



Haverhill

Board of Appeals
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Meeting Minutes

BOARD OF APPEALS held A PUBLIC HEARING ON WEDNESDAY EVENING OCTOBER 16, 2019 AT 7:00 P.M. in ROOM 202, CITY HALL, and heard the following items:

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

Continued from the September 18, 2019 Meeting:

BOA-19-32 Attorney Paul Magliochetti for Carolina Properties, LLC for 316 Gile Street (670.601.9):
A dimensional variance is required for only 3 of the 5 proposed lots in the proposed subdivision in order for the properties to use shared driveways. A dimensional variance is required for the proposed subdivision and construction of 5 new residential homes as follows: Lot 2 has proposed lot frontage on Gile Street of 70 feet where 150 feet are required, and a lot width of 70 feet where 112.5 feet are required; Lot 4 has proposed lot frontage on Crosby Street of 30 feet where 150 feet are required, and a lot width of 28 feet where 112.5 feet are required; and Lot 5 has proposed lot frontage on Crosby Street of 30 feet where 150 feet are required, and a lot width of 28 feet where 112.5 feet are required in RM Zone.

The Chairman read into the record correspondence from Economic and Planning Director William Pillsbury. The correspondence recommended the approval of the application.

The attorney and the applicant met with the neighbors to address their concerns. As a result of those conversations, the applicant and the neighbors entered into a written agreement that details the actions the applicant will take to mitigate the concerns of the neighbors. Those actions include widening and reconfiguring the access road and paving the roadway along Crosby. The applicant must still have a site plan review.

Q. Can you provide a copy of the Agreement for the Board?

A. The attorney will provide a copy of the relevant section of the Agreement and will agree to a stipulation in the Decision related to the agreed upon actions.

Q. Is there a letter from John Pettis, the City Engineer?

A. Yes, a copy was provided.

Opposition:

- A neighbor noted that, provided all of the agreed upon changes are made, she has no opposition to the application. But she wants to be on the record that, without the changes, she would be definitely opposed to the application.

Comments: A Board member congratulated the applicant and the attorney for listening to the neighbors and agreeing to the changes. The application was initially proposed for 18+ units and the property presented topographical challenges. The application has since been reduced significantly to accommodate the concerns of the neighbors.

The neighbors were also congratulated for their willingness to reach a formal written agreement with the applicant.

The attorney accepted the stipulation that no further development, beyond the proposed plan, will be undertaken, as noted from a letter dated October 16, 2019 from Planning and Economic Director William Pillsbury and language that was provided by the applicant's attorney Paul Magliochetti that states: *Subject to all required approvals from the City of Haverhill, Zachary Heights, through Carolina Properties,*



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LLC, agrees to widen/reconfigure/straighten the site line and widen the street from 160 Crosby Street to the Project driveway entrance minimizing the existing curve. Subject to approval from the City of Haverhill, Carolina Properties, LLC will pave the affected roadway area.

The Board **granted** the application the Variance for the three properties on a vote of 5-0.

New Business:

BOA-19-37 Matthew Corso for 96 Summer Street (203,33,1-2): Applicant seeks dimensional variance for lot area of 15,636 square feet where 25,000 square feet required for multi-family in RU zone. Pre existing non conforming exists with structure, frontage, side yard, and lot depth. Applicant seeks a parking variance for 7 parking spaces where 8 spaces required for 5 units multi family dwelling. Applicant seeks special permit to convert existing commercial unit into additional residential dwelling unit in an existing multi-family structure.

The applicant noted that the request could have qualified for a Finding, but decided to move forward as a request for a Variance. All of the non-conformities are existing. There are seven approved parking spaces, although an additional three exist, thus totaling ten. However, the additional three may not meet all of the specifications to formally qualify as approved parking spaces. There is street parking, also. The commercial space was a hair salon, which the applicant wishes to convert to a residential unit. The other five current residents in the building support the change. There will be no exterior change. The applicant's mother will occupy the new unit. The conversion to a residential unit will lessen the traffic flow, as no commercial customers will be coming to the unit.

Q. Was it always commercial?

A. Not sure.

Q. There will be no change to the footprint?

A. No, just interior buildout.

The application meets 255.79.A. related to a request for "a use variance for an existing nonconforming structure to a similar type."

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

BOA-19-38 Attorney John Smolak for Bethany Community Services, Inc. for 100 Water Street (207-1-1): In accordance with MGL Chapter 40B, sections 20-23, the city of Haverhill zoning Board of Appeal shall hold a public hearing the application for Comprehensive Permit filed by Bethany Community Services Inc. for a phased redevelopment project including the renovation of an existing 150 unit building, and construction of a new 62 unit building, along with parking, landscaping, and other improvements. On property known and numbered at 100 Water Street in CC Zone. All units are proposed to be rental units available to persons 62 years of age or older, a copy of the comprehensive permit application and supporting materials are available for review.

Bethany Community Services has three properties in Haverhill: Merrivista, Phoenix Row, and Mission Towers. The applicant proposes to construct a new facility on 1.4 acres adjacent and connected to the existing property on Merrivista property on Water Street. The application is a 40B application with all of the units qualifying as affordable housing. City Council approval is needed, as the construction will be an encroachment on an easement.

As part of the project, Bethany Community Services will upgrade the existing building, to include a sprinkler system, exist signs, asbestos abatement, and other life safety measures.

Q. Are you dealing with the greater restrictions imposed around life safety issues?

A. Yes, most of the renovations to the existing building are related to life safety. The new building will also be fully in compliance. Not aware of other issues that would be more rigid than those proposed. We have staff on site, but not 24-hour.

Q. Will the eligibility for the new units be different than the existing units?

A. Not substantially. All units will be affordable and will count toward the City's 10 percent goal.



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There was a brief discussion regarding the actual construction activities, as they will impact traffic in the area, especially given the Market Basket customer traffic nearby. The discussion also focused on how the construction activity will impact the Fire Station, which is close by. The attorney and engineering staff for the applicant provided assurances that the impact will be taken into consideration, as construction plans are developed and shared with the City.

Attorney Kramer, representing the City of Haverhill for 40B applications, noted her review of the documents revealed no issues of concern for the Board.

The applicant requested a Continuance and waived the notification period to allow time to obtain formal project eligibility.

The Board **granted** a Continuance to the November 20, 2019 meeting on a vote of 5-0.

BOA-19-39 Jonathan Haigh for 66 Cogswell Street (528-15-20): Applicant is seeking a finding in the RH zone of a front setback of 12' where 20' is required. Lot currently meets all other dimensional requirements for a two family dwelling including area, frontage, and access.

The applicant has owned the property for five years. The applicant's family has grown, necessitating the change. The issue relates to the existing house, which is too close to the road. The Board noted that a neighbor called in with a comment in opposition, related to traffic.

Q. Will access occur through the second driveway?

A. Yes.

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

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

BOA-19-40 Kyle Tornow for Tony & Janice Keyser Family Trust 57 Tyler Park (645-2-36): Applicant is seeking a special permit to enlarge existing home to extend dining room, add a guest room and shared bathroom, Add 800 sf accessory apartment addition in RM Zone.

The design architect representing the applicant noted that the posted notice inadvertently omitted the word "apartment" where it referenced the 800 sf accessory addition. The applicant asked to formally amend the notice. The Board voted 5-0 to approved the amended version.

The applicant is seeking a Special Permit for an accessory apartment. An addition will be constructed to accommodate the accessory apartment. The unit will have no separate entrance, meets the 800 sf requirement, the single-family home is owner occupied and will have no separate electric or heating services for the accessory apartment. The double lot meets all setback requirements.

Q. Is the applicant aware that there will be a deed restriction that requires the property to revert back to a single-family residential, should the property be sold?

A. Yes, the applicant agrees to the deed restriction.

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

OTHER MATTERS:

Approval of minutes for the September 18, 2019 meeting.

The Board **approved** the Minutes of the September 18, 2019 meeting on a vote of 5-0,