilaqua: I share the chairman's concern about the being 25% or a third, but you explained that. You drive down Portland Street and this project reflects the review of Portland Street and it is also litigated by Mr. Colantonio's being in person in the neighborhood and also that there is no neighborhood opposition, because he is not detracting from the neighborhood, he is enhancing the neighborhood. Often we do have neighborhood opposition that we take into consideration. Finally as usually, Attorney Masys has given a matriculas comprehensive presentation that would answer anyone's questions.

Caitlin: Sorry it may have gone a little longer, but on that note I would like to point out that in addition to all the neighborhood support, the fact that there is no opposition. Mr. Colantonio did go, he actually physically did go door to door in this neighborhood to speak to owners and to speak to people who are occupying these rental units, he took the time to talk to them and explain what he was trying to do, you know people who got letters, he made all of the material that he has available to them, he was an open book and actively went out and tried to make sure that everybody in the neighborhood would comfortable with what he was proposing.



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Member Bevilaqua: This budget looks like Portland Street, and there are parks not that far that children can walk to with a basketball court, I mean it is not that far away

Caitlin: There is one right on Portland Street.

Member Bevilaqua: Yes

Member Brown: Number 94 looks fantastic, with the flower beds have been put in, it looks very, very nice, I just wanted to say that, and the other thing is even though there are quite a few variances sought tonight, I do like that you have the 2-car garages underneath each unit, which is going to help I think a lot with parking once winter time comes and there is lots of snow on the street and you have to park on one side, so I was kind of wanted with yourself in saying lots of times people come before us for variances and you just want to take this one property into consideration, but there is a lot of positives with this in that neighborhood, I want to congratulate Mr. Colantonio for cleaning up that area.

Caitlin: On that note also Mr. Colantonio in terms of like the landscaping and the flowers, he takes a lot of pride in making sure his properties look great, part of that he does offer tenants a bit of an abatement with their rent if they want to come out and help him, or plant their own flowers, so he wants a long standing relationship with good tenants that want to feel like they are in a home and that they have the ability to plant flowers or pick the flowers that are going to be planted there that they are going to be looking at every day. So he welcomes their opinions and if they want to come out and help, he welcomes that as well and he is willing to give a debasement on their rent if they want to come in and dig a little bit

Chairman: Thank you, I'll entertain a... Wait

Member LaPlume: The pictures I didn't see online, can you give me an idea of where they are? Located, the different properties.

Caitlin: Yes sure, so

***The members view the photos on Tom's iPad

Chairman: If there are no more comments or questions I will entertain a motion

Member LaPlume: I make a motion to accept the application for 94 Portland Street, 2nd by Member Infante

Member Infante: I vote yes, I would say some of the unique conditions of the size and shape of the lot and the safety concerns, it meets the criteria for 10.2.2

Member Brown: Yes it does meet the zoning criteria for 255-10.2.2(2)

Member LaPlume: I was looking at all the requirements and none of them were even close I had some reservations, but your brief was excellent and the pictures and the work that you have done are excellent so I vote yes.

Member Bevilaqua: Yes, this is a project we can be proud of



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Chairman: Yes, echoing Member LaPLume that although there were a lot of variances, I think with the improvements of the neighborhood it will be dramatic and with needing more housing here, I think it is important to approve to move it forward, so it meets the variances for 255-10.2.2

Board approved the March 20, 2024 meeting minutes



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Assoc Member Magdiel Matias
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Sean Clark: Myself and my wife Rosa have lived here since 2006, we are looking to do a ADU accessory dwelling unit. Rosa's mother had a stroke last August, she was in Spaulding rehab for the initial part of it and then she went to Whittier rehab here in Haverhill, and then she was at Hannah Dustin and then she moved in with us in January, so we have been taking care of her since then. Our house currently is just a 3 bedroom and 1.5 bath, the full bath is on the second floor and she can't get to the second floor, so our intention is to build this for her housing assuming that she will be able to live on her own and if not, than we would move my mother who is living down in Florida, up and into this residents, if Rosa's mother was unable to live there on her own. "Hands out picture to members". This is a rendering of what we our thinking of doing, something that conforms with the neighborhood, nothing huge

George: Can you just walk us through it for a minute or two

Sean: Sure, so we have kind of laid out on our property the location where we are thinking. We are looking at something that is just a single level with one bedroom, one bath with an open kitchen and living room area, something easy and accessible for her. At the most we are looking at 700 square feet, at he very most. And that 700 square feet is gong to include that porch area, so the heated area is only going to be around 550.

Member LaPlune: 650 you have here here

Sean: Ok, I am sorry

Building commissioner Tom Bridgewater: We sat down, again before anyone ends up here we sit down and go a lengthy process and make sure it meets all the requirements for an accessory apartment and again this one does.

Chairman: Great. Any comments or questions from the board? Ok, I will entertain a motion



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Member Bevilaqua: This looks really great, is that a ramp in the front?

Sean Clar: That doesn't show a ramp, but we probably would need a ramp, especially where her mother is 80 and my Mom is 78

Member Bevilaqua: So they are both going to live together in it.

Sean: NO, no its only one bedroom. So our intentions are to put Rosa's mother, because she is living here, she actually went to the emergency room Monday and now she is at Aspen Hill doing some rehab, but she is hopefully going to be coming home shortly, our intention is to have her live there as long as she can, you know without constant care, and then if she can't no longer live on her own, then we would move my mother up.

Member Bevilaqua: It looks beautiful.

Sean: Thank you

Chairman": Other comments or questions? Entertain a motion

Member Infante: I just have one comment. I think this is beautiful and I think its really consistent with the neighborhood, I certainly emphasize and just with you all healing and wellness, my mother just had a stroke and I can also understand how difficult the recovery process is. I just wanted to say that I am glad, you at least have this option

Chairman: Other comments or questions?

Member LaPlume: I make a motion to accept the application for 45 Fernwood Avenue, 2nd by member Infante

Member Infante: Yes, I would say it meets the criteria for 255-10.4.2

Member Brown: Yes it meets the zoning criteria for 255-10.4.2 for an accessory dwelling unit 255-8.1

Member LaPlume: Yes it meets accessory apartment 255-8.1 and the criteria for a special permit 255-10.4.2

Member Bevilaqua: Yes

Chairman: Yes, again sighting the special permit 255-10.4.2 and the 8.1 accessory dwelling unit conditions.

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)

Applicant did not show up at meeting. The board voted to continue the application till the next meeting on May 15



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Joeseh A. Rizza for 40 South Lakeside Avenue (Map 753, Block 1, Lot 48)

Applicant seeks a Special Permit to determine that proposed partial reconstruction and extension of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application involves extension of single-family structure and reconstruction / extension of existing attached shed. Applicant seeks a variance for front yard setback for a detached accessory building (14.2 ft where 20 ft is required) and a variance for minimum distance from an accessory building to any principal building (0.5 ft where 5 ft is minimum) for the construction of a new detached garage in a RS zone. (BOA 24-6)

Attorney Rober Harb (40 Kenoza): I am here representing MR. Rizza, currently the property is held in a trust by his sister, and she is going to transfer the property to Mr. Rizza, that's why she signed the asset for the petition. This has been a long-time family home. I did supply three signatures of people in the neighborhood who are in support and I uploaded that to the website, people at 44 Sout Lakeside, 34 and 32 Lakeside, you can see there is no one here in opposition, and I was talking to Mr. Early, he owns around, and I believe he is going to speak in favor of this petition. What the applicant is trying to do, perhaps if I tell you as I did on the first page of my brief is what we want to do and why we need this. He is trying to rebuild and extend the existing shed to the left side of the building like it shows on the plan. He is going to put like a farmers porch, he would like to build a garage, he is going to put a deck out back so he can overlook Chadwick Pond, he is putting in a new septic system, and importantly if you look at the plan he is on well water, and his well water is just in front of where he proposes to put the garage and because of the existing building, even without the deck in the front, the porch in the front, he can't meet the front setbacks of 20 feet to build a garage and he can't go in the rear because now you get the waters act and the pond, although it is not a drinking source, you have to be so far away from the water. The applicant has already gone to conservation has an order of conditions, they approved what he is proposing to do here with an order of conditions, I had suggested to him that he go there first. So basically we are asking for two different votes, one which I discussed with he building inspector, is we need a special permit to show that extending the existing shed it really isn't substantially more detrimental than the shed as it is. It is only like .2 feet difference and he wants to build a shed two stories, right now it is one story, so the commissioner said that would qualify you found that it is not a substantial difference for a special permit, the variances needed are the setback between the detached garage and the front porch, which we only have a half of feet and it needs to be five, but if I made it five I would be right over my well, so I can't really move it front to make my distance and really on the right hand side is where they're going to access and go around and get to the septic and the tanks, I can't put it on the right because then I wont be able to get out back to work on my septic, so I have a hardship based on the existing structure and what he is proposing, I can't make the five feet and although it's a detached, I missed tis and the commissioner picked up on tis, although its detached I was under the impression on my memory that it is a 5 feet setback everywhere, but it is not, it's 5 feet setback from the side of the building, but 20 feet from the front, so you can see I don't have 20 feet from the front, I can't move it back, I can't move it forward because I am going to be over the well, hence I need a variance based upon the topography and existing structures, so we feel we meet the requirements for a variance. So all the special permit considerations I believe meet, I put in the brief what we think we meet, 255 section 5.0 and also the special permit considerations 10.4.2, it's not going to be a detriment to the neighborhood, he needs this garage, he doesn't have a garage, traffic has been adjusted it's the same traffic, we have the utilities, he is going to put in a new septic, the character of the neighborhood is not going to change, so we meet all these requirements for the special permit, including the fact that this is not a substantially detrimental of the shed and we meet the requirements of the variance for the garage, because I really topographically have no place to put it, so I need the setback from the house and the setback from the front, we meet the side setback which is 5 feet. So that is why we need these variances, no one is in opposition, I would ask you to approve the special permit and the variance request.



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Chairman: Thank you. Our role tonight is on the zoning issue, we are aware that there are other issues having to do with the septic system will be addressed at a later date, there are follow up steps that the commissioner pointed out to you I believe. So just acknowledging that the appeals board knows this. Any comments or questions from the board

Richard Early (Boxford Road): I want to speak in favor of this, I called Jill today, its funny I didn't know the name of that street because I have so many deeds over there. I've got some deeds saying I own on Barker Street, other deeds say I own South Lakeside, but anyway I remember talking to Joe's dad 35 years ago, I wanted to buy that place 35 years ago, but I don't have any problem with it. Father's a great guy, and he's a good kid.

Chairman: Thank you. We will take a motion for the special permit

Member LaPlume: I make a motion to accept the application for 40 South Lakeside Avenue for the special permit, 2nd by member Infante

Member Infante: Yes, I think it is not substantially more detrimental than the existing nonconforming structure and it meets the criteria for 255-10.4.2

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

Member LaPlume: Yes, it meets the zoning criteria for 255-10.4.2 and its not more detrimental than existing

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

Chairman: Yes, noting that it is not more detrimental than the existing structure, so it meets the conditions of 255-10.4.2

Member LaPlume: I make a motion for the variances for 40 South Lakeside Avenue, 2nd by member Infante

Member Infante: Yes, there are unique conditions with the existing structure, the topography that meets the conditions 255-10.2.2

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

Member LaPlume: Yes it meets the zoning criteria for a variance 255-10.2.2(2) and topography

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

Chairman: Yes, also noting the topography on the lot and the shape and the location of the well, all of those conditions help it to make 255-10.4.2 so it is granted

94 PORTLAND STREET, LLC for 94 Portland Street (Map 609, Block 489, Lot 2 & 3)

Prior to filing for a Special Permit for Multifamily Dwelling with City Council, Applicant seeks following dimensional variances for the construction of a new 4-unit multifamily dwelling in a RU zone. Requested relief include variances for lot frontage (55 ft where 100 ft is required), lot area (7,177 sf where 25,000 is required), front yard setback (12 ft where 25 ft is required), side yard setback (6 ft where 20 ft is required), rear yard setback (14.1 ft where 40 ft is required), and open space (19% where 25% is minimum). (BOA 24-7)

Caitlin Masys (462 Boston Street, Topsfield): I am here on behalf of the owner applicant Mark Colantonio, he is here this evening with his mother. I would like to start off with a little bit of background on the applicant, he is as you can see a young man, who is trying very hard to create a portfolio of properties. He started out 10 years ago when he bought 9-11



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Dover Street in Haverhill, where he still resides today, the other unit is rented and that's when he first became a landlord. He was inspired to become a landlord because he grew up in a section 8 housing voucher apartment with his mother who is a single parent and that experience growing up has sort of lead him too a path of creating housing units, trying to serve a population that has a tough time now and again. When he moved in to Dover Street and saw the surrounding neighborhood, he saw an opportunity to maybe purchase some additional properties, fix them up and try to make this neighborhood in the City a little bit better and brighter. As far as his ownership of the property goes, Mr. Colantonio does all of his own maintenance and landscaping, he does a spring cleanup and a fall cleanup on every property, and I did uploaded earlier to the portal of properties that Mr. Colantonio has purchased and the improvements he has made to them. This particular property 94 Portland Street, has come a long way, and I think anyone who has driven bye and he had driven by in the past can see there has been some professional landscaping done, a retaining wall had been put in, a nice front porch, so there is a pride of ownership here for Mr. Colantonio and as I said he lives at 9 Dover Street, he is in the area, he has a interest in improving the area and keeping it nice and that is hi intent with this project. So this particular property is a rare piece of vacant land in the Avenue section of Haverhill, it is a separately accessed parcel, however it is connected to this dwelling. The proposal here is to add a three story row house sort of structure, that has a 2-car garage underneath for each of the four units, if you have driven by it would be similar to 28 Broadway, the project next to Saint Joseph School, so there would be 4 units side by side, each unit would have 3 bedrooms and each unit would have a 2-car garage for parking underneath. In addition to creating that, as part of the project the existing lot of 94, it has already been cleared of some massive overgrowth of brush, the intent is to pave around so that there would be a turn around so, you would e able to come in one way, parking would be in the back for those tenants, so there would be no street parking needed for those units, all of those cars would be moved to the back of the property at 94 Portland, and then the particular plan that I uploaded showing paring spaces one and two being perpendicular 2,3,4,5,&6, but I do think the plan is to swing those spaces around, so that they just all lineup and then it allows traffic to flow through out the other end. In addition to the two-car garages that are underneath the proposed new building, there are also 3 guest parking spots for anyone who has a guest there. In terms of the zoning aspect, there was a case that I sighted in my brief that states, that substantial hardship safety issues, can be a hardship under the Massachusetts statue, this particular lot is currently a safety issue for the city of Haverhill, Mr. Colantonio has done a good job trying to clean it up, if you have driven bye it. If you drive by it there is a car parked in front of it, there is a car with a cover on it. At one point I drove by and there seemed to be a broken down car there, there are two dilapidated sheds in back of the property, Mr. Colantonio had been trying to clean the property up he discovered some needles, some other drug paraphernalia, so this property as it was in the neighborhood that its sighted is a safety issue for the city of Haverhill. The proposal here is not outside what would fit in this neighborhood, this neighborhood is all multi-family residential dwelling units, whether they are owned or rental units, just a brief rundown 72-74 Portland Street is five units, 76-78 is two units, 82 has 3 units, 86 has 3 units, 94 has 4 units, 98 Portland Street right next door has 4 units, 72-74 is a five unit building with 5 bathrooms, 82 Portland Street has 3 units and 7 bedrooms, so there is a lot of housing units condensed in this small area. A little bit more about the neighborhood, you'll see in the portal that I uploaded a petition with some signatures for some neighbors of support, also here today is the person who manages the property at 98 Portland Street, which directly next door and he is here in support of the proposal, as part of this you will see the proposed access and parking on the North side of the property, that borders 98 Portland Street, part of this project injunction of number 98 would involve paving the driveway at 98 Portland Street, which would widen it a little bit, so that additional cars can also be parked on that property. So essentially if this project is approved, there are three properties where all the parking is moving off stream. The property would be serviced by town water and sewer and trash, however Mr. Colantonio is certainly open to providing a private dumpster, if that was something that would elevate burden on the city. I do know that Chief Tarpy had uploaded a comment today about the



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plan not reflecting a place for the snow, I did mark up the plan and I uploaded a new copy, It shows the back of both lots on the west property line, there is plenty of room to store snow in the winter time for plowing, there is space between the building on the proposed lot 3 between the building and the rear property line, and there is space in the entire rear corner of the lot for 94 Portland Street. Mr. Colantonio does all of his own maintenance, he is the one that plows the properties, and if for some reason it got out of control and snow needed to be removed, he would be able to accommodate that as well. Another note about the neighborhood, over 9 properties since 2018 in this area have changed hands, they have been sold, there is a small group of people that have sort of been buying up properties in this neighborhood, they are all young, they all have a vision for what this particular neighborhood and these blocks could be in the City of Haverhill, which is why Mr. Colantonio application has the support that it does, I think that in terms of from public policy standpoint no one can deny that there is a housing crisis, the proposal tonight I think checks a lot of boxes for the City of Haverhill, they are 3 bedroom units, so they are going to be for families, they are not the typical one bedroom studios that are going up along the river or over by DiBurros, these certainly will be family friendly units, in addition the location is very close to downtown, it is right behind the Walgreens, it is within walking distance to pretty much any amenity that one could need, there is central plaza with a grocery store, there's a Walgreens, there is an Urgent care center, there is also walking distance to downtown, so this particular project actually fits very nicely in the cities master plan, where they are trying to have some housing units but keep the city feel and have a downtown area where people can walk around and feel like they are part of a larger community. In terms of development, I don't think you could ask for a better person to come before the board to put these properties in, he lives in a neighborhood, he drives by the properties he owns everyday, he takes care of them, you can see from the slideshow just the improvements that have been made in a brief amount of time. 94 Portland Street looks entirely different than it did before he purchased the property aside from the fact that it did get hit by a car right after he put in this brand-new porch and retaining wall, which he is in the process of dealing with the insurance and getting that back to looking the way it did before that unfortunate accident. This is in addition to , Mr. Colantonio said, there is another group of young people who have bought some properties in this area and they all have the ultimate goal of providing some much needed units of housing to a population that is in desperate need and it is also in a good area of the city, to start having a bit of a revitalization.

Chairman: Thank you. You are asking for a lot of variances and some very substantial differences, the lot area for instance is 7100 where 25000 is required

Caitlin Masys: Yes I can speak to that, I was actually a little confused when I saw the requirement there was 25000 square feet, that is a lot of space for this particular zone, the urban residential zone is meant to have a lot of residential units in a small amount of space, so I think potentially the zoning ordinance in this case may have been a little short sighted, in that it just continues to add more square footage per dwelling unit, that is being proposed for the property. Every other property, if you put your pen on 94 and then went out and drew a circle, you will not find a single property in that zone that is 4 units that has 25000 square foot of space, it is just an unrealistic requirement, so while I do admit it is a substantial variance that is being sought, I do also think that, that requirement is a little bit high for the area that we are talking about.

Chairman: And your substantial hardship you mentioned the safety issues

Caitlin: Yes



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570-2-1617Chairman: And one of your requirements here for which a variance is, do not affect generally the zoning district in which its located and are the safety issues prevalent in other parts of this neighborhood, do you think

Caitlin: I think that the fact that this particular lot is vacant is what creates the safety issue, the other properties in the district have houses on them, they might have small yards but there isn't a vacant lot of land that's over run with brush that people can hide in or squat or do some illegal activities under the cover of darkness, so the fact that this particular properties is vacant, I think is the reason that it is a safety issue.

Chairman: Ok, thank you. Questions from the board?

Member LaPlume: So 94 also owns that lot, is that what I am hearing?

Caitlin: That is correct there are two different parcels

Member LaPlume: So that lot could be kept up and maintain that space

Caitlin: It is a possibility. I think from an economic standpoint and from a standpoint of just the character of the neighborhood, it would be a little difficult to leave it as just that, I think you would have a hard time sort of containing it to just the tenants at 94, with it being open space, other people in the neighborhood again may feel the ability to go and use it, that presents a liability issue, it wouldn't be a public park in any sense. But yea could it be a yard, it is possible.

Member Matias: I could wanted to make a comment, we manage 77 Portland, so I do understand all the tracks trash goes in there, even though we try to keep it clean, but we do see the same needles, we do see the same trash coming over and over, it doesn't matter how many times we try and clean it, but yes I understand that, I just wanted to make that comment.

Chairman: Other comments or questions

Member Bevilaqua: I share the chairman's concern about the being 25% or a third, but you explained that. You drive down Portland Street and this project reflects the review of Portland Street and it is also litigated by Mr. Colantonio's being in person in the neighborhood and also that there is no neighborhood opposition, because he is not detracting from the neighborhood, he is enhancing the neighborhood. Often we do have neighborhood opposition that we take into consideration. Finally as usually, Attorney Masys has given a matriculas comprehensive presentation that would answer anyone's questions.

Caitlin: Sorry it may have gone a little longer, but on that note I would like to point out that in addition to all the neighborhood support, the fact that there is no opposition. Mr. Colantonio did go, he actually physically did go door to door in this neighborhood to speak to owners and to speak to people who are occupying these rental units, he took the time to talk to them and explain what he was trying to do, you know people who got letters, he made all of the material that he has available to them, he was an open book and actively went out and tried to make sure that everybody in the neighborhood would comfortable with what he was proposing.



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Member Bevilaqua: This budget looks like Portland Street, and there are parks not that far that children can walk to with a basketball court, I mean it is not that far away

Caitlin: There is one right on Portland Street.

Member Bevilaqua: Yes

Member Brown: Number 94 looks fantastic, with the flower beds have been put in, it looks very, very nice, I just wanted to say that, and the other thing is even though there are quite a few variances sought tonight, I do like that you have the 2-car garages underneath each unit, which is going to help I think a lot with parking once winter time comes and there is lots of snow on the street and you have to park on one side, so I was kind of wanted with yourself in saying lots of times people come before us for variances and you just want to take this one property into consideration, but there is a lot of positives with this in that neighborhood, I want to congratulate Mr. Colantonio for cleaning up that area.

Caitlin: On that note also Mr. Colantonio in terms of like the landscaping and the flowers, he takes a lot of pride in making sure his properties look great, part of that he does offer tenants a bit of an abatement with their rent if they want to come out and help him, or plant their own flowers, so he wants a long standing relationship with good tenants that want to feel like they are in a home and that they have the ability to plant flowers or pick the flowers that are going to be planted there that they are going to be looking at every day. So he welcomes their opinions and if they want to come out and help, he welcomes that as well and he is willing to give a debasement on their rent if they want to come in and dig a little bit

Chairman: Thank you, I'll entertain a... Wait

Member LaPlume: The pictures I didn't see online, can you give me an idea of where they are? Located, the different properties.

Caitlin: Yes sure, so

***The members view the photos on Tom's iPad

Chairman: If there are no more comments or questions I will entertain a motion

Member LaPlume: I make a motion to accept the application for 94 Portland Street, 2nd by Member Infante

Member Infante: I vote yes, I would say some of the unique conditions of the size and shape of the lot and the safety concerns, it meets the criteria for 10.2.2

Member Brown: Yes it does meet the zoning criteria for 255-10.2.2(2)

Member LaPlume: I was looking at all the requirements and none of them were even close I had some reservations, but your brief was excellent and the pictures and the work that you have done are excellent so I vote yes.

Member Bevilaqua: Yes, this is a project we can be proud of



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Chairman: Yes, echoing Member LaPLume that although there were a lot of variances, I think with the improvements of the neighborhood it will be dramatic and with needing more housing here, I think it is important to approve to move it forward, so it meets the variances for 255-10.2.2

Board approved the March 20, 2024 meeting minutes