



Haverhill

Board of Appeals
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AGENDA

BOARD OF APPEALS held A PUBLIC HEARING ON WEDNESDAY EVENING
June 19, 2019 AT 7:00 P.M. in ROOM 202, CITY HALL, and heard the following items:

Attending: Members LaPlume, Sullivan, Vathally, Bevilacqua, and Chairman Moriarty.

Absent/Excused: Members Brown and Soraghan.

Continued from the May 15, 2019 Meeting:

Francis Bevilacqua, for 26 Atlanta Street (528, 10, 165): Applicant is requesting a variance for lot frontage and lot area for a proposed residential single family building, located in an RH Zone. Lot area required for a single-family dwelling is 7500 SF and the project provides 5,800 SF. The lot frontage required is 75 feet and the project provides 58 feet. The existing house lot 165 conforms to the zoning requirements for the RH zone except for the front set back which is preexisting non-conforming.

The applicant and his representative failed to appear for the Hearing. The Board voted 5-0 to Continue the item to the July meeting; however, the Board has subsequently received notice that the Application was withdrawn by the applicant. Email was received by the Board Clerk on June 25, 2019 and will be included in the applicant's file.

Motion: Sullivan
Seconded: Vathally

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

(Members Sullivan, LaPlume, Vathally, Bevilacqua and Chairman Moriarty voted, yes)

New Business:

BOA-19-1 Darlene Beal for 24 Crystal Court (590, 443, 11): The applicant is seeking a finding in an RM zone to remove a structurally compromised barn; approximate size 24'x40'; and build a garage size 20'x24'; existing setbacks are 2.65 - 2.90. New setback will be 6.46-6.60. Current barn and new garage attach to the house.

The applicant seeks a Finding to remove an existing barn that is in disrepair and replace it with a garage with dimensions of 20' X 24'. The Board noted that the application meets the conditions cited in 255-79, specifically section C. (2) which recognizes that strict application of the chapter would deprive the applicant of the use of lot and structure. The Board also noted that the condition of the existing structure constituted a hardship, as noted in 255.79 D. (1).

Motion: Sullivan
Seconded: Vathally

The Board **granted** the **Finding** on a vote of 5-0, citing the points referenced above.

(Members Sullivan, LaPlume, Vathally, Bevilacqua and Chairman Moriarty voted, yes)

BOA-19-2 Attorney Timothy Schiavoni for Monument Square Company, LLC for 280-310 Main Street (609, 488, 1): The applicant seeks a parking variance, 206 parking spaces are required proposed 131 parking spaces in CC zone.



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The Chairman noted that Member LaPlume received notice that he is an abutter, due to property he owns on Winter Street. Therefore, Member LaPlume abstained from the discussion and the voting. The Chairman further advised the Attorney that, with Member LaPlume abstaining, the application would need to have all four remaining Members vote in favor of the application for it to pass. The Chairman offered the Attorney the option of requesting a Continuance to the July meeting, which the Attorney rejected.

The Attorney for the applicant cited a study that concluded there were an excess number of parking spaces on the property, given the nature of the various businesses at the site. Businesses, such as Walgreen's and the pizza shop, service customers who usually come in to pick up orders and leave. The parking is for short-term use, as few of the customers stay very long; therefore, there are many unused parking spaces throughout the day and evening. The Attorney also noted that the location is well-served by public transportation and a significant number of the customers of the businesses either walk or take public transportation. The Attorney noted that reducing the number of parking spots would have no impact on the existing businesses, while allowing a new tenant would add an additional service to the site. The Attorney further noted that the site is in a CC District, where development and services are encouraged.

One Member offered a Motion and noted that Applicant met the conditions cited in 255-79C. (1) through (5). Specially, the member noted that a strict application of the Chapter would deprive the Applicant of reasonable use of the lot, as noted in 255-79 C.(2).

The Board **denied** the application on a vote of 3-1. The Attorney for the applicant asked on what grounds the application was denied. Member Vathally, in voting to deny the application, noted that, in his opinion, the application failed to meet the hardship condition in Chapter 22-79.D.

Member LaPlume asked the Board to reconsider, noting that he believed he was incorrectly cited as an abutter.

Following the language in Chapter 255-74.C(2), the Board recognized its authority to reverse its decision. Reversing the decision and granting a Continuance would allow Member LaPlume an opportunity to consult with the Ethics Commission on the question of being an abutter.

Motion: Sullivan
Seconded: Vathally

The Board **granted** the **Continuance** on a vote of 4-0.

(Members Sullivan, Vathally, Bevilacqua and Chairman Moriarty voted, yes)
(Member LaPlume Abstain)

BOA-19-4 Mark Bunker for 6 Glendale Street (533, 2, 17): Applicant seeks dimensional variance for front yard set back of 1' where 25' required in RM Zone. Pool requires a 5' distance from structure, applicant is between 3' 0" for pool.

The applicant pulled a permit to construct a standard sized (12 X 20) pool on the property located at 6 Glendale Street. After construction was underway, the applicant was notified by the City that he needed to seek a Dimensional Variance from the Board of Appeals. The property is a corner lot

One Board Member noted that the City should have notified the applicant of the need for a Dimensional Variance at the time the Permit was pulled. To deny the Variance would create a hardship for the applicant.

The Board noted that the applicant met all conditions of Chapter 255-79.C.

Motion: Sullivan
Seconded: Vathally



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

(Members Sullivan, LaPlume, Vathally, Bevilacqua and Chairman Moriarty voted, yes)

OTHER MATTERS:

Approval of minutes for the May 15, 2019 meeting.

The Board **approved** the Minutes of the May 15, 2019 meeting.

(Members Sullivan, LaPlume, Vathally, Bevilacqua and Chairman Moriarty voted, yes)

-Adjourn-