



Haverhill

Board of Appeals
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BOARD OF APPEALS held A PUBLIC HEARING ON WEDNESDAY EVENING, DECEMBER 18, 2019 AT 7:00 P.M. IN ROOM 202, CITY HALL, and heard the following items:

PRESENT: Members LaPlume, Brown, Soraghan, Vathally, Bevilacqua, and Chairman Moriarty.

ABSENT: Member Sullivan

Bethany Community Services, Inc. for 100 Water Street (207-1-1):

The Chairman reopened the Hearing on the 40B project, in accordance with MGL Chapter 40B, sections 20-23. The Project Eligibility Letter for the proposed construction cited only ½ of the proposed buildings. Bethany Community Services, Inc. has since received a corrected Project Eligibility Letter that covers the entire proposed construction project.

The Chairman closed the Hearing and called for a Motion, which was made and seconded.

The Board took two votes: the first to close the hearing and the second on the application.

Member Soraghan made a motion to accept, seconded by member Vathally

Member Soraghan-Yes

Member Vathally-Yes

Member LaPlume-Yes

Assoc. Member Bevilacqua-Yes

Chairman-Yes

The Board voted 5-0 to close the Hearing and voted 5-0 to **grant** the application.

Wash Square Jackson Haverhill, LLC for 160 Summer Street (Map 404 Block 92, Lot 1):

The applicant has an Agreement to purchase and rehab the existing non-conforming mixed use building into six residential units. There will be no change to the exterior of the building, however, extensive rehabilitation and improvements will be made to the inside and the exterior of the structure. The applicant intends to set aside green space on the property and to provide 13 parking spaces, where nine are required. The units will be between 500 and 800 square feet and will be priced at market rates. Construction is expected to be completed in nine months.

Q. Do you have plans for snow removal?

A. Yes, there is adequate space in the area to push the snow.

Q. Is the greenspace being maintained?



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A. Yes, will trim down some of the growth to provide better landscaping.

The Board noted that the request for a Special Permit meets the requirements of Section 255-80.A. The proposed construction does not exceed the six unit limit established by 255-80.A. The proposed project also requires no exterior structural changes, as noted in section 255-80.A.

Richard Osborne advised applicant that the Building inspector Tom Bridgewater advised to Mr Crump, that a 13R sprinkler system will be required and Mr. Crump assured it will be installed.

Member Soraghan made a motion to accept, seconded by member Vathally

Member Soraghan-Yes
Member Vathally-Yes
Member LaPlume-Yes
Assoc. Member Brown-Yes
Chairman-Yes

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

Thomas P. McFadden, Trustee of McFadden Family Real Estate Trust for 6-8 Swain Street and unnumbered Swain Street (Map 507, Block250, Lots 1A and 2):

This is a three-family dwelling with all members related. The building and lot have prior existing non-conformities. An addition was constructed without a permit and without an approved variance. The problem arose when the applicant was assured by the builder that all required permits and approvals had been met. The applicant is before the Board to rectify the situation and validate the changes made. The applicant intends to merge Lots 1A and 2.

The Board noted that the request for the Variances met the requirements of section 255-79.C.1-5. The Board specifically noted that the failure to obtain the required permit and variances previously was caused by the building contractor and not the applicant, as addressed in section 255-79.C. (3). The Board also noted that strict application of the provisions would deprive the applicant of reasonable use, as noted in section 255-79.C. (2).

In a related discussion, one member noted that the footings appeared to be 4X4, whereas the current requirement is 6X6. The Building Commissioner noted that at the time of the construction the 4X4 standard was allowed.

Member Soraghan made a motion to accept, seconded by member Vathally

Member Soraghan-Yes



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Member Vathally-Yes
Member LaPlume-Yes
Assoc. Member Brown-Yes
Chairman-Yes

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

Wash Square Jackson Haverhill LLC for 0 Jackson Street (Map: 513, Block 283, Lot 5):

This is the first step in the process. The applicant must also go before the Planning Board and the City Council for a Special Permit for a three-story building with 12 dwelling units. The applicant is also purchasing other contiguous parcels (251 and 249).

The applicant requires no variance for parking. The 18 spaces proposed meet the code requirement. The three-story building will contain six units of 675-700 square feet and six units of 860-880 square feet. There will be one-bedroom units and two-bedroom units. There is an 11 foot grade change on the property.

Q. Who is parking in the lot that is currently vacant and will be the site of the new building?

A. Not really sure. Believe it could be residents of the other two dwellings owned by the applicant and other people in the neighborhood.

Comments from Neighbor:

- The applicant is proposing too many units.
- The neighborhood is already densely populated; this will add to the density.
- The new building and the 12 units will add to an already difficult parking situation.

Q. Would the applicant consider reducing the number of units?

A. A reduction in the number of units won't allow for the dollar investment required in an Opportunity Zone. We need the proposed units in order to be eligible for the Tax benefits.

The Board asked about the use of the Veterans Northeast parking lot, as suggested by the applicant. The lot already appears to be filled most of the time. The Board also asked if the applicant has an agreement with the Veterans Northeast Center. No formal signed agreement has been entered into.

The applicant requested a Continuance to the January meeting and waived the notification period.



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The Board **granted** the Continuance on a vote of 5-0. The Board also suggested that the applicant have a formal agreement with the Veterans Northeast Center, if the applicant proposes to use that lot for parking.

Member Soraghan made a motion to continue, seconded by member Vathally

Member Soraghan-Yes
Member Vathally-Yes
Member LaPlume-Yes
Assoc. Member Brown-Yes
Chairman-Yes

SARJ Real Property Management, LLC Trustee for 28 Broadway – unit 3 (Map: 517, Block 293, Lots 24A-1, 24A-2, 24A-3, and 24A-4).

The structure was for previously for four condos. The applicant purchased the dwelling out of foreclosure after an extensive fire left the dwelling uninhabitable. The applicant proposes to construct a new building with three units. There will be garages under the units, with no street parking required. The new foundation will serve as a retaining wall.

Q. How many stories?

A. Two as part of the dwellings and one for the garage, for a total of three.

Q. How many parking spaces will be available?

A. There will be two garage spaces.

Q. What is the status of the lot on the right?

A. It is part of the proposed site.

The Board noted the application meets the requirements of section 255-79.C.1-5.

Member Soraghan made a motion to accept, seconded by member Vathally

Member Soraghan-Yes
Member Vathally-Yes
Member LaPlume-Yes
Assoc. Member Bevilacqua-Yes
Chairman-Yes

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



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Lynn Garceau for 367 Hilldale Avenue (Map: 528, Block 1, Lot 83):

The applicant intends to seek a Special Permit from the City Council, as required. Prior to that request, the applicant seeks variances for setbacks, as well as a variance for parking design. An existing barn will be converted to a residential unit that will be connected to the existing three-family dwelling. The barn will be converted to allow for handicapped access. The existing barn doesn't meet the requirements for its repurpose as a home, although it did meet the requirements as a detached garage. All of the setback variances are preexisting, except now the barn will be a dwelling. The parking has the required number of spaces, but needs a variance for the proposed design.

Q. How many parking spaces will be behind the barn?

A. Three, with a driveway from the side street.

The Board noted that the variances are pre-existing and, therefore, should not prejudice the application. The Board also noted that the building, formerly a barn meets the requirements as a barn/detached construction. Converting the barn to a dwelling creates the need for a variance and also creates the need for the parking design. However, both changes improve the property and provide adequate justification for the approval.

Member Soraghan made a motion to accept, seconded by member Vathally

Member Soraghan-Yes

Member Vathally-Yes

Member LaPlume-Yes

Assoc. Member Brown-Yes

Chairman-Yes

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

SandE Homes LLC for 114 Pilgrim Road (Map: 530, Block 20, Lot 8):

The existing dwelling is served by private services, no use of public gas, sewer, or water. The applicant intends to tear down the structure and construct a new dwelling for two townhouse style dwellings. The applicant has cleared a considerable amount of overgrown brush. The application is six inches short of the required depth and 14 inches short of the required setbacks.

Q. What will the proposed building look like?

A. Only have a preliminary design at this time.

Q. Will the dwelling have a full basement?

A. No, just a half basement.



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- Q. What will be the height of the dwelling?
A. The height will be under 30 feet, from grade to ridge.
Q. What will the price of the units be?
A. Approximately \$375,000.
Q. How many dwelling units?
A. Two condos.

The Board determined that the application met the requirement of 255-79.C.1-5.

Member Soraghan made a motion to accept, seconded by member Vathally

Member Soraghan-Yes
Member Vathally-Yes
Member LaPlume-Yes
Assoc. Member Bevilacqua-Yes
Chairman-Yes

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

A Motion was made and seconded to accept the Minutes of the Board of Appeals meeting on November 20, 2019. The Board vote 5-0 to accept the Minutes.

-Adjourn-

The Board then went into Executive Session.