



Haverhill

Board of Appeals
4 Summer Street – Room #201
Haverhill, MA 01830
Phone: 978-374-2330 Fax: 978-374-2315
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The regular meeting of the Haverhill Board of Appeals was held on Wednesday evening, February 16, 2022 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Theodore Vathally
Member Lynda Brown
Member Louise Bevilacqua
Assoc Member Pascual Ruiz

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

Chairman Moriarty called the meeting in to order on February 16, 2022

Request of extension of special permit for 219 Lincoln Avenue

Attorney Norman Greenberg (233 Needham Street, Newton MA): I represent 219 Lincoln Ave the owner of the old Building 19. We currently have a special permit that was issued by this board back 3 years ago. The purpose of the special permit is to allow for the use of this building to be redeveloped to a self-storage facility, also called a mini warehouse. I was here a year ago also for the purpose of getting an extension. We are not requesting any changes what's so ever from the original special permit, it will remain the same as it was originally written. A year ago I came up here for an extension because we were dealing with a previous buyer we expected to have a closing a few months after, that didn't occur the buyer changed their mind and decided not to buy the property, so the property had to be put back on the market and we found another buyer for the same purpose self-storage, every potential buyer I've talked to has wanted to re-develop this property in self-storage, no one else has ever asked for another use for this p[roperty. We have signed a new purchase and sale agreement on October 15th, there is the usual due diligence period, we are right at the end of that due diligence, we are confident that we will have a closing this time before the end of next month. This special permit is due to expire on March 20th of this coming March and for various reasons we are looking for an extension and we believe there is good cause for granting the extension. Number one because of the fact we lost the previous buyer and now are working with a new buyer, we are coming close to the due diligence period, which is this Friday and once we pass that, there is no returning, the buyer is committed to buying this property. Of course, once the buyer buys this property, they are going to have to put all their plans together, go to Tom with their plans, seeking a demolition permit probably and then a building permit, that is going to take some time. This special permit contains some limitations that are built into it and among those limitations is the application of the owner to create two easements to benefit the city, those limitations still exist, and we are in the process of honoring them. There is one easement for the city for parking, so that the public can access Riverside Park and number two there is a perpetual easement for the purpose of allowing people to converse the rear of the property near the Merrimack River, there is a trail along Riverside Park as well, this will then join the Riverside Park trail, so that people can exit or enter from Riverside Avenue and cross our property. So those two easements have been submitted to the city, they are now being reviewed by the City Solicitor Bill Cox, I am waiting for his comments and so that obviously is going to take a little time, hopefully that will only take a few weeks. The property is registered land and the process, this is a common happening, there are a lot of old leans on the certificate of title on this property and in order for



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me to deliver a clear and marketable title, I had to clear these through the land court, so that they can be expunged, these go back to the 50's, 60's and 70'S since 1981 I believe, so a lot of these even predate Building 19's ownership, that process was started in early September, what is called an S petition, the land court has been on a very limited schedule for quit a while because of COVID and although I filed it in early September, usually in the past when I filed a S petition it has taken maybe 2 months at the most, it wasn't even assigned to a title examiner until the end of December, and I was in contact with the title examiner a short while ago and she said that this week she would get to it and report back to me next week to see if she agrees that we can clear up all of these old leases, notices of leases and all kinds of things that expired a long time ago. They are on certificate of title; you can't pass good title land unless you clear those things up. So for all these reasons we are going to need a little more time, we just can't do this by March 20th and so I am asking for a one year extension, it won't take a year, but just to be on the safe side and hopefully if we get the extension we will have a closing at the end of March and at some point soon this property will be redeveloped. I know it is an eyesore we have been trying it for 6 years and this is the fourth buyer.

Chairman: Thank you. Any questions or comments from the board? When you talked about the easement for the pathway is that a walking easement?

Norman Greenberg: A walking trail, it is on private property, and this would give the city an easement for the public, to be able to use the trail.

Chairman: Any comments or questions from the board? Ok I will entertain a motion for a one-year extension

Member Vathally: I make a motion to approve the special permit extension for 219 Lincoln Avenue, for one year...2nd by Member Brown

Member Vathally: Yes

Member Brown: Yes

Member Bevilacqua: Yes

Assoc. Member Ruiz: Yes

Chairman: Yes

***Granted 5-0**

Attorney Norman Greenberg: Because we are going on a 3-year time for when the special permit was issued, the statute requires that any further extensions be for good cause, so for all the reasons I have stated I just want a finding that the board finds for good cause.

Repetitive Petition

Jean Doresea for 5 John Street (Map 603, Block 465, Lot 12)

New petition proposes creation of new building lot and construction of two-family dwelling. The prior petition proposed construction of three-family dwelling. (BARP-22-1)

GRANTED 5-0



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Attorney Caitlin Masys (Downey law Group, 462 Boston Street Topsfield): I am here representing Jean Doresea, who is also here should the board have any questions. The first matter would be for the board to decide whether to hear the repetitive petition. This went before Planning Board last Wednesday, which approved the repetitive petition to come here tonight. The original petition that was heard back in October was for a 3-family residence seeking a total of 8 variances, the project has been scaled down to now proposing a 2-family residence that requires less variances, so it would be a little bit more conforming to the zoning.

Chairman: I should note that in order to approve it there should be some specific material changes in the conditions on which it was previously action was taken and the changes and conditions are scaling down from 3 to 2

Attorney Caitlin Masys (Downey law Group, 462 Boston Street Topsfield): Yes, not only are the number of units being scaled down, but the footprint of the building is smaller, which results in the need to request smaller or a lesser number of variances than what was originally requested.

Chairman: Ok, so there are 2 conditions met there, one the scaling down from 3 to 2 and two the footprint. Anything else you want to add there at this point?

Attorney Caitlin Masys: Nope, that's all

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

Member Vathally: I make a motion to approve the request for a repetitive petition for 5 John Street ...2nd by Member Brown

Member Vathally: Yes

Member Brown: Yes

Member Bevilacqua: Yes

Assoc. Member Ruiz: Yes

Chairman: Yes, it is in ordinance with section 10.5 for a repetitive petition and 10.5.1 for the general application.

***Granted 5-0**

Jean Doresea for 5 John Street (Map 603, Block 465, Lot 12)

Applicant seeks following dimensional variances to create new building lot and construct new two-family dwelling in a RU zone. Requested variances for new Lot 12A include lot area (5,993 sf where 9,000 sf is required), lot frontage 66.97 ft where 80 ft is required, lot depth (93.5 ft where 100 ft is required). Proposed new Lot 12 shall include existing two-family dwelling. Requested variances for new Lot 12 include lot area (6,362 sf where 9,000 sf is required), rear setback (10 ft where 30 ft is required), lot depth (68.12 ft where 100 ft is required). (BARP-22-1)

DENIED 3-2

Attorney Caitlin Masys (Downey law Group, 462 Boston Street Topsfield): Mr. Doresea originally came to the board seeking to put a 3-family house, admittedly it was a rather big ask, there were a significant number of variances needed. He has since collaborated with both myself and RAM engineering who drew the plan and he has also been in contact with



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Angelo Petrazelli who is a local architect in an attempt to get some renderings and come up with something that would fit the property a little better, would require less, it would be less nonconforming than what we were originally seeking. Additionally, what is being proposed now would actually fit in the neighborhood almost exactly as 3 other lots that were recently granted variances and I had uploaded some information to the application that showed lots 80 and 82 Franklin Street 86-88 Franklin Street and 76-78 Franklin Street, that was initially one lot that they came before the board and divided it into 3 and were allowed to put duplexes on each of those 3 lots. The variances that are now being requested for the existing structure, which is 2.5 story 2-unit building, that the property owner currently resides in and in order to subdivide the lot into 2 lots there would need to be a variance for depth 100 feet is required we are seeking a variance for 68.12, area seeking a variance 6362 sf where 9000 is required and a rear setback of 10 feet where 30 is required. There is more than enough off-street parking to accommodate the existing house and the parking on the lot as proposed for remaining lot 12. The variance required to put a duplex on the newly created lot 12 A would require frontage on Franklin Street 66.97 where 80 is required, a depth of 93.5 where 100 is required and an area of 5993 where 9000 is required. I do know since we have the GIS map up on the screen there, I think looking at that as it exists it is pretty plain to see that this particular parcel of land has more than enough area to be subdivided and for another structure to be added. If that were allowed and approved tonight before the board, it would still be two structures on 2 lots, that are bigger than some of the existing lots in the neighborhood, I don't think that it would be out of place or out of character to have a 2-family dwelling put on that giant open space that you can see there. Additionally, I know that parking was a concern when we were here in October there was a neighbor that was in opposition, he was concerned about 3-family residents really increasing the density of the neighborhood, but he was not opposed to any development to the parcel so since we have scaled it back there is again more than enough off-street parking, it will not require any parking on the street. Additionally, Mr. Doresea has been looking at a couple different house designs, one of which actually has a garage underneath which would provide even more parking, I don't have a larger rendering, but you can see here that there would be a one-car garage on each side that you drive under which would provide an additional parking space for each one of those units. Clearly there are hardships in this neighborhood as evidenced by variances being granted for the other lots.

Chairman: I agree when looking at it you can see that, but those have been preexisting lots

Attorney Caitlin Masys: No, actually those are not preexisting lots, they were subdivided into the 3 lots.

Chairman: They were previously, do you know how far back?

Attorney Caitlin Masys: Yes, I have a copy of the decision, it was in 2016. There was one large parcel it was 82 and un-numbered Franklin Street that was parcel 10A and 11, those were combined and then divided into 3 different building lots, that allowed duplexes on each of those lots.

Chairman: Is the applicant living in or going to live in either of the two?

Attorney Caitlin Masys: Yes, he is, he currently lives in the existing 2-family. He would either stay there or move into one side of the duplex that is being built next door. He has no intention of selling and not residing at the property.

Chairman: Ok and the rear set back of 10 feet. The lot 12 as it exists the frontage is on John Street, so the 10 feet for the rear setback, it was kind of, certainly asking for a bit of concession and that is to allow for less of a need for a variance for



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the location for the new house on the lot. The proposed lot 12A actually meets all front rear side setbacks, it is just area depth and frontage that is needed and for the existing 2-unit

Attorney Caitlin Masys: Yes so in order to put the property line where it is, it is seeking variances just for the rear setback, the side is preexisting nonconforming. It just made more sense to just seek one variance for the 10 feet in the rear for lot 12 remaining, then to be seeking 3 or 4 for other setbacks on the proposed structure on the newly created lot on 12A.

Chairman: Maybe I am not reading this right, but you couldn't move to get a little more setback than the 10 feet?

Attorney Caitlin Masys: Si it is only .3 that we could move it without then needing to have a variance for a side setback in the new structure. These two properties would be under common ownership, the 10-foot setback would clearly not be a problem for the owner. Other than requesting a variance for a side setback abutting a lot that is owned by a third party.

Chairman: Now the existing 2.5 story 2-family structure fronts on Franklin Street?

Attorney Caitlin Masys: No, it fronts on John Street, the parking is on Franklin

Chairman: Ok that is what confused me. The proposed lot would be fronted on John as well?

Attorney Caitlin Masys: NO, the proposed lot would be fronted on Franklin.

Chairman: And those are parking spaces you are showing on the front of it there.

Attorney Caitlin Masys: Correct, there are 2 parking spaces for each side. But as I said Mr. Doresea is looking at designs for the duplex that would potentially have a one stall garage underneath, which would add an additional, it wouldn't take away one of these spots, it would just add an additional space for each side.

Chairman: And these are condo duplexes or apartments?

Attorney Caitlin Masys: So it would end up being condominiums

Chairman: Any other questions from the board?

Member Brown: Just a few questions on the existing lot, which is 12. So you have the lot area of about 71% right, on that particular lot of what is required, I think it is 63-62 where 9000

Attorney Caitlin Masys: Yup

Member Brown: And that also has a 20-foot shortage on the rear setback and the lot depth is short about 32 feet, right?

Attorney Caitlin Masys: The lot depth yes



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Member Brown: So I was just wondering, I appreciate that it has gone down from the 3-family to a 2-family but I definitely have concerns about so much shortage on this particular lot and on the new lot, it is only about 67% of the required lot area. I appreciate you coming back here, but I have big concerns about such big shortage you are having. The parking for one is good, so we don't have to worry about that.

Attorney Caitlin Masys: We have more than enough parking that on street would not be required. I can appreciate the concerns about area, you know that up on the screen it looks flat

Member Brown: I drove by. On this it looks huge, but when you get out there it is just not huge when you actually picture a home there and parking. So I have a lot of concerns about that, I didn't really have a question, just concerns, again I do appreciate it going from the big 3-family down to the second family, but I do have concerns.

Attorney Caitlin Masys: Obviously that can't be litigated by adding more land, however there are some mitigation that could happen at least to make it appear a little better, for instance putting this duplex in and where it is going to be situated they would have to be condominiums, there would be a nice little backyard for each side, there would be green space, it is not as if any additional structures would be put on there. The parking would be the parking and then there would be green space in the front as well.

Member Brown: Green space is, and not having an actual drawing in front of me is kind of hard to picture what this all could look like when you figure a building there, there is not a lot of green space down there in that area and I am big component for keeping some kind of green space as buffers between neighbors and things like that.

Attorney Caitlin Masys: And I think whether Mr. Doresea moves into one of them or rents them, any type of improvement that makes the lot look nice will be a benefit to him as well. If he was going to sell one side obviously it would be worth a lot more money if it has this nice fenced in backyard for privacy and a tree planted here and there, so I think, I agree it is incredible hard to picture without a rendering but I do think it would improve the aesthetic of the neighborhood, being that it would be a brand new structure and being some greenery added in an area that doesn't necessarily have a lot of that.

Member Brown: Ok, thank you so much.

Member Vathally: Attorney Masys I am a little confused on the parking now. I see on the site plan those are property parking spots.

Attorney Caitlin Masys: Yes they are.

Member Vathally: OK, so are you also indicated off street parking

Attorney Caitlin Masys: No, no, no off street meaning on property. All the parking would be on property, there would be no need whatsoever for street parking



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Member Vathally: Ok and alluding to what Member Brown said about the area. The back setbacks, the rear setbacks are really not that much of a concern, it is the total area with me, that is the concern here. Could you touch a bit upon is there a topography issue on that property or what exactly is the hardship of this application?

Attorney Caitlin Masys: So that is a good question, and I know I tried to address this back in October when we were here for a request of a 3-family. I know it seems like backward logic, but this does happen to be a rather large lot for the area, the way the existing house sits on the lot. You can see that the side setback now on the existing house is only 4 feet, it was not built clearly with an eye for maximizing space for that one structure. Clearly lots in that area have been divided, they have gotten smaller and smaller over time. I think a strict application of the zoning ordinance here would actually deprive my client from making a reasonable use of the property he has purchased.

Member Vathally: Usually when we discuss hardship and whatnot, to me it is a corner lot and your whole argument here is totally area, your argument would be well taken if there was hardship with topography or any land issue that we could kind of look at. Based on the size of the property technically it is a rectangular property on a corner lot, so basically you are just asking for area reduction right. How long has the applicant owned the property?

Attorney Caitlin Masys: He has owned the property for 2 years. Mr. Doresea is a 100% disabled veteran, he moved to the city of Haverhill and purchased this property and is setting up shop here, this is where he is going to live, this is where he is going to be for his foreseeable future.

Chairman: I guess my reaction is, it is too big of a lot for one property and too small for 2 I guess. It is a neighborhood that needs to get better housing and more green space so that is a real plus to it I think. So, the size of it is sort of, I don't know if it creates a hardship but It certainly creates an issue because it is way too big for a single property. As a veteran myself I am obviously sympathetic to veteran's support whenever they can, initially I am having trouble with it but there may be some factors here that overcome that, again I think the size of the property is more than enough for a single house, it isn't something that we as a board can demand or enforce but I would hope the applicant lives there, that would go a long way to make me feel better about it, would stay and would be living in there, whichever one of the two properties it doesn't matter which one of the four.

Attorney Caitlin Masys: Yes! I have had multiple conversations with Mr. Doresea, and this is absolutely the plan for his living situation. He is certainly not seeking to develop this property and then sell it all off and go on his merry way. He intends to live in either the existing property or he may decide new construction looks a little bit better.

Chairman: It doesn't matter which one he lives in but having him there and as I say that is a neighborhood that slowly but surely increasing new and improved housing and that is right there, part of the acres and really could benefit from good property built there, good quality property affordable for people and it improves the neighborhood.

Attorney Caitlin Masys: I was going to say, he is going to be there, this is not going to be some kind of absentee landlord. The duplex as I said he is still mulling over plans, but it can certainly be something exactly as what was put on the other 3 lots back in 2016, on Franklin Street so that it all starts to blend together and look like that is how the neighborhood is supposed to be.



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Member Bevilacqua: You said he is going to be living in it, but earlier you said whether Mr. Doresea lives in it or sells it

Attorney Caitlin Masys: Well, he is going to live at either of the two properties, he is going to live there.

Member Bevilacqua: Is he planning on selling the other as a condo or renting it?

Attorney Caitlin Masys: No, he wants to rent the properties, I don't think he will be selling anything. He will be a landlord and he will live in one unit and there would be 3 units to be rented out. From a legal perspective they would have to be condominiums because that is the cleaner way to do it, but they would be rental units to Mr. Doresea, this would be a source of income for him, and he would be present on the property.

Chairman: Other questions or comments? Entertain a motion.

Member Vathally: I make a motion to approve the variances request for 5 John Street ...2nd by Member Brown

Member Vathally: No, it doesn't meet criteria for 255-10.2.2(2)

Member Brown: No, because it doesn't meet criteria for variance 255-10.2.2(2)

Member Bevilacqua: Yes, I have faith that it does meet criteria

Assoc. Member Ruiz: Yes

Chairman: No

DENIED

Gordon Glass for 179 Groveland Street (Map 414, Block 146, Lot 15A)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RH zone. Requested variances for new Lot 15B include lot area (5,797 sf where 7,500 sf is required), lot frontage (62.36 ft where 75 ft is required), and lot depth (82.05 ft where 100 ft is required). Proposed new Lot 15A shall include existing two-family dwelling. Variance for new Lot 15A sought for lot area of 5,411 sf where 9,600 sf is required. (BOA 22-4)

DENIED 3-2

Attorney Don Borenstein (Johnson & Borenstein, LLC 12 Chestnut St, Andover): I am here very quickly to introduce my associate Attorney Gordon Glass from my office, he has done most of the work on this, so he is going to present the variance application to the board for 179 Groveland Street.

Attorney Gordon Glass (Johnson & Borenstein, LLC 12 Chestnut St, Andover): I am here tonight representing Chris Riley, who is the owner of 179 Groveland Street, he is seeking certain dimensional variances to allow the creation of a new lot from the existing property, as well as the construction of a single-family home on the lot. Specifically, he is looking for a lot depth variance, he is looking to get a mean lot depth of roughly 82 feet where the zoning bylaw requires 100 feet of lot depth, he is looking for a lot frontage variance for the single family lot he is looking for lot frontage of roughly 63 feet the zoning bylaw requires 75 feet. When discussing the lot frontage for the single-family lot, I think it is important to put into complex that, that lot under the bylaw has two frontages, one on Greenville Street and one on Groveland Street and while Mr. Riley can not tack under the bylaw the amount of frontage on those two streets, practically speaking his lot does abut on 132 feet of public way, the practical access is not much of an issue for the lot. Lastly Mr. Riley is looking for 2 lot area



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variances, for the single-family lot he is looking for lot area of roughly 5800 square feet where 7500 square feet is what is required by the bylaw and is also looking for 5400 square feet for the 2-family lot where 9600 square feet is required under the bylaw. I have a couple handouts for the board that I think would be helpful to review, while we discuss. So, the first item I would ask you turn your attention to is the color-coded copy of the assessor's map. Mr. Riley's property is reflected roughly centered on that map, you will see a thin black line splitting the property in half, it's a blue green property, that line roughly represents the proposed division. What this map shows is that within the immediate vicinity of Mr. Riley's property, there are forty properties roughly the same size as Mr. Riley's proposed single-family lot, housing single-family homes, of note 23 of those 40 properties are smaller than the single-family lot proposed by Mr. Riley, including all 7 of the single-family lots on Greenville Street directly adjacent to Mr. Riley's proposed lot. There are also 7 two-family lots shown on this map all of which are smaller than Mr. Riley's proposed 2-family lot including all 5 2-family lots right along Greenville Street right there next to Mr. Riley's property. Additionally, there are two multi-family lots shown on this map just a couple hundred feet away from Mr. Riley's property and those multi-family lots are both smaller than both of the lots MR. Riley is proposing for the single-family lot and the two-family lot. Having gone over the variances generally, I would like to just take a moment and go over the project in more detail and Mr. Riley's history with the property. In 2020 he purchased the property from some previous landowners who had fallen on hard times and allowed the property to fall into a state of disrepair, the house on the property was dilapidated and functionally the side yard on the property had become a vacant lot overgrown with several feet of brush. Mr. Riley came in and purchased the property, cleaned up the dilapidated house, added an addition, and additional means of egress to the second floor of the house and removed the chain link fence around the vacant lot area and removed all the brush in the area, so you will see before and after pictures the snow pictures were taken just today. Mr. Riley functionally came in and turned that vacant lot, that area that was essentially a lot and turned it into a prospect for development, and he is seeking to create a new lot and put a single-family home on that area to secure the area for the future so that it doesn't fall into disrepair once again. I appreciate your time, if the board has any questions, I am happy to answer.

Chairman: Do you know if any of the properties you sighted as being smaller are ones that have been developed recently or are those dating back some time?

Attorney Gordon Glass: We could get you an answer on that, but we don't have an answer at the moment.

Chairman: Is this right next to Graffs?

Attorney Gordon Glass: It is, that would be the non-highlighted lot on the corner right next to Mr. Riley's property.

Chairman: This came before us originally when the owner passed away, I believe.

Attorney Gordon Glass: Right, this property came before your board around December of 2019 under previous ownership before Mr., Riley took control over the property.

Chairman: Questions from the board?

Member Vathally: Attorney explain to me the parking please



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Attorney Gordon Glass: So the bylaw requires two parking spaces for the single-family lot and 4 parking spaces for the 2-family lot, all of that is provided on the plan. The two parking spaces for the single-family lot are proposed off of Greenville Street which is safer ingress and egress than off of Groveland Street and then there are four spaces existing on the 2-family lot

Member Vathally: I am a little confused. So on the proposed 2-family you are looking for 5400 square feet total area

Attorney Gordon Glass: Correct. And that is not a proposed 2-family dwelling, that is the existing dwelling on the property.

Member Vathally: Ok so what is the proposed again?

Attorney Gordon Glass: The proposed is the construction of a single-family home on the adjacent lot

Member Vathally: 5797 on the proposed

Attorney Gordon Glass: Correct

Member Vathally: So in essence you are looking for area, that is a lot of area. Any side setback requirements?

Attorney Gordon Glass: The proposed single-family lot complies with all setback requirements. The existing 2-family structure is pre-existing nonconforming structure, it is the front side setback and rear setback

Member Vathally: Mr. Riley has owned the property since when please?

Attorney Gordon Glass: 2020

Member Vathally: 2020. Can you explain is there any topography issues relative to hardship issue here? What are we claiming for hardship for these applications?

Attorney Gordon Glass: The hardship on this lot is the lot was especially long and narrow in nature of the lot, this right corner of the lot on the plan was functionality being treated by the owners as a vacant lot. As you will see in some of these pictures, several feet of brush were allowed to grow, it was an eyesore to the neighborhood. When there is sufficient land area here in the context to the surrounding neighborhood, to actually have two structures on the lot, clearing up the eyesore.

Member Vathally: OK so you have a topography issue on the right side, is that the proposed structure.

Attorney Gordon Glass: Correct

Chairman: What is going to happen to the existing one, is it going to be torn down or



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Attorney Gordon Glass: The existing 2-family dwelling is to remain, if you were looking to the garage that is currently situated on the new lot, that is to be removed.

Chairman: It needs extensive work though, the existing?

Attorney Gordon Glass: The 2-family home when Mr. Riley purchased the home it required extensive, if you looked at the pictures I provided, you'll see that Mr. Riley has done extensive work to the exterior of the home and the interior. Worth noting, Mr., Riley does reside on the second floor, the second unit of the 2-family.

Member Brown: Mr. Riley resides, and you have another tenant in the 2-family. The other thing with you subdividing this lot and creating the new lot you substantially very low on the lot 15B, you have about 56% of the lot area needed. So, love the new look of the house, but that is a concern of mine that you don't have enough, and you have about 77% on your new lot. So, you are substantially low in the area and again I have concerns about that. Like I said I appreciate how the house looks, I appreciate him wanting to do that, I know that property was in disrepair for a very long time, it is great to see how you worked on that new existing property, but I definitely feel like you are making creating your own hardship by splitting that lot and having such low lot area on that existing one.

Chairman: And to second that I mean if you just bought it 2 years ago, you could see that there wasn't enough room in the second part, the vacant part, that it needed substantial variances going into it, so the board is saying if you new you were expecting to get variances, buying property knowing that you are going to be creating two nonconforming lots without any particular hardship, I am wrestling with that, Member Brown is wrestling with it too.

Attorney Gordon Glass: So the response to that is, reflecting on this the lots are low on lot area due to the zoning bylaw but in complex with the surrounding properties when we are talking about any kind of safety concern, these lots are completely compliant with the actual practical layout with what's around, and separately when Mr. Riley purchased the property he took note of this massive overgrown eyesore sitting in the side yard, he didn't purchase the property initially thinking let's go straight to the variance process, he saw this terrible overgrown area and decided to take action on it and upon removing all of this shrubs and cleaning up the area, he recognized that he did really have an ordinate amount of space there on the property and when he looked at the surrounding houses in the neighborhood you know there was more than sufficient space there for him to put up another structure.

Chairman: But again, a lot of those houses have been there for years, I actually went to school a couple of streets from there, those houses have all been there since before I was there which goes back a little bit. Now you are creating this situation rather than inheriting it, you created a situation where you have a nice big yard, you cleaned it up and now you have a nice big yard there as opposed to squeezing another house in there and create 2 nonconforming lots, both of which are substantially lower on area, one is what 3000 square feet less and the other is also somewhere around that, you have now created 2 lots that are 3000 square feet less than the required amount, based on property that was just purchased 2 years ago.

Attorney Gordon Glass: I think the context for comparison here is comparison to the conditions before Mr. Riley took on the property, because those conditions this lot is subject to fall in disrepair, it has happened before. If Mr. Riley sells this property without making any further improvements to that side yard area, there is a risk that what we sit with is essentially



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what looks externally like a vacant lot overgrown with brush, rather than a lot that fits in with the neighborhood. So, while the other structures may have been around for a while longer, practically on the ground the situation would be improved if there was a single-family dwelling on the lot verses covered in scrub brush.

Chairman: You wouldn't buy a property and if you have a lawn or a piece of property, if your yard is that big anybody would just clear it up and make it nice looking, you wouldn't leave it as a vacant lot with debris on it and live right next door to it, you will clean it up, it is your property.

Attorney Gordon Glass: I understand, I would agree that if I were the owner, but hence by what happened under the previous owner they let it fall into disrepair.

Chairman: I am talking about Mr. Riley bought it with that big property there, and cleaned up the building only to leave the vacant lot crappy looking, you are not saying that are you?

Attorney Gordon Glass: Correct, however if Mr. Riley sells this property in 2 years, there is no guarantee that the next homeowner will not allow this to fall back in disrepair, right now functionally what we are looking at is an excess of space for the area that it looks like in the past people have no keeping up taking care of it, so Mr. Riley has abnormally come in and stepped up and cleaned up the lot but further down the line

Chairman: He has cleaned up the lot because it is his, nobody wants anybody looking at their property and say it looks crappy and I say well it is bigger than it should be so. I am having trouble with that concept that he cleaned it up, of course he cleaned it up it's his property. I mow my lawn when the grass gets long, I paint my house, we all clean up our own yards, so that is not an argument that I am dealing with, it is the fact that you are creating two lots, two parcels that are now each is 3000 square feet less than the area if I am understanding it correctly, but I'd be happy to listen to you.

Chris Riley (Property owner): My thought process there is yes, I want to take any property I live at and make it look better because I am not going to live in a place where it is going to be a trash pit that is not acceptable by any means. But I didn't buy this property, I bought this property because I needed somewhere to live, I actually moved out of an apartment and bought this house just as a necessity, I need somewhere to put my kids and my family. This came to light again when Gordon said, when I started doing work on the property, it kind of matches the neighborhood with space and I understand that yes this is a nonconforming lot, but I wouldn't even have wasted the time and energy of coming here and presenting this to you guys if we didn't think it was a reasonable use of the land and because it is a big yard and I am going to keep it clean and keep the lawn mowed and actually put grass there now and all of that, but it is such a big hollow space and so much of that neighborhood chopped up and you know small single-family houses on smaller lots that I strongly feel that this would be a really great use for my yard, give someone a new home that looks great, presentable and fits in with that neighborhood perfectly and I'm very particular I wanted my house to look better where I was living so I fixed it up and anything I do to that property I wanted to make, you know Haverhill where I own my business, where I live, where all my friends live, I wanted to do something that looks presentable to the whole city. This isn't something I did just because it's good to do, or we wanted to do it, I feel like it is going to benefit the neighborhood. There is a lot of people on Groveland Street this year right on Groveland Street that have put side off additions and things like that and I feel like this would really fit in with that trend with that neighborhood. If we were trying to build a four-family house on a little tiny lot, I wouldn't even have wasted the time or energy and the months of preparation of coming here in front of you guys to present this but



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I really feel like this is such a big lot, it is such a better use to put a single-family house not a two-family house not a multi not anything that would stand out, not really beneficial to me but put a nice single-family home, I have a plan a set of plans that we have for a proposal and put something that looks decent there because it really is just a big vacant corner.

Member Brown: Mr. Riley, questions you live the 2-family currently, right?

Mr. Riley: Yes

Member Brown: What are you plans for the new building, are you planning on moving in there, or renting or selling that?

Mr. Riley: I have lived in the second floor since I purchased the home, I am going to own that property for a long time, I don't plan on selling it or moving. I might move out and move into another 2-family or something like that, but I don't plan on not owning that property for a very long time.

Member Brown: But what about the single-family, you are not planning on moving into that?

Mr. Riley: Well I am planning on and that is what I am thinking, is maybe I could build a single-family home and move in there and then I can rent out my multi-family, I am not really sure but I do want to do something to that property that looks decent to the neighborhood, and just putting a big flat lawn there it just feels empty and then Groveland Street is so busy, even with a fence there you could put a big lawn there and I am like even the people who are living there, say I have a tenant living there are they even going to want to use that as a big yard verse having a house there that is kind of a separation from the street, it kind of brakes up the yard a little bit and separation from that busy street and I just feel like it is a significantly better use of that piece of property.

Member Brown: Ok thank you.

Chairman: Any other questions from the board? I'm feeling a bit of a problem here, a lot of people would love to have a big yard, especially if you have children, nice place to put a swing set and all sorts of things like that.

Mr. Riley: There's room in between where the single-family house will go and my existing multi-family house there is still a big piece of land there, yard there for swing sets and to fence it in and make it look decent. No exaggeration it is just sure a big vacant space and I feel like it would match the neighborhood and make it look nice, a nice new construction house and really help fill that vacant corner, that has been left like that for I don't even know how long before the property got fixed up.

Chairman: Any other questions, if not I will entertain a motion.

Member Vathally: I make a motion to approve the variances request for 179 Groveland Street ...2nd by Member Brown

Member Vathally: No, it doesn't meet criteria for 255-10.2.2(2)

Member Brown: No, because it doesn't meet the zoning criteria for variance 255-10.2.2(2) in that the applicant is creating their own hardship.



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Member Bevilacqua: Yes, I drove there 3 times, it is a high-density neighborhood, its huge, I believe a single-family home on that corner would enhance the neighborhood.

Assoc. Member Ruiz: Yes

Chairman: No, sighting 255-10.2.2(2), it is a situation where there is no hardship, and the applicant created the situation which is part of the zoning stipulation and should not occur, so the application is denied.

DENIED

Kolleen Taylor for 24 Parsonage Hill Road (Map 575, Block 3, Lot 8A)

Applicant seeks a special permit for construction of an accessory apartment in a RR zone. (BOA 22-5)

GRANTED 5-0

Chris Crump (CWC Design): I am here representing Kolleen Taylor and her mother Kathy. Kolleen and Kathy purchased the house about a year ago, it is a one family lot in an RR zone. It is a preexisting nonconforming lot and in regard to the area and frontage 30 if not all of the lots on the street are all in the same aspect. We are here tonight looking for an approval of a special permit for an accessory apartment and the existing house sits on .96 acres so it's just under an acre of land and the existing house sits on 2,633 square feet of living space, its 1,273 feet of first floor, 870 on the second floor and 490 square feet of finished lower-level space. The zoning limits as you know the zoning limit for an accessory apartment is 1200 square feet or 30% of the existing living space per square footage, so with those calculations that gives us a maximum square footage of 790 square feet allowed for the accessory apartment. We are trying to put it to as much as we can, so we are right underneath it at 789 square feet. There will be, the whole addition of the accessory apartment is in the rear of the house, so you will not be able to notice any change to the existing house from the curb from public view and so in that aspect we feel the building maintains its characteristics single-family appearance, the single-family home will be owner occupied, no separate electric, no separate heating services provided to the accessory apartment. This is contingent upon a new septic system being designed for the right amount of bedroom count as well as it is in the conservation area, so that has to be approved as well, we are filing for conservation tomorrow. So in the apartment as is, as I said it is 789 square feet, 451 square feet of that apartment will be recycled of the existing square footage house so 451 square feet of the 789 is actually the existing living space of the apartment so we are only adding on, which is just under 60% of the space so we are only adding on 40% of that 789 square feet, it will have a side entrance, you won't even see it as it is tucked behind the chimney side of the garage, so you won't even see the side entrance, you barely won't see anything at all from the street. That is all I have right now.

Chairman: Great thank you. Questions from the board?

Member Vathally: I just want to verify that the commissioner has reviewed everything on this application and all the requirements, the side entrance and everything else.

Tom Bridgewater (Building Commissioner): We have reviewed everything. It wouldn't get to this point. One of the things in the zoning is no variance is granted and a big thing is they try to get the maximum amount of square feet and sometimes you are going to get it down to a couple of feet, but everything is gone through with a fine-tooth comb

Chairman: And I would also note that it meets the criteria for a special permit, the commissioner has gone through that also, he looked at the 6 points there. Any other questions or comments from the board? I'll entertain a motion.



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Member Vathally: I would like to approve the special permit request for 24 Parsonage Hill Road... 2nd by Member Brown

Member Vathally: Yes meets the criteria for 255-8.1 and 255-10.4.2

Member Brown: Yes meets zoning criteria for a special permit 255-8.1 and 255-10.4.2

Member Bevilacqua: Yes

Member Ruiz: Yes

Chairman George Moriarty: Yes and reiterates that it meets criteria 255-8.1 was meeting all 6 qualifications for a accessory apartment and it also meets all 6 criteria for a special permit 255-10.4.2

Granted 5-0

Steven Ensko for 44 Colby Street (Map 742, Block 2, Lot 9)

Applicant seeks a dimensional variance for side yard setback of 7.4 ft where 15 ft is required to construct an addition onto a single-family dwelling in a RM zone. (BOA 22-1)

GRANTED 5-0

Tom Bridgewater (Building Commissioner): Let me just explain something so that the board knows. If you look at that property line, it looks like it is touching the building, this is just on GIS, these lines are off a little bit, go with the survey. This would typically be a special permit or a finding from before if you continue it down. This lot before the lot line tapers in a little bit it would be a variance, otherwise it would have been a finding or a special permit now.

Philip Lecroy (47 Boston Street Bradford): we are applying for a variance off the back where the existing bump out is 10x12 10 foot deep and 12 foot wide to put an entry room for when they come out of the garage to enter, right now it is pretty cramped in there. We are going to come 4 feet back from the edge of the building to start the 12 feet, I don't think we are going to exceed the existing lot line, from the building to the line.

Chairman: You are building basically a sunroom, is that what you are building?

Philip Leroy: Yes, pretty much

Chairman: It can't go on the other side of the house there?

Philip Leroy: Not really because the other side of the wall has an existing gas fireplace, there really is no where to tie in, so we are trying to come off the existing

Chairman: And the hardship here is the shape of the land where it tapers off is that basically the reason

Philip Leroy: Yes, and the existing lot line is off, it is probably a few feet from the building, after it got staked out. In fact the back part of the lot line where it kind of curves in is actually about 3 or 4 feet on to the other guys property

Chairman: Questions from the board or comments? As I noted the shape of the lot actually creates unique condition and hardship.



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Tom Bridgewater (Building Commissioner): Do you say this was stepping in 4 feet, like from the edge of the building?

Philip Leroy: Yes

Tom Bridgewater (Building Commissioner): So that would have been conforming, the 6.2 the edge of the building, where the angle is still needs a variance.

Chairman: If there are no other questions or comments, I will entertain a motion.

Member Vathally: I make a motion to approve the variance for 44 Colby Street... 2nd by Member Brown

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

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

Member Bevilacqua: Yes

Member Ruiz: Yes

Chairman George Moriarty: Yes and again I am reiterating that under 255-10.2.2(2) the unique substantial hardship is the shape of the property, so it is granted

Granted 5-0

Cale Wood for 2 Salem Street (Map 705, Block 649, Lot 6 & 7)

Applicant seeks Special Permit to determine that proposed extension (conversion of third floor to a residential unit) of existing non-conforming use (mixed use) shall not be substantially more detrimental than the existing nonconforming use to the neighborhood in a RH zone. (BOA 22-2)

GRANTED 5-0

Cale Wood (130 Hyatt Ave, Haverhill): What we are proposing at 2 Salem Street there is an existing third floor, it was told to us that it was a caretakers unit, it is just a small one bedroom apartment and we want to legitimize it, it has everything already there, it has 2 means of egress, a kitchen, a little bath, a living room, plenty of room for a closet and we want to legitimize it.

Chairman: Does it have its own electrical and everything?

Cale Wood: So there is power going up there now, but we are going to have to break the utilities up.

Chairman: Has anyone been living there at all?

Cale Wood: No not since we have owned it

Chairman: And you will be renting it out as an apartment?

Cale Wood: Yes a one bedroom apartment.



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Chairman: Any comments or questions from the board?

Member Vathally: Mr. Wood the parking there now, are there designated spots?

Cale Wood: Yes we have a dozen parking spots.

Member Vathally: Are they marked out?

Cale Wood: No we don't have them marked at this time, but on the site plan they are.

Member Vathally: You are going to have to sprinkle the building, right?

Cale Wood: Yes we have met with the fire department and we have met with the sprinkler guy and what they recommended and what we have to do is, we have to sprinkle the third floor the new work space and basically the egresses and the common area, and we are all set to do that.

Chairman: Will the first and second floor be retained as is.

Cale Wood: Yes as they are now, the first floor is retail it was an antique store and the second floor is an apartment and we are not changing those, everything is staying the same, we are not trying to change anything, we are just trying to make that third floor legal.

Member Brown: Is someone living on the second floor now?

Cale Wood: Yes

Member Vathally: Commissioner, does this still have to go to developmental review?

Tom Bridgewater: I would say yes because they are adding a unit, we will talk to John Pettis about that and that is where the sprinkler will come up and parking.

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

Member Vathally: I would like to approve the special permit request for 2 Salem Street... 2nd by Member Brown

Member Vathally: Yes meets the criteria for 255-10.4.2

Member Brown: Yes meets zoning criteria for a special permit and 255-10.4.2

Member Bevilacqua: Yes

Member Ruiz: Yes

Chairman George Moriarty: Yes as noted it meets criteria 255-10.4.2 and is not more detrimental given that there is already an apartment on the second floor, adding a third floor apartment would not be more detrimental.

Granted 5-0



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Juan Ramos for 4 Garfield Street (Map 504, Block 241, Lots 12-13&8A)

Applicant seeks following dimensional variances to create new building lot and construct new three-family dwelling in a RU zone. Requested variances for new Lot 12 include lot area (6,500 sf where 11,700 sf is required) and lot frontage (65 ft where 80 ft is required). Proposed new Lot 13 shall include existing two-family dwelling. Requested variances for new Lot 13 include lot area (5,950 sf where 9,000 sf is required) and lot frontage (65 ft where 80 ft is required). (BOA 22-3)

CONTINUED

Attorney Caitlin Masys (Downey law Group, 462 Boston Street Topsfield): I am here representing the owner and applicant Juan Ramos. Mr. Ramon is here tonight in case the board has any questions they would like to ask him. So this petition is seeking dimensional variances. The total agravic of the property is actually 3 different lots, what is up on the screen right now that small green portion is considered lot 8A, the lot that you see the actual house structure on is lot 13. The existing structure is a 2 story 2-family home. The goal here is to actually combine all three lots and redistribute the property lines, so that there would just be two lots, one of which would have the existing 2 store 2-family structure, the garage that you can see on that large vacant lot would be torn down, the property line would then be moved over to go through the middle of that and then there would be a lot created where the owner is seeking to put a 3 story 3-family building. There are a couple of different hardships involved here, the first of which being this location of this property actually straddles two different zones, one being the RU zone and the other being the CH zone because it is located close to River Street which is a highway, because the property straddles the 2 zones instead of being allowed to comply with the RU zoning district would be urban residential, it is forced to comply with the RH zoning regulations. I have gone through the GIS system, I have talked with the building inspector about it, there doesn't appear to be any rhyme or reason for why the zoning line goes through the property as opposed along a particular property line, so it is just an unfortunate circumstance that the owner is going to be held to a higher standard RH zoning district, than the RU zone because of where it sits. Additionally, you can see, as the home sits now, it is significantly nonconforming, you can see where the existing property line goes through the deck and kind of cuts off the front corner of the property. The proposal would actually bring the existing structure in to better conformity.

Member Vathally: Excuse me, Attorney repeat what you just said, as you look at the property line, Tom can you pull that back up

Attorney Caitlin Masys: So if you look at the property line on the left there, the actual existing house is on the lot next to it, to the right above it.

Member Vathally: And what zone is that in

****Note: Attorney & members show visual GIS map go back and forth with questions and then showing and explaining on map

Chairman: If it were all RU zone what would the implications be?

Attorney Caitlin Masys: There would still be variances needed for area and frontage, but all setbacks would be met, parking, building coverage, everything would be met with the exception of area and frontage.



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Member Vathally: What would the area be if it were all RU?

Attorney Caitlin Masys: I believe it would be 9000 that is required

Member Vathally: So what area do you have right now?

Attorney Caitlin Masys: Lot 12 which would be the new lot would have 6500 square feet, and lot 13 that has the house on it right now would have 5950 square feet, but technically all 3 are separate lots, but the 3 would be combined and the property line would be shifted, it actually would be giving more area to the existing 2-family structure.

Member Brown: That is the house that is right on the street, you have a little pavement and there is a fence right

Attorney Caitlin Masys: Yes

Member Brown and then there is a 3-car garage

Attorney Caitlin Masys: Yes correct, you can't see it because the green is covering it but there is a 3-car garage right here, which would be torn down as part of this, because it would straddle the new lot line. That would be torn down and then the area there would end up being Parking for both the existing structure and the proposed structure.

Member Brown: Do you know how many parking spots will be there?

Attorney Caitlin Masys: Yup, for the proposed 3-unit building there would be six and for the existing 2-family there would be four and all of those spaces would be on the property, not street parking.

Chairman: So the existing stays as two and the new is three.

Attorney Caitlin Masys: Correct. An additional bit of hardship, you'll see that there is a small strip of land right here that is a separate lot that somehow got taken out of the parcels, so that would have been additional area, but for whatever reason this got divided out and theoretically it was owned by and subdivided, and they decided to keep this as opposed to having it be a natural rectangular lot. The same with this section here is owned by this house, so it prevents the existing structure from meeting the depth requirement, but that is preexisting nonconforming, so there is no variance required for that.

Member Vathally: Who owns that little strip?

Tom Bridgewater: 337 River Street, so it is not part of it.

Member Brown: So that is part of the commercial property then?

Attorney Caitlin Masys: It's part of the property that abuts, that is on River Street.



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Member Brown: Right, so with the new lot 13 now, you have about 66% right? A little bit more than half of your required lot area, right?

Attorney Caitlin Masys: Yes, which still ends up being a great bit larger than a lot of the pother lots in that particular area.

Member Brown: But the next one too you have your lot 12 at 56%. Substantially again short for those lot areas for that area.

Attorney Caitlin Masys: There is some renderings here so that the board can see what the area is going to look like. This is the site plan that you are seeing, shaded in will show the structure and then the green space and then you can see the rendering aside from the parking which would be at the corner of the lots, there is going to be green space and trees

Member Brown: Can I see that a little bit closer, because the next thing I was going to ask was about green space, where th4e garage is you have some lawn area, but I am not seeing when I drove by there, I am not seeing a lot of green space currently in that area.

Attorney Caitlin Masys: Correct but the garage is going to be torn down, so there will be parking spaces and then there will be green space around all the parking spaces, it would not be left for more parking or anything like that, the intent is definitely to have some green space in the neighborhood, both for the existing house and for the new structure. There would be green space behind the parking for the existing home.

Member Brown: The frontage is sort right.

Attorney Caitlin Masys: Correct, the frontage is short. We are dividing the lot directly in half so each lot can have the same amount 65

Member Brown: Right because you are like 15 feet short on frontage.

Attorney Caitlin Masys: Additionally, I do want to mention that Mr. Ramos currently resides in the existing 2-family on the property, his intent is to move into the first floor of the proposed 3-unit structure, so he would be living in the new structure, renting the other 2-units above him and retaining ownership of the 2-famly next door and renting that out as well, so they would be available housing units and Mr. Ramos would reside at the property, no plans to move, he has every intention of trying to make this neighborhood a little bit better, a little nicer for his family that is going to be living there.

Member Brown: How long have you lived there Mr. Ramos and how long have you owned the property?

Mr. Ramos: Since 2016

Chairman: I think taking 3 pieces of property and combining them and making them two is a lot of work, I think it is a good way to approach it and again I think Member brown mentioned the area size is substantially less than we normally like, I personally think since it such an odd 3 pieces than combining them and different zones, it kind of a hardship for me anyway. Other questions or comments from the board?



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Member Vathally: Attorney, in the CH how much area is in the CH? Is there any topography issues on the property?

Attorney Caitlin Masys: Its kind of split between the RH and the CH. In terms of shape of the lot there is a section cut out here, the property on this one the line goes all the way down and comes across and then splits the lot back up, so you are losing a bit of area, because this was chopped out of what the lot was existing, a square was removed from an existing lot.

Member Vathally: Where was that square moved from the existing lot?

Attorney Caitlin Masys: ***Shows on map***, so that was roughly half of the lot that was behind the existing house, it was a rectangular lot at lone point and then a lot was carved out of that making lot 8A

Member Vathally: So total area of both RU and CH combined on 8A is how much? Your argument here for a hardship is based on RU/CH right?

Attorney Caitlin Masys: That is one of them yes.

Member Vathally: Ok give me some more.

Attorney Caitlin Masys: Sure, so again the lots have been carved out, the existing structure

Member Vathally: I am trying to work with you here, do you understand for us to determine hardship, it either has to be self-imposed or if it is a topography type condition on the existing property. I see your argument for the RU/CH that is a good argument, but I am trying to get some more from you relative to topography on both of these lots we are talking about.

Attorney Caitlin Masys: Yes sure, from a topography standpoint there appears to have been an unequal division of what would be typical rectangular lots in this zone, so the basic zoning plan, when the properties came into existence is here is a lot, it is a rectangle, here is a lot it is a rectangle, here is a lot it is a rectangle, I think due in part that part of this area is a commercial zone, it was not contemplated when they decide to divide some of the land the way that they wanted to for commercial purposes, not realizing the affect that that would have on lots over the line on the residential side. So for instance if you were to zoom out a little you would see that some of the lots are rectangular and they have a depth of 100 feet, like the typical lot in this area 50x100, but the commercial side has kind of crept back and taken away some of the depth and I think that takes away some of the area for the residential parcels. That log strip back here and presumably the commercial district has crept in and unknowingly created a hardship in terms of lot size and shape in a residential zone.

Chairman: I do find it compelling that because of the splits of the 2 zones and also the way it has been chopped up in various places is taking pieces away, that had it not happened that way, so there for the shape issue with being chopped up to me is a compelling argument.

Member Brown: I just have a quick question, kind of hat Ted was saying. Do you know how much was taken away, that would make that lot area only 56%, is it that much that was taken away?



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

Attorney Caitlin Masys: Well ya, this section here and this section here, I'm a lawyer not an engineer but you are probably looking at an additional 800 square feet

Tom: I can measure on here.

Member Brown: If it won't take a lot of time I would like to know how much was taken away, because I am kind of between Ted and George with having such a small amount of lot area that is required but I want to also be fair and considerate and take into consideration hardships that have nothing to do with Mr. Ramos

Attorney Caitlin Masys: I think it is also potentially important for the math to be calculated. So what is on the plan and what is in the memo is based on RH zone which obviously does require more area, even though the property is technically in the RU zone, so the actual necessary square footage is a little smaller than what is on the plan.

Member Brown: Do we know when that land was taken?

Attorney Caitlin Masys: I don't

Attorney Caitlin Masys: It is just interesting that, that was taken and given to commercial

Tom Bridgewater: It is 3000 square feet

Member Brown: Ok so that long rectangle is 3000? That is substantial.

Attorney Caitlin Masys: And the little square there of 20x30 feet

Member Vathally: So that adds what?

Chairman: 600 so you'd have 3600 square feet

Member Brown: Ok, so that makes a difference. If we put that one on the one that has 6000 where 9000 is required, 3000 would bring it right there so you wouldn't need any. Mr. Ramos definitely wants to build a 3-family?

Attorney Caitlin Masys: Yes I think that was his goal, because he does want to live on the first level, but still be able to have some income.

Member Brown: Has he considered something smaller, a 2-family?

Attorney Caitlin Masys: Worst case scenario, would he do a 2-family probably. But I do think there are arguments in favor of a hardship and area and frontage are the only variances being sought, there are no setback variances being requested here, we meet all setbacks, there is a decent size there.



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Member Vathally: Again because of the total area and I get it with the two zones, I don't know why a 2-family alluding to member Brown would not be considered, I mean I have a problem with the total area, and I am going to be honest with you and then asking to construct a 3-unit structure where a smaller property might be more conducive and maybe a little bit beneficial to this application.

Attorney Caitlin Masys: Could I have a moment to speak with my client.

Chairman: While they are concurring, are there people in opposition that would like to come up and speak?

Kathleen Parker (5, 7 & 9 Garfield): I reside and own here I am actually a fourth-generation owner of the property which is directly across the street from the proposed lot. I am representing myself and also other neighborhood residents and long term owners, I would like to first say that I would less call this opposition and more just airing of concerns in a rebuttal, over the years now that the Ramos have lived at 4 & 6, they are great neighbors Juan and Karen are wonderful people. I think that from the neighborhood perspective it is a large lot, for those of us who have lived on Garfield Street for some time, we all imagined that at some point a young family may come in and like to try and build something on the lot, that day has come now, none of us are surprised by this. To the boards point though I think the biggest concern we have is that perhaps a 3-family in that lot, in this day and age might be less inclusive to the type of neighborhood that we have and the atmosphere we have for now today. I have heard it said in my conversations that of course we all know the Mount Washington neighborhood has a fair share of multi-family's including my own which is also a 3-family, but the fact is they were built a hundred years ago, when that type of a building was, I think more appropriate for the lifestyle and the type of city that we were then. So we do, we have plenty of multi-families including 3-familys immediately on our street, however lately I would say within the past even 25 years as the board itself is aware with more of what we have been seeing built have been duplexes and townhouses and single-families, even in our own neighborhood, even as recently as a few years ago on Air Street. Getting to some of the concerns that we have in addition to what I just noted, and you have adequately addressed our concerns with parking, we did have a concern about the garage and what was happening with that and with respect to parking for the existing residences and as well as the new, I think that we have a good handle on that. What we are concerned with is the overall congestion on the street, that an additional 3-family structure might create, I am not just saying even in the winter is congested as again we are all aware that Mount Washington can be quit congested, especially when there is snow on the ground, in the dead of summer because of all the construction that has happened on Air Street and even as far up as Washington Street it is now trickling a lot of the off street parking down on our side streets, not so much the concern for todays issue but in the bigger holistic picture it is something to bare in mind, if we are in fact considering building another multi-family, you'll have in addition to the residents you'll have friends and family coming to visit in addition to the other multi-families on the street, that will have friends and family visiting in an already congested area, so that is one concern, that is more medium and long term concern the shorter term concern and certainty I would like to hear a little move about what we might want to do about how this might be addressed. Getting to my earlier comments the complexion of the current neighborhood, we have a lot of people that work from home, we have some disabled folks, some elderly folks, so young families, it's a very, very diverse neighborhood, when you now start to factor into that construction noise, construction congestion and issues, you know again an already congested area, we do have some concerns about that, about what kind of recourse we might have with respect to that and how that might be mitigated if you will. And then the last point I wanted to make too is I'm not an engineer as you had mentioned you are not, I know we do what we do, but we are not engineers but one concern we do have again we have 100 year old plus homes on these streets that already in some cases have some structural issues or concerns, the street itself is very aged as well



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as the sewer and water lines in that neighborhood. My concern personally and I know some of my neighbors share this concern as well, when we begin to tie the water and sewer in for this new structure and begin to drill into the street and into this aging infrastructure, what kind of issues might possible concern us down the line and wit respect to aging water and sewer lines and again factoring that out and again planning for the worst hoping for the worst, lets hope nothing like that happens but what do we do, what is our recourse as neighbors should anything like that happen. So my mission today is to kind of look at this holistically, I know all of you are looking at it from schematics diagrams this first time around and that is what we are here to do, but my mission today and my neighbors concerns today are more what are we doing as far as the neighborhood. Once this is done and the dust has depreciably settled where will we all be left standing as far as our own properties. That was really all I had to say for today.

Chairman: Thank you very much, anybody else want to speak? Attorney do you want to try and address some of those?

Attorney Caitlin Masys: Clearly understandable concerns from people in the neighborhood, some of them well valued not necessarily related to whither or not to grant a variance, but understandable none the less. I will say that it is a neighborhood that has a lot of older buildings, however there are some buildings there that have more recent renovations than others and I believe 5, 7, 9 Garfield Street was actually originally a 2-family and there was a 3rd unit added to the attic so it is a little hard when you have someone who uses these same exact procedures to get something beneficial to themselves, to come and speak in opposition to someone else trying to do the same. As far as parking goes there is more than adequate parking than what meets the zoning requirements. If the board thinks that they might rather consider something smaller than perhaps we could seek a continuance to next month in an effort to try and meet with the neighbors, address maybe some of their concerns and address some of the concerns raised by the board here tonight.

Chairman: I think Member Vathally addressed that quietly and to make you make that decision tonight to go from 3 to 2 is not fair, obviously there is some financial considerations that have to be considered, so yes if you want to.

Attorney Caitlin Masys: I think it would also change the footprint of the house so I think at this point we would seek a continuance to next month and waive the notification period.

Chairman: Motion is to continue this to the 16th of March. I will entertain a motion

Member Vathally: I would like to continuance the application for 4 Garfield Street to the March 16, 2022 Zoning Board of Appeals meeting waiving the time period... 2nd by Member Brown

Member Vathally: Yes

Member Brown: Yes

Member Bevilacqua: Yes

Member Ruiz: Yes

Chairman George Moriarty: Yes

Minutes: Motion made by Member Vathally; I accept the meeting minutes from January 19, 2022 2nd by Member Brown



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Member Vathally: Yes

Member Brown: Yes

Member Bevilacqua: Yes

Member Ruiz: Yes

Chairman George Moriarty: Yes

Approved 5-0