



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, September 21, 2022 at 7:00 P.M.

Those Present:

Chairman George Moriarty
Member Theodore Vathally
Member Louise Bevilacqua
Member Lynda Brown
Member Ronald LaPlume
Assoc member Magdiel Matias

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

CONTINUE TO NOVEMBER 7-13 Kenoza Ave, LLC for 3 Kenoza Avenue (Map 204, Block 48, Lots 1 & 2A)

Prior to filing for a Special Permit for Multifamily Dwelling with City Council, Applicant seeks following dimensional variances for the construction of new 20-unit residential building in a CC zone. Requested relief include variances for lot area (16,537 sf where 21,000 sf are required), rear setback (4 ft where 20 ft is required), and lot frontage (33.09 ft where 100 ft is required). (BOA-22-26)

Paul: I am here this evening on behalf of the church, there is also people here this evening from the Highland neighborhood association as well as members of the Calgary Church. I just wanted to get up, we are not opposing the continuance this evening, but we do have major concerns with the project as proposed. The developer did meet with us last week, I believe that is what resulted in this continuance. My clients wanted to express that they are not antidevelopment but what is being proposed at this location just doesn't really work there, so I just wanted to express that to the board. I wanted to let you know we are paying attention, the room is filled with people, even though they knew this continuance was happening they wanted to be here to let you know they are not going anywhere. Thank you very much.

Chairman Moriarty: Would any members of the public like to speak on this matter? Ok, well you will have another chance in November. Entertain a motion,

Member Vathally: I make a motion to accept the continuance for 3 Kenoza Avenue to the November 16 meeting, 2nd by member LaPlume.

Member Vathally: Yes
Member Brown: Yes
Member LaPlume: Yes
Member Bevilacqua: Yes
Chairman: Yes
Continuance granted 5-0

CONTINUE TO DECEMBER Nancy Hollis for 0 Alton Avenue (Map 730, Block 780M, Lots 384-387)

Applicant seeks a variance for lot depth of 88.9 ft where 100 ft is required to create a new two-family building lot in a RH zone. (BOA-22-37)



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Chairman: We have an email from the applicant requesting a continuance till December. Entertain a motion
Member Vathally?: I make a motion to accept the continuance for 0 Alton Avenue to December 21 meeting, 2nd by member LaPlume.

Member Vathally: Yes
Member Brown: Yes
Member LaPlume: Yes
Member Bevilacqua: Yes
Chairman: Yes
Continuance granted 5-0

Tina Maglio for 5 Seven Sister Road (Map 478, Block 1, Lot 1)

Applicant seeks a special permit to construct an accessory apartment in basement in a RR zone. (BOA 22-31)

Tina Maglio (5 Seven Sister Road): I have a daughter that has developmental delays and she has lived within my home all this time and we want to continue that, so we are looking to make some space for her down below in our basement, so she can have a kitchen living room, and an existing bedroom, the bedroom is already there, so she can continue to live independently while being supported in our home.

Chairman: Great. Tom Building Commissioner, does it meet all 6 requirements.

Tom Bridgewater: Yes it does

Chairman: Thank you. Any questions from the board? Ok, I will entertain a motion

Member Vathally?: I make a motion to accept the special permit request for 5 Seven Sister Road, 2nd by member LaPlume.

Member Vathally: Yes it meets the criteria for 255-8.1 as well as 255-10.4.2

Member Brown: Yes it satisfies criteria for 255-10.4.2

Member LaPlume: Yes it satisfies criteria for 255-10.4.2 and 255-8.1

Member Bevilacqua: Yes satisfies criteria for 255-10.4.2

Chairman: Yes satisfies criteria for 255-10.4.2 and 255-8.1 and also the building commissioner has verified the accessory apartment meets the 6 criteria's on the zoning code.

Continuance granted 5-0

Qualified Opportunity Zone Investments LLC for 11 Park Street (Map 203, Block 34, Lots 6,7,7B)

Applicant seeks following dimensional variances to create a new building lot for the construction of a new two-family dwelling in a RU zone. Proposed new Lot 1-A shall include the existing 14-unit multifamily dwelling. Requested relief for new Lot 1-A include variances for lot area (18,071 sf where 33,500 sf is required) and parking design to allow parking



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within the required front yard. Proposed new Lot B shall include the new two-family dwelling. Requested variance for new Lot B sought for building coverage of 26% where 25% is maximum. (BOA-22-27)

Attorney Robert Harb (40 Kenoza Avenue): I am representing the applicant. If you remember we asked to continue this so that we could redesign the plan, and to a number of revisions I didn't get what I would consider a final plan until earlier this week and I sent it out to the neighbors as soon as I got it. The delay was in trying to reconfigure the parking spaces and the handicap spaces and the trees that are already there and the surveyor up in about 3 different configurations. If you recall when we were here a while ago, the neighbors had some issues and concerns, the first one was parking in the front yard, asked for a waiver of that, we redesigned the plan so that we pushed all of the parking outside of the front yard, we didn't need a waiver for parking in the front yard. We totally redesigned all the parking spaces, so that all the parking is on the left-hand side of the 14-unit building and none on the right-hand side. I understand from the neighbors that some people are parking on that side the right-hand side now, but if this plan is approved all the parking will be on the left-hand side, so we moved that back, we put a handicap space in there. The surveyor forgot to put the dumpster, but there is a dumpster there, it is way in the back, if you look at the parking spaces it is way to the rear of the building, that would be a code requirement, we would have to maintain the dumpster. On the left-hand side, we reduced the size of the proposed 2-family building so that the cover request for a variance wasn't required, so at this point with the new plan, the left-hand lot the 2-family lot, totaling these meets zoning. Other issues the neighbors had was too many curb cuts, so by eliminating parking on the right-hand side and with the existing curb cut we would only need one curb cut near the new 2-family, so there would only be 2 curb cuts, we wouldn't need 3. It is hard to address the last issue the neighbors had which is density, I can't make more land, I only have what I have. I did originally suggest to the board, which one of the neighbors did write a comment, I did say historically there was a building on that lot, I didn't mean historically relating to a historic building in the certification commission. If you recall in my brief, I submitted a 1950 assessors map and an 1880 city atlas that showed the building on the lot, that was my reference historically, meaning in the past history there was a building there. If the building had maintained there, probably the best plan to look at is the plan book 1950, I still have copies of it, the 1950's zoning map and that's why you see the building there, and as I mentioned last time, I don't know what happened to it, the city assessor is not sure if it was knocked down by a fire or whatever, but it's gone, that the picture you see with all the parking that I submitted to you with my brief. So basically, where the parking is, they want to put a building, where there used to be a building to create a conforming lot and essentially, we can't increase the area of the existing 14-unit building, we have all the parking, we met the parking code, so we are asking for your relief. I know the neighbors are concerned, and we tried to address their concerns, but we can't address them all. We ask for your support and acceptance of the petition with this amended new plan.

Chairman: Thank you. Any questions from the board?

Member Brown: Could you please go over again (I couldn't hear a few words as someone's cell phone was ringing)..

Attorney Harb: For some reason, not according to my wishes, the original building design was slightly larger than the required cover, I think it was 2 or 3% over the cover, so we needed a variance for cover, this new building reduces the cover because it is a smaller building design, the neighbors asked me if I was changing the design, I wasn't told the design was changing, just they made it a little smaller, so being smaller now we don't need a variance for building cover.



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Member Brown: As far as the new lot, But the existing building that hasn't changed, that area is still 18,000 where 35 is required right.

Attorney Harb: Yes and that is the area I said I can't make it bigger. So yes it is dense, but the whole neighborhood it dense.

Member Brown: So the new lot will be conforming, but you are making the house more conforming.

Attorney Harb: By taking the land and the parking away, and creating new parking is.

Member Brown: Ok thank you.

Chairman: Any other questions? The thoughts that I had are you are creating the need for the variance, by dividing the land up this way.

Attorney Harb: I am creating the need, because it is the only way I can build anything on that lot, because of the size of the existing building.

Chairman: One of the things we have been more attune to is the, in the zoning it says that it can not be a problem created by the applicant, and this appears to be one that the need for the variance isn't something preexisting the applicant and zoning sort of singles that out as something that we should be wary of, so I am a little stuck on that one right now.

Attorney Harb: I appreciate your concerns.

Chairman: Any other comments from the board? Ok we will hear from opposition.

Eric Delarenzo (9 Park Street): So back when we were here in July and they asked for a continuance then, so that they would be able to meet with the neighborhood and hear our concerns and then rework the plan, but it wasn't until 5 days ago that the attorney reached out to us and scheduled the meeting for Monday evening at 9pm and that is when he showed us the plan, it is notable to me that he met with us after the new plan was created and before he heard our concerns, so it is no surprise that the new plan doesn't really address our concerns. I sent a letter to the board today explaining this, I am a landlord too, I own the building at 9 Park Street and they are asking for a new curb cut for the 2-family, so that is going to take 3 or 3 spots off the street already, and they have already created a parking problem the right side of the existing building, there are several entrances and exits there for apartments and they more or less encourage the illegal parking there. So the right side of the building doesn't have a driveway doesn't have a curb cut and the tenant frequently drive across it, I have a photo of a vehicle backing out of it. Also this is a photo from this morning showing a car parked there that is going to have to cross that sidewalk, and you know what that does, it takes a legal spot from the street and removes it, so that someone can illegally drive over the sidewalk, they actually go so far as to plow the yard in the winter so that people can park there, so to say that is not parking is sort of discontinuous. Had they talked to us, I think we would have suggested that some sort of physical barrier be included on the right side to discourage parking, right now it is encouraged, the new plan doesn't address that at all. They already have snow removal and management problems there, the city ordinance required that within 6 hours of snowfall, a four foot wide path is carved from the



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sidewalk, that snow and ice be removed from the sidewalk, they frequently do not do that, if you go to my building there on the corner you will see we wrap that corner every snow storm perfectly and cut an entrance at the corner for people using the crosswalk, that is not the case there. There new plan is going to remove much of the snow storm space that they have now, which is the left side of that property, and they are going to replace it with an undersize snow storage space and parking. If I had my Jarvis there would be a fine associated with this, with the snow removal problems, like if you don't, even though its in the ordinance I don't believe there is a fine here in Haverhill, and unfortunately the result is that lots of landlords do not clean the snow from public sidewalks the way they should and others do, but they aren't that type and can't be trusted to do what good neighbors do for each other. There are critical elements missing from that plan, the dumpster, if you put a dumpster into the plan now you would lose parking space, so it is a choice between the dumpster and a parking space as far as I can see. Also, they do not have adequate snow storage on that plan. Those are my concerns.

Chairman: Thank you. I do want to acknowledge we did receive your correspondence, we also received correspondence from 3 other abutters and those will be entered as part of the record for this. Attorney Harb, would you like to address the comments?

Attorney Harb: As for the physical barrier for the parking on the right side, if the bord approves the application with a condition to install a fence or some kind of physical barrier, I am sure that would be acceptable to the applicant. The snow removal, we did discuss that with the applicant prior to submitting the plan to the neighbors, all I can tell you is they thought that, that was sufficient, there is room with all the tress to push snow away and if it needs to be removed by a truck or whatever, they can do that also, but they thought that they had enough, be cause if you look at the differences, the gaps between the spaces on the righthand side where the trees are, they said that they can push the snow back there, they thought that they had enough. I had not heard about the tenants issue about going over the sidewalk, so I didn't address that with the owner, and although I appreciate the remarks of the abutter that came up, but they did have an original hearing and heard their concerns, and as I said we tried to address those plans in proposing plan, and we can't do everything we wanted, because we can't make the building area bigger, but I thought that we covered everything that they mentioned at the meeting, but new things came up with the barrier and we are will to put the barrier up.

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

Member Vathally: I make a motion to approve the variance for 11 Park Street, 2nd by member LaPlume.

Member Vathally: No it does not meet the criteria for 255-10.2.2(2)

Member Brown: No it does ot meet 255-10.2.2(2)

Member LaPlume: Yes it meets the requirements in my opinion for 255-10.2.2(2) as a substantial hardship unique condition the size of it, the shape of the combined 3 lots, makes it unique conditions

Member Bevilacqua: No I believe it does not meet the criteria for 255-10.2.2(2). That is a real stretch to want to fit. I can not get behind that and I feel that the hardship, the owner of the property knew how big the property was, when he purchased the property, so it is not a hardship

Chairman: No echoing the failure to meet 255-10.2.2(2) and I also echo Member Bevilacqua comment that the applicant is asking for half the size square footage and is creating the need for the variance. As specifically stated in the zoning that the need for relief should not be created by the applicant, so the application is denied.



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DENIED 4 no – 1 yes

Bradford Unlimited Corp for 31 Belmont Ave (Map 415, Block 149, Lots 13 & 16A)

Applicant seeks the following dimensional variances to create three building lots (Lot 13, Lot 16A, and Lot 16B) and construct two new duplexes in a RH zone. Proposed Lot 16A shall include the existing two-family dwelling. Requested relief for new Lot 16A include variances for lot area (8,828 sf where 9,600 sf is required) and lot frontage (74 ft where 80 ft is required). Proposed new Lot 13 and Lot 16B shall each include a new duplex and shall be a conforming lot. (BOA-22-36)

Attorney Russell Channen (25 Kenoza): I represent Steve Defeo who is here as president of Bradford Unlimited Corp and also as manager of 50 Greenville Street LLC. I would first like to begin by informing the board that when the application was submitted the owner of 31-33 Belmont Avenue was owned by Hua & Tony Le and 29 Belmont Avenue was owned by Michael Sheen, since the time of the original application Mr. Defeo and his capacity as president of Bradford Unlimited Corp has purchased the 29 Belmont Avenue property and Mr. Defeo as manager of 50 Greenville Street LLC has purchased the property at 31-33 Belmont Avenue, so to the extent of the board or whatever decision the board makes as far as a motion to amend the application, I would ask that the motion be allowed to amend the owners of the property of 29 Belmont to be Bradford Unlimited Cory and 31-33 to be 50 Greenville Street LLC, I also have the book and pages which I know is sometimes referenced in the Decision and I can provide those book and pages now or I can after the hearing, but I wanted to at least let the board know of that upfront. A far as the application itself, this is an application for a request for a variance for the existing property at 31-33 Belmont Avenue, as the board my be away of, it is a unique property in which 31-33 Belmont Avenue abuts 29 Belmont Avenue, it actually sits behind 31-33. What we have also provided the board and we uploaded them, I am not sure if anyone has gone out and actually gone out there to see the unfortunate condition of the property at 29 Belmont Avenue, we uploaded photographs that show the substantial disarray dilapidated condition of that property. Basically Mr. Defeo is requesting is a minor variance for the existing home at 31-33 Belmont Avenue, in fact that variance application we are asking the board to accept the variance of 8,825 st feet where 9,600 sf is required, which again the properties in this area still represents 92% of the required frontage, so we would only be looking for basically a 8% variance for the area. As far as the frontage we are looking for a variance of 74 ft where 80 ft is required, which is in act 92.5% of the required frontage, which is again a variance request of 7.5%. Again the property itself we consider to be a pre-existing nonconforming property based upon the front stairs setback, so again what we are asking the board to do is to take the pre-existing nonconforming property, and again I will address the issue, with Attorney Harb before to ask for to create minor additional variances for that property, the questions becomes have we created the hardship ourselves and what I would like to suggest is that we have not, and one of the things that I would like to point out and again we pointed it out in our application, is that years ago there were applications for variances for the property at 31-33 Belmont Avenue, one of the distinction that we would suggest is that this application takes into consideration, the property also behind it 29 Belmont Avenue, which we will talk about being a substantial hardship, and in those prior applications, I have done a little bit of math, on the last application which was in 2005 by Ms. Woodside, she was seeking a area variance of 6,035 sf where 9,600 sf is required, that would have resulted in request for basically a 38% variance, which she would only have 62% of the required area, she was also looking for a lot depth variance of 62.5 where 100 feet is require and again that is only seeking a variance of 38%. The prior application before that in 2002 in which it was denied, so they wanted a variance for area of 5,900 sf where 9,600 is required, which was a 61% coverage, and both those applications only requested a variance for 31-33 Belmont Avenue, where they were in fact creating or looking to create a new nonconforming lot, with this application before you, we are not looking to create a nonconforming lot, we are



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solely looking at the existing house at 31-33 Belmont Avenue which was pre-existing nonconforming, and frankly still would be consistent with all the other homes in the area, I actually went through all of the other homes in the area and there is a number of homes that would have the same similar frontage square footage and there are a number of homes in the area that are multifamily and condos, so only would the existing home 31-33 Belmont Avenue be similar, but the duplexes that Mr. Defeo would be looking to build on the and I would say these are current conforming lots on both sides, would be similar to the lots in the area. The hardship, we would suggest is the property behind, the property at 29 Belmont Avenue, the only way that this project is viable is to remove that property, but Mr. Defeo, would be looking to raise that property, to demolish that property, he has already done his homework by having an asbestos test done to determine that there is no asbestos, I have a report which shows further the condition of the property at 29 Belmont Avenue if the board is willing, but again I think if the board looked at the photographs online or have gone out there they would see that it is an eyesore and ultimately what this project would result in, is taking that property at 29 Belmont Avenue and removing it and putting a duplex on one side of the 2-family home in the middle, which still would be substantially similar to all the other homes in the area and then another duplex on the right hand side, so again it seems like a very large project, it is, but the request brought to the board is very small, in that we are just seeking a variance for the existing home and we believe that although it is a variance, that the variance request itself is minimal in that it is only seeking a 7% change from the required, I think one of the neighbors had sent the chairman a letter back on September 3rd from one of the neighbors and she has since followed up after she met with Mr. Defeo and I assume hopefully that the board has seen that follow up letter and I think again we all know the type of work Mr. Defeo does and the types of homes that he builds and even this neighbor Ms. Brody after meeting with Mr. Defeo has determined that again things change, things need to be done, she understands that there is a need for housing in the area, she is also happy with the fact that the eyesore in the back will be removed and believes that this is the best course of action under the circumstances, it was somewhat confusing at the beginning and I know we spoke briefly with Mr. Lewandowski who I think is going to come up and speak to the board, but again we believe that under these circumstances, that this was a hardship that was not totally created by my client and that again under the statute it talks about a hardship financial or otherwise, that this project would be quite expensive to deal with the property out back but at the end of the day I think it is a win win for everyone, it creates additional housing that's required here in the city, it removes the eyesore out back and is a minor variance request. I will entertain any questions.

Chairman: Questions from the board?

Member LaPlume: The way that you explained it and I understand it is, that both lots on the sides of that nonconforming lot are form A lots.

Attorney Channen: Correct.

Member LaPlume: So the only thing we are looking at is that nonconforming 2-family house in the middle

Attorney Channen: That is correct.

Member LaPlume: And the house behind it is deplorable is going to be taken down, ripping that down.



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Attorney Channen: That is correct. We secured the pool area, put up a fence, locked it up. Again if the board votes favorably on this variance request, one of his first things would be to, because again he already had the asbestos test done, would be to deal with and demolish the property out back.

Member LaPlume: Great, I worked up on that road, they are putting in gas lines, and I have talked to some people down there and they would like to see that house gone also, and that street is going to be repaved probably within the year, so in my opinion that would be a nice project.

Attorney Channen: And I know in looking at the original letter by Ms. Brody, she was concerned by some of the congestion in the area, the parking for the new duplexes would be again off street, driveways would be created, so again there would be no on street parking required for the new duplexes.

Member LaPlume: There is two new duplexes on the other side of that driveway.

Attorney Channen: There are. Again if the board wants to, I actually created a list of all the properties on Belmont Avenue and whether they are condos or 2-families and there are a number of them, and one is an abutter to this proposed development, so this would be a project that would not be out of character for the other properties in the neighborhood.

Chairman: So just so I understand this, the existing dilapidated house and pool get taken away, that part of the property becomes part of lot 16A, which has the existing 2-family house in the front?

Attorney Channen: Correct

Chairman: So that will become their property too?

Attorney Channen: Yes it becomes part of 50 Greenville Street LLC, which is Mr. Defeo's property.

Member LaPlume: You know I did call them building inspector today, and I looked it up and that was built in the 1900's and if you looked at the coding back then, neither one of us can figure out how that could have possibly been built 4 feet from the line, and the windows facing the other house being so close, there are so many restrictions on that house, and in my opinion it needs to be taken down.

Steve Defeo: Good evening board, I just want to clarify, I am going to keep that existing two-family and maintain it and rent it, I own several other in Haverhill and that was my first goal was to buy that and keep it and maintain it, and the guy in the back approached me to buy that, because I didn't like the set up of that house being so close to the 2-family, I was scared to buy it, it is actually a fire hazard, it is so close, so I wasn't going to buy the 2-family, but once I was approached by the gentleman in the back, it made sense and I met with Mr. Bridgewater, the way this original plan was set up, it doesn't make any sense and I am going to have straight lines going straight back the way things should be done for lot lines.

Chairman: So I guess what I was trying to get at is the existing 2-family will be on a lot that goes straight back.

Steve Defeo: Yes straight back



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Chairman: So straight back which includes what is formally the old house

Steve Defeo: Yes, so now it will be a yard, a back yard for the 2-family.

Chairman: The duplex, there will be backyards for those too

Defeo: Yes they go back 120 feet, so they will have good size yards.

Chairman: And they are 9,600 sf

Defeo: Yes, and the 2-family is actually in good shape. It was owner occupied and they took good care of it.

Member LaPlume: Are you going to do a little sprucing up on that house on the outside?

Defeo: On the outside yes, and a little curb appeal.

Chairman: And the parking for the duplexes are in front

Defeo: Yes each side has 4 spaces, and I do a tree planting in the middle where the porches divide

Chairman: We did received two letters from Ms. Brody, the first one objecting and then the second one. Other questions from the board?

Member Vathally: The house in front is a 2-family, I was up there yesterday, so that is going to stay

Attorney Channen: Correct

Member Vathally: The one in back you are going to raise right? Now are you putting up 2 duplexes.

Defeo: Yes, one on each side

Channen: They will be a Form A so they wont be arguably an issue before the board tonight, but yes.

Member Vathally: But it affects area though, right?

Channen: Yes

Member Vathally: Let me put it this way you buy the house in front, you buy the house in back only, and I can ask the commissioner, but you could renovate that just by right, correct?

Tom Bridgewater: Correct



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Member Vathally: But to put an additional building in, 2 duplexes, one on each side. And your parking is in front?

Defeo: Yes

Member Vathally: Ok, thank you very much.

Chairman: Any other questions from the board? OK we will hear form opposition.

Glenn Lewandowski (55 Whittier Street): I live just one street below Belmont Avenue. I had some big concerns with this, until I seen the schematic for the buildings that are going in there. But I still have some concerns, with the construction of it and what it will do to the street. Over the last decade, well more than a decade more like 5 decades that I have lived on Whittier Street and there has been a dramatic change in the appearance of the street, it is going from primarily single family to 2-familys, there will be 10 if these two are built, 10 duplexes, I has changed dramatically. There used to be at one time there was going to be one 2-family, it loood like a little ranch. My concern with these was the size, but I have seen the schematic and the plan and the size and now I don't have a problem with it, but I did before I came till I saw that. My major concern is that if you look at that picture on the screen that you have up, in the right hand corner you look at those two elephants, if you have never been on Belmont Avenue, those two buildings at the light there, those do not fit the nature of the neighborhood, I don't care how much you dress them up, they are out of place, they are huge, they are gigantic, they just don't belong, they are an eyesore on the street in my opinion, and with the removal of the shrubbery and stuff in the back, well it is gone, basically the people on Whittier Street abut the backyards, what they see is a gray wall. My concern was the size of the duplexes and one thing I didn't see on the schematic is how tall they are gong to be, are they going to just be 2 stories, or 2 stories and an attic, so how tall are they going to be and where is that height going to be measured from, the curb or basically 10-15 feet back from the curb or from the back of the lot, because the lot is not level, the lot is at its highest point at Belmont Avenue and then it slopes down and in the past when buildings have been put in and shrubbery has been taken out, the people on Whittier Street and the people down the street almost on Water Street, periodically get flooded cellars, because there is nothing to hold the water in the rain. So those are my particular concerns and one of the neighbors will address that, but I don't know how these two gray elephants got built and the way things are going now, if these two were put on the street, then if I am counting correctly there are 19 buildings on the street, 10 of which will be duplexes, that is 55% of the street that will now not be single-family homes but multi-family. That is all I have to say.

Chairman: Thank you. Would anyone else like to speak?

Caroline Grental (42 Whittier Street): I am abutting the property, in the back and diagonal and as my neighbor Glen said I came here and was opposed to it until the meeting, but I seen the footprint which was very helpful because the description for the data for this evening was confusing, so we thought that they were trying to squish two in that one spot, which is ridiculous, but I have similar concerns, I don't oppose it, I love the idea that they are going to tear down that eyesore that weird building in back, that is great. Those of us that have single family homes are investing in our homes and upgrading and all of that, so for me it is just about the property value, I am concerned with all that. I am so glad Glenn mentioned those two big eyesores, you can see it on the map, I live directly behind one of those huge duplexes that were built and they are massive, they are huge, we used to have all natural tree line in that area with a single family house there and



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they took all of that down, I look eyeball to eyeball, kitchen to kitchen, deck to deck, I can see right in. There was a nice natural tree line and that is probably one of my biggest concerns with this whole thing is just not coming in and for the sake of convenience coming in and tearing down the natural tree line, which is what they did there, the tree line did not impact at all the construction, it was far enough away but just for convenience for lawn or whatever, they tore much of it down, which we had a beautiful tree line and that is a real big issue with me, not only a visual barrier, a sound barrier, but environmental barrier, I mean Haverhill is all about having extra green space and planting trees and that's important and I think for us single-family homes we have been very receptive I mean they have been shoving duplexes in Riverside big time and we don't love it but we understand it and it is part of the code and it's allowed and all that, we are receptive to it but what I am not receptive to is tearing down all of our privacy and changing that neighborhood feel, I feel like for me that is what we are trying to preserve, is the feeling of the neighborhood for everybody, that is important to me, I think just maintain the tree line and not cutting it down, matter of fact even enhancing it, I would love that, if they could add a couple of trees, I think that is important to all of us. We just feel like we are being squish squish squish and I think something that would relieve that feeling would be a little bit of protection of privacy, in natural and have a little bit of environmental with the trees and all that, so that is just a big concern with me and also the height, I would like to know that, just because the gray wall behind me is huge and I would just be concerned with that. But otherwise, we are pretty open, I am glad we got to see the blueprint plan, before we came in as we didn't know what that was about, so it was great to see that, but that is my biggest concern. Mine is tree line going all the way through the whole thing.

Chairman: Thank you very much, anyone else wish to speak?

Brenda Blinn (37 Whitter Street): 35 years ago I kind of represented the neighborhood and I got the blueprints for 2 houses, Caroline's house and Mr. Gers and they were supposed to be two ranch houses, so everybody agreed, so then they're building these 2-story hoes across the street, I went to the building department and they said that's tuff, they got to build anything that they want to, after we accepted the ranch houses, then I went to the building inspector another one and they said well the city doesn't want to pay the extra money to get a lawyer to dispute it, so we kind of got screwed, and another thing I don't take anybody by their word now especially *** (woman walks away from microphone and goes to the TV to point out things on the plan and talk, but its not being picked up by the recorder)*** Speaking about the water table.... If you build a condex there I wish you could get someone to go and check the water table. On my street they put a condex on a very small lot and then one side of this condex had 5 cars to it, and then the other side had a couple cars.

Chairman: I am going to have to interrupt you, I appreciate all this information about the neighborhood, but what specifically about this application are you concerned.

Brenda (37 Whittier): First the water table, because I have spent thousands and thousands of dollars on my cellar and I still get water and number 2 if they are going to say they are going to build something then they should build it and if they don't and build something completely different why don't you stand up for the neighborhood and do something about it, that is all I am saying.

Chairman: Ok, thank you very much.

Member LaPlume: Could we ask the commissioner to address those two, I think he can. Because of developmental review and such.



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Tom Bridgewater (Building Commissioner): If this is approved, the next step would be to go to developmental review and engineering is going to determine the water table, and set the floor height placement, as for the building height zoning allows 2.5 stories and a 35 foot height limit, that is the mem height, it is measured from basically 10 feet and is taken the average of all around, so the mem height is not the peak of the building basically if looking at this it would be the middle line on the right. It is an average of all the way around. When it goes through developmental review the plans will have the height and stories on there, they are only allowed 2.5 stories.

Steve Defeo: First of all I just want to say as you guys know, I am going into their neighborhood, Me and my Wife were born and raised in Haverhill, so it means a lot to keep the neighbors happy, I like working with neighbors, I have no problem planting some trees, I am going to leave what I can in the back, but if I need to plant some trees we can write a stipulation in here, I understand their point for a buffer and respect that. The height of my plans are 2.5 stories, I have built this duplex several times, they are a lot narrower than the 2 that you are talking about, so on each side of the duplex there is going to be at least 18 feet on each side, so they are skinny and a little longer.

Glenn: That is acceptable, because there is another duplex built within the last 10 years and when you look at it it almost looks like a single-family

Steve Defeo: That is the same plan as this, I used that plan, those are my plans

Glenn: It looks like a single-family house

Steve Defeo: I want the neighbors to know

Chairman: So the 3 things I heard you say, is you will deal with them about water table at site plan, it is a 2.5 story building as explained by the commissioner and some tree buffers.

Steve Defeo: Yes. I am going to have a buffer for the neighbors

Chairman: Other comments?

Attorney Channen: The only thing I thought I had as part of an attachment uploaded a photograph of the proposed duplexes; I am not sure if that was there and if so I think that would show Mr. Lewandowski

Jill Dewey: NO, I Have the packet and they are not in there

Attorney Channen: It was a photograph of one of his that is built.

Steve Defeo: They understand.

Chairman: Anymore comments from the board? Ok, entertain a motion.



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Member Vathally: I make a motion to approve the variance for 31 Belmont Avenue, 2nd by member LaPlume.

Member Vathally: No I don't feel the hardship based on this meets the criteria for 255-10-.2.2(2)

Member Brown: Yes It does meets the criteria for 255-10-.2.2(2)

Member LaPlume: Yes is meets the conditions for 255-10.2.2(2) substantial hardship financial or otherwise and little enforcement of dimensions would deprive the owner of Bradford Unlimited any reasonable use for any enjoyment of the land and building in a way that is equivalent to the use permitted by the others in the area

Member Bevilacqua: Yes it does satisfy the criteria for 255-10.2.2(2)

Chairman: Yes, I was initially skeptical of this because of the creation of the lot but seeing how this was a nonconforming lot in the beginning and you added the back property to it and you are getting rid of the eyesore house. So, this is a worthy project. I believe it conforms with 255-10.2.2(2) and the stipulation about the tree line

Continuance granted 4-1

Approval of August 2022 Minutes

Approved 5-0