



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 20, 2022 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Theodore Vathally
Member Lynda Brown
Member Louise Bevilacqua
Member Ronald LaPlume

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

Chairman Moriarty called the meeting in to order on April 20, 2022

Casey Realty Trust / Philip Rice for 67 Pecker Street (Map 107, Block 3, Lot 7)

Prior to filing for a Special Permit for Multifamily Dwelling with City Council, Applicant seeks variances for lot frontage of 46 ft where 100 ft is required, side yard setback of 5 ft where 20 ft is required, and parking area to exceed more than 50% of the front yard to construct a three-family dwelling in a CC zone. (BOA 22-10)

Phil Rice (427 East Broadway Haverhill): I submitted an application for 67 Pecker Street, which I would like to withdraw without prejudice, as I am moving in other directions with this parcel.

Chairman Moriarty: Any comments or questions from the board? Anyone else?

Abutter (No name given): You withdrew, so that is off the board. OK because there was an issue with the side, I didn't know what was going on, with my side on the property line. So, I will wait till he comes back.

Chairman: If he comes back with a new proposal or something, you can have a conversation with him.

Board Clerk Jill Dewey: A new abutter mailing will be sent out if he comes back with anything, you will be notified.

Chairman: I make a motion to accept the withdrawal without predigest.

Member Vathally: I make a motion to withdraw the application for 67 Pecker Street, seconded by Member Laplume.

Member Vathally: Yes

Member Brown: Yes

Member LaPlume: Yes

Chairman George Moriarty: Yes

Withdrawal Granted 4-0



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Judy Luff for 25 Marble Lane (Map 775, Block 791, Lot 25)

Applicant seeks a special permit to operate a foster-based animal rescue (kennel) in a RS zone. (BOA-21-55)

Jennifer Platt (From Anderson Kreiger): Sweet Paws Rescue, a little bit of background is a non-profit foster-based animal rescue currently operating in Groveland. They have been in operation for over a decade since 2011, since 2011 they have brought primarily from out of state and rescued close to 18,000 puppies, kittens, cats and dogs and have gotten those into local families so those animals can live a happy life. What we are hoping to do is, we have a purchase and sale agreement for 25 Marble Lane, it is about 69 acres, it is a farm and under our agreement with the seller, we would be keeping the existing farm and keeping its primarily feed corn and hay. It has a fair amount of wetlands, a fair amount of forest but those would stay there. There's one residence and 2 barns on the property. Our thought would be to take one of the existing barns that is in the middle of the property and for animals that are coming from out of state, it is a requirement from Mass Statute that they are quarantined inside for 48 hours, the animals need to be in a quarantined facility, they are not allowed to be outdoors, they are checked by a vet before they can leave the facility. After that 48 hour they are taken into homes, it is a foster-based rescue, so it is not your traditional facility where people come in and see dogs in kennels and take them from there, these all go to the foster homes where they stay until they are adopted. So that is our plan, that is our program, and we need a special permit from this board in order to have a kennel, the quarantine facility within the barn. We have also been in discussions with the Mayors office to collaborate with the city to act as a hold facility for the local abandoned and stray dogs and cats and the concept would be, we would act in coordination with the city that those animals since there isn't a current pound in the city, they would come to our facility, we would monitor or maintain and watch those animals until either their owner finds them and takes them home, or it gets to a 10 day hold period and after that they can be adopted and or moved into our program and we would have them vetted checked and all those things while they are in our custody and then hopefully find them a home, this is a non-kill shelter. One thing with that, if we are doing that we would need some outdoor space for these animals and the dogs would need to be walked outside, there would need to be some play area for them, but the animals would never be outside by their self's, there would always be someone monitoring them, we don't want unhappy animals and we don't want them to have any impact on the neighborhood. As you can see this is a very large parcel where we don't have anyone too close to us, so the facility would be located well off the street, well into the property, we don't believe there would be any impact on the neighbors, so that is a little bit about who we are, and we are happy to answer questions that the board may have.

Chairman: Thank you. How many dogs are there at any given time?

Jennifer Platt: So that is to be based on our transportation availability and right now we have a single van and it goes on trips down to Alabama, Mississippi and they come back, if it is a full load it is mainly going to be puppies because its often that they find an abandoned litter, but up to 30 puppies and dogs at a time and probably 20 cats would be our maximum at any ne time.

Chairman: Is there an average time that they stay with you before they are fostered out.

Jennifer Platt: It is the 48 hours and then we have an amazing foster support system, I think some of them are here, these people are amazing at taking these animals after the 48 hours and taking them into their homes and taking care of them until they get adopted.



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Chairman: Any questions from the board?

Member LaPlume: So after the 48 hours what happens to the puppies or the dogs or cats?

Jennifer Platt: So they go into someone's home that has agreed to foster them and take care of them

Member LaPlume: But what if they don't have somewhere to go?

Cynthia Sweet: That doesn't happen, we don't bring them up if we don't have homes for them. We try really hard to get them adopted before they even come up.

Jennifer Platt: I am here with the founder and the executive director of Sweet Paws, so there is a waiting list of people up here trying to get animals. I look at the website frequently just as being involved and most of those animals are spoken for before they even come up or get into the transport van.

Member LaPlume: To get in your driveway feels like 3 miles long to get to the end. If I was a puppy I wouldn't want to leave.

Jennifer Platt: We are very excited for the opportunity to bring our rescue mission to Haverhill and to collaborate with this city to have this be our forever home.

Member Vathally: I marvel what you are doing here, I think it is a great thing that you are doing. I just have a question; do you have a capacity limit for the animals that you have down there?

Jennifer Platt: So, the capacity is basically based on what our volunteers can handle bringing in from out of state, right now that is limited to about the 30 dogs, 20 cats at a time and then once those are processed, they go make another run and come back and we sort of replenish, but at any one time that is the 30 dogs max. That is what we are building on now, if donations come in and people get involved and it can grow in the future, that would be wonderful but that is what we are able to handle.

Member Brown: I think this is great, I'm really glad that something like this may be happening. But my question is who will be there on site, do you have volunteers, are there paid employees? Who is actually with the animals?

Jennifer Platt: A number of volunteers who some are here tonight. The founder of Sweet Paws will actually live in the house on the property, so she will always be onsite.

Member Brown: Do the animals come in like on a 24-hour basis?

Jennifer Platt: It is 48 hours, so we are required by statute to bring them in and quarantine them, they can't interact with any local animals or wildlife for 48 hours, and once they have been vetted, they can move about the world.



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Member Brown: Thank you, that is it.

Chairman: Any other questions or comments? Does anyone want to speak?

Cynthia Sweet (SPR founder) (562 Boxford Road): I just wanted to add that when this is all said and done we are going to be implementing and managing educational programs for the kids in the Merrimac Valley so we can teach them, and get their hands dirty, their feet dirty, to do some local community agriculture, so humane education programs. I think this will be good for these areas, and also going into Lawrence and Methuen, so that is not something that we are discussing here, but I think it is something important to point out. It is not going to be lets just save all the animals, but it is also going to have an educational value to it.

Chairman: When are you actually going to be operational?

Jennifer Platt: So they are operational in Groveland now. We are waiting for the P&S contingent on getting this permit and then the P&S going through and the closing, which will probably take about a year, hopefully sooner.

Chairman: Anyone else who would like to speak?

Peggy Connelly (9 Lawrence Street): AS one of the volunteers for Sweet Paws Rescue, I just wanted to speak on their behalf as far as the organization goes. I have been volunteering for them for about 4 years and it is a great program and I just wanted to be here tonight to support Sweet Paws in this beautiful property of theirs, I have been up there, and it is going to be wonderful. They have taken in a lot of strays in the local area too and this will really help out with that, just ask your dog officer here in Haverhill, they will help out a lot. I think it is a wonderful thing and I am looking forward to staying with Sweet Paws and volunteering and seeing all this come together.

Chairman: Thank you very much. Anyone else? I will entertain a motion.

Tom Bridgewater (Building Commissioner): Any remodeling on the barn, are we turning that into different space? Is it heated? Is there going to be an office in there as I heard you saying?

Jennifer Platt: So within the barn itself, it will be the existing footprint, the existing structure, then there would be remodeling done on the inside, it would be heat condition because we want to keep the animals not too hot, not too cold, that would come in front of your office when we actually pull a building permit for that, we want to get through this stage first. We would have to build each of the quarantine isolation rooms.

Tom Bridgewater (Building Commissioner): Do you have plans?

Jennifer Platt: Those are very preliminary at this point, so we are doing some fit plans, we have had engineers come through to take measures to make sure it will work for our concept, we are just at the stage of getting sample plans from them.

Tom Bridgewater (Building Commissioner): The condition the barn is in, can it handle all of this?



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Jennifer Platt: It can absolutely handle it, plus we will be putting time and money into it, to make it adequate for the animals. There will be some office space for the volunteers.

Tom: Thank you

Chairman: Thank you. Entertain a motion.

Member Vathally: I make a motion to approve the special permit for 5 Marbles Lane, 2nd by Member LaPlume.

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

Member Brown: Yes

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

Member Bevilacqua: Yes

Chairman George Moriarty: Yes, also quoting the criteria the other stated.

Approved 5-0

Jason & Lindsey Royston for 945 North Broadway (Map 575, Block 1, Lot 8-4)

Applicant seeks a special permit for construction of an accessory apartment in a RR zone. (BOA-22-9)

Attorney Russell Channon (25 Kenoza Avenue Haverhill): I am here with Lindsey Royston for an application for an accessory apartment at their existing home at 945 North Broadway. We have submitted a brief along with a plot plan as well as a plan by Cote & Foster showing the layout of the proposed structure. To keep this brief what I would indicate to the board is that the proposed structure meets the criteria contained in section 2.1.2 of the existing code. In my brief we outlined the fact that the plans and documents presented to the board meet the criteria for section 8.1.2 of the code and therefore would be in compliance with section 10.4.2 as for grounds of granting a special permit. We are here to answer any questions that the board may have, and Ms. Royston is also willing to answer any questions.

Chairman: Any comments or questions from the board? Just to confirm with the building inspector, you went through the 6 points?

Tom Bridgewater: Yes, all 6 points are met, it wouldn't come to here if it didn't meet the criteria.

Attorney Russell Channon: I can also say that a septic design has also been provided and again before any construction can be done that septic plan needs to be approved if not done so already, so again no construction would be done until that plan was approved by the appropriate department.

Tom Bridgewater: Part of the requirements is after they come here if approved, they have to go to developmental review. So if there is a septic issue or anything it will stop right there until it gets done, so developmental review is part of the requirement.



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Chairman: Questions or comments from the board? Entertain a motion.

Member Vathally: I make a motion to approve the special permit for 945 North Broadway, 2nd by Member LaPlume.

Member Vathally: Yes as it satisfies 255-8.1 and fits criteria 255-10.4.2

Member Brown: Yes it fits criteria 255-10.4.2 and 255-8.1

Member LaPlume: Yes it meets the criteria for 255-2.2(2)

Member Bevilacqua: Yes

Chairman George Moriarty: Yes, it meets the criteria 255-10.4.2 and 255-8.1 and the building commissioner notes that it meets all of the 6 criteria.

Approved 5-0

Nathan & Amanda Vincent for 0 Garrison (Map 438, Block 3, Lots 9,10,11,12)

Applicant seeks a dimensional variance for lot depth of 99.2 ft where 100 ft is required to create a new building lot and construct new single-family dwelling in a RH zone. (BOA-22-11)

Attorney Robert Harb (17 West Street Haverhill): I am here representing the applicants and Mr. Vincent is here tonight, his wife was not able to be with us. I have already submitted tonight to the clerk, 6 abutters and neighbors in the area on Garrison Street 23, 24, 31, 38 and 42 and a neighbor on Boardman Street 163 all have no opposition and as you saw nobody is here tonight. I did submit the brief, you have plans by Millennium, you have building plans submitted by us of what the building would look like. We do meet all the criteria or the code for this variance, but our code now simple refers you to chapter 40A so we technically meet all of the provisions for chapter a which I will briefly go through. We are only here for a mean depth variance of 0.8 feet and of course we are always asked, can't the surveyor find another 6 inches, we have an honest surveyor he says I can tell you what I got and that is all you are getting, so we are short. The weird part why we really meet the code and this is one of those instances where I can honestly say we meet every provision of the 40a in our code is one of our depths is 102.9, the other depth is 95.5, I showed you the 1911 subdivision that almost all of those houses in that "U" come from and or whatever reason the lots in the front have short depth and they get bigger as you go to the rear of the subdivision, so that is what accounted for in 1911 on why these numbers are off. We couldn't find the .8 so we are only really like 1 off, the other one has more but the average and the meme is off by .8, so our code says that you have to do the average. A you can tell no one is against this, this is certainly a unique situation, very really had one where one depth meets it and the other one doesn't and I can't make it average, but we couldn't. Mr. Vincent thought he bought enough lots to make the mem depth work and it didn't it was really short, and this is an actual survey by Millennium because if you look at the plan from 1911 the numbers are slightly off, so these are real numbers, and we are still short. This is not his fault; without that he can't build on these lots and they are 4 lots combined to make one, it would certainly deprive him of reasonable use of their property, this is unique he didn't do it, this is the way it has been since 1911, it is certainly not going to be a detriment to anyone, you have neighbors and abutters that have no problems with it, no one is even going to know that he is off 0.8, it is only a single-family home, you have the designs, this isn't a special privilege, you go around the current atlas and the current zoning map from the assessors office you will see there are other houses built on that Street that loops around that also don't have a mead lot width, all because of the 1911



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subdivision layout. We believe we have met all the requirements of chapter 40a for a variance which is referenced in our code, so we would ask you to approve this partition, thank you.

Chairman: Thank you. Any comments or questions from the board? I will entertain a motion

Member Vathally: I make a motion to approve the variance for 0 Garrison, 2nd by Member LaPlume.

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

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

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

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

Chairman George Moriarty: Yes, it meets the criteria for 255-10.2.2(2)

Approved 5-0

Linda Malynn for 701 East Broadway (Map 460, Block 3, Lot 10A)

Applicant seeks a special permit for construction of an accessory apartment in a RR zone. (BOA-22-13)

Chris Crump (CWC Design, Newburyport): I am here representing my client Linda & Dan Malynn who live currently at 701 East Broadway, they currently live with her son and daughter in-law, in the house in the back, there are two houses right behind each other, there are 2 separate lots.

Chairman: Can I interrupt for a second, Member Bevilacqua will not be voting on this one, so you need all 4 of us.

Chris Crump: Ok, that is fine. So I will just read the summary that I submitted

We are seeking a special permit for an accessory apartment; she would like to create an accessory apartment on to her family's home so that she and her husband can reside with them. The existing house consists of 3,394 s.f. of living space (1,376 s.f. first floor and 1,642 s.f. or 30% of the existing living space whichever is less.

-existing living space 3,394 sf x 30% = 1,018.2 sf. The proposed accessory apartment is 1,016.7 sf

-We feel the building retains its characteristically single-family appearance.

-The main entrance does not face the lot frontage.

-The single-family home will be owner occupied with no separate electric or heating services provided to the new accessory apartment.

- A new septic system is being designed and being installed to support the needed bedroom count for the existing house and new accessory apartment. The approval of this special permit would be contingent on an approved new septic design.

Chairman: Do you have any documents to be authorized to speak for them here tonight? I believe I may have sent that it, but if I am mistaking, I thought she sent it in. If for some reason, I can have the owner sign something immediately and send it in.



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Member Brown: I can attest that Mrs. Malynn told me that he would be here this evening presenting.

Chairman: If you could send something in, so we have it in the file.

Chris Crump: You will have it tomorrow. One other thing I just want to mention, there was a letter submitted by a neighbor who had a couple of issues. The daughters' parents live right in front of them the Ruraks and the neighbor had most of the concerns and issues with the Ruraks, not the Malynns in back. They have tried to go over and talk to him a couple of times and their schedules were conflicted, but he also wrote a letter to him and emailed it over to him as well as mailed it to him addressing trying to talk to him and addressing his concerns. And I think they are pretty cordial and very sympathetic to what his requests are and are trying to work out any issues he had.

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

Member Vathally: I make a motion to approve the special permit for 701 East Broadway, 2nd by Member LaPlume.

Member Vathally: Yes as it satisfies 255-8.1 and fits criteria 255-10.4.2

Member Brown: Yes it fits criteria 255-10.4.2 and 255-8.1

Member LaPlume: Yes it meets the criteria for 255-10.4.2 and 255.8.1

Chairman George Moriarty: Yes, it meets the criteria 255-10.4.2 and 255-8.1 notes that it meets all of the 6 criteria.

(Member Bevilacqua not sitting)

Approved 4-0

Minutes: Motion made by Member Vathally; I accept the meeting minutes from March 16, 2022 2nd by Member Brown

Member Vathally: Yes

Member Brown: Yes

Member Bevilacqua: Yes

Member LaPlume: Yes

Chairman George Moriarty: Yes

Approved 5-0