



Haverhill

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

12-21-22 BOA meeting

Fantini Brothers Realty LLC for 375 Washington Street: Attorney Paul Magliocchetti addressed the board on behalf of the applicant. I am requesting a 1-month continuance to the January meeting.

Chairperson Moriarty: Any questions or comments from the board? Motion?

Member Ted Vathally motioned to continue the application for 375 Washington Street to the January 2023 Zoning Board of Appeals meeting. Seconded by Member Lynda Brown.

Member Vathally-yes

Member Brown-yes

Member LaPlume-yes

Member Bevilacqua-yes

Chairman Moriarty-yes

Motion Passed.

Jill Dewey, BOA Clerk: If there are any abutters here for this one, just so you know you will not be re-notified in the mail. You are just going to need to remember that the meeting is January 18th, the third Wednesday of the month.

Member LaPlume: After all of my votes I give you permission to sign for me. Chairman Moriarty: Thank you. It is noted in the record that I will be signing for Member LaPlume who is on the remote.

Chairman Moriarty: This is a repetitive petition and could you tell us exactly why you are resubmitting it and what specific and material changes are involved.

Attorney Caitlin Masys, Downey Law Group, 462 Boston Street, Topsfield addressed the board on behalf of the applicant. The prior petition was for a two family duplex style home that had a garage underneath and side by side. It had a much larger footprint and took up more space on the lot leaving less open space. What we are proposing with this new petition is a more traditional two family home, that is top and bottom. It has less of a footprint requiring less variances.



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Chairman Moriarty: We will go into the details on the second part. I will entertain a motion to accept the repetitive petition and indicate that it has specific and material changes.

Member Ted Vathally motioned to accept the repetitive petition for 5-7 John Street. Member Lynda Brown seconded the motion.

Member Vathally-yes

Member Brown-yes

Member LaPlume-yes

Member Bevilacqua-yes

Chairman Moriarty-yes

Motion Passed.

Chairman Moriarty: It was accepted so we will hear the repetitive petition.

Attorney Caitlin Masys, Downey Law Group, 462 Boston Street, Topsfield, MA:

Chairman Moriarty: Now, you can give us more details of what you are requesting here.

Attorney Masys: Certainty. I am here today representing the applicant, Mr. Jean Doresca. Mr. Doresca is 100% disabled veteran. He served active duty in Iraq and Afghanistan and was injured pretty severely which prevents him from maintaining and seeking employment. He is here today before the board for a third time. He has changed his petition from a three-family proposal which actually was supported by 11 neighbors. There were a couple of people in opposition to that proposal so he decided to reconfigure the application and apply for the previous duplex style two family with a garage underneath. The reason Mr. Doresca applied for that despite it requiring somewhat more variances by the board is because there are actually four properties within less than a quarter mile where a duplex style homes where variances were granted by this board and they were built. These particular homes that were built were presented to the board by a developer in Haverhill. He took essentially one large lot and divided it into thirds then built three duplex lots, umm three duplexes on those lots. My client Mr. Doresca is a homeowner. He is seeking to create a better life for himself and his children. The two family that he is seeking approval for tonight one of those units he would occupy as his primary residences. The other would be a source of income for him and his family. He has been very diligent with talking with his neighbors making sure that what he is proposing to do is not going to disrupt the neighborhood in any way. I think the fact there has been no opposition to the last proposal or this one is evidence of that. Additionally I did review some of the minutes from the October 2022 meeting in which the board



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heard a petition on 2-4 John Street, which is directly across from Mr. Doresca's property. Attorney Bob Harb presented to you in that meeting that this particular neighborhood and I quote all of the streets and all of the lots around us lack area. This is not a proposal that is out of the ordinary for this particular neighborhood. Additionally, Attorney Harb out that additionally it's a two family neighborhood all around them on small lots. That is just the way the neighborhood was developed. Unfortunately, for Mr. Doresca at one time the lot that his house is on and the lot that he is proposing to put the two family were separate lots. The address of the property was 5 to 9 John Street. So there were in fact three units on the property, 5-7-9. Previously in 1986 the lots ended up being combined and divided among property owners on the street. This happened in 1986 well before my client bought the property. Well before he was here and had any say in how that happened. The variances being requested today for frontage I don't think it is asking too much as the majority of the other lots in this area are lacking sufficient frontage and according to the zoning board definition the purpose of having frontage is having access to facilitate safe ingress and egress to the building location. I think its more than clear if you have driven by the site there is plenty of room. In fact there is going to be parking spaces proposed on either side of the property. Safe ingress and egress will not be an issue. As far as area goes yes, the lots are smaller than what is provided for in the zoning ordinance however that is the character of the neighborhood. Neither area that is being proposed is significantly less than any other lot in the immediate vicinity. There is one variance that is necessary for a rear setback which unfortunately it is created by the way the lot has to be subdivided in order to apply for this two family. I think the hardship here is if you have driven around this neighborhood you have seen there are apartment buildings 4-8 units, there are 3 family houses, duplexes side by side and smack dab in the middle is this empty lot. Currently there is a shed in the corner, there is an 18-wheeler truck parked there. I think it would actually improve the neighborhood to have some additional housing units put in there. There will be some nice landscaping to separate the two lots. There are some trees that are on the property that will not be removed, mature trees that will stay on the property. My client is here, Mr. Doresca is here if the board has any specific questions that they would like to ask of him. He is more than happy to come up to speak to you as well.

Chairman Moriarty: Could you clarify about how the lots were broken up and put together.

Attorney Masys: I do have a plan that was drawn and recorded in 1986. Its essentially almost a full block on Franklin Street. (this is John Street this is Franklin Street. This is my clients current house. This was a lot line). The house that exists today with this 10' setback actually existed on its own lot up until this plan was recorded in 1986. (then there was another lot line here where this house sat, this entire large portion right here was its on separate buildable lot and it was known as 9 John Street. At one time



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the lot that contains the current house with a 10' setback and at one time was just that on the lot as you are seeing it on the proposed plan. At some point these two neighbors got together made some handshake agreement and said give a little bit of land here, a little bit of land there then next thing you know a merger occurs when the same owner purchases the two lots next to each other. It merged by operation of law as opposed to being actually combined being one lot.

Chairman Moriarty: Any questions from the board?

Member LaPlume: First of all, I would like to thank your client for his service and thank him for putting his life on the line for our country. From what I understand most of the lots in the area as you said are smaller than normal. I looked up one that we voted on 9.18.19 that's just around the corner on Franklin Street and that is a very small lot. We already set a precedent in the area. There are a lot of houses in the area on very small lots. I think it would be beneficial in my opinion. I think the city would honor this application also. That is just my opinion. It looks to me like it fits. That's all I have to say.

Chairman Moriarty: Thank you, Member LaPlume. Any other comments or questions?

Member Vathally: Attorney, how long has your client owned the property?

Attorney Masys: He has owned the property for two years now. Three years, sorry.

Member Vathally: He just bought the property. Alluding to what Member LaPlume just said about setting the precedent as far as I am concerned every application brought before the committee stands on its own merits. Just highlighting other applications shouldn't make a precedent or a bearing how this decision goes tonight. My question is could you just expound....we have to somehow respect our zoning ordinance. I understand your argument for frontage. If he purchased the property for only three years tell me how this is not a self imposed hardship?

Attorney Masys: First of all, it was not my clients intention when he purchased this property to build on the back lot. He purchased the property because it was a good investment, he was going to live there. He would be able to have some rental income from the existing house. After moving it soon became apparent to him that the neighborhood....there are no other properties like his in this neighborhood that have this much open space. He didn't buy the property with the intention of subdividing. He moved there, he saw what was happening and thought well I'm going to try to make good use out of my property. I understand that the self imposed hardship is the area and the rear setback request. I think



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the rear setback request...I believe what I showed you earlier about the lots when they were separate when this house stood alone on the lot like it was in 1985. It had a setback issue. It would have been pre-existing, non-conforming at that time. As far as the area goes although it is somewhat of a self imposed hardship the lot itself...I know we have had this discussion before and I admit it is a bit of a round about argument but the size of the lot and the fact that it is large as it is and has this open space is the hardship in that neighborhood. Its not big enough to throw another building on it without needing zoning relief. But its too small to fit into zoning for a reasonable proposal like this which is a two family top to bottom. Even if he would come before this board seeking a single family home, a single family home would still have a lot a larger footprint than the two family that is being proposed now. We are talking about a stacked one family, on the bottom a second unit on the top. So its one of those in between lots that because of where it is located in the city it presents a hardship for the owner to make good use of his property. I do think the purpose of the zoning ordinance in the City of Haverhill is to protect the health and safety of its inhabitants and to encourage the most appropriate use of land throughout the city. I think that this proposal fits directly into that purpose. The health and safety of its inhabitants. Mr. Doresca is an inhabitant of the City of Haverhill. He is trying to make the best use of his property. Its an appropriate use, if you drive through that neighborhood aside from the fact that it looks like it is just built it will not look out of place in that neighborhood whatsoever.

Member Vathally: Have you spoke to all the abutters?

Attorney Masys: Yes, I actually have a....I think this was uploaded there is a list of abutters who has signed. These abutters also were in favor of the proposal that had a three family residence on the property. So, they are actually even more excited that the applicant has pared the project down a little a bit. Not only is he not going to put a duplex it is going to be more traditional, less of a footprint, there will be more greenspace because that footprint is smaller.

Member Vathally: How much parking do you have there?

Attorney Masys: There are four proposed off-street parking spaces. The house that exists right now actually has parking for 8 vehicles. Even if there were more than 2 vehicles for each unit there could be space available in the other 8 spots. They could be leased or given an easement for parking for the new project. There is a definitive 4 spaces allocated with the potential for up to 6 total spaces.

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



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Commissioner Bridgewater: It does.

Member Vathally: Thank you attorney.

Chairman Moriarty: Member Bevilacqua do you have any comments or questions? Lynda?

Member Brown: Can we just go over, it was originally a 3-family that was proposed right?

Attorney Masys: It was yes

Member Brown: So this has really come down, quite a bit as far as footprint?

Attorney Masys: It has

Member Brown: It does have unique conditions, I do agree with Member Vathally when saying, we do take each applicant that comes before us individually, I think sometimes this do have unique conditions and I am glad that you and the applicant worked with us to conform a little bit better on this.

Member Ortiz: The questions I have about the parking, the spaces. Franklin Street and I wish someone would go to City council And make this a one way because that is a difficult street to drive on

Attorney Masys: They are very narrow

Member Ortiz: If you are going at this time, especially in the winter time when they only have one side to park on, I am glad that you guys are thinking about having more spaces than what is required. I am very familiar with the area, having a new house I think is going to benefit the area and city. Thank you for serving the country, Mr. Doresca

Chairman: I want to echo that, as with Member Vathally I always worry about applicants creating the addition that then requires a variance, this is a somewhat unique situation for a variety of reasons, again I am happy that it is going to go to review later on, that will give it another opportunity to have it looked at more closely, I guess I'll support it but I do have a problem with creating variances by self-imposed hardship. And the square of the area on lot 12A requires 9,000 and this only has 6,000 so it is short a fair amount as is the other one, but as you said it is consistent with the neighborhood.



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Attorney Masys: I do, and I know it is difficult when you are just looking on a flat piece of paper to picture an actual house being on the lot, even though the lots are a little small and there are lines on the plan that show the setbacks and the distances, there is still a fair amount of yard and green space there, so while I can respect the zoning code requires 9,000, I also contend to think that is a bit of an overreach when you are actually looking at the size of the lot and the size of a structure on it and the amount of space.

Member Vathally: This application runs on its own. Thank you for your service.

Chairman: Thank you, any other comments, or questions from the board? Make a motion.

Member Ted Vathally motioned to accept the variance for 5-7 John Street. Member Lynda Brown seconded the motion.

Member Vathally-yes as it fits the criteria for 255-10.2.2(2)

Member Brown-yes it fits the variance for 255-10.2.2(2)

Member LaPlume-yes it meets the qualifications for 255-10.2.2(2)

Member Bevilacqua-yes it fits the criteria for 255-10.2.2(2)

Chairman Moriarty-yes it meets the general conditions for 255-10.2.2(2)

Motion Passed.

Nancy Hollis for 0 Alton Avenue

Nancy Hollis: After 47 years I moved from 33 Alberta Avenue in Haverhill, and I am now at 155 Londonderry Road in Windom NH. Almost 40 years ago we purchased land to add to our yard while we were living there. In 2010 when our daughter moved back into our house with her family, we were going to split it up and put a new building in there, but we decided to add on instead to our existing house, and now I would like to sell this lot of land so that someone else can have a home and it just about meets code.

Chairman Moriarty: It looks like it's just one variance you are looking for, for depth of 88.9 where 1200 is required

Nancy Hollis: Yes, and the other side is 95 so it averages out to about 92. There is more than enough frontage, there is more than enough area. These lots were set up in 1907



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Chairman Moriarty: Any questions from the board?

Member Vathally: Was this approved earlier?

Nancy Hollis: Yes in 2010

Member Vathally: Why didn't you act on it then?

Nancy: Because my husband was terminally ill and we didn't realize that we had to go right down to board of deeds to register it.

Member Vathally: Thank you

Chairman: Other questions from the board? Would opposition like to speak? Please tell us your name and address and specifically what your concerns are.

Patricia Costolo (37 Tivative Ave) & neighbor (Bill 34 Tivative Ave) man is also representing his farther that lives there. Patricia: I have a piece of paper from board of appeals from 2010 that says the owner was asked in 2010 if they were going to develop and the owner said no and the board approved the application based on that no, so I don't know. We are opposed to it because the neighborhood is very small, very narrow streets, there is no waste water up there its all septic, several of the homes are on well water, so it is really narrow. This particular would have to be probably every tree come down, because it is a 2-family proposed, and the septic that would have to be put in. When all those trees are down, we are going to get all the noise from the Diburrows major housing project construction, so that is going to be a nightmare for use, because we already experience a lot of noise, we are in the flight path for small jets of the airport, sometimes it seems like they are going to take the roof right off our house, we have the trains, when the construction started on route 495 we could hear that at night, so we already have a bit of noise, we have learned to deal with it, but having all those trees down that kind of absorb a lot of that noise, that is going to be a problem for us. Also we are concerned about other things, other neighbors have expressed concerns and some people are more concerned about the wild life, we aren't. There's a lot of wild life there, we have a pair of American Bald Eagles, I can't say they live there but they vacation there, we see them come up from the Merrimac and fly over the tree tops and take a break I guess. We have a couple of dozen deer and the coyotes are there and we have rabbits and there's a little bit of a beaver pound up the hill, so the wild life, that is important. The other thing that is



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important to us is public safety. Bill you have a picture to show, the street according to the city maps Alton street is 40 feet wide when actually it is not, it is 16 feet 6 inches, so we have a car parked out there and the car is 6 feet wide or 72 inches and according to the fire department the average Haverhill fire truck is between 98 and 100 inches wide, so to have construction equipment parked on the street while clearing the trees, fire trucks wouldn't be able to get by, so it is a public safety issue. So you know, we have many reasons, the school, one apartment would probably generate would be about \$5500 would be the average tax for a house that size, but I won't pull you into this but I did my homework and the average cost this year to educate one child in the city of Haverhill is \$13,000 so to build on an undersized lot, the city is going to lose, the neighborhood is going to lose and we are really unhappy about it, we hate to lose the quality of life because once that house goes in, that gives access to the rest of Alton Ave and paper streets up there, so that whole track of land will be developed and it is going to be pretty noisy up there. Thank you for listening to us tonight, we appreciate it, Happy Holidays.

Chairman Moriarty: Thank you very much. Tom the fire department had a chance to review this didn't they, before this came to us.

Jill Dewey (Board Clerk): They did

Chairman: Were there any comments?

Jill Dewey (Board Clerk): I don't believe so. (She's checking the file), no they had no comment.

Patricia Costolo (37 Tivatic Ave): I spoke to John Pramas in the inspectors office and he said, "don't take this personally", but he said they would be very happy to come and speak, but when they do it usually ends up badly for the people who applied. So I got my information from John in the fire chiefs office.

Jill Dewey (Board Clerk): All of the departments had a chance to comment and none did.

Chairman: Questions from the board?

Member LaPlume: I have a question for the commissioner, most roads are not 16 feet wide they have a right of way on both sides, they only pave them 16 feet but that doesn't mean that is the actual width of the road, can you elaborate on that for me please.



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Tom Bridgewater (Building Commissioner): What is the question you are asking Ron?

Member LaPlume: If it is paved 16 feet, most roads in the city of Haverhill are not 16 feet wide, there is a right of way usually on both sides for expansion.

Tom Bridgewater (Building Commissioner): Correct

Member LaPlume: Can you elaborate on that particular road?

Tom Bridgewater (Building Commissioner): I know in this case here they were talking about when they came into preliminary project review, and in front of that house there is a real bad corner, where it appears the road goes right through the property there. I know there was talk about widening that road there at the corner there and bringing it down further along the lot.

Patricia Costolo: And there is a telephone there, right on the corner, so all that would have to be moved and the thing is all that take large equipment, to do all that work and that is going to cut us off, 12 families are going to be cut off from emergency vehicles. That is a problem, we take that very seriously, we always have, so we are hoping you will understand.

Tom Bridgewater: Ron to your questions, I can't answer the actual width.

Member LaPlume: You know I do sit on the developmental review board and we talk to the fire department and police department and especially the fire department on emergency situations and if a house is burning they go through, they are going to get through one way or another, even if they have to drive through a car. Hopefully the situation wouldn't ever arise, but it doesn't hinder the fire department in that sense or emergency vehicles, they have to get through.

Chairman Moriarty: Commissioner, when vehicles are blocking the road for different kinds of things, like taking the trees down, is the fire department notified of that ahead of the time?

Tom Bridgewater: They are not notified when they are cutting trees down.

Chairman: Any other questions from the board? Would you like to rebut that?



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Nancy Hollis: When my husband and I moved onto this property, we were the second to last house, there was one house beyond us and all of these other houses, duplexes and single-families beyond the hill is all woods back there, that are still there, as far as that is concerned there will still be wild life and deer running through your yard, and turkey vultures.

Chairman: Thank you. Any other questions from the board?

Member LaPlume: When a street is blocked in the city of Haverhill, whether they are digging or it is being blocked by any vehicle, electrical or poles or tree companies, a detailed police officer has to be on site, so the police department is called.

Chairman: Thank you. I will entertain a motion.

Member Ted Vathally motioned to accept the variance for o Alton Avenue. Member Lynda Brown seconded the motion.

Member Vathally-yes

Member Brown-yes

Member LaPlume-yes it meets the qualifications for 255-10.2.2(2)

Member Bevilacqua-Yes

Chairman Moriarty-yes it meets the general conditions for 255-10.2.2(2)

Motion Passed.

Joy LaBelle 0 Willow Street

Attorney Paul Magliocchetti (70 Bailys Blvd): I am here this evening on behalf of my client Joy LaBelle. This is a very unique parcel that is at issue here, it is in a fully developed neighborhood off of Willow Street and Hannah Street, the lot actually sits in a corner where there is a right angle and it is set back, so the lot meets all dimensional requirements, except for frontage. Talking to the engineers and various city departments, there are 3 options on how we can approach this to develop this lot. One of them would require the development of one of the paper streets along the side, which would really impact



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one of the neighbors, and we would rather not go down that route, so what we are proposing here is, we went before the council and we requested a discontinuance of the paper streets, there is one on either side of the lot, but we continued that, and we continued it because we are here for this variance on the frontage, so we believe that being granted this variance is the least impactful on the neighborhood and that is why we are here tonight. Just to give you a little bit of background, Ms. LaBelles husband and her purchased this lot back in the 1980's, they have owned it for some time now, they went through a divorce and as part of the divorce from 2008 Joy LaBelle obtained the property, it has been sitting there, like I said all the other lots around it have been developed. Also another thing to point out is in this particular development all are duplex homes, mostly duplex homes, there were a lot of variances given because there are a lot of wetlands back there, so in order to get the homes built, they had to get relief, so what we are asking for really isn't unique to this property or to this owner, things have been done there in the past. That being said we believe that we meet all the requirements of the variance, and again this is one of the unique situations, where if you look at the shape and topography of where this is located, we really do meet a lot of the requirements for a variance, a lot of the people who come before you for a variance really don't meet the specific intent of the criteria, this is one of those unique situations where we do check a lot of the boxes and one of the boxes that is really important to point out is the hardship, they have owned this lot for a long time now and we are not asking for anything special, we are going to put a duplex like every other home in the area is, and without this relief we really can't do anything and the lot just sits there, there is no use for it, so it is a reasonable request, it is a reasonable use especially considering the neighborhood. I do have the engineer here and I am going to ask him to point out a little of the things about the lot and shape and some of the challenges we face, and he does have on the plan he shows, not the footprint of the duplex but the window of where the duplex can be built, so I am going to introduce TJ Melvin from Millennium Engineering to go over the plan with you.

Chairman: Before he comes up, you said you were before the council for a discontinuance, but you withdrew that or asked for a continuance.

Attorney Paul Magliocchetti: We asked for a continuance until February, because we wanted to come before you to seek relief before, like I said there are 3 different approaches we could take and we believe this is the least impactful to the neighbors. It would go to the planning board next for a frontage waiver and then to the council in February.

TJ Melvin (Millennium Engineering 62 Elm Street in Salisbury): As the attorney has discussed, it really is a unique shape lot, it currently has 4.65 of frontage, going through the discontinuance process we could get up to 45.2 feet of frontage, still falling short of the requirements of the district. There are wetlands to the rear of the lot, we don't have to show them on the variance plan, but that is why the house is



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tucked up close to that side line. As the attorney discussed, are other option would be building a subdivision road down one of these paper streets, which I'm sure would be more invasive the neighborhood, I don't think the abutters would really like us to go that route but this is really the least invasive option we have, to move forward. A quick overview the lot kind of drains towards the wetland, the discussion with the neighbors as for what our approach has been, we have met with some of them, we have dropped off some letters, we tried to be pretty clear with what our intent is out here. There is one other thing that has come up there was some concerns with the corner of Willow and Hannah, how the street drainage kind of flows right through our four feet of frontage and continues down through the lot, as part of this development, we will establish more of a curb line, potentially work with the city engineer and improve some of the drainage issues that occur on our property and the abutting property, we need to get a structure in there, something just to kind of alleviate the drainage issues that kind of do, that currently have been in that corner of the neighborhood.

Chairman: Questions from the board?

Member Vathally: Could you tell me what the total area of the project will be.

TJ Melvin: So the proposed lot would be just over 14,000 square feet

Member Vathally: And the setback how far is that from the wetlands?

TJ Melvin: That is just outside the 25 foot buffer, so initially when I was working with Ms. LaBelle, this is going back 3 years now, we had some initial discussions with Rob More and seeing what was out there for wetlands, we had it flagged and located, we came up with the best spot that we could put it and keep as much of the buffer intact as we could.

Member Vathally: So the end of the depth is blow the wetlands?

TJ: Correct. The wetland, if you are looking at the [plan there is kind of 2 circles, that is kind of the location of the wetlands.

Jill Dewey (Board Clerk): We received a letter from John Pettis on this one

Chairman: Other comments or questions from the board?

Member LaPlume: I have a question for the attorney. You mentioned the paper street, that is a dead end, it can't go through is what I am asking.

Attorney Paul Magliocchetti: There are 2 paper streets, one of them is a dead end, and the other one does go through, but when we discontinue, they will all go away.



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Member LaPlume: Ok, so the one that does not go through, that is the one that you are going to be discontinuing?

Attorney Paul Magliocchetti: We are going to be discontinuing both.

Member LaPlume: So that would give more area on both sides.

Attorney Paul Magliocchetti: Correct

Member LaPlume: IN the middle of the street, so the neighbor would gain to the middle of the street, and so would your property.

Attorney Paul Magliocchetti: Correct

Attorney Paul Magliocchetti: That would be more taxes for the city also and you would get more space. I also looked at the comment from the city engineer and he says he completely supports the variance. Ok, thank you very much.

Chairman: Other comments or questions from the board?

Member Brown: I just want to appreciate, tell you how much I appreciate you working on this like this, I know its been invasive on a lot of issues, so I do appreciate that.

Chairman: IS there anyone in opposition to this that wants to speak?

Steve Mongagle (2 Hannah Street): I am opposed. Did you guys change what you were going to do, what we discussed last time?

Attorney Paul Magliocchetti: This is 20/20 right down the middle

Steve Mongagle (2 Hannah): Oh, it is 20/20? Can I take a peek at it?... Ok I don't have anything, I'm ok. Thank you.

Chairman: Anybody else?

Daniel Alers (28 Willow Street): I am the abutter right there. So basically when this was all brought to our attention they were very dishonest, they never told us what was going on, what they were doing, coming to these hearing is how everything has been kind of un folding, we found out about the discontinuance, I had no idea the 40 feet of yard was the City of Haverhill, I had no idea about that. We had asked, and this is all on r4ecord from prior hearings that we had, we had asked what was going on, what they were doing, if they were building, they never answered those questions. Trough the hearings now we find out that they are proposing a duplex, the reason for the discontinuance of the street



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basically it was not divided out correctly, they were trying to divide it out into their favor, so that they could do it and then at that hearing when basically it was brought up to the attention of the board, that is when they were going to vote it down and then they asked for a continuance to table it and it is being tabled to February 7th, so then we just received this hearing about the variance, so basically the property I live on 26-28 Willow we have been maintain that yard, I have been maintaining it since I lived there and every owner since 2007 has maintained that 40 foot, raked the leaves, mowed it, maintained it for over 15 years, so basically with this variance and this kiddie corner project that they are trying to do and put in there, it is very tight, like you said its very unique shape, so its going to make that, its on a bend on the corner, they are sandwiching this thing in and then it is going to make the bend there kind of tight and like I said somebody in the last hearing had mentioned possibly address progression or an easement, I am not aware, so I really don't know, but I was hoping that with the continuance to February 7th that we could look at myself, because none of the neighbors in the back or in the front, none of them were on board with this thing, so I am just hoping that possibly have some time to look into these things, because I had o idea that you could even do a variance of this proportion.

Chairman: Any other comments or questions?

Attorney Paul Magliocchetti: Can I respond to that?

Chairman: Yes, I was just wondering if anyone else was speaking in opposition or if that was it?

Abutter (Couldn't catch name or address, but it was #26 something): Basically I am just against the project myself. '

Chairman: Is there any particular element that you are against?

Abutter: Just he over crowding of the neighborhood, I have been there going on 9 years

Chairman: Thank you very much. Attorney do you want to add4ess the issues?

Attorney Paul Magliocchetti: I do, I take offense about the dishonesty part, first of all we have been very upfront, especially with him, he has been getting direct emails, when we applied for this variance I emailed him, I sent them the application, I sent them a copy of the plan, I said if you want to talk let me know, nothing, last night I emailed him again actually yesterday or the day before, I emailed him again hey we got the meeting Wednesday night Just wanted you to know, if you want to talk let me know, nothing, so he has known all along. Now I will say this, he has been illegally using the right of way, you can not do that, you can not have adverse possession of proscriptive rights over a right of way, a right of way is owned by the city, it is municipal land, he has taken over that property illegally, he has a fence right along the road way, the building inspector is right her he can tell you whether of not its legal or



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illegal, I think he should go there and check it out and I think he should address the issue. But like I said of all people here, if we were to do a road, it would go there, instead of him, losing 40 feet, he is gaining 20, and he is hear complaining, it just doesn't make sense, so I just wanted to address that, the dishonesty part really hit me the wrong way, he has been on notice the whole time we have applied before this board. Thank you very much.

Chairman: Thank you very much. Any other comments or questions from the board? I will entertain a motion.

Daniel 28 Willow Street: I don't want to have a back and forth but, all other the communications were after we were summonsed. The last 2 emails he sent I didn't respond, because I do want to try and get my own lawyer. I have been there for two years, if you would like to provide any other the communications from the two years, you can provide them. The only time we started discussing this now, was after the first time we received a letter from the city August 25th, that is when it started. They have come out and their engineer have come out and they have never spoken to me, they never left a certified letter, can you show us a certified letter that you left? Do you reach out to me on any of these things, noting., The only communication was only after the City sent a letter out. Like I said I am not here to argue, I just want to express opinions on what was going on. Thank you very much.

Chairman: Thank you. NO other comments or questions, I will entertain a motion.

Member Ted Vathally motioned to accept the variance for 0 Willow Street. Member Lynda Brown seconded the motion.

Member Vathally-yes as it fits the criteria for 255-10.2.2(2)

Member Brown-yes

Member LaPlume-yes it has to go to the developmental review, and I do support it for 255-10.2.2(2)

Member Bevilacqua-yes it fits the criteria for 255-10.2.2(2)

Chairman Moriarty-yes it meets the general conditions for 255-10.2.2(2)

Motion Passed.

7-13 Kenoza Ave LLC. For 3 Kenoza Avenue

Attorney Michael Migliori (280 Merrimack Street, Methuen): Here also with me this evening are the owners of the project Christos Eliopoulos and John Tucci and to my right Matt Juros the project architect from Fish Brooke design, Jim Hanley is our engineer from Civil Design Consultants. The plan this evening



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in front of the board, my plan anyway is to provide the board with some history and oversight of the project and then I would like to ask Matt to come up and discuss the building and the site with you and then Christos will address you for a few minutes and then I will wrap things up in summary form, if that is amenable to the board.

Chairman: Great

Attorney Michael Migliori: Christos and John are not new to Haverhill but in fact have been involved in several purchases in the city and on a number of properties here, although not from Haverhill. They have enjoyed working and investing in Haverhill over the years and look forward to doing more things here as a result of the potential they see here in Haverhill. They do have a great track record with the tenants that reside in their current properties. Over the years they have showed great passion and on occasion helping out some of their own disadvantaged tenants when the need arose. You probably recall that we started this project with the board about 6 months ago, although the project has been in the works a lot longer than that. At the original hearing we realized that there was some opposition from the neighbors at the Universal Unitarian Church who are represented by Attorney Magliocchetti, at that time we agreed rather than to proceed with the hearing, we would meet with the church members to understand their concerns, I would also point out that Christos had been in touch with the pastor long prior to that first hearing and reviewed the project in detail to the pastor and certain members of the church's building committee, Christos had never had the impression at those discussions that the church membership was so opposed to the project, but they were, so we reached out and tried to understand their objections and their concerns, that original hearing was continued until September, we met with the church and Attorney Magliocchetti and I believe in late August or early September not quite sure but it was during that timeframe. As a result of that meeting we realized that we need to rethink that whole plan, so we needed time to reorganize and continued to the November meeting, ultimately we ended up filing a brand-new application for the project with the board, due to the significant change we made to the project, it seemed more appropriate to start over, rather than to try to amend something that was so significantly changed, so what is here in front of you this evening is a brand new application. You may recall that the original application called for a four-story 20-unit apartment building with 21 parking spaces and I will have Matt take you through a more detailed view of that design and the new design shortly, but I wanted to walk you through how we got here. The original building was located significantly closer to the church and required more variances, than the revised proposal in front of you tonight, when we met at the church we heard their concerns, that I believe there were 5 or 6 that were deemed to be significant, they had to do with the design of the original building, the height of the original building, the density of the original building, the proximity of the original building to the church, the impact the original building might have on sunlight and parking. As you'll see in our presentation we



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will have addressed all of those issues raised, in what I consider a significant manner. Right now our project only requires 3 minor variances and these variances are driven by a couple of things that Christos and John have no control over, the first being the triangle shape of the parcel and the intersection with three streets Main Street, Kenoza and Ashland and because of this the parcel is deemed to have 3 frontages, according to the zoning ordinance, not one like most properties out there for some corner lot properties, but this one when you read the zoning code ordinance says it has 3 frontages, but I have never had a lot shaped like this one before the board and I have been doing this a couple of years now. The second issue that makes this parcel a challenge is that the area where the former gas station was located, was contaminated and it is a subject of a notice of limitation and use activity, which is an issue by the commonwealth of Massachusetts, which puts restrictions on that area of, that parcel a lot of which you can't have a residential use, so that front triangle that former gas station piece, really is being used for parking, we can't move the building onto that parcel, so we are limited to where the building can go and it has to go on what I call the rear of the parcel, where there is an existing mixed use building and commercial, where this is going to be apartments. That makes the parcel even greater a challenge, these two hardships have made it extremely challenging to do anything in the way of developing the site, I think he did a great job designing the building, so that we only require the 2 front setbacks on Kenoza and Ashland. Christos and John own the property at 7 Kenoza for some time and then earlier this year when the gas station site came on the market, they felt that if they could buy the parcel that they could really do something special on the combined lots, they were successful bidders on the gas station site and that site as well was an abandoned contaminated site surrounded by a large chain link fence, that basically sits there in the middle of the city. The project before you will create a beautiful apartment building, providing 14 one-bedroom and studio apartments, that we all know are so badly needed in the city and allow for beautification of this site, which is the entry way to the city, it is Main Street and right now and has been for many years a disgrace to see the property in the condition it's in, we think we have a great project that will significantly improve and at this point I think I would like to add Matt Juros to takeover and take you through the design features of the property, at the same time we have letters of support from 50 neighbors and businesses throughout the city, who were extremely excited when they saw what the project will look like and the cleanup it is going to have, I would like to submit those signatures as part of the record. Thank you.

Matt Juros / architect from Fish Brooke design (Lots of this he is showing and a plan and explaining): Mr. Chairman and members of the board, the front page here is the front elevation of the building that we proposed and we will go through it in a little bit more detail, simple elements that you can see here are it is really 2.5 stories, we call it 3 stories and it has Ashland on this side and Kenoza on this side, and on Kenoza side we dropped the height of the building down a little bit if you look at that in context, to



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illustrate the site that Attorney Migliori was talking about, you can see here is the existing building on Kenoza, this is the gas station site, this property line along here no longer exists because it's the same owner, we own this too, but we wanted you to see this, that lot line is significant because of the line beyond which we can't build residences and we can't really disturb the soils on top of that planted gas station site is contaminated and not really available to our development. Another view and I want to point out that the existing residential building here is actually right on the property line, right on the edge of the sidewalk, and this is also instructed so that you can see the existing relationship between the existing building and the church neighbors, so the existing building is one foot five off of the middle property line, and sort of just eyeballing it put the property line about 12 to 15 feet from the church, this is the existing conditions. So John and Christos contacted us over a year ago and talked us through their thoughts on the property as they acquired and put together a proposal that looked at 20 units, this is the survey of the existing building and you can see the proximity of the site line and the existing building right there, So our first design took up the majority of that property that is allowed to be built on and we took as our edge rule, the one that's existing for the existing building, so 1.5 from the property line, and said ok so we won't come closer to that and so our closest in the original design is 1.5 away from the property line and was 20 units and 4 stories tall and a modern design, you can see the church is right here and so on and the proximity of the church to the property line is very close to the building also. So this was our approach and you can see here it is a double loaded corridor and with 20 units, it was 5 per floor. So with the feedback we got from our abutters we went back to the drawing board and took a look at another approach and we showed you the front and we will show you in detail, this is large enough so people can see in red there is an outline of the existing building which is going to be demolished, the new building we are proposing is 14 units and 3 stories tall, it is 30 feet wide and 101 feet long and we maintained a 20 foot setback from the existing property line to the back of the building so the majority of the building and geometry pegs to the lot line and the gas station, it is a straight line, where that straight line starts to interfere with the imaginary 20 foot setback, that we are holding, we actually can curve or angle the building in and have less square footage in order to give that space to our neighbors, the balance of the site is what the gas station site and we still have 21 spaces on the site. Originally the two properties together had 4 curb cuts, so traffic was coming in close to the intersection of Main Street and Ashland and Kenoza here and also back in this area. The site plan that we have put together here, abandons two of those curb cuts and reuses the location of the 2 curb cuts that are the furthest from the intersection and also modifies their size to conform with existing codes and requirements. At the nose of the site, which is really a visual feature of this site, we are proposing to go ahead and plant a series of trees and shrubs and to put a planter and some seats and a plaque or a sign, as Attorney Migliori was saying this is a statement in the city and would thrive in not having the site in the condition, it appears to be a point of pride, and taken care of reflects poorly on the city and so we



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want to acknowledge that and not just by putting the building there by, but also sort of taking charge of that nose, it is a gesture that is important. So you can see that the design of the building is kind of a comfortable kind of neo colonial building, the sort that we see all over New England and the north east and necessarily striving to reflect the current thinking in architectural design, it is just maybe less appropriate approach to building in this area than the neo colonial project, which we are very happy to take. You can see in read the existing building, which is being demolished, pokes up behind the top of our building, so the existing building is taller and will be gone. So a blowup of what we are proposing for the park and this is really a schematic design, what we have here is a scope that I think is feeding for what we intend, if this goes forward and we develop the design, before it gets built, it may not resemble this design exactly, But it will take on some of the pavers and planters as dollar values and we will use those in compression ultimately. The building is 40 feet tall from the means average grade to the top of the ridge, it is organized so you can look at the plan around a set of stairways (he explains things on the plans) the side closest to Kenoza we are dropping a whole floor, closest to the edge of the church, we want to be able to give some vertical height relief to our neighbors and we feel that in addition to the setback we are providing, that we are trying to build in to the project acknowledgement into what it takes to be a good neighbor and that our neighbors have concerns that we want to work with. So the geometry of the building stepping down on that side was very deliberate. So again the building is organized around sets of stairs, 2 units per floor around one stairway, and here a single unit and then go upstairs and another unit, you can see where we have a 20-foot setback that we are attending to hold from the property line, it causes a little bit of a divot in the building with respect to the deduction of the square footage. The top of the building is sort of loft style units, the units are essentially identical. The last slide shows the existing building on Kenoza Ave and our building and its location and its relative height and position and its relative to our neighbors, so what we are doing is we are removing the existing building and we are replacing it with one that is 32 feet plus or minus from the edge of the church building, we really can't build any closer to the gas station site, we are right up against the edge of the gas station site, what this does is it creates a complicated type of construction, when you build on a zero lot line, you have to provide a type of pyland that restrains the soil when you dig down to put the footings, under standard construction and we accept that and have to push the building as far from that side lot line as possible and so that is what we are doing, it has no basement. I want to reiterate that the presentation that we have, we will answer any questions.

Chairman: What are the size of these apartments?

Matt Juros: So they all one bedroom and studio apartments, they are 560 square feet total.

Chairman: The other questions is traffic is exiting from the property, is it on to both Ashland and Kenoza?



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Matt Juros: That is correct. We have curb cuts on both of those

Chairman: Asking about the nose, that is going in the owners hand

Matt Juros: That is correct, so there is sort of a funny condition there, but the city actually owns a sizable amount of concrete there up to the curb, and there are also some plantings between that sidewalk and our property, we intend to incorporate those plantings and that sidewalk edge into our property, we will maintain it, we will take charge on it.

Member Ortiz: The other thing I noticed you have three entrance ways, one for the studios, two for the other units,. Do they have an emergency exit or only those entrances?

Matt Juros: That is correct. A wood frame 3 stories and you can exit through appropriate size windows

Member Ortiz: And the fire department is ok with that

Matt: Yes it is going to be fully sprinkled.

Member Ortiz: Ok

Matt: We didn't get any comments back from them, but we have done this building before

Member Vathally: Just back to what he said about the traffic, we have the 2 curb cuts, Ashland is one way right?

Matt: No

Member Vathally: Is that where CVS is, where it comes out from the drive through?

Matt: Their drive through is right their (showing on plans) and out curb cut is right there.

Member Vathally: This would go before a traffic study, I would think?

Matt: Yes

Attorney Migliori. We in addition to Board of Appeals, City Council needs to issue a citation permit and then there is also the design review process to go through.

Member Vathally: So when you get down the end of Ashland, you have to turn right I believe, you can't turn left, correct.

Woman in audience answers: That is correct



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Member Vathally: And then if you are exiting out on the other side on Kenoza, can you turn right? That is a little glitchy, I assume that will be discussed in developmental review

Attorney Migliori: And don't forget there is going to be 14 units, and I don't know how many times you go in and out of your property everyday, maybe twice, so over the course of a day maybe 40 in and outs

Member Vathally: That doesn't bother me, what bothers me is what the city has there, that it is only a right, right, and I don't know what kind of congestion that will cause

Attorney Migliori: There has been a lot of criticism over the years about that whole redesign.

Member Vathally: That whole area is tough there down to the end, and that is why it goes

Attorney Migliori: Our initial meeting we agreed to work with the city, when we did our first remouse, to see if there was something that can be done to improve the area.

Member Vathally: And with he setbacks so close to the church, and I know you are looking for the frontage and the noise in that area, are you proposing a noise abatement?

Matt Juros: We are putting a planted buffer along the property line that will be sound attenuation and a visual barrier. And the park up at the nose, we are willing to build that up or bring it down, depending on what makes more sense to the neighborhood and our selfs. If it is too tight to really plant there and people would prefer to have open space, we would gladly do that.

Chairman: The contaminated part of the property, there is nothing further that needs to be done, they just can't build on it.

Attorney Migliori: That is correct. It has been relieved as best as possible, there are existing wells there, it hasn't been tested in awhile, there is actually a chance as its been so long, it could be retested and it could be fine. But in any event there is that limited use that is recorded on the property, so we can't do anything other than to use it primarily for parking

"Matt Juros said somethi9ng but not a microphone"

Attorney Migliori: Yes Mass DEP

Chairman: Are they aware that the property is now going to be used?

Attorney Migliori: No, they don't have to be notified, it is part of the public record, so as long as you don't commit any transgression, the use says and it is recited in the deed, and it is also a separate document.



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Chairman: Ok thank you.

Member Vathally: Just one more question, will there be rubbish disposal, will there be dumpsters on the property or how is that going to happen?

Matt Juros: Good question, so its 14 units, they are very small units and we intend to have trash cans and trash can service, where we would have an attendant who works for the owners take the trash cans to the curb once a week.

Someone: And snow removal

Matt: So we have stacking in this area, and then also some other areas that are not designated.

Member Brown: I do want to talk about the trash. And a could things, why not a dumpster?

Matt: Management and space

Member Brown: There is an issue in that area with tenants being responsible for bringing out trash bins, and it doesn't always go well. So I know that there is limited parking in that area, I didn't know if you planned on using ample parking or the spaces for a dumpster.

Matt: We could, yes, and honestly this is something that we sort of want to work out and there is some different options, and we want to see what make sense for everyone and not just us, I mean we have space back on this side over here that we could do a dumpster enclosure, it is also an area that is a sensitive zone area, so putting a dumpster there is not our first move, but obviously we need to find the right balance for everyone, so

Member Brown: Also there is definitely a need for green space and those are adopted sites. They are city owned but people do take care of them and Alexander has not been able to attend to his spot all summer, because of a fence that went up. So I am very concerned about the funeral home has the one where the monument is, and if you cross Main Street there is a small pone that goes along the sidewalk by your property, so I am very concerned, I do run all the adopted sites programs in the city, so I am very concerned about the green space you are proposing for your site, and that adopted area. So I would like to see that if the person Alexander can not maintain them, I would like to see how that is going to be brought into how that is going to be maintained.

Matt Juros: If there is an opportunity to either work with Alexander or to take that site over, that would make a lot of sense for us to have this adopted site anyway.



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Member Brown: That would be great. Its good to see businesses and residences getting involved and taking care of that

Matt: Absolutely, and our intention is to maintain it.

Member Brown: Yes, it is very important, it is a tough spot but if you could maintain some green space and beautification in that area, is important. One more question, talking about the entering and exiting ,did I see on your plans that you are having 2 do not enter signs as far as entering on Ashland?

Matt: No, we weren't going to restrict entering or exiting, but when you are driving down Ashland in this direction, you can only take a right hand turn, you can't go left

Member Brown: I am talking about entering from Ashland into your parking, into your curb cut. So are people going to be able to enter or only exit, or they can go in and out.

Matt: In and out

Member Brown: Ok, would you consider that? Or is that just not probable, I am concerned about Ashland Street

Matt: The answer is yes we would consider it, I mean really this is an integrated process and as we iterate these issues come up, we will absolutely

Chairman: Both enter and exit from Kenoza too or they wont be able to enter.

Matt: They will, they will turn down Kenoza and then turn right into the

"Everyone talks at once, about 4 voices"

Member Ortiz: I have a question on the parking, would you not be concerned if people started coming from Ashland to turn left< so they are going to be using that as a street? Like all the people, because they can't turn on Mian Street, they can turn left, so they are going to be able to turn left on your property and then turn right, so I think it is going to be a very close (?), if you put the do not enter on the Ashland Street, only exit.

Matt: We would be happy to consider that.

Jim Hanley (engineer from Civil Design Consultants in Andover MA): Ms Brown, I believe you are correct, I believe there are do not enter signs

Member Brown: Correct.



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Jim Hanley is (from Civil Design Consultants): And that was a piece of design development, we went through and looked at all the regulations and work and still been up in the air, because of the delay in experience here a little bit. The important thing I think for the board to recognize, is that it was a gas station with 4 curb cuts that had been there for decades, so whatever our impact hopefully on that traffic would be, is going to be much, much less than that. So just to give you a sense of a gas station with a 4500 square feet plus or minus can be essential to what we can fit on here, would generate about 2,000 average daily trips, so that would be allowed, it would be a use that was on the site, give or take, maybe it wouldn't be that big, but we are talking a magnitude of more than a thousand, less than 2,000 give or take the average trips. You have 14 studios and I think Attorney Migliori indicated that we are basically looking at about 40, so we are looking at about 1/100th of the impact that we could go through with what was already on there before. All of these points relative to traffic circulation are great and we will take these into consideration, I think all of them will work with everybody, but just to try and give you some contact as to what

Member Brown: I think there were a couple of places that wanted to buy that and they did not go through because of the particular things, a car dealership and one of the main reasons it didn't go through is because there was huge concerns about cars entering in and out of there. So it is definitely a beautiful neighborhood. I did want to ask, you mentioned you have other properties in the city, multifamily or what kind of properties?

Christos Eliopoulos (2 Water Street Medford): I am here with my business partner John Tucci and to try and get to your question, John and I are childhood friends, we grew up together in Stoneham and I have 3 kids, he has 3 kids a girl boy girl, I have 3 kids same ages mine girl boy girl, we both live on Water Street, he lives on Water Street in Wakefield, I live on Water Street in Medford. We are very fortunate that 4 years ago we decided to get into real estate development and start buying some investment properties and before we bought our first property years ago we did a lot of research and all roads pointed us to Haverhill and it is probably the best decision we've made. The first property we purchased was on Broadway, a really rundown home, that we renovated, de-leaded the whole thing, and then our second property that we purchased was right down the street from here where it used to be the pregnancy care center, right next to the Temple of Emanuel, that used to be a four-family, it was used as an office, we purchased it and converted it back to a 4-family, so that was our second home that we purchased a couple of years ago, and then as Mike said we purchase 7-10 Kenoza and really we didn't look at this as how do we put up a huge apartment building, what we did was we purchased Kenoza and it was ok, how do we invest in this property when you have a dilapidated rundown gas station right as your neighbor, and when the opportunity came to purchase it, we did, it was an auction and that is where this project evolved and I know it is late, I want to get this over with, you know this process is the



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first process that John and I have gone through where we are looking at a bigger development and it has been an experience and what I actually enjoyed most about it, is the fact that I've gotten to speak to a lot of people in the neighborhood and that has been really fun, going around getting signatures you learn about the history of the city, Merritt gas station always had the cheapest gas, Farther Wyatt had a lot of old stories, so it has been interesting and a positive experience for us and we love this city, we are continuing to invest and we are building our business here, so we are not flipping homes, this is our 401K, this is where our business it taking us, so I want to thank you guys for your consideration.

Member Brown: I think everybody that is here is very happy to see something being done with that site

Chairman: Questions from the board and then I'll want to get to the opposition, I want to give them enough time to speak also.

Member Vathally: Totally parking spaces, how many.

Attorney Michael Migliori: There are 21, where 14 are required, so there is 14 units and 21 parking spaces.

Member Vathally: Ok so any overflow parking there is obviously going to be people with friends and family visiting

Attorney Michael Migliori: We believe that will primarily be addressed with the 7 additional spaces, again these are studios and one bedrooms.

Member Vathally: There's a lot of couples that live in studios

Attorney Michael Migliori: There is also on street parking

Member Vathally: On street where, on Ashland?

Attorney Michael Migliori: On Ashland, on Kenoza

Member Vathally: OK, thank you.

Member Bevilacqua: The studio apartments are the same square footage as the one-bedroom apartments?

Matt Juros: That is correct, essentially, they're nearly identical. The studios have sort of an open walk through, and the one-bedroom apartments have a wall and a door.

Member Bevilacqua: Ok and so what is the rent going to be in these 500 square feet apartments?



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Matt Juros: I think we are looking at what the market is going to bare, and I don't know if we have something that we want to publish

Christos Eliopoulos: AS far as the rents are concerned it is going to be market rents based off of the

Attorney Michael Migliori: The important thing, one thing we want to add also, we have agreed that one of the units will be affordable. But on the rents, it is very difficult, you are looking at probably 2 years or maybe longer before the doors open, we have a lot more work to do permitting wise and of course if we are successful getting permits and doing all that, so its hard, we are talking about a recession next year, I wish I could give you

Member Bevilacqua: So we can't even get a idea, like judging from the one-bedroom and studios that are at the height

Christos Eliopoulos: Right now with he one-bedrooms on the market place right now, I would say are maybe \$1,400 to Maybe 1,700 with that being the top of it,

Member Bevilacqua: But it could go up

Christos: Well yea, but look at are sq footage, the only way you would get more rent is to have more features, the bigger apartments, the more bedrooms. So I think with that size rent it is going to be within what others are getting in the neighborhood.

Chairman: Thank you

Member LaPlume: I have a comment and a question. We definitely need apartments, and they had a pre meeting with us at preliminary review and it is a (Couldn't hear word) on the city and now it would be a (Couldn't hear words). Now the question I have, can you put it up on the screen where the island is on Ashland Street, do you see the island and where it says stay to the right, ok right there, I had talked to the fire department and the police department and everybody in developmental review, and drew up a sketch and gave it to my engineer John Pettis and right there that street is very narrow for a fire truck, they can barley come up that street with a hook and ladder, so my proposal was to narrow that, because right at that intersection part of the island sticks down further, you have to walk backwards and then cross between two islands and (couldn't hear a few words), it is actually a loop there, it doesn't quite show it on the plan, I think they were in favor of putting a island there that is only 3 feet wide, which would make that street a lot wider and they could set it back to the street and then any issues with he fire truck would be handled, right now if they have snow on both sides they would have trouble on both



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sides trying to get into that end of the street, question to them, if they are essential, would the client be willing to help the seen for reconstruct of the island and make it smaller, and those two signs are there, you could put one on one end and the other on the other end, on the right and the left and set that (recording cut out for a while).

Attorney Michael Migliori: Thank you Member LaPlume. When we did meet with the city departments for the preplanning review, preliminary project review that issue did come up and we indicated that certainty as the process moves along, it would be interesting to see what improvements could be made and if it's possible to do, we don't object

Member LaPlume: I might not have made the meeting, I had COVID there for a while. So that is a possibility

Attorney Migliori: It was one of them, I am not sure who was there. Just so that we touch all of the I's & T's, can I just make sure from a legal prospective that we hit the points that we need to hit.

Chairman: Sure, then I need to give opposition a chance to speak.

Attorney Migliori: Thank you, I will be fast. The property as indicated is in the CC zone and the property currently contains commercial residential property, which will be demolished and the site of the former gas station is in disrepair, in light of the use the applicant is seeking variances on the lot, the building will require a variance for a front lot setback on Kenoza Ave where 10 feet is required and a front lot setback on Asheland Street where 10 feet is also required, we are going to have 3 frontages, the first variance is because the 3rd frontage is Main Street it is only 33.09 feet where the requirement for a frontage is 100 feet in the area, so that is the third variance. Again on light of the multi-family use we also need to apply for a special permit from the city council, which is required in this zone, so again there will be another layer of review and comment. With respect the variance in our opinion is very minimal in nature and has no adverse impacts, the existing building which will be removed is even closer to the rear lot line that is closest to the church, thereby improving the situation that currently exists with respect to the building and material. There will be no expansion of the existing nonconformity which currently exists, a review of the plan indicates that the parcel is very uniquely shaped, again I have never had to deal with a property quite like this one, it has been a challenge between the triangle and the shape and the fact that it is a contaminated site, none of those hardships were created by my clients, the variances are very reasonable an allow for reasonable use of the property, due to the general neighborhood, this particular use is a very desirable one, having a modest front of the building verses a gas station undesirable use, the site is large enough to provide significant parking, we have 21 spaces where only 14 are required, I feel a strict application would deprived the applicant of a reasonable use of this property, traditions and circumstances that exist were not created by my client. We further believe that if we are giving the



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approval that it would not cause detriment to the public good nor impair the purposes or intent of chapter, but rather result in a beneficial impact of the public good and carry out the goals and purposes of the intent and provisions of the Haverhill zoning ordinance and create so badly needed additional housing in the inner city while removing (cant hear the word). For all of those reasons we request the approval of the variances, than you.

Chairman: Attorney Magliocchetti would you like to speak on behalf of the opposition?

Attorney Paul Magliocchetti (70 Bails Blvd): Thank you Chairman and members of the board. I am actually here this evening on behalf of the Unitarian Church, but there are a couple of other groups here being represented. We met at the church tonight. I was contacted by the church when their initial proposal came up, they had a lot of concerns that they felt they needed representation and we came here. Look this is a difficult property, a very difficult property development, too much, it is just too much, what they are proposing, they did meet with us back when we objected at the first one, they did come to the church and met with us, they did hear some of the things that we were saying and they incorporated this reduced plan. 14 units in that particular location, that is not a small project, that is a big project and the other thing I think you need to keep in mind here, is that they bought this, they bought the building that was there and then they bought the parcel in front, they knew what they were getting, so they can't say that they bought it with any kind of expectation, I don't see what the hardship is here, they are real estate guys, real estate investors, they knew what they were buying, they knew what they were getting into. My clients want to make it clear that they are not antidevelopment, they don't want to be seen as someone who is opposed to something being done there, but their interest is so adverse to what is being proposes, that is why they are having me come here. Not only the Unitarian Church but also the Calory Church is located there, these are very active congregations in our community, they serve a lot of people in the community and there are other people here that are going to come up and speak after, to let you know some of the things they do. They just served some meals with the United Way and it was packed with people around there. Everyone has already talked about how narrow Ashland is, everyone here has been there when it snows, that is very, very difficult road and come wintertime and there is already difficulty parking and its going to be even more difficult to just get in and out of there. The way that they have the parking situated and the entrance and the exits to the parking, they were already brought up, there was a proposal to make one an exit only coming off of Ashland and if you look at where it is existing on Kenoza, its right by that island. I have to be honest with you, we met there earlier tonight, I met with my group just to answer some questions and go over what this meeting was going to be like tonight, and as I was leaving I went down Ashland, you have to go right, I went right up Kenoza and I took a shot around the island as how else was I going to loop around and come back to city hall, that is going to happen here and a lot more frequency, it is going to create a



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bigger hazard here. And again you have to look at the people the church serves, they serve a lot of the needier people, the underserved people, the under privileged people here in the community. Our the people that are going to rent these units,, are they going to tolerate what goes on with the church, when they are servicing these people, they council them, they feed them, they invite them to the church to congregation, there is going to be tension down the road, because of the volume of people that are going to be there. Like I said they did want me to make it clear that they are not anti-development and they are not opposed, they are just opposed to this particular project, it is still too much. They did reduce the size and we appreciate it, but they didn't go far enough and they definitely did not address the parking and the traffic concerns that they had, with regards to on street parking and the traffic flow in the area, and that is a difficult problem to solve, so I don't fault them completely, but seeing some kind of proposal, some kind of a traffic study , a suggestion that might improve the situation, I think would have been very helpful. I think it is necessary before the board takes and action, because this will have an adverse effect on the neighborhood, and this is special privilege because how many other 14 unit buildings do you see in that neighborhood, I don't know of any, I haven't seen one 14 unit building in that neighborhood, so this is unique, this is special privilege when you look at this neighborhood. I think Matt Juros does a great job, I have a lot of respect for Attorney Migliori and this project would be great somewhere else, just not in this particular location, I don't think they meet the hardship requirements to get a variance, I do not believe so, I don't think they meet any of the requirements, because they bought what they bought, they knew what they were buying, is the shape unique absolutely, but you know what if they had the right size project, they wouldn't even be here looking for a variance, if they did it would be minimal, and much less impactful to the neighborhood than what you see here before you this evening, so I think that having been said and having addressed the legal issues I would like to introduce Reverend Frank Clarkson to talk to you guys.

Chairman: Thank you.

Frank Clarkson: Pastor of the Unitarian Church, we actually have 2 addresses, the front door is 15 Kenoza Avenue and the backdoor is 16 Ashland Street, if you want t mail us though please send to 16 Ashland Street because you never know what happens when it comes to the front door. I wont take long but I do need to correct something that Attorney Migliori said, he said that the first time we met with Christos that we didn't express any reservations and that's completely not true, the first time we met Christos and other church members and myself, he presented the plans in a Zoom meeting and I remember exclusively at the end of this presentation saying my first reaction and I know other people share this opinion to, its too big and it is too close, too big for this neighborhood and its too big for this lot and that just hasn't changed all along. Like Attorney Magliocchetti said we appreciate the effort they made to hear our concerns, they just haven't gone far enough. We have been, I am in my 15th year



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serving this congregation and it is a wonderful congregation and we don't have a large congregation but we do have a big impact in this city and we are honored to serve the people that we serve and we do host a number of outside groups, we host a drop in center 5 mornings a week from 8 in the morning till noon, run buy community action, we also host a weekly food pantry run by the people of Saint James Parish and we love doing this work with these partners, we also host community meals every other week, we host 3 AA meetings every week, we have a number of people coming, we have in addition to the members of the congregation members of the community who come and utilize our building week in and week out, so our primary concern with this is traffic and parking. Our own members many of whom are elderly and we have probably start considering not to come to church if they couldn't park close to the building on Sunday and the other times when they come out for other gathering, but even more so for the part of the organizations we serve and their clients and these people that we serve and that it would be a hardship. If nothing I would like to add quickly is that we are in the middle of a building project of our own, where everything got more expensive during COVID, but just as COVID was beginning we launched a capitol campaign to raise 650K to make our building completely handicap accessible and renovate our upstairs space, which I've before described to people who haven't been there before, as a museum from the 1950's cause that's what it was and this building on the side is on the west facing side of our building, where this new building is going to be, it is on the second floor of the renovated space and we appreciate the proposal now, of what I think of as their side of the line abiding by the setback of the 20 feet setback, it will still impact our light in the space that we are renovating and now the price tag for that has gone up to about 880K, we are still raising money to be able to pay for that work, but we are investing in this neighborhood, we have been on that lot since 1894. Universal Congregation was over on Summer Street before then and then sold the building that was existing there to the Presbyterians, but we moved to Kenoza & Ashland in 1894 and we intend to be here for a long time, we are invested in this city, we are invested in it's people. We are not against development, we know that housing is important. I said to Christos the other day, if he would come to us and say we want to build a 2-story building with affordable elderly housing, we would have said put it in there, what can we do to help make this happen. We just think that it is a shoe horn to instill this large building into this very small space is too much.

Chairman: IS there anyone else who would like to speak in opposition?

SUZANNE SPAHITS-MOHNS SHEYY (25 Leyland Avenue in Haverhill): I am a member of the Universal Unitarian Church. I just wanted to reiterate some of the same points to take a slightly different angle, Reverend Frank mentioned the various services that are occupying that space including the drop in center the food pantry and the AA meeting and such, once of the things that isn't obvious when you hear that is the amount of foot traffic that goes in and out of the buildings when those services are in



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processes, there are a lot of pedestrians who end up crossing with bags of food and thing on Tuesday nights when the pantry is open or during the food pantry or the drop in center and looking at the traffic patterns, and it has been disgusts how strange those angles in that intersection are, I would have to imagine that a lot of people turning down Ashland behind the church, you go to avoid dealing with those mandatory rights and when they do so they are going to be driving directly through places people are crossing constantly with bag of food from the food pantry when they are coming and going from the drop in center, so just a thing to have in mind when you're picturing the traffic problems that we are looking at in that area. The other thing that Reverend Clarkson also said, I am actually on the capital campaign committee that has been working to do that work in our church. What we have been doing is substantially trying to make these spaces bigger and more friendly for use, not only by our own groups, but by members of the community who come in and use these spaces, natural light is incredibly important in a building that was built in 1894, it was built to expect a certain amount of light coming in from that west side and so or concern is having a 3-story building sidewalk to sidewalk, Kenoza to Ashland across that entire side of the building essentially is putting a wall over an enormous part of our light, which we just invested heavily on trying to improve already. So that is part of our concern with particular variances that they are asking for, the size of the wall that they would be putting against our property on that side. Thank you

Chairman: Thank you very much. Anyone else?

Devon Ferreira (12 Grant Street): My street is a continuation of Ashland Street, if you are moving away from Main Street its straight across. So I am here wearing 2 hats today, I am a member of the Unitarian Church and I do a lot of volunteer work there during the week, I am a resident that lives just 5 houses away directly straight up, so I feel like I have some 24 hour around the clock of how the neighborhood works. I wanted to first talk about reiterate again the traffic concern at that triangle part. I have owned my house for 12 years now, I come and go a million times a day with children, not twice and I will say that I actively avoid turning right onto Kenoza to return to my home, I try to never ever take a right that way, I stop at Arlington, I use that light to get into my residential neighborhood, there are not a lot of businesses netted within that block and historically the use of the corner of Main Street and Kenoza has been really more of economic and religious space in that part of the neighborhood, it is mostly all businesses in that area, besides the 2 churches there are mixed use, so there is lawyer offices, there's Cumberland Farms, there is a shopping plaza across Main Street, if you continue further down the hill there's where we are City Hall, it is not a place that has had residences and I think the planning around that is pretty jam packed all ready. So from both sides of my opinion here, I have concerns about the safety of the four way, that is technically a 2-way stop at the corner of Webster, Ashland and Grant, it is four corners, there's currently only 2 stop signs, this has been a safety issue that I have been working on



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for about 10 years with the city in various degrees and went before city council to make improvements there. I believe that no matter how the traffic is programmed in and out of a parking area that if we saw 21 more cars going up and down and to avoid the forced turn, right turn to right turn and the situation at Main Street, that would be entering all of those cars into an already dangerous documented traffic issue in that 4-way stop area and pushing all that traffic into my street where I have children who like to play and be active outdoors. As far as the, I guess my biggest issue is that whole corner, the traffic and safety issue, the look of the building has definitely improved, but it does not match what we see historically in that area, we do see a lot of Victorian homes, we do see a lot of buildings that were put in there in the early 1900's, I think wearing my hat as a member of the Highlands Neighborhood Association as far as I know, we have not been contacted by any developers or builders or attorneys with this project at all and I think we do have a good track record of working with developers and planners as was just modeled with working with the funeral home on the corner of Highland and Kenosha most recently and I think that, had that conversation happened, that maybe we would have been able to add some more positive design aspect and good talking points earlier on in this conversation. So personally I agree it is too big there, oh one more thing, as a member of the Highlands Group we do not have buildings like this, this is what we spoke about with the number of proposed units at the funeral home conversion we also don't have a good track record of absentee landlords with multiple unit buildings taking good care of their properties in our neighborhood, we have that documented on Park Street with some absentee landlords there and a real lack of oversight and management to tenants that are renting there. So that is a concern for me as a homeowner in that neighborhood as well that if there were multiple units more than 2 or 3 or 4 in place, that we would have to be concerned about the oversight management of that property, as we know that tends to be an issue in the Highlands neighborhood already. Thank you.

Chairman: Thank you very much. Other comments?

Stephanie Damaris (94 Broadway Haverhill): I am currently a tenant of John and Christos, they are NOT absentee landlords, that is one of the reasons why I jumped up. The main thing I wanted to say is as a single individual, I know the needs for single one-bedroom apartments in Haverhill. I had desperately looking for one-bedroom apartments when my building was sold and thankfully John and Christos were nice enough to keep me in the building at an affordable price, and they redid it in a beautiful and affordable way and they keep it up, and if there are any issues they are right there to fix them and I just want to say that I am in favor of having a project like this in the city of Haverhill, especially in the area, because I have seen that area go downhill, I am a lifelong resident of Haverhill and I am just crushed to see that beautiful area go downhill the way that it has over the years.

Member Brown: How many units in your building, where you live?



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Stephanie Damaris (94 Broadway Haverhill): Right now there is 4

Member Brown: Ok great, thank you.

Chairman: Anyone else?

Gregory Gosling: I grew up in Haverhill, I did 2 years in the military, and I did a deployment overseas. I can't speak to all of these things, but the one thing I can speak to is I haven't known these gentlemen long but my Farther rents from them and he has spoken very highly of the 2 of them, and not only do they have good character but in the whole 4 years that they have rented to him, they haven't raised the rent, the rent is right around what it was 4 years ago, and to my understanding is if it was someone who was just out to make money or just for themselves, they wouldn't have such good things be said about them. My Farther goes to church, I grew up going to church in Haverhill, I don't go to the same church as them, now I go to church by West Gate Plaza. I have been in Haverhill for many years my whole life aside from when I served my country. I have seen a lot of bad things, Haverhill has come a long way, I have seen, Cumberland Farms right across the street one night got robbed, there has been some dangerous things that happened, Haverhill has come a long way. I think that having people, business owners, people who can invest in making Haverhill a better place, is what is very important. Yeah their building might be a little bit big but it is the quality of the people that is my experience my opinion.

Chairman: Thank you very much. Anyone else? Attorney Migliori, do you want to address some of the issues?

Matt Juros (Fish Brooke design): We understand the issue of sunlight on the south west facing side of the church, so the photograph that is on the screen right now was taken probably somewhere in the summer time and probably in the afternoon based on what we know about the sun angles and so forth and with the existing building in place, the sun on the whole face of the building remains in sunlight. By removing that building and building our proposed building, we would improve the amount of sunlight on that face of the church honestly. So I want people to understand that, that we feel like we are solving a problem that exists, not exacerbating one, it is not a sales tool, it is not believe me or don't believe me, its true.

Paster Frank: The existing building doesn't go the whole length of the lot.

Matt Juros: But you can see the park of the church that is in proximity to the existing building is in full sunlight, it is. And so it will remain in full sunlight when if the proposed building is built.

Chairman: Thank you



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Matt Juros: Just to finish that point about the sun angle, so we see the north arrow is here so North is up here and the sun comes up in the east and the church blocks the sunlight to this lot, until we get to about noon time and the sun is moving to this direction and before we even get sunlight, that was blocked by the church, now from this direction in the afternoon and evening the sun is coming from this direction and the image that I showed previously would come into play at that time, so it is simple sun angles, it is a part of how our design was guided into this iteration. Another point I want to make is we appreciate that there are community institutions that do good work and they do work with populations that are varied and I don't believe that it is a reasonable argument to say that if you put market rate rental units in the vicinity of people doing this work and people coming at different times and so forth, there will be tension and therefore we should not do this: No neighborhood is improved by having a monoculture, right, the mix of different types of people is what makes neighborhoods vibrant. I look at the south end in Boston where the Pine Street Inn is and over the years I have watched that remain in place and these historic buildings in the south end get improved and go for market rate and the Ink block is a new huge development on the other side of Pine Street Inn, currently we have a vibrant community that includes people from a lot of different backgrounds and a lot of different abilities, and I think that's an important vibrant neighborhood, so I want to just make sure that we are clear on not promoting and preserving a monoculture in the neighborhood for an argument for not doing this.

Chairman: Member Vathally mentioned about the traffic issues, I wonder if that could be something that could be addressed too. Did you want to speak, ok let her

Doris Myers (97 West Street in Georgetown): I am a member of the Unitarian Universal Church. I know we have spoken about how much we serve the community, just recently the community meals handed out 800 meals in a day, so you can see the influx of residences coming through there. We use the building for town elections, the voting is done there, so you would have traffic coming and going, there is very limited parking. I know they expressed that they have 14 units and 21 parking spaces, that is true but again as expressed if they have company, if they have any problems going on, it will come over into our Ashland, primarily Ashland Street, not Kenosha, so I think considering how active our church is and how our whole community, it would be good to make sure that those activities still go on, without interruptions from the flow of traffic that is going to happen, the entrances and exits both are problematic to me, so I would hope that the city would take all of this into consideration and the church has been there a long time and it is the most active church I have even been in and they always have committees there, reading, activities for young and old and it is a very vibrant church. It's too big and I just know that there is going to be problems with traffic and congestion and that is a big concern, not only for the church but the whole area. I hope you take all this into consideration, thank you.



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Chairman: Thank you very much. Did I overlook anybody else that Wanted to come up to speak? Ok good, so maybe you could address some of the issues that were brought up. Traffic is a concern, because of the narrow street and the right turns and all of that sort of stuff and parking and stuff, you could address some of that.

Jim Hanley (from Civil Design Consultants): So there is a handful of things going on and they are all kind of related here, but one thing I kind of want to discuss is and analyze here is what is the alternative, you have an application in front of you tonight that is 14 units, it has 21 parking spaces which is 150% of what is actually required for parking, so if another use say a commercial or retail use was put in there in a 1,000 square foot building, it would look a lot like this, so if I was designing a new roadway or an intersection, would I make it look like that no, but that's what we got, right, that is what we have right here so regardless of this application, if something is going to come into this site, it is going to have a very similar parking layout to that right there, we are just so limited based on the geometry of what we have as well as what your parking regulations call for, your regulations call for a specific width a specific size of the space and a specific amount of parking based on the use, I appreciate all the input we get from everyone who is around this, parking is a challenge, we get that. We are doing the best that we can with the site that we have. Regardless of what happens tonight, for any project to move forward. We are going to have the same conversation as how any project relates to the surrounding area. That is one thing to keep in mind as you put this through or as you consider the application. The other item too is relative to the setbacks. We talked a little about this and Matt put together the presentation that shows the red building. That is about a foot and half away from the property line. When we came in and did the original design plans typically what we do on very small challenging sites is we look at what is already there. We try to hold that as a minimum. We went through an entire design process and then we got feedback from the church community specifically and they didn't like that. We understand that they have been there a long time. It's probably them that subdivided the property that we are actually talking about today. I think they are 8' or 10' give or take from the side. We have modified our plan to honor that completely. As Matt says the sun angle is the function of science. So he can analyze that and understand where the sun is going to be during the certain time of day. We can confirm that we are not going to be blocking sunlight to those upper windows along the side of the church. I guess that is what I wanted to say. We understand the traffic concerns we are doing our best with this site. We have a 150% of what is required for the parking minimum. There are specific challenges specific to circulation. They dealt with it when there was a gas station in there. If anyone moves in here we are going to have to deal with it. I think we will work with the town to make the best solutions that we can.

Chairman Moriarty: Any questions from the board?



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Member LaPlume: I have a comment, George.

Chairman Moriarty: Member LaPlume. The last person that was just up there. That was a the first time that I heard a problem with the gas station or it could have been a problem with the gas station. You have to think back years ago there were 100s of cars going in and out of there if not 1,000's of cars per day. They were going onto Ashland Street, Main Street onto Kenoza Street. What did we have for accidents then? I just wanted to mention that. Thank you.

Chairman Moriarty: Any other comments?

Member Brown: This is very, very difficult. I think we all agree. I think on one hand we cannot stand to see that blighted site at that location. Yet I know the Calvary Baptist Church and the Unitarian Church have been great neighbors in the Highlands and obviously want to continue to see what's best as the neighbors do. We are not here to stop development or things like that. It's a very challenging decision when you have two very good sides coming together to get something done. I just want to say I am thankful for everyone being very respectful of each other tonight and coming before us. I just really wanted to let everyone know how much we appreciate that.

Chairman Moriarty: Any other questions?

2:20.04

Member Vathally: (inaudible) I think I still have a problem with the traffic. Why 14 units? Why not 10, why not 8? What made it 14?

Attorney Migliori: Economics. You can't go below that to be viable. Literally...if 14 units isn't approved unfortunately, I don't think anything will happen at this site.

Christos Eliopoulos 2 Water Street, Medford addressed the board. As we all know, and you all know firsthand a project that started at 600,000 ended up being 800,000 for your church for an elevator. It's just financially economically there is significant site work that needs to be done on the site. We have to take down a huge canopy. There is obviously a point of no return on any investment and property and that is where we came up with that, why the 14.



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Member ?: what about making a couple of two bedrooms, eliminate three one bedrooms and make one two bedroom? Its going to give you more....

Attorney Migliori: You run into the same problem. Just because it's a larger unit doesn't mean you are going to be able to charge three times the rent.

Member maybe you could have a smaller building. Another question for Tom. I thought it was 1.5 for apartment for parking.

Tom Bridgewater, Building Commissioner: If you follow the parking its one for 1 bedroom, 2 for 3 bedrooms. If you have 2 bedrooms its still the same parking count.

Attorney Migliori: We do meet the density requirements. 14 units are allowed there based on the square footage of the lot.

Chairman Moriarty: Other comments or questions? Anything else you want to say...its getting...

Attorney Magliocchetti: I just want to circle us back to the requirements for a variance and where we are with that. That is really what this decision has to be based on. They do not meet the requirements. There are other reasonable uses for this property. We don't think this is a reasonable use. We consider this an exceptional use considering the shape of the lot, size of the lot and the number of units that they are asking for. They do not have a hardship. If there is any, its self-imposed because they purchased it and they knew what they were getting into when they bought the lot. I just want to reiterate to the board that they have to meet certain requirements and they are just not met. We worked with them, and we will continue to work with them if they want to come and give us an alternate proposal. If they want to do something to show us to demonstrate you know about the sunlight issues to address the traffic and parking, which is really the biggest concern here. Again, look around this there is no other residential apartment complex on this strip here. You have the churches, the CVS across the street, the plaza across the street the other way. This is going to stand out as this big apartment complex in the middle of the gateway to the city. Look that is what I have to say, thank you very much. (2:23.58)
This is going to stand out as this big apartment complex in the middle of this gateway to the City, look that is what I have to say, than you very much.



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Member Bevilacqua: But there is also something subliminal going on here, because Attorney Migliori just said that it is an economic issue, but the Paster just said if the proposal was for elderly housing that he would support it, so he would support a proposal for elderly housing for 14 units or would he support elderly housing for 5 units? And one other comment was made about that these are going to be younger professionals and that maybe there would be some kind of contention about whether or not the people they would like down the road, I just infer and maybe I am wrong, that maybe there would be some kind of contentious feelings about it.

Attorney Magliocchetti: I mentioned that, what I meant by that was the volume of people, so if you are living there and you have all these people coming and going for all these meals at the church, I wasn't talking about classes of people, I was talking about just the volume of perpetual traffic, I just want to make that clear because I know Mr. Juros mentioned monocultural, that is not what I was getting at, what I was getting at is the volume of not the classes of, there is not going to be class culture, I am not suggesting that, I am just saying because of the work that they do. There is a lot of people coming and going, think about where you live, do you want in your backyard people coming and going all day and all weekend, that is what I am getting at. And that is the tension I am talking about.

Chairman: Alright, I think we are going to have to move it to a vote.

Reverend: I am sorry but because you raised that thing about, I think if they said that whatever kind of housing it was if it was market rate or if it was elderly or affordable, if it was 2 floors and say 10 units, I think we would say we would welcome you with open arms. I think the first conversation I had with Christos, I said it would probably be good for this neighborhood to have more people living at that end of the street. I did not want to imply anything either about a kind of class thing

Member Bevilacqua: But 10 units which Member Vathally even mentioned, 10 units would be acceptable?

Reverend: I believe so, at this moment I am only speaking for myself, I have not talked to anybody else, but I believe so and also I'll tell, I just need to say in our congregation the last thing we are in favor of is a monocultural culture and if you know that we

Chairman: Ok, thank you. The offer is out there for 10 units, but I think I heard you say you can't do it for 10 units.



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Member Brown: Would you do 12?

Jill Dewey (Board Clerk): That would be a repetitive petition and they could come back

Chairman: I heard what Attorney Magliocetti said and I don't want to continue it just for the sake of continuing it, only if there is going to be a productive discussion that could lead us to a solution, that if we continue it, when we come back I would want that to be the final thing that all of you agree upon fairly, because they have a right to make money, they have a right to have an economically feasible property here and if we were to do that, I would almost say you speak in one voice, that is one time you could be a monocultural if you are all in favor of it. Anyway having said that

Attorney Migliori: Unfortunately the number can't be decreased any more, we have decreased it significantly by 35%, our first go around was for 20 units, we believe that was doable on this site. We heard their concerns and we shaved 6 units already, I am being honest with you

Chairman: And I guess I am being honest, I believe all of our members are having difficulties with this, I am not saying they won't, I am not predicting anything, myself included, I think it is a great idea to have a project there, I think more, affordable housing I should say, but good housing and I can't imagine to see what else could be on that site because they have had so many problems with it, but this is going to be a torcher voting processes I think

Member Brown: Before we vote, do you guys want to think about one more round and maybe decrease some

Jill Dewey: They would have to change it and start all over again anyways, if they change the units and change the plans, you would have to do a whole new application so you couldn't just continue it. They could get denied and do a repetitive petition if they completely changed it.

Chairman: That is right. Jill is right about that. So ok I will entertain a motion.

Member Vathally: Mr. Chairman I would like to make a motion to approve the variance request for 3 Kenoza Avenue, 2nd by Member Brown.

Member Vathally-yes it generally meets the criteria for 255-10.2.2(2)

Member Brown-yes



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Member LaPlume-yes it meets the qualifications of the 255-10.2.2(2)

Member Bevilacqua-yes

Chairman Moriarty-yes

Motion Passed 5-0

November 16, 2022 Meeting minutes approved by the board