



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, July 17, 2024 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Louise Bevilacqua
Member Lynda Brown
Member Ted Vathally
Member Kassie Infante
Assoc Member Magdiel Matias

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

Chairman Moriarty called the meeting in to order on July 17, 2024

John Gaudet for 0 Joffre Street (Map 564, Block 5, Lot 575a)

Applicant seeks a special permit for a new detached accessory dwelling unit with a garage below in a RM zone. (BOA 24-11) **GRANTED**

John Gaudet (6 Joffre St Methuen): I am putting up a double stall garage with a living space up above, it is just one bedroom and a living space.

Chairman: Is it something you are going to be renting out?

John G: Well my grandkids are living with me, so I am going to be staying in it probably

Chairman: And this is right on the Methuen line, right?

John G: It is, it runs right through the middle of my property

Chairman: What you are proposing is all on the Haverhill side?

John G: Yes every bit.

Chairman: It meets all of the requirements?

John: Yes

Chairman: The 6 requirements for an accessory dwelling unit are all met, right?

John: Yes

Chairman: Any comments or questions from the board?



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Member Vathally: You're right on the Methuen line, so the sewer lines are they going to be into Haverhill?

John: Just Haverhill, they are not going to come to Methuen. Just for that Haverhill garage and living space

Member Vathally: So all the utilities, sewer, everything goes through Haverhill?

John: Just Haverhill

Ted: Thank you

Chairman: Any other comments or questions? Entertain a motion.

Member Infante: So you mentioned this was a small unit, so is it a studio, one bedroom, what is the configuration?

John: I have a diagram of it, its in my development packet, it shows the layout of it

Tom Bridgewater: So this is kind of a different and interesting one. In the zoning bylaws it says no separate utilities, but this unique situation, the city engineer will only let this go through Haverhill tie in and not Methuen tie in. So I am ok with that.

John: My home is in Methuen, and that is going to be in Haverhill because the line runs right through the middle of my property

Chairman: So it wouldn't be appropriate for the building in Haverhill to tie into Methuen, the city engineer and the building commissioner both agree that because of the unusual circumstance

John: Correct

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Chairman: Any other comments or questions. Entertain a motion

Member Vathally: I would like to make a motion to accept the application for 0 Joffre Street, 2nd by member Infante.

Member Infante: I vote yes. Seems to me the conditions for 255-10.4.2 serving the need of the community and the utilities to be run through the city of Haverhill. Good Luck.

Member Brown: Yes. It does meet the zoning criteria for 255-8.1 and 255-10.4.2

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

Member Vathally: Yes it does meet the criteria for 255-8.1 and 255-10.4.2

Chairman: Yes, it does meet the criteria

William Bourque & ZEE GRAND PROPERTIES,LLC for 217 Lake Street (Map 588, Block 422, Lots 23F & 23E)



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Applicant seeks a dimensional variance to reduce lot area of a non-conforming lot from 58,910 sf to 50,710 sf where 80,000 sf is required in a RR zone. (BOA 24-12) **WITHDRAWN**

Chairman: Entertain a motion to withdraw

Member Vathally: I make a motion to withdraw the application for 217 Lake Street, 2nd by Member Infante

Member Infante: Yes

Member Brown: Yes

Member Vathally: Yes

Member Bevilaqua: Yes

Chairman: Yes

Kevin Breen for 8 Hawthorne Street (Map 723, Block 699, Lot 11)

Applicant seeks Special Permit to determine that proposed extension of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application involves the construction of a mudroom addition and extension of the existing deck off the rear façade of single-family dwelling in a RM zone. (BOA 24-15) **GRANTED**

Kevin Breen: I am looking to put in a mud room off the back of my house, and a new entry way. I am doing my kitchen over.

Chairman: Can you tell us a little bit more, where is the building right now, is it an existing building.

Kevin Breen: No I am going to add on. It is right off the back of the house. I am only 8.5 feet off the side setback, I think it needed like a 15 foot, that is the only thing I am not meeting

Chairman: And commissioner, you looked this all over

Tom Bridgewater: Yea, so he is stepping it in a foot so he is not making it more nonconforming. So he needs a special permit, because he is going to continue that line down, as you see number 8 on there, it doesn't meet the side setbacks, so he is going for a special permit

Chairman: Any comments or questions from the board? Entertain a motion

Member Vathally: I make a motion to accept the application for 8 Harthorne Street, 2nd by Member Infante

Member Infante: Yes, meets the criteria for 255-10.4.2 for special permit.

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

Member Vathally: Yes it meets the criteria for 255-10.4.2(2)

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

Chairman: Yes, it meets criteria for a special permit 255-10.4.2



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Melanie & Christopher Chapman for 98 Brandy Brow Road (Map 439, Block 5, Lots 40, 44, 42 & 45)

Applicant seeks a dimensional variance for side setback (12.7 ft where 25 ft is required) to construct an attached two-stall garage in a RS zone. (BOA 24-17) **GRANTED**

Melanie Chapman (98 Brandy Brow Rd): We want to put in a replacement garage, but we want to adjoin it to the existing home and so we are looking for a variance for the side setback, we are at 12.7 and by attaching it to the home we need 25

Chairman: And this is just a garage, no other use for it?

Melanie: Yes, it is just a two stall garage with a breeze area to attach it to the home.

Chairman: Is it on the back of the property or on the side?

Melanie: On the side

Chairman: Comments or questions from the board?

Member Vathally: Was this garage already there? Did you take it down?

Melanie: We did take it down. So the side setback is not going any closer to the property line, the wall is staying exactly to where it was before the demolition, but because we are attaching it to the home, we need 25 feet.

Member Vathally: Why did you take it down in the first place?

Melanie: Well there were a lot of hands that were in the pot, and miscommunications as far as my framer, he kind of gave us the go ahead and said we have the ok to demo and dig, which was not true when I talked to Tom, so here I am.

Member Vathally: Commissioner, this is going to city council?

Tom B: Its going to city council for the water shed

Member Vathally: So it is going to city council, And all the other setbacks are ok.

Melanie: Yes

Member Vathally: Ok thank you.

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

Member Vathally: I make a motion to approve the variance application for 98 Brandy Brow Road, 2nd by Member Infante

Member Infante: Yes meets conditions for 255-10.4.2



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Member Brown: Yes, it meets zoning criteria 255-8.1 AND 255-10.4.2

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

Member Bevilaqua: Yes it meets the criteria for 255-10.2.2

Chairman: Yes

HOLY CROSS ARMENIAN CHURCH for 1280 Boston Road (Map 770, Block 779, Lot 70)

Applicant seeks dimensional variances for a monument sign in a RH zone. Requested relief includes variances for sign height (10' 3" where 6 ft is maximum) and sign surface area (85.5 sf where 10 sf is maximum). (BOA 24-18) **GRANTED**

Ed S. (Sign Art., Malden MA): We are looking to put a sign up, for visibility for the church and we are asking for relief from the height, and we are on kind of a highway and it's an issue and we are asking for an additional 10 feet over what's allowed, because the visibility, we are a little bit on a hill and we feel that it's important for multiple reasons to be seen easily and not cause traffic issues with people driving by, saying oh I just missed it and having to turn around, it is on a corner and in a very strange location, so those are the reliefs we are asking for.

Chairman: The church is set back, right?

Ed S.: The church is set very far back, yes. This will be out at the road, but we meet the setback, we spoke with the building inspector and we meet the setback. We are just off on the height and the square footage.

Chairman: Comments and questions from the board?

Member Vathally: I noticed that because of the bend there and I noticed the sight line of traffic and the fire department, Deputy Tarpay had reviewed that and though it wouldn't be an issue

Ed: There will be no issues, we actually put the 12-80 on there for the fire department and the city services, so that everybody would know the address as well.

Chairman: Can you tell us a little more about what the sign will look like

Ed: I supplied the drawing, I could certainly pass it around again, it's a nice looking sign, it will be an enhancement to the area, all the neighbors are in favor and it will be sitting on top of an ice break pier

Tom B: ****Brings up a picture of the area on the computer

Member Bevilaqua: Are you changing the name of the church? Because the one that is there now says Member of High Point?

Ed S: The name of the church will be Holy Archangels Armenian Church

Member Bevilaqua: So what is there now will be gone?



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Ed: Yes, it will all be gone, it is all temporary. We are trying to legitimize and make it look very good. We are essentially taking the one down on the left of the pole, and putting the new one closer to that telephone pole there, so it is significantly away from the corner and it is a little high and it is a tough curve. We have driven it a few times, all of us and the church members to do the site line and then we had everyone else look at it, and say yup its not in the way of anything, it is not going to be a problem

Chairman: And Member Vathally mentioned the fire department also commented on this. Other comments or questions from the board?

Member Brown: I just wanted to say, don't forget the beautiful plantings that you have in the photo. It looks very nbice.

Ed: Thank you. We hope to make it look just like that

Chairman: On other comments or questions. Entertain a motion

Member Vathally: I make a motion to approve the variance for 1280 Boston Road, 2nd by Member Infante.

Member Infante: Yes it meets conditions for variance 255-10.2.2(2)

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

Member Vathally: Yes it meets the requirements for 255-10.2.2(2)

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

Chairman: Yes according to 255-10.2.2(2)

TOP-TIER INVESTMENTS, LLC for 98 Laurel Ave (Map 714, Block 686, Lot 1)

Applicant seeks a dimensional variance for lot area (5,313 sf where 9,600 sf area required) to convert existing single-family dwelling into a two-family dwelling in a RH zone. (BOA 24-19) **GRANTED**

Attorney Paul Magliochetti (70 Bailey Blvd Haverhill): I am here tonight on behalf of Mr. Ozzi, he is the principle of Top Top-Tier Investments, he has purchased this property on Laurel Ave which is in rough shape. His intention is not to add anything to this structure, but to fill in the inside and create a two-family where it is currently a large single-family house. Pursuant to chapter 40-A section 10-14 the applicant wants to add a second living unit. The property is in a RH zone, the conditions that expressly affect the property for which the variance is sought, do not affect generally zone district in which its located. The hardship of this matter is that the property is located in a neighborhood that with many multi-family homes, the property is currently underutilized, and it sits on a lot that is a requested use of a two-family homes and for ample off-street parking. So, I do want to point out, the family that was here in opposition initially, was because of parking, and you all received a letter earlier from another neighbor concerned about parking, Mr. Ozzy has agreed to tear down the garage which is to the left of the property. I had a conversation with the building Inspector about that, and that will allow four parking spaces, so we do meet the parking requirement, and if additional parking is needed you could always extend the driveway further back, but our intention right now is to stick to the four, unless conditions arise, and we have to have more. So that being said, the only reason we are really hear is because of area, because he is seeking a two-family instead of a single where the requirement is 9600 square feet, and that is the only variance we are seeking here this evening, like I said it is in a neighborhood where it has multi-families all around it, it actually has a couple of three families and four



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families nearby. So it is actually consistent with the neighborhood. The condition is unique to the applicant's property, due to the size and shape of the lot, the house has been there forever, he is improving the entire property, he is improving the parking and access to the property, which would be a benefit to the entire neighborhood. Strict application of the code will deprive the applicant. A two-family in this neighborhood is very reasonable. Like I said this is right by the MBTA station and with the housing crisis we have in the city and its proximity to the commuter rail, we are not even sure the people living there will have 2 cars to park for each unit, they are probably going to be commuters. The unique conditions are not the result of actions of the applicants, subsequent to the adoption of the applicant, the area is as it's been forever on that property, you can't do anything about the size of the lot, we all know back in the day when this house was built, they didn't have the same zoning requirements for the area, it has just been this way for years. Relief approved will not cause substantial detriment to the public good or appear the intent to the zoning code, the grant of the variance will not constitute special privilege inconsistent with other homes in the area, like I said there are other higher density homes in the area on similar lots, and again the hardship is that if he is not granted this variance he is not getting the benefit that everyone around him already has. So again I do want to stress that the opposition was about the parking, and he has agreed to tear down the garage, so we will address that parking issue, we will meet the parking requirement, that being said he is here in case you have any questions. I do have some photos of other projects that he has done in Haverhill in similar areas, so you can see the quality of work he has done. I can tell you with all my clients, when they come to see me, I always talk to them about trying to do what is best for this community, I am pretty much a part of this community, and he has been very accommodating and responsive, so when the parking issue came up he didn't hesitate to consider tearing down that parking garage, and like I said he will make this house really nice looking and that neighborhood will improve entirely. I will answer any questions you may have.

Chairman: Thank you for mentioning the garage, we do want to have a stipulation about the garage coming down.
Comments or questions from the board?

Member Vathally: Are there any other homes in the immediate area that have done this transmission from a single to a two?

Attorney Paul Magliochetti: I actually believe that I came before you a few years ago for one, yes and I believe that it went from a two to a three further up the street on the other side.

Member Vathally: And on street parking is acceptable in that area?

Attorney: Yes, and right now I think there is only one parking spot there, so he is going to open up that whole side to make it more accessible and safer for everyone.

Member Vathally: Ok. Commissioner, does this need to go to developmental review?

Tom Bridgewater: Absolutely

Member Vathally: Thank you sir.



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Member Brown: I think the drawing shows that it will be a huge improvement to this building, because there won't be any change to the outside footprint of the house, and I think it's going to add much needed housing that the city actually needs. Also he is tearing down the garage, I think that shows he has a willingness to work with his neighbors' concerns, I was really glad to hear that.

Chairman: Thank you, good comments. Other comments or questions from the board? Entertain a motion

Member Vathally: Before the motion, Paul do we need to make a stipulation that the garage needs to be torn down, or is it already in your proposal.

Attorney: No it is not in the proposal, so I think to be safe you should have the stipulation in there.

Member Vathally: Mr. Chairman I would like to make a motion to accept the variance for 98 Laurel Avenue with a condition that the garage will be torn down, to extend parking. 2nd by Member Infante

Member Infante: Yes, meets conditions for 255-10.2.2 of the zoning criteria due to the size and shape of the lot present a hardship. Good Luck.

Member Brown: Yes, as it meets the zoning criteria for variance 255-10.2.2(2), with a stipulation that the garage be torn down to be used for additional parking of four cars.

Member Vathally: Yes, meets the criteria for 255-10.2.2(2) with the stipulation that the garage be torn down, to add additional parking

Member Bevilacqua: Yes, it meets the criteria for 255-10.2.2(2), and with the stipulation that the garage be torn down.

Chairman: yes, it meets the criteria for 255-10.2.2(2)

Matthew & Marielle O'Brien for 14 Robert Road (Map 776, Block 788, Lot 9-6)

Applicant seeks a special permit for a new detached accessory dwelling unit with a garage below in a RR zone. (BOA 24-16) **GRANTED**

Marielle O'Brien: My husband and I are seeking a permit to have a detached ADU for my mother, who has recently been diagnosed with some health issues. So this is going to go on the right side of our house, about 20 feet away, so still close enough from our house, not too far. It is going to come out, where our driveway is. It is basically going to be a little house, has a kitchen and there is going to be a garage underneath as well, and all the utilities will be tied in to our house.

Chairman: I know this always happens, but I just want to stipulate or mention, that the building commissioner has indicated that it meets all the requirements

Tom Bridgewater: Yes it does

Chairman: Comments or questions from the board?

Member Vathally: I know the commissioner has reviewed this 255-8.1, but is there any drainage issues up there?



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Marielle O'Brien: So I know our property is just a little bit of a slope, and it does hill, but as far as getting water in the basement, we have never had water in our basement.

Member Vathally: So I am concerned with when you are doing the excavation. It's a beautiful plan that your have, but I am just curious about the drainage in that area, has that been looked at? Because we are also looking at a regular special permit here, the ADU everything fits, but with the special permit there are issues with character and things like that. So I am just curious, so that I have peace of mind that the drainage for the neighbors will not be an issue, or has it even been an issue on Robert Road?

Marielle O'Brien: So I am not sure if there has ever been an issue for drainage. I know where my property is and where it abuts to my neighbors, they do have a puddle that goes there, where the tree line is.

Chairman: You are on the lefthand side going up the hill?

Marielle O'Brien: I am on lefthand side

Tom Bridgewater: So this will have to go to developmental review to deal with a lot of those issues

Marielle O'Brien: So for drainage, would that be something I would or would the city come out and say

Tom Bridgewater: Your contractors, they will take a site plan of what you have and they are going to look at the drainage and everything and they could say things like, this will make it worse towards your neighbors house, and you can't direct the water towards your neighbors house and you can't change the topography, but there may be things that you have to do, like maybe put gutters on and have a recharge for the window or gutter so it can capture all that water

Marielle O'Brien: So that would take care of all this?

Tom B: Well it will all come out in Developmental Review

Marielle O'Brien: Ok

Chairman: Oher comment or questions?

Member Bevilaqua: You said it is going to be a home for your Mom

Marielle O'Brien: Yes

Member Bevilaqua: But it has two bedrooms

Marielle O'Brien: Yes so it is two bedrooms, so if she needs me or my sister comes or mu brother, so I just wanted to have an extra bedroom in there just in case.



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Member Bevilaqua: So she really doesn't need a care taker now, so it is basically just for if family comes

Marielle O'Brien: Yea, so my brother is basically her caretaker now, but once the home is built he won't be there. So I am basically taking over as her care taker

Chairman: Thank you. We have opposition to this, come on up here if you wish to speak.

Kathy Baily (1 Lisa Lane): My concern is the neighborhood, it is going to change the look of it, it is not going to be the family neighborhood that I bought into of single-family homes. Now my question is what happens after her Mother passes, God forbid your mother passes, I lost my husband a year ago at 60 years old. What happens to this building after that? Does she get to rent it out? Can there be people in there that we don't know, I understand it is tied into her house, but that doesn't mean that she can't rent it out, that is my concern, this is a family neighborhood, that we all bought for one reason, and that was because we had a nice piece of property and all the houses were not crammed in there, and now you want to put a separate house and cram it in there and what happens down the road, she gets to rent it out, who does she rent it out to, does that cause issues for the rest of the neighborhood when she rents it out.

Member Bevilaqua: There is a law in Haverhill now that if she were to attach the unit, then she wouldn't even have to come across this board.

Kathy Baily (1 Lisa Lane): Let her attach the unit. But do you see my point of view

Member Bevilaqua: We think that when you say family neighborhood, that, that is the intent, to keep families together, it is the right thing to do

Kathy Baily (1 Lisa Lane): Understand that, but instead of having a in law that is attached, now she has a separate bed there that she can rent out if she wants to

Member Bevilaqua: But the law is, that she can do this, she can have this building.

Kathy B: I am just stating my opinion it is going to change the neighborhood, so if one do it and they all do it, that will change the neighborhood and all of Lisa Lane

Tom the Building Commissioner: So when they passed this a year and a half ago, the big thing is it has to be owner occupied, whether she lives in the unit or the house, every year she will get a form and she will have to prove that she lives on the property, owner occupied, you are right she can rent out to anyone she would like, I would hope that she is going to rent out to someone she knows or someone that is close to the family, because she has to live at the property also, but the zoning says owner occupied.

Kathy B: I am just here to state my opinion of what it is going to do to the neighborhood.

Chairman: And you have a right to do that. Other comments or questions? Other opposition? Or do you want to respond to that?



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Marielle O'Brien: Sorry just a little caught off guard about that, I didn't know that any neighbors were upset. If it does oppose a problem, I don't mind taking a look at attaching it, if that is ok, I can do a breeze way, I can definitely take a look at doing that. The reason why I did a detached, is that it was going to be more space, I would be losing square footage if it was going to be attached, which is the whole reason why I did a detached, but again if it is going to cause a problem, I have no problem looking into attaching it, and I would not be renting it to anyone one, it would just be

Member Vathally: Perhaps it might be a good idea, there is obviously some opposition in the area, the last time I was up there looking at it, it is a beautiful neighborhood, and if you are willing to maybe make an amendment to the plan, might I suggest a postponement before a vote is taken, to see what kind of new plan you come up with, maybe to ease the neighborhood and come back in the future. It is your decision, your right

Tom B: Yea so if she attaches it, she meets all the requirements, the setbacks, the size and everything, then she will not need to come back to this board, she can do it by right.

Chairman: Whether it is attached or detached she can rent it out later on anyways

Tom B: She can rent it out to whoever she wants.

Chairman: I just want to make sure people understand, that doesn't change the rental, so that doesn't change the future rental.

Member Vathally: But it would change the look of the property. I don't know if that is acceptable to the opposition

Kathy B: If it is attached to her house, yes.

Member Bevilacqua: But didn't you say you would be losing space if you attach it, and you wanted to have enough space?

Tom B: 40% or 1200 square feet, because the overall square footage if it is attached, 50% or 1200 square feet if it is detached

Member Vathally: Commissioner, that would change the whole site plan, wouldn't it?

Tom B: Yes it would

Member Vathally: I don't know, maybe I am suggesting maybe think about it or

Tom B: She could build the same thing with eh garage, the same thing, exactly the same as now, she could go 5 feet from the property line, by right, without a living unit above it.

Member Vathally: Which changes the site plan considerably



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Marielle O'Brien: So I guess what I understand, is whether attached or detached what will make my neighbors happy, so or neither so the whole thing is squashed

Member Vathally: I wouldn't suggest that, I mean you did a lot of work on it and your neighbors are going to work with you on this plan, and the special permit criteria here and the neighborhood character, maybe if a new plan was drawn up a new site plan, where you do have it attached

Marielle O'Brien: Before I leave her, I guess I need clarification from my neighbors to see if

Lisa Atkinson: I live directly next door to Marielle, it wasn't an issue, I had signed off that it wasn't an issue for me. She is by my property as well, so it wasn't an issue for me, but there is a lot of neighbors that are having an issue with how they are doing it, she asked me to put it in writing and I put it in writing, as long as it didn't affect our property, we were ok with it, but I can't answer for the whole neighborhood, I thought that there would be more here, but evidently they didn't come, but for the sake of it the drainage yes we had that discussion, the house is raised up, my house is lower, when that lot was first built it was flat, now it is raised up, so when the water runs, it does run down, do I get some, yes in that area of the tree she is talking about, but more so I think it reflects with the other neighbors, and you know which neighbors and stuff like that. So for me to say that it's all, it's not all, I gave you my ok, I wasn't disagreeing with her about doing it at all, she asked us to put it in writing and I did.

Member Infante: Can I ask a questions chair? I would like to understand what it took to create this site plan, do you have to create something new that shows attached, how long and what is that process like and how long would it take you, I am just trying to understand how much more time and cost would that be for you?

Marielle: So I'm not sure what it would take if I had to do an attached, I guess I would just go back to my drawer and tell him you know that, of course its hours and time and money, so of course it would be some expense, I really don't know if I am prepared for this so

Member Infinite: Well how long did this site plan

Marielle: Maybe about a month, it took about a month

Member Brown: I lost connect for about two minutes, so before I got cut off I know the neighbor was saying that she had questions regarding what happens if the mom unfortunately does pass could she rent it out, and that is kind of where I was left off so before I make any type of vote on that, If someone could just let me know what was said, so that I could know what is going on.

Chairman: Sure, one of the points I made was yes, in that point and time if the mother passes, she has the right to rent it out, and whether it is attached or detached she has that right, nothing about those changes. As Member Vathally suggested, look up the unit changes from attached to detached and the option for renting it out does not change either way.

Tom B: Correct, as long as its owner occupied



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Member Brown: Thank you

Member Bevilaqua: I just, well maybe the commissioner can clarify this, but the ordinance that was passed a year and a half ago didn't exclude new developments from the construction of these accessory dwelling units if detached, it didn't say in certain parts or certain areas or certain streets, it didn't say you couldn't do that.

Tom B: We have new houses going in, that have them attached. We haven't had a detached one on a brand new house yet, but we have houses going in developments that have them attached now.

Member Bevilaqua: But there is nothing that says it can't, in other words there is nothing in the ordinance that concludes the detached dwelling in a development.

Tom B: Correct

Member Bevilaqua: Its just, it's the law.

Member Matias: The style of the addition, Tom you said it looked like a garage?

Tom: It looks like a little house with a garage. And she could take a vote to see how it goes and if the board denies it, she can do an attached one by right and she wouldn't even have to come back to us. Instead of spending all the money, see if the board passes it or not.

Chairman: So again the options are we could vote on it right now and assuming it passes you are fine and if it doesn't pass you could go back and just do an attached, and do it automatically without have to come to this board at all. I'm a little, well my own sense is I don't know if we should pigeon hold you into redoing your whole plan, with the costs and the time, as long as you are sensitive

Marielle: I can attach if it makes my neighbors happy, I am completely fine with that. I am just very taken back, I did not expect this at all. I don't want to get anyone upset so if I need to attach it that is completely fine. Whatever I have to do, if I have to attach it I will, that is completely fine, I don't know

Member Infante: I would like to make a motion, I would like to make a motion to accept the special permit application for 14 Robert Road, I think it meets the community need, it seems like it is going to match the building that is there and for me blend into the neighborhood character, it seems to meet all of the criteria of 10.4.2, I think all we can vote on is what is before this board right now, and any sort of stipulations thinking about the future, that is not something that we can vote on. So everything I am seeing here before me would make me vote yes.

2nd by Member Vathally

Member Infante: Yes, it meets criteria for 255-8.1 and 255-10.4.2

Member Brown: Yes, it meets the zoning criteria for an accessory dwelling unit special permit 255-8.1 and additional special permit 255-10.4.2

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



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Member Bevilacqua: Yes it meets criteria for 255-8.1 and 255-10.4.2

Chairman: Yes meeting the criteria for special accessory dwelling unit 255-8.1 and 255-10.4.2

Harold James Kuemkong & Essi Kuemkong for 45 Columbia Park (Map, Block, Lots 622-535-11 & 622-536-5a)

Applicant seeks a special permit for a new detached accessory dwelling unit in a RH zone. (BOA 24-10) **CONTINUED**

Harold James Kuemkong (45 Columbia Park): We are seeking a special permit to build a detached ADU in the back of our property, it is going to be a two-bedroom one bath around 700 square feet, it meets all the setback requirements.

Chairman: And you are the owner of the house itself

Harold: Correct

Chairman: And its owner occupied too?

Harold: We moved out, but we will be moving back in.

Chairman: Other comments or questions from the board?

Member Infante: Will you be living in the ADU or will you be living in the other building, which one will you be living?

Harold: I will be living in the ADU

Member Infante: Ok, thank you.

Chairman: Any other questions before we give opposition. OK would anyone like to speak in opposition?

Rick (51 Columbia Park): So my property is a single-family home, I have lived there for 10 years. On a particular Sunday afternoon I was cutting grass, knowingly I went out to a couple that were parked in a car in front of my house and I asked them knowingly that they didn't own the property, if they owned the property and they said no, so then they said is there a problem, and I said yes there is, I have a 86 year old mother that lives with me, and I see cars parked out front at night with lights on every night of the week. I hear cars early in the morning parked out front, they are talking on their phones, I see a lot of people coming in and out of the property and I just have some concerns about my mother and her reply was yea it is kind of like a boarding house, but don't worry because Harold does a background check, pedophile and criminal background check, on everybody that rents there, I said people rent there, she said yes he rents rooms out of there, I said how many people live there, she said a lot, so he has as I understand it and I witness people coming and going all hours of the night and during the day, there is people living on the third floor, there is no emergency egress for the third floor, so it is basically she referred to it quote on quote like a frat house. So now I get a letter from the city requesting a petition to build on his lot and he answered your question, he does not live there, he moved out, so how do I know he is going to move back in, he told you he was but it has turned into a rental property, so I think there is like 10 or 11 bedrooms in there, so there are so many people coming in and out of there, I am concerned for my 86 year old mother, who looks out the window like you would too, if a car was parked out front of your house at night with lights on, with people sitting in it



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smoking pot, which is fine as its legal, but I am concerned about my mother, I am concerned about what has happened to this property, as an adjacent property owner it has brought the value of my home down, because there is transient in there. So this particular woman said that typically what he does is, he will have you sign a lease for 6 months and once the lease is up, it is month to month, hence why there is so many people coming and going. So I have some serious concerns about the intentions of any development going on there.

Chairman: Is this something inspectional services can look into

Tom Bridgewater: So if you feel that it is a rooming house

Rick (51 Columbia Park): I don't feel, I know it is.

Tom Bridgewater: And there is unsafe conditions at 45 Columbia Park, you need to come in my office tomorrow and sit down and talk to me, because we need to go out there. Now that we know about it, we need to do something incase something happens

Rick: It has gotten worse, as the rooms have filled it has gotten worse.

Chairman: What I would like to suggest, first of all I want to give you a chance to rebuttal, but as Tom suggested I think we will continue this to another meeting and in the meantime have the Building Commissioner and inspectional services or whatever else has to be engaged

Tom B: Fire Department

Chairman: We can't vote on it tonight. You look like an honest person, but we don't know anything, we don't know if what you are saying is accurate or inaccurate, we can't make a decision based on you, so I would suggest that we continue this . But first is there more opposition.

Doug Fowler (43 Columbia Park): (couldn't hear his first sentence) I have 200 feet of fence line and if you put a house in my beautiful backyard, that I have been paying taxes on for 25 years, in this grand city, I think it devalues my house, they are wonderful people, I like them, I knew their mother, if they want to move back in, there is nothing I can do because (couldn't hear his next sentence), they are nice people, but they have owned the house for 2 years and I think 6 months ago they moved away to another property. I met their mother several times she was a nice woman. That's pretty much it.

Chairman: Thank you very much. Could you come up and do a quick rebuttal, but I think we are going to have to continue this

Harold: So think its well to know that the property was actually a two-family a few years back and was converted into a single-family, so that is why there is a lot of bedrooms, and all of the bedrooms do have egress windows, so if anything happens they can get out, so I am not sure why the neighbor said there is no egress, so it was a two-family converted into a single. All my tenants there right now, I am doing background checks to check on them



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Chairman: And how many tenants do you have?

Harold: we have about 6 right now, so I am not sure where they got the 10 or 11

Chairman: Are there apartments in the house or

Harold: No, bedrooms

Chairman: Just bedrooms

Harold: Yes

Member Vathally: In a single-family home you have 6 tenants?

Harold: Yes

Member Vathally: Just to be clear. Thank you

Chairman: I would entertain a motion to continue this to the August meeting and ask the building commissioner, continue to August 21st and the interim having the building commissioner and inspectional services look into this, so I will entertain a motion for them.

Member Vathally: I make a motion to continue the application for 45 Columbia Park to the August 21st 2024 Board of Appeals meeting. 2nd by Member Infante

Member Infante: Yes, to continue to the August meeting

Member Brown: Yes, I vote to continue this to the August 21st meeting

Member Bevilacqua: Yes

Member Vathally: Yes

Chairman: Yes

MAUREEN E. RYAN TRUST for 20 Dudley Street (Map 621, block 538, Lot 9)

Applicant seeks following dimensional variances to create a new building lot for the construction of a new single-family dwelling in a RH zone. Proposed new Lot 9-2 shall include the new single-family dwelling. Requested relief for new Lot 9-2 include variances for lot area (2,948 sf where 7,500 sf is required), lot frontage (60 ft where 75 ft is required), lot depth (49.16 ft where 100 ft is required), front setback (10 ft where 20 ft is required), rear setback (10.12 ft where 30 ft is required) and building coverage (28.49% where 25% is maximum). Proposed new Lot 9-1 includes a pre-existing nonconforming two-family dwelling. Requested relief for new Lot 9-1 includes variances for lot area (3,338 sf where 9,600 sf is required), lot depth (55.67 ft where is 100 ft required), rear setback (10.4 ft where 30 ft is required) and building coverage (28.61% where 25% is maximum). (BOA 24-14) **GRANTED**



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Attorney Robert Harb (40 Kenoza Ave): I am here representing the petitioner, she wasn't able to be here tonight, but her husband Mr. Ryan is. I am going to refer to my brief, I think it pretty well spells out all of the past history. Back in 2007, the applicant's husband, who is actually here tonight obtained a variance, the variance was to divide the lots, it would no longer be a through lot, and to create a single family on the vacant portion of the property, where there are two garages. One of the garages since the application was approved has burned down, the house burned down, the house was rebuilt and the garage was not rebuilt, but there is still a garage left, a fence was erected dividing the two lots and has been there for a while, but the applicant failed to come forward and record the subdivision plan, that they needed for the building permit, so the application lapsed, the building inspector rightfully said even though you had a fence and stuff you didn't exercise the variance, you needed to do something with the other lot. So the applicant came to me and said, we should refile. So as you can see there is already a structure on the second half of the property, which is on Elm Street, the proposal is to demolish that remaining garage, rebuild a home basically in the position of where the garage was and then have parking to the left of the home. I reviewed the neighborhood, I searched the cities assessor maps online, if you look at Taft Ave and Elm Street across the street, you are going to see that there are many lots that are subsidized, and many lots that don't even have parking, sufficient parking, so we are not going to be contrary to the neighborhood, many homes are smaller, we do need housing as we have heard tonight a number of times, everybody is putting in accessory dwelling units, but as we know you have to be owner occupied and so we can't do that as the applicant doesn't live in it. So it falls more as to what they asked for in 2007, in order to build the other house and take down at the time the bader garage, and now the better garage burned down, the worse garage is still sitting there, so the proposal is to take that down and just put up a single-family, we believe we meet 255-10.2.2 and 40a. The lot is a through lot, in that area you don't have a lot of through lots, the lot and dimensions are not out of line with the whole area, especially Elm Street. A strict application of zoning ordinance wouldn't allow him to do, what he wishes to do is give more housing and especially because he already had the variance, through fault let it lapse, it is not a result of anything he did, because he has been doing positive things, the applicant since the variance was allowed he just didn't continue it through. It is not going to be a detriment to the neighborhood, if we put up a single-family in place of the old dilapidated garage, there are other families and lots in the area, and it wouldn't be a special privilege because these other lots don't meet current zoning and we believe we have an unusual shaped lot, so that is why we refiled to ask permission to basically renew the variance he got in 2007. I understand there are opposition and so I am happy to answer any questions, but perhaps to hear the opposition and then I can respond to it.

Chairman: The new structure, will that actually be on Elm Street?

Attorney: Yes. I gave you a picture of the Elm Street, so that is the old garage, and there is a space next to it, so basically the garage will be replaced with a home, the space next to it that you can see is empty now where the other garage was, would turn into parking.

Chairman: Any comments or questions from the board?

Member Brown: There is not going to be a new garage there, how many parking spaces?

Attorney: We currently show two, as that is what is required for a single-family. I don't mind saying that I have talked to the applicant's husband, because I think some of the concerns from the neighborhood, is parking, so we are very willing to,



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because the 2 meets zoning, we are willing to have a condition of the board that we extend it to stack it, so there would be 4 spaces there, we just build it back further and then we would get four spaces for a single-family on that street.

Member Brown: That was my concern because I know are other tenants on that street especially parking in the winter time, might be a little bit of a concern with on street parking

Attorney: It was a good question and that is why I had addressed it with the applicants husband, and I thought if we stacked it, we still meet zoning because we only need 2 in the front, but then we give them two more, so we have four spaces for a single-family.

Member Brown: Thank you

Chairman: Any other comments or questions from the board? Any one want to speak in opposition?

Attorney: I actually think someone is here to speak in favor.

Gary O'Brien (129 Lauren Street): I am what I would say a prime abutter since my property is right next to the property in question, and 16 Dudley Street and of course my property runs all the way to Elm Street. I am actually in favor of the proposed new house going in, and I might add that Elm Street is sort of diverse, a spoken of homes are multi-family mostly of the north side of Elm Street and the south side they are all single-families, the one in question, the one next to it going up the street and the one after that, and the one after that too, they are all single-family on the south side. On the north side are three decker's and multi-family homes, it is sort of a nice housing mix area, which is nice single-families as well as multi tenants ones. I grew up in that area and I remember the garage that was there and when it burned down, and since that time when the garage remains where removed, it was sort of a blighted area for the most part, and right next to it, there was an old tin garage that as far as I know has never been used, it is just a garage that has been there, occasionally used for storage and that's about it, but that garage plus where the original garage was burned down, that whole section there really is no parking at all, because it is driveway for the most part and I have a garage down there too, and there is no parking on that side of the street, but with the new house that is proposed, not only will the tenants of that house, or the owners or whoever is living in there, they will have off street parking next to their home, but also in front of the home, there will be on street parking where there is none right now. There for I think parking would be eleaved rather than hurt. Anyway it will help reduce the blight of the neighborhood. I also want to mention that it would certainly help the tax payers in Haverhill which Haverhill certainly needs. And also all public utilities are already available along the street, gas water electric and so forth. The property owner who is not here tonight, but did build a nice modern high efficient duplex, in that same area and I think it has helped to improve the rundown condition of that neighborhood. I think overall the council or the group on the board here should approve it, because I think it would certainly improve the neighborhood, it would be in keeping, with the need to alleviate the desperate need that Haverhill has for housing and there are really no negative effects that I can see, and it would fit in nicely and therefore I would be muchly in favor of putting in a single-family home in that area.

Chairman: Thank you very much. Anyone want to speak in opposition?



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Keith Hailey (18 Elm): I live directly across the street from where they want to build this home, all our concern was parking. Hearing that they want to put in a four-car parking, definitely makes it sound a bit better. I measured the lot and I don't see how that is adequate, from the street to the fence is 55 feet, and the lot the right is 60 and they want to put in a 30x28 house, that is not leaving much for any yard, I don't see how the lot is even big enough to put in two cars side by side and that size house, I don't see how.

Attorney: I have to relay upon the surveyor, I am looking at the survey plan and he is right about the frontage, but the surveyor places a house on it and says there is enough, at least 19 almost 20 feet to the side of the house, so that is enough because the width of a car is by our code like 9, so that is 18, so there is enough room for 2 cars. It might be tight but it is there, and if the fence is in the wrong location, we will move the fence, because we have to make the line work, but the surveyor Steve Stapinski says there is enough room, so I have to believe him, and I do appreciate their attention and concern that if we make it four and as the other gentleman said, there would be parking on the street in front of the house, because you can't drive in and out of the house, but as I said we are willing to make that a condition of your approval, that they extend the parking on the Elm Street lot, to be four stacked parking spaces. Thank you.

Chairman: Thank you. Any comments or questions from the board.

Member Vathally: Attorney, I like the plan, I think it looks nice, I think it is going to enhance the neighborhood immensely here, so have you roughly the square footage of the lot, everything is nonconforming there from what I see. And from what I see, Commissioner they are all around 5100, right in that area?

Tom Bridgewater: Yeah they are all pretty tight

Member Vathally: About 5000 square feet, in the whole area. I like the renderings, I like the drawings, I think they did a good job with it, and agreeing with the parking, the gentleman suggested would now the fence need to be moved?

Attorney Harb: The surveyors, as you know, don't normally put fences in driveways and stuff on a plan, I don't know why Mr. Stapinski put the fence, but if it has to be moved to make the property line, then we will move it.

Member Vathally: The fence goes on the property line, right commissioner?

Tom B: Yes, they can go on the property line

Member Vathally: Ok, very good, I like it.

Attorney: Thank you very much.

Chairman: Entertain a motion with the stipulations.

Tom B: Did anyone else want to speak?

Joanne (25 Elm): Well I live next door and was more concerned about parking.



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Chairman: That has been addressed.

Joeann (25 Elm St): Everyone parks in front of my house, and when I come out of my garage they are everywhere, and especially in the winter. I told Bill that I don't care, but they better have a place for them to park, and when he showed us the plan he did not show he had a parking. I live by myself, mine is a single-family house and people park everywhere, you can't get out of the driveway, it is ridiculous, and I am an older person and I live by myself, so I have to take care of Joanne. So I have no problem, as long as he has a place for his tenants to park.

Chairman: And as mentioned, it will be a stipulation for approval. Entertain a motion with the stipulation

Member Vathally: I make a motion to approve the variance for 20 Dudley Street Unit one, with the condition to add an additional four stacked parking. 2nd by member Infante

Attorney: Parking on Elm Street, four stacked.

Member Infante: Yes, meets conditions for zoning criteria 255-10.2.2, seems to have a unique shape and I vote yes on the stipulation that the four stacked parking is added on Elm Street.

Member Brown: Yes, it meets the zoning criteria for variance 255-10.2.2(2), along with the stipulation for four stacked parking driveway

Member Vathally: Yes, meets the conditions for 255-10.2.2(2)

Member Bevilaqua: Yes, it meets the criteria for 255-10.2.2(2), with the stipulations

Chairman: Yes, meeting the variance for 255-10.2.2(2), with the stipulations about the stacked parking, so it is granted.

Members voted to approve the May 2024 BOA meeting minutes