



Haverhill

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

The regular meeting of the Haverhill Board of Appeals was held on Wednesday evening, June 15, 2022 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Theodore Vathally
Member Lynda Brown
Member Louise Bevilacqua
Member Ronald LaPlume
Assoc member Pascual Ruiz

Also, Present: Jill Dewey, Board Secretary
Paul Villiot, Building Inspector

Chairman Moriarty called the meeting in to order on June 15 2022

Tiffany and Mario Rojas for 579 Washington Street (Map 509-1-579 / 509-1-8A)

Applicant seeks Special Permit to determine that proposed extension of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application includes conversion of existing non-conforming deck into an addition at rear of a condex in a RH zone. (BOA 22-21)

Tiffany (579 Washington Street): I am here tonight on behalf of myself and my husband, we bought the property at 579 Washington Street about 6 months ago. When we bought the property, the back deck was rotting out pretty badly, it wouldn't pass final inspection for our mortgage and the previous owners didn't have the money to repair it, so we paid someone to tear the deck out so that it would pass for our closing. Once we bought the house we decided to turn that into a sunroom and once we found out we were expecting another child, we thought it would be a great area to put an addition on the house. We are very new and naive to the building processes and started without a proper permit from the city, which is primarily why I am here today. I want to start by apologizing by not looking into the building rules and regulations. Since then we have done a couple small projects at the house which we have gained proper permits from the city before starting. We also have many plans for the property going forward and we will make sure that we are in compliance with city regulations. As we continue the work on the addition we will follow each step on the building process, I do respectfully ask you consider granting us this variance as I believe it would enhance the back of Day Street and I don't believe it would be a hinderance to any of our neighbors. Thank you.

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

Member Vathally: We are here for a special permit, not a variance, correct?

Tiffany: Ok

Member Vathally: How far along is your project?

Tiffany: We have the structure up and we have installation, that is about it.



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Member Vathally: This is a special permit, this is a nonconforming from what I am reading on the plot plan, this is a nonconforming lot.

Tiffany: Yes

Member Vathally: So a conforming lot from what I understand would require a variance, you are here for a special permit according to the site plan here.

Tiffany: Ok

Member Vathally: And you met with Tom the building Commissioner.

Tiffany: Yes

Member Vathally: When did you purchase the house?

Tiffany: December of last year.

Member Vathally: How did you know you needed this special permit, not the variance?

Tiffany: I spoke to Tom Bridgewater

Member Vathally: yes but how did it come about, you started to build it And then what made you come to the city?

Tiffany: Because we started building it without a permit and they, someone had reached out to the city and said we were building.

Member Vathally: Ok, I got it. So what I understand, it is not a variance that you just presented, it is a special permit, and because it is a nonconforming lot, I understand there was some confusion, we are going off this plot plan that you are presenting tonight, that would be allowed in a nonconforming lot so it is a special permit not a variance, right commissioner.

Paul (Building Inspector): Right

Member Vathally: Ok, when do you expect the project to finish, if this is granted tonight?

Tiffany: Probably by the end of the summer.

Member Vathally: Ok, thank you.

Chairman: Any other comments or questions?



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Member Brown: You have mentioned that you have done a couple projects already, can you just speak a little bit about that, what you have done so far, you said you wanted to do more, so I just wanted to see what you have done so far.

Tiffany: The previous owners left a lot of their trash, so we have been cleaning up the property, we just got a permit to build a shed on the property as well, which we started building the footings for. It's a condo but we also want to turn our part we want to get rid of the garage and put up a wall for more storage, but that has been on hold since we have been going back and forth with the addition.

Member Brown: When Member Vathally was asking about the structure that was up I didn't hear you well, you put what up so far?

Tiffany: Just the structure and some installation

Member Brown: Ok thank you.

Chairman: Any other comments or questions? I will entertain a motion.

Member Vathally: Chairman I would like to make a motion to approve the special permit for 579 Washington Street, 2nd ny member LaPlume.

Member Vathally: Yes it satisfies the criteria for 255-10.4.2

Member Brown: Yes it satisfies the criteria for special permit 255-10.4.2

Member LaPlume: Yes it satisfies the criteria for 255-10.4.2

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

Chairman George Moriarty: Yes noting also that it satisfies 255-10.4.2 and the fact that it does not increase the nonconforming nature of the structure.

Granted 5-0

Gary VanGeyte for 119 Cedar Street (Map 612, Block 496, Lot 4)

Applicant seeks special permit to change former non-conforming use (bar) of existing structure to a restaurant in a RH zone. (BOA 22-19)

Gary VanGeyte (24 Haverhill Road, Chester NH): I went down to the neighborhood, I went there quit a bit and took a lot of photos, Mike was also taking photos showing the parking available on the street, its significant. As far as talking to the neighbors, I could only talk to a couple of people, no body would sign a petition because they were tenants.

Chairman: When you say you could only talk to a few, why was that?

Gary: I hung around the neighborhood, and I spoke to people that were coming in and out of their cars, I didn't want to go knocking on people's doors. So, I did speak to a couple, and they wouldn't sign because they were tenants. Last time we left this my understanding was that the neighbors understand that it was a bar and had been a bar for decades and my understanding is we are to determine whether or not being a restaurant is less detrimental than a bar, so I would like to



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establish that along with what Mike has brought, I tried to upload to the website photographs but unfortunately the website didn't take photographs, it probably only takes PDF and word and I didn't have the software to convert photographs. I was there Friday evening, I got there about 5:30 and I took my photos which are similar.

Chairman: So you are saying that there will be no issue with parking once you are up and running, because the time that you took it there was no cars on the street parked there. What else would you like us to know about.

Gary: I think when we were here last time, they were concerned about people outside late at night and noise, also if they were parking on the street to make sure that they are not parking and blocking other people's driveways, as that has happened in the past, are there any thoughts on that one?

Gary: That comes down to people's manners but certainly if there was an issue, I would address it.

Chairman: How?

Gary: Verbally, for instance I would welcome someone to call and say hey this car is blocking my driveway.

Chairman: Would you have any ability during the business open that you can have somebody from time-to-time step outside time to time, to say wait a minute this is causing some problems, rather than waiting for someone to call, maybe hang signs.

Gary: sure, I can have signs and stepping outside and monitoring it, especially in the beginning, so that people feel that we are actually going to take care of the situation.

Chairman: And this is going further, I am going beyond my authority here. Even if you put it on the menus too, please be respectful of our neighbors.

Gary: Great idea, I think that is a great idea. Also it could go on the website

Chairman: Yes that would be very helpful, if you could give guidance on the website on where people should be parking and what they should be aware of. Any other comments or questions you want to tell us about?

Gary: The only other thing I want to reiterate is my understanding is that we have to establish is that it was a bar before and now it is going to be a restaurant, it is certainly not going to be 2:00 in the morning like the people were concerned about. I envision the kitchen closing at 9:00 on weeknights and 10:00 on Friday Saturday.

Chairman: Any comments or questions from the board?

Assoc. Member Ruiz: I have a couple of questions. What type of restaurant is it going to be? Are you going to have a commercial kitchen, or just sandwiches?

Gary: Just pizza.



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Assoc. Member Ruiz: Just strictly pizza but you are not going to have a commercial kitchen, right?

Gary: No

Assoc. Member Ruiz: So it is really not a restaurant then, is it?

Gary: It is a pizzeria. We discussed this last time, Louise Bevilacqua knew of a restaurant, that was very similar in Ipswich Massachusetts, which I am modeling this after.

Assoc. Member Ruiz: But you are not going to have a commercial kitchen, right?

Gary: No I am not

Assoc. Member Ruiz: So how are you going to make the pizzas?

Gary: In a pizza oven

Assoc. Member Ruiz: The other thing is, what's your occupancy going to be? How many people are you going to have there?

Gary: Somewhere between 38 and 45 I believe

Assoc. Member Ruiz: Usually when you get an alcohol license, you'll have to have the occupancy.

Gary: I did go through that and I did get approved for the license pre-COVID

Assoc. Member Ruiz: So you have already gone to the ABCC?

Gary: Yes

Assoc. Member Ruiz: You have your license already?

Gary: I did, I turned it back in.

Assoc. Member Ruiz: Ok, so you would have to reapply?

Gary: Correct.

Assoc. Member Ruiz: So what type of license would it be, would it be full liquor or would it be beer and wine?

Gary: Full alcohol



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Assoc. Member Ruiz: What about, would you be willing to have security there, just to make sure if this goes through, would you be willing to have security, because I know in other communities sometimes there is issues and you could have security checking outside to make sure they are not parking where they shouldn't.

Gary: If it became necessary, but I just cant even envision that or the need.

Assoc. Member Ruiz: If your occupancy is 38-40 than that is a lot of people in that neighborhood.

Chairman: Any other comments or questions?

Member Vathally: Mr. VanGeyte I think what you are doing is wonderful, you are trying to reinvigorate a area. Have you researched this property in the RH, have you researched what it was prior to a bar or restaurant, have you researched, I mean in the event that if this doesn't go through what would be your option? It was zoned as residential at one time, is that an avenue that you may pursue?

Gary: Yes

Member Vathally: Ok, do you know in fact what this was prior to being a bar or restaurant?

Gary: In my research the furthest it goes back is 1956 and it was a package store at that point.

Member Vathally: Ok, I remember it was always a Commercial venture, it was always a business. I am trying to make this a win, win for the community, in itself and the neighbors and everything in the event that you would have the ability that at some point that you would have to come back for a variance if it was going to a residential structure, I am just curious if you know, if you did your research? Was it always a business or at one time was it a house?

Gary: I haven't gone back before 1956, which the building appears to be older. If it was ever a house, I would be welcome to turning it back to a residence sure.

Member Vathally: Thank you.

Member Bevilacqua: So when you say it would probably close week days at 9 and weekends at 10 or 11, will that mean you close or will that mean that the bar part will still be open?

Gary: No when I close the kitchen and then it is just a matter of when people finish up. I think having a place there can only go up, it can only improve, and I think. I know my god son who lives in Rowley drives his family every Friday to that place in Ipswich, and it is known for pizza, it is an old fashion pizzeria, which were prevalent years ago.

Gary: And the parking there is really bad.



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Member Bevilacqua: Much, much. I cannot, not, I have only been there once and it is all families. I just think it can only go up, I think the biggest job you have is trying to cultivate a sense of people understanding that this is something different, this is not the bar you have always known, this is a great I, and this is your biggest obstacle is to make people believe that this is something new.

Gary: My intentions is to put windows in the building, which I think is going to be the firs signal that you are not going in there to hide and drink.

Chairman: If you close the kitchen at 9 or 10, what time do you think your actual closing time will be?

Gary: I am guessing a half hour to an hour after that.

Chairman: 11 maybe at the latest?

Gary: I would say, yes.

Chairman: Any other comments or questions?

Member Brown: I know when you were here last month, we talked a little bit about how it is important to me that you talk to as many neighbors as possible. I think people can hear things that may not necessarily be true, or they might just need a little bit more information. Depending on what happens tonight, do you feel ok with what you have done so far, as far as trying to reach out to people and speak to people? I know you said you didn't knock on any doors; you didn't do anything else except talk to a couple of people that were tenants who didn't feel comfortable signing anything, but I don't know if signing a petition is what I was thinking of. I was thinking more about you reaching out to people and sitting down and and letting them know what is going on.

Gary: I did have a nice conversation with the people who were in opposition last time, I thought speaking with the people who had a problem with it was most important.

Member Brown: It is just really important when people have questions like that, it is a residential neighborhood, I know things are jammed in there and everything is a concern. I just think sometimes talking with neighbors, owners or tenants, it is just really important to reach out, I just wanted to find out your effort in that.

Chairman: Thank you Member Brown. If no other comments or questions we will hear from opposition. If anyone would like to speak in favor or in opposition?

Martha Meads & Paul Stafinitis (120 Cedar Street): First of all I did send an email because I didn't think I was going to be able to make it tonight. So he guesses the closing time might be 10:00, is that a guess and can that time be changed at any time? Can the closing time be changed after this is approved, like he decides he wants o close on weeknights at midnight, can that happen after it is approved?

Chairman: I would have to talk to the building commissioner ad find out what we can oppose.



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Martha Meads: And if he is not going to have any commercial equipment, is he going to have a toaster oven for the pizza?

Chairman: He is talking about having a pizza oven

Martha: A Pizza oven

Chairman: Could you tell us what your objections are please.

Martha: Ok. As in my email, I have an objection to parking, and the day he went the time he went maybe there wasn't much parking, but I have actually had people from the bar before and I know that past doesn't mean it will happen but they parked in my parking spot, I went in the bar and said whoever is parked in my parking spot please move, no one came out, no one called, no one did anything, I called the police, the police had to go in and get the person who owned it to come out, they would not come out on their own.

Chairman: When you say your parking spot, what parking spot was that?

Mattha: My driveway, I live right across the street.

Chairman: They were parking in your driveway?

Martha: In my driveway. I couldn't get out, they were in front of my car

Chairman: They were blocking your driveway?

Martha: Yes. So I am upset about that and like I said I don't know exactly what it looked like at that time, but in the winter you can not find a spot on that street, because it is one side only. Also I think I said in my email, you can't park in front of his establishment anyways, because you can't park within 30 feet of a stop sign and both sides of his establishment is a stop sign, so you can't park, so it has to be in front of the neighbor's house.

Paul Stafinitis (120 Cedar Street): I just want to say, that what he is saying and what he actually does could be two different issues, that's what I am concerned about. He may say I am going to close at 10 and then not close at 10. Is he the current owner or is he going to buy it and sell it later, there is so many things I want to know.

Paul V (Building Inspector): If I could just say something, the license commission will establish what those hours are.

Martha: So it could be midnight possibly?

Paul V (Building Inspector): It would have to be approved by them.

Chairman: Paul you can correct me, but it would have to be consistent with what other restaurants are, unless there are some special circumstances.



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Paul V: That is correct.

Chairman: Mr. Mikes closes at 1:00, you can't necessarily tell someone else that they can't close at 1:00 either. But the building inspector is correct, we would have to follow the license commission.

It is just now this is strictly a residential area and to have a business back there, the neighborhood has been trying been trying to improve, things are happening there, they are putting in new condos across the street, new neighbors, the prices are going up. I don't know if this will be more detrimental to the area, especially

Martha: I would be all for a single-family going in there or any kind of resident going in there, but a business just doesn't belong in that area.

Chairman: Am I correct in assuming that if tis is denied they can still put the bar back in there again? Do you know that Paul?

Paul (Building inspector): I do believe so, due o the COVID deal it would have been in the 2 years

Chairman: It was a bar, it still could be a bar, so I am not saying this is going to happen, but if we deny the restaurant, by right they could put the bar back in there.

Martha: How long does it have to be empty before it can't be a bar again?

Paul (Building inspector): It needs to be abandoned for 2 years, but because of COVID there was a significant delay in that timeline, so I believe that the occupancy for the bar was valid till November 2019, so you add the COVID delay and that would have it in the 2-year limit.

Martha: So it would have to become a bar almost immediately though as it was at the end of its time limit.

Paul (Building Inspector): Well that is actually the easiest way to go, is to make it a bar. The restaurant is actually tougher to do than to go back to the bar.

Chairman: I just want to make sure the neighbors understand if it is denied tonight, it could automatically just go back to being a bar.

Martha: But it would have to be done in a relatively quickly timeframe even with that 2 year thing, because they were almost at the end of their time anyway.

Jill Dewey (Board Clerk): They might be able to come for an extension, because of that time.

Paul (Building Inspector): Unfortunately, this is crazy times



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Jill Dewey (Board Clerk): The purpose of being here tonight is to determine if this is less detrimental than what was there prior.

Martha: Either one would be detrimental.

Chairman: Thank you very much. Anyone else?

Catherine Weeden (131 Cedar Street): 131 Cedar Street is not far from 119 if you know the way the street is numbered. The bar is on this side of 8th Avenue across the street is an apartment building, a house, and then my house, so I am actually the third structure from the bar. I can give you a little history on Sheehan's package store. My father bought the house I live in when I was in the second grade and I am now 76 years old, I can tell you everything about this neighborhood. It was just a package store and the Sheens did have a house attached to it, it was not a house before that. I want to address the parking, Gary said he was there on Friday Night, yea if everyone remembers this is graduation week, there was a lot of people that went to graduation parties, it wasn't your usual Friday Night parking, come on a Saturday, come on a Sunday, come on a Celtics game when people have company. There is no place to park on that street, no place, we have a hard time, and we live there. The hours, last time they said they would open up at 4 and close at 10, has that changed now? It was going to be a family pizzeria and now its going to be a restaurant. Where is the trash going to go on the street? You said a full alcohol license, does Dominos sell full alcohol, does Papa Gino's sell full alcohol, no that is a family pizza place. A lot of people open up places in Haverhill and you all know they sell only a little bit of food to cover up the real reason that they are going to make money and that is the alcohol. Who is going to watch the people who are consuming, who is serving them, are they bartenders serving this alcohol, are they certified? I am telling you, I could tell you stories about the neighborhood, we have a drug dealer that still lives in the neighborhood, I'm sure he would love a business to go in there, what better way to cover up his business. What about the wording outside, the noise, is there going to be music? We have lived trough the bars that have been there, one owned by a former police officer, who we had to call the police on a million times because they didn't have any consideration for the people in the neighborhood. We have elderly people, people with children, people that have to work, we are on top of each other now and yes it is an old building and not used for years but you know what, to the rest of us that live in the neighborhood it has been a blessing because we are able to enjoy our homes, we are tax payers, we work in the city of Haverhill, we want to be able to enjoy our homes, we don't want a business there that is going to disrupt and that is what is going to happen I am telling you right now, I have lived there long enough, I have seen everything, I could tell you every store and everything, I have lived on that street for years. Even though the acre gets a bad reputation, our block here is pretty quiet compared to all the other areas on the street, so please, please take into consideration. I would love to have you people come stay in our houses when these things happen, you wouldn't want it. I know that businesses are meant to be in Haverhill, but that is not meant to be in our neighborhood. Thank you.

Chairman: Thank you, and again I will reiterate that if this is not approved it can automatically be reverted back to a bar again, it is a possibility.

Catherine Weeden: Don't they have to go through regulations. Mr. VanGeyte do you want to get up and rebuttal anything or add any new information?



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Gary VanGeyte: The tow warnings as we talked about because I really respect the fact that people will not want their driveway blocked, no one wants that. There already is security outside the building, I have cameras out there all set for monitoring.

Chairman: Who would be watching the cameras?

Gary: The staff. Nobody wants trouble, that is not a way to run a successful business. As far as the times, this is not going to be a place that is open until midnight, or 1 in the morning.

Chairman: Would you be willing to make a commitment tonight to when it will be open until? Paul said the licensing commission will established a time, but would you personally as a business man be willing to establish that time tonight?

Gary: I don't know whether that would be wise for me to do, I could say I don't have an intention of being open that late. I see no value in having a restaurant open in a neighborhood past 11:00 that is for sure.

Chairman: Would you willing to commit to 11:00?

Gary: Here is where it gets concerning, if I have to have the doors locked at 11 and throw somebody out, what if there was a couple in there on a date first of all, or if someone came in late because they worked, and I have to tell them sorry you have to leave. Sometimes people take a hint when they are the last ones in a place, but I certainly wouldn't want to restrict myself to that. I can say that I certainly don't want to be open serving drinks to people late at night.

Chairman: I hate to keep pressing you on it, but if this is approved you are the owner and you don't want to have to be doing that, then why not commit o it?

Gary: The only reason I didn't want to commit to it was for instance, would I be forced to lock the door, if I stopped serving and someone is hanging around finishing what they are doing, I don't want to throw someone out.

Chairman: I get thrown out of a MacDonalds if its past 11:00, and they have done it. Do you see what I am saying?

Gary: I do fully understand

Chairman: One of the people said you are going to come here and say and then do something different. I am giving you a chance to not only say something but do something.

Gary: I can certainly say we will be out of there by 12. I am just concerned somebody, because I have been there, I have been on a date and I have lingered around and all of a sudden you realize wow we are the only ones here, and not asked to leave, which is nice.

Chairman: Ok, I won't press it any further.



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Assoc Member Ruiz: I just have a comment, so when you go before the licensing board, you are going to have to get a common distilled license and that is going to restrict your hours. So you need to know what time, when you go in front of the board, they are going to give you a time and a common vic, and a license for entertainment. So what time did they give you?

Gary: I believe the last time was 10 during the week and 12 on Friday/Saturdays.

Assoc Member Ruiz: So you do have a time frame then?

Gary: At that actual time I had a partner that was going to be doing this, it was a different structure, but I was still going to be a pizzeria.

Assoc Member Ruiz: So the licensing board will issue a common vic with the hours on it.

Gary: Yes, I am aware of that. I am not looking to get the maximum hours that Haverhill offers

Chairman: Thank you Member Ruiz. One of the questions mentioned was about the bartenders the staff. What qualifications, I don't know enough about that stuff, are there licensing required, are there training required.

Gary: Tips certification is the most common thing, and the bartenders are training. It is similar to taking a course with the ABCC, it is a course that is offered.

Chairman: Course like at NECC or something?

Gary: They are offered different places, some online.

Assoc Member Ruiz: They are offered at Serve Safe online.

Chairman: Ok. People have mentioned some other things, will you respond to the other things that were said.

Gary: I believe I addressed all of the parking issues.

Chairman: One of the things she had mentioned was parking 30 feet from a stop sign and the stop sign is right on the corner of the street.

Gary: I always been under the impression you can't park within 10 feet.

Chairman: It feels like the parking issue is beyond your control in some ways, because you don't have dedicated parking like a parking lot or anything of that nature, so the street parking especially in the winter snow and opposite side parking and all of that sort of stuff could be completely problematic.

Gary: Well it wouldn't be overnight parking



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Chairman: Other comments or questions from the board

Martha: Parking is from 6pm-6am in the winter hours, and it is a state law 30 feet away for parking at a stop sign.

Member Brown: Mrs. Meads I wanted to ask you, in the letter you wrote to city council in 2015, you mentioned that you were told that it wouldn't open as a bar again

Martha: Melinda Barrett. I sent it to every counselor in 2015 and she replied to me.

Member Brown: You sent this letter, and you are saying she replied to you, right.

Martha: yes, he reply said she would look into it and she would talk to the police about it and forward my email and concerns.

Member Brown: But you wrote that it would not open as a bar again.

Martha: Actually I got an email from Mayor Fiorentini at that time, that said it was only a bar because it was already established as one, but if I went out it wouldn't come back as one. I don't think I have that email anymore

Member Brown: You wrote something and don't have the email. I just want to make sure that if someone tells you something, like that there is some type of special permit or something that we would all like to know, so if something is attached to that we want to make sure that it is exactly that, and if someone sent you something I know not only would I want to see it, but the other board members would want to see it.

Martha: It was nothing official, it was just an email.

Member Brown: But you are saying you were told by Mayor Fiorentin

Martha: I am pretty sure that he told me that it was a bar and there was nothing they could do about it as long as it was in business, but after wood. I don't know if he knows about this time limit with the COVID or what

Paul (Building inspector): I just want to comment that, that is where that 2 year abandonment comes in and like I said before, it was possessing a valid occupancy up until November 2019, so if we took what happened in the world out of it, that would be November 2021, so I believe it was over 400 days that COVID delayed things. So again after 2 years that use is abandoned

Martha: but the bar was closed in 2019, it close long before that.

Paul: Well they were closed to the public but they maintained their occupancy. So you are correct, they went open but they did maintain their occupancy.



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Member Bevilacqua: I am curious as Member Brown is about the email you received. Mr. VanGeyte could reopen it as a bar and never come before us. He is not asking to alter the structure that would then approach upon the current zoning, which would require a variance, he is asking for a permit to change it from a bar to a restaurant, a pizzeria classifies as a restaurant. He wouldn't of even had to come in front of this board, all he would have had to do was go to the licensing commission and reinstate his license. I mean he is kind of putting himself out there. Not saying that you got something from a counselor, it might be that whoever wrote to you was not completely informed about, because he could have just said I am going to reopen this as a bar, I am going to call it a new name, I am, but he is not, he is just seeking to change the purpose of a bar to a pizzeria a restaurant.

Martha Meads: Either way it is going to bring down my property value, whether it is a bar, or a pizzeria that nobody goes to, or few people go in to make drug deals or whatever. I know prostitutes used to go there before, because I got their used condoms outside me house on certain nights. It just doesn't matter, it is going to be bad for my house, my property value, it doesn't matter which one it is.

Chairman: Any other comments or questions

Michael Serenza (119 Cedar): I just want to let the board know that we have been closed a few years, we have no revenue=w coming in, it has been a hardship on our family, we kept the insurance up to date, we have kept up the property taxes they are all up to date. Like I said we are going on 3 years, we bought the place 10 years ago and these people said they had been in the neighborhood for many, many years and no body came out to express their concerns 10 years ago, so we bought the place in good faith assuming the neighborhood had no complaints whatsoever and if it didn't work out we could just turn around and sell it to someone else and they could make a go at it. These 3 years has been very hard, a hardship on our family, all we are trying to do is just sell it to somebody else, that can probably do a better job than we did.

Chairman: Great thank you very much. Entertain a motion

Member Vathally: Chairman I would like to make a motion to approve the special permit for 119 Cedar Street, 2nd ny member LaPlume.

Member Vathally: Yes it satisfies the criteria for 255-10.4.2

Member Brown: Yes it satisfies the criteria for special permit 255-10.4.2

Member LaPlume: Yes it satisfies the criteria for 255-10.4.2

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

Chairman George Moriarty: Yes reiterating it satisfies the criteria for 255-10.4.2. And that the proposed change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood

Granted 5-0



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Harold Smith for 57 Pear Tree Road (Map 459, Block 5, Lot 30)

Applicant seeks renewal of special permit for accessory apartment in a RR zone that was originally granted April 16, 2008.
(BOA 22-22)

Note: The applicant was not present, do to misunderstanding on the meeting date.

The board continued this application to the July 20th meeting, all members voted yes to continue.
5-0

Other:
May 18, 2021

Member Vathally: I make a motion to approve the May 18, 2022 meeting minutes, seconded by member LaPlume

Member Vathally: Yes
Member Brown: Yes
Member LaPlume:
Member Bevilacqua: yes
Chairman George Moriarty: Yes
Granted 5-0



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The regular meeting of the Haverhill Board of Appeals was held on Wednesday evening, June 15, 2022 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Theodore Vathally
Member Lynda Brown
Member Louise Bevilacqua
Member Ronald LaPlume
Assoc member Pascual Ruiz

Also, Present: Jill Dewey, Board Secretary
Paul Villiot, Building Inspector

Chairman Moriarty called the meeting in to order on June 15 2022

Tiffany and Mario Rojas for 579 Washington Street (Map 509-1-579 / 509-1-8A)

Applicant seeks Special Permit to determine that proposed extension of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application includes conversion of existing non-conforming deck into an addition at rear of a condex in a RH zone. (BOA 22-21)

Tiffany (579 Washington Street): I am here tonight on behalf of myself and my husband, we bought the property at 579 Washington Street about 6 months ago. When we bought the property, the back deck was rotting out pretty badly, it wouldn't pass final inspection for our mortgage and the previous owners didn't have the money to repair it, so we paid someone to tear the deck out so that it would pass for our closing. Once we bought the house we decided to turn that into a sunroom and once we found out we were expecting another child, we thought it would be a great area to put an addition on the house. We are very new and naive to the building processes and started without a proper permit from the city, which is primarily why I am here today. I want to start by apologizing by not looking into the building rules and regulations. Since then we have done a couple small projects at the house which we have gained proper permits from the city before starting. We also have many plans for the property going forward and we will make sure that we are in compliance with city regulations. As we continue the work on the addition we will follow each step on the building process, I do respectfully ask you consider granting us this variance as I believe it would enhance the back of Day Street and I don't believe it would be a hinderance to any of our neighbors. Thank you.

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

Member Vathally: We are here for a special permit, not a variance, correct?

Tiffany: Ok

Member Vathally: How far along is your project?

Tiffany: We have the structure up and we have installation, that is about it.



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Member Vathally: This is a special permit, this is a nonconforming from what I am reading on the plot plan, this is a nonconforming lot.

Tiffany: Yes

Member Vathally: So a conforming lot from what I understand would require a variance, you are here for a special permit according to the site plan here.

Tiffany: Ok

Member Vathally: And you met with Tom the building Commissioner.

Tiffany: Yes

Member Vathally: When did you purchase the house?

Tiffany: December of last year.

Member Vathally: How did you know you needed this special permit, not the variance?

Tiffany: I spoke to Tom Bridgewater

Member Vathally: yes but how did it come about, you started to build it And then what made you come to the city?

Tiffany: Because we started building it without a permit and they, someone had reached out to the city and said we were building.

Member Vathally: Ok, I got it. So what I understand, it is not a variance that you just presented, it is a special permit, and because it is a nonconforming lot, I understand there was some confusion, we are going off this plot plan that you are presenting tonight, that would be allowed in a nonconforming lot so it is a special permit not a variance, right commissioner.

Paul (Building Inspector): Right

Member Vathally: Ok, when do you expect the project to finish, if this is granted tonight?

Tiffany: Probably by the end of the summer.

Member Vathally: Ok, thank you.

Chairman: Any other comments or questions?



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Member Brown: You have mentioned that you have done a couple projects already, can you just speak a little bit about that, what you have done so far, you said you wanted to do more, so I just wanted to see what you have done so far.

Tiffany: The previous owners left a lot of their trash, so we have been cleaning up the property, we just got a permit to build a shed on the property as well, which we started building the footings for. It's a condo but we also want to turn our part we want to get rid of the garage and put up a wall for more storage, but that has been on hold since we have been going back and forth with the addition.

Member Brown: When Member Vathally was asking about the structure that was up I didn't hear you well, you put what up so far?

Tiffany: Just the structure and some installation

Member Brown: Ok thank you.

Chairman: Any other comments or questions? I will entertain a motion.

Member Vathally: Chairman I would like to make a motion to approve the special permit for 579 Washington Street, 2nd ny member LaPlume.

Member Vathally: Yes it satisfies the criteria for 255-10.4.2

Member Brown: Yes it satisfies the criteria for special permit 255-10.4.2

Member LaPlume: Yes it satisfies the criteria for 255-10.4.2

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

Chairman George Moriarty: Yes noting also that it satisfies 255-10.4.2 and the fact that it does not increase the nonconforming nature of the structure.

Granted 5-0

Gary VanGeyte for 119 Cedar Street (Map 612, Block 496, Lot 4)

Applicant seeks special permit to change former non-conforming use (bar) of existing structure to a restaurant in a RH zone. (BOA 22-19)

Gary VanGeyte (24 Haverhill Road, Chester NH): I went down to the neighborhood, I went there quit a bit and took a lot of photos, Mike was also taking photos showing the parking available on the street, its significant. As far as talking to the neighbors, I could only talk to a couple of people, no body would sign a petition because they were tenants.

Chairman: When you say you could only talk to a few, why was that?

Gary: I hung around the neighborhood, and I spoke to people that were coming in and out of their cars, I didn't want to go knocking on people's doors. So, I did speak to a couple, and they wouldn't sign because they were tenants. Last time we left this my understanding was that the neighbors understand that it was a bar and had been a bar for decades and my understanding is we are to determine whether or not being a restaurant is less detrimental than a bar, so I would like to



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establish that along with what Mike has brought, I tried to upload to the website photographs but unfortunately the website didn't take photographs, it probably only takes PDF and word and I didn't have the software to convert photographs. I was there Friday evening, I got there about 5:30 and I took my photos which are similar.

Chairman: So you are saying that there will be no issue with parking once you are up and running, because the time that you took it there was no cars on the street parked there. What else would you like us to know about.

Gary: I think when we were here last time, they were concerned about people outside late at night and noise, also if they were parking on the street to make sure that they are not parking and blocking other people's driveways, as that has happened in the past, are there any thoughts on that one?

Gary: That comes down to people's manners but certainly if there was an issue, I would address it.

Chairman: How?

Gary: Verbally, for instance I would welcome someone to call and say hey this car is blocking my driveway.

Chairman: Would you have any ability during the business open that you can have somebody from time-to-time step outside time to time, to say wait a minute this is causing some problems, rather than waiting for someone to call, maybe hang signs.

Gary: sure, I can have signs and stepping outside and monitoring it, especially in the beginning, so that people feel that we are actually going to take care of the situation.

Chairman: And this is going further, I am going beyond my authority here. Even if you put it on the menus too, please be respectful of our neighbors.

Gary: Great idea, I think that is a great idea. Also it could go on the website

Chairman: Yes that would be very helpful, if you could give guidance on the website on where people should be parking and what they should be aware of. Any other comments or questions you want to tell us about?

Gary: The only other thing I want to reiterate is my understanding is that we have to establish is that it was a bar before and now it is going to be a restaurant, it is certainly not going to be 2:00 in the morning like the people were concerned about. I envision the kitchen closing at 9:00 on weeknights and 10:00 on Friday Saturday.

Chairman: Any comments or questions from the board?

Assoc. Member Ruiz: I have a couple of questions. What type of restaurant is it going to be? Are you going to have a commercial kitchen, or just sandwiches?

Gary: Just pizza.



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Assoc. Member Ruiz: Just strictly pizza but you are not going to have a commercial kitchen, right?

Gary: No

Assoc. Member Ruiz: So it is really not a restaurant then, is it?

Gary: It is a pizzeria. We discussed this last time, Louise Bevilacqua knew of a restaurant, that was very similar in Ipswich Massachusetts, which I am modeling this after.

Assoc. Member Ruiz: But you are not going to have a commercial kitchen, right?

Gary: No I am not

Assoc. Member Ruiz: So how are you going to make the pizzas?

Gary: In a pizza oven

Assoc. Member Ruiz: The other thing is, what's your occupancy going to be? How many people are you going to have there?

Gary: Somewhere between 38 and 45 I believe

Assoc. Member Ruiz: Usually when you get an alcohol license, you'll have to have the occupancy.

Gary: I did go through that and I did get approved for the license pre-COVID

Assoc. Member Ruiz: So you have already gone to the ABCC?

Gary: Yes

Assoc. Member Ruiz: You have your license already?

Gary: I did, I turned it back in.

Assoc. Member Ruiz: Ok, so you would have to reapply?

Gary: Correct.

Assoc. Member Ruiz: So what type of license would it be, would it be full liquor or would it be beer and wine?

Gary: Full alcohol



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Assoc. Member Ruiz: What about, would you be willing to have security there, just to make sure if this goes through, would you be willing to have security, because I know in other communities sometimes there is issues and you could have security checking outside to make sure they are not parking where they shouldn't.

Gary: If it became necessary, but I just cant even envision that or the need.

Assoc. Member Ruiz: If your occupancy is 38-40 than that is a lot of people in that neighborhood.

Chairman: Any other comments or questions?

Member Vathally: Mr. VanGeyte I think what you are doing is wonderful, you are trying to reinvigorate a area. Have you researched this property in the RH, have you researched what it was prior to a bar or restaurant, have you researched, I mean in the event that if this doesn't go through what would be your option? It was zoned as residential at one time, is that an avenue that you may pursue?

Gary: Yes

Member Vathally: Ok, do you know in fact what this was prior to being a bar or restaurant?

Gary: In my research the furthest it goes back is 1956 and it was a package store at that point.

Member Vathally: Ok, I remember it was always a Commercial venture, it was always a business. I am trying to make this a win, win for the community, in itself and the neighbors and everything in the event that you would have the ability that at some point that you would have to come back for a variance if it was going to a residential structure, I am just curious if you know, if you did your research? Was it always a business or at one time was it a house?

Gary: I haven't gone back before 1956, which the building appears to be older. If it was ever a house, I would be welcome to turning it back to a residence sure.

Member Vathally: Thank you.

Member Bevilacqua: So when you say it would probably close week days at 9 and weekends at 10 or 11, will that mean you close or will that mean that the bar part will still be open?

Gary: No when I close the kitchen and then it is just a matter of when people finish up. I think having a place there can only go up, it can only improve, and I think. I know my god son who lives in Rowley drives his family every Friday to that place in Ipswich, and it is known for pizza, it is an old fashion pizzeria, which were prevalent years ago.

Gary: And the parking there is really bad.



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Member Bevilacqua: Much, much. I cannot, not, I have only been there once and it is all families. I just think it can only go up, I think the biggest job you have is trying to cultivate a sense of people understanding that this is something different, this is not the bar you have always known, this is a great I, and this is your biggest obstacle is to make people believe that this is something new.

Gary: My intentions is to put windows in the building, which I think is going to be the first signal that you are not going in there to hide and drink.

Chairman: If you close the kitchen at 9 or 10, what time do you think your actual closing time will be?

Gary: I am guessing a half hour to an hour after that.

Chairman: 11 maybe at the latest?

Gary: I would say, yes.

Chairman: Any other comments or questions?

Member Brown: I know when you were here last month, we talked a little bit about how it is important to me that you talk to as many neighbors as possible. I think people can hear things that may not necessarily be true, or they might just need a little bit more information. Depending on what happens tonight, do you feel ok with what you have done so far, as far as trying to reach out to people and speak to people? I know you said you didn't knock on any doors; you didn't do anything else except talk to a couple of people that were tenants who didn't feel comfortable signing anything, but I don't know if signing a petition is what I was thinking of. I was thinking more about you reaching out to people and sitting down and letting them know what is going on.

Gary: I did have a nice conversation with the people who were in opposition last time, I thought speaking with the people who had a problem with it was most important.

Member Brown: It is just really important when people have questions like that, it is a residential neighborhood, I know things are jammed in there and everything is a concern. I just think sometimes talking with neighbors, owners or tenants, it is just really important to reach out, I just wanted to find out your effort in that.

Chairman: Thank you Member Brown. If no other comments or questions we will hear from opposition. If anyone would like to speak in favor or in opposition?

Martha Meads & Paul Stafinitis (120 Cedar Street): First of all I did send an email because I didn't think I was going to be able to make it tonight. So he guesses the closing time might be 10:00, is that a guess and can that time be changed at any time? Can the closing time be changed after this is approved, like he decides he wants to close on weeknights at midnight, can that happen after it is approved?

Chairman: I would have to talk to the building commissioner and find out what we can oppose.



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Martha Meads: And if he is not going to have any commercial equipment, is he going to have a toaster oven for the pizza?

Chairman: He is talking about having a pizza oven

Martha: A Pizza oven

Chairman: Could you tell us what your objections are please.

Martha: Ok. As in my email, I have an objection to parking, and the day he went the time he went maybe there wasn't much parking, but I have actually had people from the bar before and I know that past doesn't mean it will happen but they parked in my parking spot, I went in the bar and said whoever is parked in my parking spot please move, no one came out, no one called, no one did anything, I called the police, the police had to go in and get the person who owned it to come out, they would not come out on their own.

Chairman: When you say your parking spot, what parking spot was that?

Mattha: My driveway, I live right across the street.

Chairman: They were parking in your driveway?

Martha: In my driveway. I couldn't get out, they were in front of my car

Chairman: They were blocking your driveway?

Martha: Yes. So I am upset about that and like I said I don't know exactly what it looked like at that time, but in the winter you can not find a spot on that street, because it is one side only. Also I think I said in my email, you can't park in front of his establishment anyways, because you can't park within 30 feet of a stop sign and both sides of his establishment is a stop sign, so you can't park, so it has to be in front of the neighbor's house.

Paul Stafinitis (120 Cedar Street): I just want to say, that what he is saying and what he actually does could be two different issues, that's what I am concerned about. He may say I am going to close at 10 and then not close at 10. Is he the current owner or is he going to buy it and sell it later, there is so many things I want to know.

Paul V (Building Inspector): If I could just say something, the license commission will establish what those hours are.

Martha: So it could be midnight possibly?

Paul V (Building Inspector): It would have to be approved by them.

Chairman: Paul you can correct me, but it would have to be consistent with what other restaurants are, unless there are some special circumstances.



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Paul V: That is correct.

Chairman: Mr. Mikes closes at 1:00, you can't necessarily tell someone else that they can't close at 1:00 either. But the building inspector is correct, we would have to follow the license commission.

It is just now this is strictly a residential area and to have a business back there, the neighborhood has been trying been trying to improve, things are happening there, they are putting in new condos across the street, new neighbors, the prices are going up. I don't know if this will be more detrimental to the area, especially

Martha: I would be all for a single-family going in there or any kind of resident going in there, but a business just doesn't belong in that area.

Chairman: Am I correct in assuming that if tis is denied they can still put the bar back in there again? Do you know that Paul?

Paul (Building inspector): I do believe so, due o the COVID deal it would have been in the 2 years

Chairman: It was a bar, it still could be a bar, so I am not saying this is going to happen, but if we deny the restaurant, by right they could put the bar back in there.

Martha: How long does it have to be empty before it can't be a bar again?

Paul (Building inspector): It needs to be abandoned for 2 years, but because of COVID there was a significant delay in that timeline, so I believe that the occupancy for the bar was valid till November 2019, so you add the COVID delay and that would have it in the 2-year limit.

Martha: So it would have to become a bar almost immediately though as it was at the end of its time limit.

Paul (Building Inspector): Well that is actually the easiest way to go, is to make it a bar. The restaurant is actually tougher to do than to go back to the bar.

Chairman: I just want to make sure the neighbors understand if it is denied tonight, it could automatically just go back to being a bar.

Martha: But it would have to be done in a relatively quickly timeframe even with that 2 year thing, because they were almost at the end of their time anyway.

Jill Dewey (Board Clerk): They might be able to come for an extension, because of that time.

Paul (Building Inspector): Unfortunately, this is crazy times



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Jill Dewey (Board Clerk): The purpose of being here tonight is to determine if this is less detrimental than what was there prior.

Martha: Either one would be detrimental.

Chairman: Thank you very much. Anyone else?

Catherine Weeden (131 Cedar Street): 131 Cedar Street is not far from 119 if you know the way the street is numbered. The bar is on this side of 8th Avenue across the street is an apartment building, a house, and then my house, so I am actually the third structure from the bar. I can give you a little history on Sheehan's package store. My father bought the house I live in when I was in the second grade and I am now 76 years old, I can tell you everything about this neighborhood. It was just a package store and the Sheens did have a house attached to it, it was not a house before that. I want to address the parking, Gary said he was there on Friday Night, yea if everyone remembers this is graduation week, there was a lot of people that went to graduation parties, it wasn't your usual Friday Night parking, come on a Saturday, come on a Sunday, come on a Celtics game when people have company. There is no place to park on that street, no place, we have a hard time, and we live there. The hours, last time they said they would open up at 4 and close at 10, has that changed now? It was going to be a family pizzeria and now its going to be a restaurant. Where is the trash going to go on the street? You said a full alcohol license, does Dominos sell full alcohol, does Papa Gino's sell full alcohol, no that is a family pizza place. A lot of people open up places in Haverhill and you all know they sell only a little bit of food to cover up the real reason that they are going to make money and that is the alcohol. Who is going to watch the people who are consuming, who is serving them, are they bartenders serving this alcohol, are they certified? I am telling you, I could tell you stories about the neighborhood, we have a drug dealer that still lives in the neighborhood, I'm sure he would love a business to go in there, what better way to cover up his business. What about the wording outside, the noise, is there going to be music? We have lived trough the bars that have been there, one owned by a former police officer, who we had to call the police on a million times because they didn't have any consideration for the people in the neighborhood. We have elderly people, people with children, people that have to work, we are on top of each other now and yes it is an old building and not used for years but you know what, to the rest of us that live in the neighborhood it has been a blessing because we are able to enjoy our homes, we are tax payers, we work in the city of Haverhill, we want to be able to enjoy our homes, we don't want a business there that is going to disrupt and that is what is going to happen I am telling you right now, I have lived there long enough, I have seen everything, I could tell you every store and everything, I have lived on that street for years. Even though the acre gets a bad reputation, our block here is pretty quiet compared to all the other areas on the street, so please, please take into consideration. I would love to have you people come stay in our houses when these things happen, you wouldn't want it. I know that businesses are meant to be in Haverhill, but that is not meant to be in our neighborhood. Thank you.

Chairman: Thank you, and again I will reiterate that if this is not approved it can automatically be reverted back to a bar again, it is a possibility.

Catherine Weeden: Don't they have to go through regulations. Mr. VanGeyte do you want to get up and rebuttal anything or add any new information?



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Gary VanGeyte: The tow warnings as we talked about because I really respect the fact that people will not want their driveway blocked, no one wants that. There already is security outside the building, I have cameras out there all set for monitoring.

Chairman: Who would be watching the cameras?

Gary: The staff. Nobody wants trouble, that is not a way to run a successful business. As far as the times, this is not going to be a place that is open until midnight, or 1 in the morning.

Chairman: Would you be willing to make a commitment tonight to when it will be open until? Paul said the licensing commission will established a time, but would you personally as a business man be willing to establish that time tonight?

Gary: I don't know whether that would be wise for me to do, I could say I don't have an intention of being open that late. I see no value in having a restaurant open in a neighborhood past 11:00 that is for sure.

Chairman: Would you willing to commit to 11:00?

Gary: Here is where it gets concerning, if I have to have the doors locked at 11 and throw somebody out, what if there was a couple in there on a date first of all, or if someone came in late because they worked, and I have to tell them sorry you have to leave. Sometimes people take a hint when they are the last ones in a place, but I certainly wouldn't want to restrict myself to that. I can say that I certainly don't want to be open serving drinks to people late at night.

Chairman: I hate to keep pressing you on it, but if this is approved you are the owner and you don't want to have to be doing that, then why not commit o it?

Gary: The only reason I didn't want to commit to it was for instance, would I be forced to lock the door, if I stopped serving and someone is hanging around finishing what they are doing, I don't want to throw someone out.

Chairman: I get thrown out of a MacDonalds if its past 11:00, and they have done it. Do you see what I am saying?

Gary: I do fully understand

Chairman: One of the people said you are going to come here and say and then do something different. I am giving you a chance to not only say something but do something.

Gary: I can certainly say we will be out of there by 12. I am just concerned somebody, because I have been there, I have been on a date and I have lingered around and all of a sudden you realize wow we are the only ones here, and not asked to leave, which is nice.

Chairman: Ok, I won't press it any further.



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Phone: 978-374-2330 Fax: 978-374-2315
jdewey@cityofhaverhill.com

Assoc Member Ruiz: I just have a comment, so when you go before the licensing board, you are going to have to get a common distilled license and that is going to restrict your hours. So you need to know what time, when you go in front of the board, they are going to give you a time and a common vic, and a license for entertainment. So what time did they give you?

Gary: I believe the last time was 10 during the week and 12 on Friday/Saturdays.

Assoc Member Ruiz: So you do have a time frame then?

Gary: At that actual time I had a partner that was going to be doing this, it was a different structure, but I was still going to be a pizzeria.

Assoc Member Ruiz: So the licensing board will issue a common vic with the hours on it.

Gary: Yes, I am aware of that. I am not looking to get the maximum hours that Haverhill offers

Chairman: Thank you Member Luiz. One of the questions mentioned was about the bartenders the staff. What qualifications, I don't know enough about that stuff, are there licensing required, are there training required.

Gary: Tips certification is the most common thing, and the bartenders are training. It is similar to taking a course with the ABCC, it is a course that is offered.

Chairman: Course like at NECC or something?

Gary: They are offered different places, some online.

Assoc Member Ruiz: They are offered at Serve Safe online.

Chairman: Ok. People have mentioned some other things, will you respond to the other things that were said.

Gary: I believe I addressed all of the parking issues.

Chairman: One of the things she had mentioned was parking 30 feet from a stop sign and the stop sign is right on the corner of the street.

Gary: I always been under the impression you can't park within 10 feet.

Chairman: It feels like the parking issue is beyond your control in some ways, because you don't have dedicated parking like a parking lot or anything of that nature, so the street parking especially in the winter snow and opposite side parking and all of that sort of stuff could be completely problematic.

Gary: Well it wouldn't be overnight parking



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Chairman: Other comments or questions from the board

Martha: Parking is from 6pm-6am in the winter hours, and it is a state law 30 feet away for parking at a stop sign.

Member Brown: Mrs. Meads I wanted to ask you, in the letter you wrote to city council in 2015, you mentioned that you were told that it wouldn't open as a bar again

Martha: Melinda Barrett. I sent it to every counselor in 2015 and she replied to me.

Member Brown: You sent this letter, and you are saying she replied to you, right.

Martha: yes, he reply said she would look into it and she would talk to the police about it and forward my email and concerns.

Member Brown: But you wrote that it would not open as a bar again.

Martha: Actually I got an email from Mayor Fiorentini at that time, that said it was only a bar because it was already established as one, but if I went out it wouldn't come back as one. I don't think I have that email anymore

Member Brown: You wrote something and don't have the email. I just want to make sure that if someone tells you something, like that there is some type of special permit or something that we would all like to know, so if something is attached to that we want to make sure that it is exactly that, and if someone sent you something I know not only would I want to see it, but the other board members would want to see it.

Martha: It was nothing official, it was just an email.

Member Brown: But you are saying you were told by Mayor Fiorentin

Martha: I am pretty sure that he told me that it was a bar and there was nothing they could do about it as long as it was in business, but after wood. I don't know if he knows about this time limit with the COVID or what

Paul (Building inspector): I just want to comment that, that is where that 2 year abandonment comes in and like I said before, it was possessing a valid occupancy up until November 2019, so if we took what happened in the world out of it, that would be November 2021, so I believe it was over 400 days that COVID delayed things. So again after 2 years that use is abandoned

Martha: but the bar was closed in 2019, it close long before that.

Paul: Well they were closed to the public but they maintained their occupancy. So you are correct, they went open but they did maintain their occupancy.



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Member Bevilacqua: I am curious as Member Brown is about the email you received. Mr. VanGeyte could reopen it as a bar and never come before us. He is not asking to alter the structure that would then approach upon the current zoning, which would require a variance, he is asking for a permit to change it from a bar to a restaurant, a pizzeria classifies as a restaurant. He wouldn't of even had to come in front of this board, all he would have had to do was go to the licensing commission and reinstate his license. I mean he is kind of putting himself out there. Not saying that you got something from a counselor, it might be that whoever wrote to you was not completely informed about, because he could have just said I am going to reopen this as a bar, I am going to call it a new name, I am, but he is not, he is just seeking to change the purpose of a bar to a pizzeria a restaurant.

Martha Meads: Either way it is going to bring down my property value, whether it is a bar, or a pizzeria that nobody goes to, or few people go in to make drug deals or whatever. I know prostitutes used to go there before, because I got their used condoms outside me house on certain nights. It just doesn't matter, it is going to be bad for my house, my property value, it doesn't matter which one it is.

Chairman: Any other comments or questions

Michael Serenza (119 Cedar): I just want to let the board know that we have been closed a few years, we have no revenue=w coming in, it has been a hardship on our family, we kept the insurance up to date, we have kept up the property taxes they are all up to date. Like I said we are going on 3 years, we bought the place 10 years ago and these people said they had been in the neighborhood for many, many years and no body came out to express their concerns 10 years ago, so we bought the place in good faith assuming the neighborhood had no complaints whatsoever and if it didn't work out we could just turn around and sell it to someone else and they could make a go at it. These 3 years has been very hard, a hardship on our family, all we are trying to do is just sell it to somebody else, that can probably do a better job than we did.

Chairman: Great thank you very much. Entertain a motion

Member Vathally: Chairman I would like to make a motion to approve the special permit for 119 Cedar Street, 2nd ny member LaPlume.

Member Vathally: Yes it satisfies the criteria for 255-10.4.2

Member Brown: Yes it satisfies the criteria for special permit 255-10.4.2

Member LaPlume: Yes it satisfies the criteria for 255-10.4.2

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

Chairman George Moriarty: Yes reiterating it satisfies the criteria for 255-10.4.2. And that the proposed change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood

Granted 5-0



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Harold Smith for 57 Pear Tree Road (Map 459, Block 5, Lot 30)

Applicant seeks renewal of special permit for accessory apartment in a RR zone that was originally granted April 16, 2008. (BOA 22-22)

Note: The applicant was not present, do to misunderstanding on the meeting date.

The board continued this application to the July 20th meeting, all members voted yes to continue.
5-0

Other:
May 18, 2021

Member Vathally: I make a motion to approve the May 18, 2022 meeting minutes, seconded by member LaPlume

Member Vathally: Yes
Member Brown: Yes
Member LaPlume:
Member Bevilacqua: yes
Chairman George Moriarty: Yes
Granted 5-0