



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, April 21, 2021 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Theodore Vathally
Member Louise Bevilacqua
Assoc. Member Lynda Brown
Assoc. Member Magdiel Matias

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

Chairman: Moriarty called the meeting in to order April 21, 2021

Request Extension

Three Hundred Thirty-Three South Main Street Realty Trust for 333 South Main Street (Map 719, Block 665, Lot 10): Applicant seeks a variance for lot depth of 78 feet where 100 feet is required to divide an existing parcel and create new building lot in a RH zone for the construction of a new single-family dwelling on South Prospect Street. (BOA 20-19)

Tom Bridgewater: The applicant has already acted on this prior to this variance expiring. So, there is no need for an extension.

Chairman: According to the documents submitter, you are requesting an extension, but as the Commissioner has just stated that it is not really needed.

Maria Rogers (350 Main Street, Haverhill): We moved thins on faster than anticipated. I filed this back in early March and apparently they have moved along a little quicker, so you don't feel at this point that is necessary.

Tom: They have already went to developmental review, and the contractor is very close to getting a foundation permit.

Maria Rogers: Ok, so we are safe.

Tom: Yes, it has already been acted on.

Chairman: Tom so we have to vote on it, to get it taken off or just ignore it?

Attorney Paul Magliocchetti: I think you might want to continue it, and then if it goes away, it goes away.

Chairman: Would you be amenable to having an extension, just in case?

Maria Rogers: Yes

Chairman: Ok so you have requested and waived the notification period. Entertain a motion.

Member Vathally: I make a motion to approve the continuance to the May 2021 meeting for 333 South Main Street, 2nd by Member Brown.

Member Vathally: Yes

Member Brown: Yes

Member Matias: Yes

Member Bevilacqua: Yes

Chairman George Moriarty: Yes

Granted 5-0



Haverhill

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

Confirmatory Corrective Decision (for a March 16, 2005 Decision for a Variance and Special Permit for 333 South Main Street (Map 719, Block 665, Lot 10):

Maria Rogers: This is the same property that we have been dealing with. In doing the research on the variance, we discovered that there was a decision that was recorded back in March of 2005 for a variance and special permit, however the purpose on the decision that was recorded was not in fact approved by the board. So we are looking for a Confirmatory Corrective Decision, so that it can be placed on record to correct the error.

Chairman Moriarty: So, we are just correcting an error on our end? Any questions or comments from the board? Entertain a motion.

Member Vathally: I make a motion to approve the continuance to the May 2021 meeting for 333 South Main Street, 2nd by Member Brown.

Member Vathally: Yes

Member Brown: Yes

Member Matias: Yes

Member Bevilacqua: Yes

Chairman George Moriarty: Yes

Granted 5-0

Michelle Larkin for 119 Winona Avenue (Map 647, Bloc 4, Lot 15)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RM zone. Requested variances for new lot (Lot B) include lot area (14,856 sf where 20,000 sf is required), lot frontage (90 ft where 150 ft is required), and lot width (lot width 93.56 ft where 112.5 ft is required). Proposed Lot A shall include existing single-family dwelling. (BOA-21-7)

Chairman: They have requested to withdraw at this time with no prejudice. Is there anyone here who would like to speak in regard to withdrawing this or anybody want to speak in opposition?

BOA secretary Jill Dewey: They submitted the later and are not here. I think you are just voting on the request to withdraw.

Chairman: The individuals that come here, are you here to speak on this one way or another?

Man in audience: Not until the hearing.

BOA secretary jill Dewey: Just so you know they did not say when they will be coming back, so it is not automatically the May meeting, but you all will be re-notified by mail.

Chairman: Make a motion to accept the withdrawal without prejudice for 119 Winona Avenue

Member Vathally: I make a motion to approve the withdrawal of the application for 119 Winona Avenue, 2nd by Member Brown.

Member Vathally: Yes

Member Brown: Yes

Member Matias: Yes

Member Bevilacqua: Yes

Chairman George Moriarty: Yes

Granted 5-0



Haverhill

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

Thu Pham for 89 Standish Road (Map 530, Block 16, Lots 37, 38, 39 & 40)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RM zone. Requested variances for new Lot 16-40 include lot area (10,000 sf where 20,000 sf is required) and lot frontage (100 ft where 150 ft is required). Proposed new Lot 16-38 shall include existing single-family dwelling. Requested variances for new Lot 16-38 include lot area (10,000 sf where 20,000 sf is required) and lot frontage (100 ft where 150 ft is required). (BOA-21-4)

Attorney Michael Migliori (18 Essex St, Haverhill): The applicants Mr. & Mrs. Pham own the property at 89 Standish Road, the property is in the RM zone. What I gave you tonight had been submitted as part of the packet, but I thought I'd give you another copy in case you haven't seen it, to show you in real time what the true lots would end up looking like. The applicant is seeking a variance to construct a single-family home on lot 16-38 and 16-40 is the lot that has the existing single-family. 16-37, 16-38 the new home is planned for a family member. The parcel itself is made up of 4 separate lots of 5,000 sf each, so what we're asking for is to create two lots that are 10,000 sf each. The one on the diagram I gave you tonight, the one on the left side is where his existing home is and although the other one shows buildings, as you are all aware the assessors maps a notoriously wrong as far as buildings, there isn't anything else on that other lot. As you can see, you know the neighborhood, the new lot is larger than most of the lots in the entire neighborhood. The fact that he has 20,000 sf, sticks out in a neighborhood like this, because it is so large compared to all of the neighbors. Considering the requested use, which we need some dimensional variances for lot area we have 10,000 sf where 20,000 is required and frontage of 100 feet where 150 is required and those variances apply to both lots. It is our opinion that the variances requested is a reasonable use of the property, due to the general neighborhood they clearly fit in, as I have indicated and as you can see. Each lot for the most part is larger than all of the other lots in the immediate area. Because of the location of the property and the allowed uses in the immediate neighborhood, which consists of most homes being sited on 5,000 sf lots and some are larger at 10,000 sf, for the most part I would say that they are less than 10,000 sf in the entire neighborhood. Should the variance be granted the existing home and the new home would be located on lots that equal to larger than homes in the neighborhood. Mr. & Mrs. Pham would like to have the new home for family members that would not otherwise be able to own a home, due to the extremely high prices that we are seeing in the housing market these days. This hardship would be addressed should the board approve this partition. We believe the variance requested are very minimal in nature, wouldn't have any adverse impacts, it's a reasonable use of the property. And due to the general neighborhood would certainly fit in. We feel the strict application and provisions of the zoning board would deprive Mr. & Mrs. Pham with reasonable use of the property. We don't believe there is any substantial detriment to the public good, there is no impairment purposes or intent to zoning ordinance but would rather result in a beneficial impact to the public good, by providing as small as it is some additional housing stock into Haverhill, without over burdening the lots or the neighborhood. It is in conformity of the character of the existing neighborhood and it certainly doesn't constitute a grant of any special privilege in consistent with limitations with other properties in the district. In some ways our opinion is the variances is appropriate and the result will have a beneficial impact on the neighborhood and the city. With that I will wait for questions.]

Chairman Moriarty: Thank you. Any questions from the board? Member Vathally/

Member Vathally: Attorney I see the variances you are going for a total area, but does the rear yard setback meet criteria?

Attorney Michael Migliori: Yes. It is just area and frontage. Otherwise, it meets all zoning requirements.

Member Vathally: Ok, thank you.

Chairman Moriarty: Any other questions from the board?. Ok, let's give the opposition a chance to speak up.



Haverhill

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

David Videchak (182 Pilgrim Rd): My property backs up to this and I have been there for 20 years watching that whole place and at times have taken care of it and basically when I get up in the morning and look out the window I see green, I don't see another window with a neighbor looking back at me and my property value is enhanced by that. Having something in the way is going to hurt my property value or keep people from buying the house. Also, the amount of variances that are being requested are essentially half of the 20,000, there is only 10,000. They just want to take it and chop it right in half. Basically, that is pretty much my opposition.

Chairman Moriarty: Thank you, I appreciate it. Anyone else speaking in opposition?

Katrina Leary (75 Standish Rd): I am right next door. I biggest concern is my previous neighbor that lived there was going to do the same thing and he had informed me the city wouldn't allow it, so I don't know if that was true, or he was just telling me that. I am just concerned; on my side it is very close on my side too. I don't know the law is or how much space is supposed to be there, I am concerned at how close it is. It is right next to me so I'm concerned, it's another person living there, there will be more traffic, it is a small street. Will the cars be in the driveway or will they be in the street? Will the driveway be right next to my driveway, or where the driveway will be? If their driveway is against mine, how much space will I have and what the law is, those are my concerns.

Chairman Moriarty: Thank you. I will ask the attorney to address some of those issues.

Kim Grant (161 Pilgrim): I am across the street, so it doesn't abut my property or anything, but I just think that the variance is asking for half of what they need. I just think it is going to be detrimental to the neighborhood.

Chairman Moriarty: Attorney would you like to address those?

Attorney Michael Migliori: With respect to Katrina, the proposed house is going to be 31 and a half feet from the property line and just looking at your lot and your house, I'm guessing your house is probably a similar amount away from your property line, yours is 11.5 feet from your property line so you are going to be 43 feet away. With respect to Mr. Videchak, I don't believe there is going to be any negative impact on his house at 182 Pilgrim Road. Mr. Videchak's lot you can see from what I gave you is again a smaller lot, than what we are looking to create, just as virtually every lot in that neighborhood is smaller. I have never seen any evidence showing new construction of a single-family home is detrimental to property values in a neighborhood. I can understand his concerns, you know looking out and not seeing anything, but I don't think is going to see too much if the board is inclined to approve this. I don't think there is going to be any detrimental values issue.

Chairman Moriarty: Any questions or comments from the board? Member Brown?

Member Brown: Does the applicant live in the current home.

Attorney Migliori: Yes

Member Brown: And where is his lot (David's) ?

Attorney Migliori: "shows Member Brown on the GIS map). It is going to be a single-family, similar to what he lives in now.

Chairman Moriarty: Any questions or comments from the board?

Member Vathally: Again, go on the side yard setback and I saw Mr. Videchak property, I was up there awhile and on your clients lot there are two huge trees, I think it is by Katrina's property, is that his property? Or are those your trees Katrina?

Katrina: No those are not my trees.

Member Vathally: Ok so they belong to the applicant. I guess my concern, and I know Mr. Videchak house and I know what he is talking about when looking out. In the rear setback would there be any plans for your client to add any shrubbery.

Attorney Migliori: We certainly would be open to a condition that we put in a row of shrubbery; I don't think there would be any objection to that.



Haverhill

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

Member Vathally: Just to give it the obstetric appearance. Because I did see on the other properties up there. Is that a 2-family, Mr. Videchak?

Mr. Videchak: No

Attorney Migliori: That is a reasonable request, we don't have any objection to that.

Member Vathally: Ok thank you.

Chairman Moriarty: Any other questions or comments? Ok I will entertain a motion with the stipulation that the applicant will explore shrubbery at the rear of this property as an noise barrier.

Member Vathally: I make a motion to approve the variances for 89 Standish Road, 2nd by Member Brown.

Member Vathally: Yes supporting 255-10.2.2(2) I feel it fits in the character of the neighborhood, the other properties are of similar sizes in the zoning district in which it is located in.

Member Brown: Yes 255-10.2.2(2)

Member Matias: Yes 255-10.2.2(2)

Member Bevilacqua: Yes 255-10.2.2(2)

Chairman George Moriarty: Yes

Granted 5-0

Gerard R Boucher, Trustee of Boucher Family Trust for 0 Broadway (Map 531, Block 384, Lot 5A)

Applicant seeks following dimensional variance to create new building lot and construct new single-family dwelling in a RM zone. Variance for new lot (Lot 1) sought for lot depth of 88.23 ft where 100 ft is required. (BOA-21-5)

Attorney Robert Harb (17 West Street, Haverhill): I am here representing Gerard Boucher Trustee of Boucher Family Trust, he couldn't be here this evening. Many of you may know Mr. Boucher he is a Vietnam Veteran who is blind and has a hard time getting around, so he is trusting me to do a great job. I did speak to some of the neighbors who did call, and I thank the office for letting me know. Once I explained what we are doing, they told me that it was ok and that they wouldn't be here tonight, so that is why you don't see anybody in opposition. This has to be, for me in 40 something close to 50 years for the first time coming to this board for relief to build a smaller project, if you read my brief which I'm sure you did, the building inspector and I gone through KP Law and PC the entire 17 lots approved through Grandfather, for a single or a duplex. I talked to the applicant and I said, are you sure you want to do this, and he said yes. So, we are actually becoming more compliant with the neighborhood, by doing a single. And he is aware of that and said yes, I just want to put a single. His intent on the rest of the street, is to talk to the neighbors and see if they want to buy just some back land. It is a very, very, very wet out back. He owns a ton of lots, that are unbuildable. This road Adele will probably never get built, so we are asking for only a variance for depth, which I believe, and I submitted the plan to you, was caused and only caused by the widening of Wheeler Ave, they took part of the parcel, which I believe would have given us 11 feet that we are missing. So, if I had that 11 feet, I wouldn't need to be here. We are here not just to ask, because we are changing our depth, but because we are trying to split off the land. The lot we are creating is larger than current zoning for a single, so we have left plenty of land there. As I mentioned in my brief, he didn't create these conditions, actually I think these conditions happened when the City took it to widen the street, his access will be on that street. Some of the neighbors were concerned, one neighbor asked me about drainage, as you know the engineering department will verify all the drainage, so that shouldn't be an issue. The gentleman next door, I believe on our immediate side filed a email in favor



Haverhill

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

of this and he is the direct abutter. Behind him is a street, in front of him is a street and Broadway is a street, so I've got 3 streets and the abutter, and the abutter said he had no problem. So, we don't think he caused the problem, we think this is better for the neighborhood to put a single there, than trying to put a duplex. We think that he didn't cause this problem and I think it would be a better use of the back land, to be able to offer it to the neighbors, just to add to their lot, because they are not going to be able to build on it, but if they want back land, they can get it. I am told some of the neighbors already have swings or something on it. So, I think this is an excellent case to ask your relief, I think none of the neighbors are against it, I think this is great for the neighborhood, so I would ask the board to find in favor of our partition.
Chairman Moriarty: Any comments or questions from the board? Ok, I will entertain a motion.

Member Vathally: I make a motion to approve the variances for 0 Broadway 2nd by Member Brown.

Member Vathally: Yes supporting 255-10.2.2(2) it does not affect the zoning district.

Member Brown: Yes 255-10.2.2(2)

Member Matias: Yes 255-10.2.2(2)

Member Bevilacqua: Yes 255-10.2.2(2)

Chairman George Moriarty: Yes

Granted 5-0

William Cavanaugh for 1022 Broadway (Map 539, Block 439, Lot 7D)

Applicant seeks a special permit for an Accessory Apartment in a RM zone. (BOA-21-8)

William Cavanaugh: I am here with my wife Patricia Cavanaugh. What we are looking to do is we have an existing accessory apartment, that was put on in 2008, but now we are applying for a kitchen to be developed inside the accessory apartment

Chairman: So, the accessory has already been built there.

William Cavanaugh: Yes it has

Chairman/:" Except for the kitchen you said.

William Cavanaugh: Correct

Chairman: Does it meet all requirements of an accessory apartment?

William Cavanaugh: Yes it does

Chairman: Tom (Building commissioner) you have confirmed that?

Tom Bridgewater: Yes. They can't get to this point unless they meet all requirements.

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

Bill Rainy (Century 21): These are friends and clients of mine and I am totally in support, of them putting the kitchen in the accessory building.

Chairman: Please entertain a motion

Member Vathally: I make a motion to approve the special permit for 1022 Broadway 2nd by Member Brown.

Member Vathally: Yes sighting 255-8.1 it meets all zoning criteria for accessory apartments.

Member Brown: Yes 255-8.1 for accessory apartments

Member Matias: Yes 255-8.1



Haverhill

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

Member Bevilacqua: 255-8.1
Chairman George Moriarty: Yes
Granted 5-0

James Slavitt for 78 Seven Sister Road (Map 478, Block 1, Lot 54)

Applicant seeks a special permit for construction of an Accessory Apartment above attached garage in a RR zone. (BOA-21-9)

James Slavitt: I'm here for a special permit. It's above my garage. I have a set of plans done back in 2006 that included the same layout as I have now, and it fits every criteria of your existing law. It's owner occupied, same utilities, the entrance is in the back and is not seen from the street, the square footage is correct. Everything falls in line with the special permit. I live in the home and will have some one living in the unit when the time is right. Years ago, I was going to have it for my Mother in law, a family member live there back in 2006 when I planned it all, but I didn't have the money to finish it at the time. I actually had to have my Mother in Law live with me in the meantime, she has since moved out because she was living in the house, but if she had the apartment she would have stayed there. Possibly she might be coming back. But I am in the process of doing it now.

Chairman: Is the garage attached to the house or separate?

James Slavitt: It is attached to the house. You can't see the garage or half the home from the street. It is probably 400-500 feet from the road. The only people who can see it is one of the abutters, who is here tonight. If you looked in the back yard through the bushes, there is a new home being built, right along side on my home. He is not here tonight, but he is fine with it. If you look at it, it's a 55 foot long beautiful garage, it looks beautiful in my opinion. You wouldn't know it was up there at all. There is plenty of parking, you can park to the side and go right up the stairs into an 800 sf place. No separate utilities, all on the same. Everything that your law is asking for it fits exactly. I just want to make everyone aware that this is a specialty apartment, this isn't a two-family and it will never be two-family. I just want people to understand that I am not asking for anything extra here that doesn't already fit in the law and how it is created. I'm not asking for a 2-family, and I don't think where I live on Seven Sisters is zoned for a 2-family. I'm sure that is a concern of some neighbors of mine. They worry that if I have a specialty apartment that it will later become a two-family and it won't, but they think that. You couldn't build a two-family. There are two accessory apartments on Seven Sisters now, I was told. Also, there is a group home. I think I was the 2nd or 3rd home in this area, and I think they might have been the 3rd home. The home has 5 handicap people that live there, they have ambulances come periodically, they have wheelchair hands and they have shift change.

Chairman: Do you know who operates that home?

James Slavitt: I forgot.

Someone in the room: Its Fidelity House

James Slavitt: Fidelity House, so that is already there. Again, I am not trying to make my place into a 2-family. This is what the law is. I feel like if anyone objects to that, they can do whatever they want, but I am not the one who made the law. I want to let everyone know, including you, that I love where I live, I have been there a long time and these people behind me that are going to say things, they have a right to obviously, but they love where they live also, they walk the neighborhood, there is good groups there. I understand their frustration, but I just want to make sure there's no frustration towards me following this, I mean I am not sneaking anything in. Again, they walk every day, they have groups together, it's a beautiful place. Whatever happens after this evening, I am still going to wave to them, I am still going to consider them my friends.



Haverhill

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

Chairman: What I am going to ask you to do, when people speak in opposition, pay attention to what they are asking and I will ask you to rebut, react to them or something like that.

Chairman: As a formality, I want to ask the building commissioner if this does fit all the requirements of an accessory apartment?

Tom Bridgewater (Building Commissioner): It fits all the requirements; we wouldn't have let him get to this point if he didn't.

Chairman: Any comments or questions from the board before we hear from opposition?

Owen Reynolds (98 Seven Sister): I want to point out a few things that you may or may not be aware of. First of all the Slavits run 2 businesses out of their home. One is a plowing business, we have complained twice to the Mayor and the Mayor talked to the building inspector, who spoke to the Slavits to move some of their heavy equipment, we had to complain twice to get that taken care of. Now Mrs. Slavit is running a yoga retreat business out of her home. It is set up like a miniature wedding, she has 10 to 20 guest that come, she has a presence of Facebook and Instagram.

Chairman: Could I interrupt for a minute; I appreciate this part, but we have to deal with the accessory apartment request.

Owen Reynolds (98 Seven Sister): So, my questions is what is the apartment going to be used for? So, he is saying for his Mother in law, and I am saying that it is for guest that sleepover, his wife is running a second business, it is zoned RR, it is not zoned for 2 home businesses, that involve lots of people. So, I'm saying is what is the purpose for this accessory apartment? He can say it is for his Mother in law, but I am saying this is for the wife's business. They are finishing the upstairs of the garage for the wife's business. They have no right to run a business out of their home. Also Mr. Slavit lost his house, somebody bought it at foreclosure and then he bought it from that person 5 years later, so does that mean that the original plans are still good? Whatever permit he had, whatever plan he had, does that mean its still good? He can lose the house, gain it back and then everything is fine, everything is hunky dory?

Chairman: Thank you. Anyone else?

Robert DiPietro (125 Seven Sister): I wasn't here so much to express opposition, as I was to get some clarification. My concern and the concern of lots of others was that at some point this house would essentially be a two-family house and when they went to sell it, they would sell it as a two-family house. But according to what Jim just said, that is not the case. The other thing is it is going to be an apartment and we would not like to see it being rented. So, it wasn't necessarily the opposition as it was questions to clarify, what he was trying to do.

Chairman: Thank you. Other people wish to speak?

Ronda Reynolds (98 Seven Sister Road): So, what you are saying is even though built in say 2006 and he lost the house and someone else bought it, and it was sold again about 5 years later and it is now in Marie Slavit Trust, so it seems like it was sold to her and not even back this way. Is that still considered an original house/garage, I am reading your thing and it says it has to be in the principal building, and you consider a garage a add on that was just added a year or two ago, that is considered a principal part of the building?

Chairman: I will have the Building Commissioner answer this, but the new accessory apartment zoning regulations allow that kind of a thing. As the Building Commissioner said, it has to go through his office first. And the idea that he lost the house first and it was sold and bought is not germane to this part of it anyways. But I will let the Building Inspector talk about that.

Ronda Reynolds: Are you able to tell us, is it allowed to be used right now, I know they set up tents for people to sleep over on the weekends and they are charged \$200 to be part of this weekend thing she has going on there and they have massages, and somebody comes in with a truck and they sell stuff up there, bracelets and scarfs and all that stuff and they have 3 meals a day. And it is asleep over, I lot happens up there. And I don't Know Jimmy but I spoke to Marie 2



Haverhill

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

years ago and you said that Marie wanted this apartment for her space, and I didn't realize it was going to be for massages and for any of this.

Chairman: It is not meant for a business; it is an accessory apartment and that is what it must be used for. If we found out that it was used as an additional business than we emphasize with you about these businesses, these unpermitted businesses that are there. That needs to be looked into. But it is not part of this application. The application is for an accessory apartment. If it was going to be used as an accessory for a business, that is a different story. It is for a residential living space apartment, that is what this application is for, what we are voting on, what is being proposed to us, anything outside of that someone needs to explore that, but it is not germane to what we have to decide this evening.

Ronda Reynolds: Ok and it's 1200 sf, that's new law not 800?

Tom Bridgewater: Or a third of the overall square footage of the house. So, the apartment is going to be roughly 800 sf and it meets all the criteria.

Ronda Reynolds: Ok. So even though up above this is a 30x60 footprint up there, its bump back out where the dorm is.

Tom Bridgewater: The zoning allows you to put an addition on your house now to do this.

Ronda Reynolds: Ok

Tom Bridgewater: That is what is allowed in the zoning.

Ronda Reynolds: 800 sf

Tom Bridgewater: With the square footage in his house, he would probably be allowed up to the maximum of 1200 square feet.

Ronda Reynolds: I thought it was whichever is less?

Tom Bridgewater: You take the total square footage of the house and take 30% off of that and whatever is less.

Ronda Reynolds: Oh, you take 30% off of that, ok. Thank you.

Tom Bridgewater: It is 30% of the total square footage.

Ronda Reynolds: Ok so if his square footage is 3,000 sf, then he is allowed to have 30% of that?

Tom Bridgewater: That would be about 800 sf.

Ronda Reynolds: Soo whichever is less?

Member Vathally: It could be 1200 sf or less.

Ronda Reynolds: ok thank you.

Chairman: Anybody else want to speak in favor or in opposition?

Zack Alexander (127 Seven Sister): My only confusion is a clarification between rental and a 2-family. My friend Bob just got up and talked about that. We are concerned about 2 families in a residential single-family subdivision, that was there. That it was single-family. Our only concern, we are not trying to interfere with Jim's in law apartment at all, we're concerned about our single-family subdivision becoming a 2-family subdivision, is that a possibility with these new regulations?

Tom Bridgewater: It has to have the same heating system, no separate meters or anything like that. There is one right across the street from you.

Zack Alexander (127 Seven Sister): I know that.

Tom Bridgewater: That is what their indented use is for.

Zack Alexander: Yah but like Bob said, it is not the accessory apartment, it's the 2-family.

Chairman: It can not become a 2-family.

Tom Bridgewater: It can't become a 2-family, it will never be classified as a 2-family. The address will be 78 Seven Sister.

Zack Alexander: But it could be a rental? There is nothing in the zoning that says it is illegal.

Tom Bridgewater: They can. I think the intended use is as an in law, but it doesn't say that.



Haverhill

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

Chairman: Ok, any other people want to speak or comment? Any comments or feedback from the board? Ok entertain a motion.

Member Vathally: I make a motion to approve the special permit for 78 Seven Sister Road as it meets all the criteria 2nd by Member Brown.

Member Vathally: Yes sighting 255-8.1 it meets all zoning criteria for accessory apartments.

Member Brown: Yes 255-8.1 meets zoning criteria for accessory apartments.

Member Matias: Yes 255-8.1

Member Bevilacqua: 255-8.1

Chairman George: I vote yes sighting the comments made by the prior board members but also the building commissioner and about it meeting all of the requirements for an accessory apartment under the new guidelines zoning regulations. I will make a note thought that we will pass along, the idea that there are businesses being run there without permits. The best I can do is pass it along, it doesn't come under our responsibilities here, but I will certainly let it be known.

Approved 5-0

Michail Sofos for 69 – 71 South New Street (Map 715, Block 692, Lots 7 & 7B)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RH zone. Variance for new lot (Lot 7B) sought for lot frontage of 61.57 ft where 75 ft is required. Proposed Lot 7A shall include existing two-family dwelling. Requested variances for Lot 7A include lot area (7,500 sf where 9,600 sf is required), lot frontage (59.43 ft where 80 ft is required), lot width (59.43 ft where 60 ft is required), and minimum open space (42% where 45% is minimum). (BOA-21-6)

Attorney Paul Magliocchetti (70 Bailey Boulevard, Haverhill): I am here this evening on behalf of Michail Sofos and he has owned this property for quite some time and currently lives there, it's a 2-family residence. His family is growing so he is looking to build a small single-family home adjacent to the current home for himself. He also expects to have family members at least occupying one of the sides in the 2-family. So, this application meets the requirements of 255-75, the property is located in the RH zone, which is the high density zone of the City of Haverhill. If you look at the configuration of the property, it actually meets the area requirements for single-family homes in the area, but one of the lots does not meet the 2-family, but technically it would be legal to have 2 singles as far as area is concerned. The granting of the relief sought, if given will not substantially derogate from the intent purpose of the zoning board, that is important to keep in mind here. We are here seeking a dimensional variance on one lot for frontage 61.57 ft where 75 ft is required, that is the only variance on that one lot. On the other lot the existing house we are seeking a variance for frontage (59.43 ft where 80 ft is required), lot width (59.43 ft where 60 ft is required), Lot 7A include lot area (7,500 sf where 9,600 sf is required), and minimum open space (42% where 45% is minimum). The applicant in support of this partition as I said meets requirements of 255-75, the condition of the lot is unique to the applicants property. The way the property is situated, it's almost as if it was intended to be split at one point, because a 2-family sits to one side of the lot and that is why it is able to be configured, the way it is on the plan. The shape of the lot, the size of the lot and it's location allows for the proposed development without changing the character of the street or the development, it fits, it works and again we are only requesting for a single-family, not a duplex or a 2-family home. To restrict the application would deprive the applicant a reasonable use of the property. We believe that a small single-family home for the owner himself is a reasonable request



Haverhill

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

and this should be granted. The unique conditions are not the result of the actions of the applicant subsequent to the application, this lot has been the way it is for a long time. This is a well established neighborhood, there are other parcels in the area that are very similar to what we are asking for so again, it really fits into the neighborhood. Relief if approved will not cost substantial detriment to the public good or impair the intent of 255-75. Proposed use conforms to the surroundings. The lot size, and the house conforms to the lots that are surrounding. It is not going to appear out of place, when you drive down the street, it is going to look like it fits in with the rest of the street and neighborhood and it is not going to change the character of it. A grant of the variance would not constitute special privilege inconsistent with the limitations on other properties. This is one of those neighborhoods where there are a lot of different parcels of different shapes, different sizes, single-families, multi-families, it is a very mixed neighborhood. So again, what we are asking for really does fit with the character of the neighborhood, this will not be out of place at all. The hardship in this matter is that when you look at this property and you look around it, there are other homes that are similarly situated, so to deprive him of his request would actually be creating a hardship on him and imposing a standard that this isn't in place for other people in the neighborhood. So based on all that criteria, we believe we meet all the criteria, we believe we should be granted this variance and we hope this board decides favorably. At this time, I would like you to meet Mr. Sofos, he just has a few words he would like to say to you. Also, I did provide the board earlier with petition signed by a lot of neighbors in support, I actually emailed Ms. Dewey. He actually did a spreadsheet, that highlighted those in favor and those opposed and there are more neighbors in favor than there are opposed, if you count the signatures. There are a lot of neighbors in favor, he is a nice guy. I want you to meet him and he has a few words to say.

Chairman: Before he comes up, can I ask you about the zoning of the property almost leaves you to believe it should be split? Explain that a little bit more.

Attorney Paul Magliocchetti: The size, the area requirement, if it was a single-family, it would actually fit. The existing home being a 2-family is why we need a variance for the 2-family. It does exceed the 7500 sf or it meets the 7500 sf that would be for a single, but doesn't meet the 9600 sf that would be for a 2-family. But if you look at all the setbacks, there are a number of dimensions, you do these all the time, if you look at what we are asking for as far as variances, it's minimal. On one lot we are only asking for a frontage variance and it is only a few feet, it's not significant. As far as variances go, the request is minimal, I have come before you, asking for much more relief than this before. If you look around the neighborhood there are other nonconforming lots around it.

Michail Sofos: Hello, I am the owner of the 2-family property at 69-71 South New Street, I have lived in Haverhill in this house since 2007 and I believe that I have been a good neighbor all of these years. I have a lot of pride for the City of Haverhill, I love this neighborhood, its quiet and safe, with good people. It is close to the new school, close to downtown and major highways. I am here today to propose the building of a single-family house on the property. The house is going to be about 1800 sf of living space with a 2-car garage, next to the open lot of the 2-family. I understand that there are some dimensional variances, which I hope to have approved through the appropriate board. My plan is to move into this new house when it is completed and then rent or have a family member in the house apartment that is currently there. My kids would like to move into the current house when they reach adulthood. My plan is to have family members close to me, especially as I age. It is very important to me to have family near me, it is an important aspect of my culture. I believe that the new house will improve the aesthetics of the area and will increase the value of the neighborhood. I anticipate the board will approve this project. I am ready to answer all questions or concerns you many have about this project. I hope to continue having a good relationship with all my neighbors. Thank you.

Chairman: Before we hear any opposition is there any comments from the board?

Member Vathally: The existing property where he resides, if there was no proposed lot does it meet all the requirements for variances for a 2-family?



Haverhill

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

Attorney Paul Magliocchetti: Without the subdivision?

Member Vathally: Yes

Attorney Paul Magliocchetti: It is conforming.

Member Vathally: So, for lot 7B you are requesting frontage 61.57 right?

Attorney Paul Magliocchetti: Correct where 75 is needed.

Member Vathally: Is that the only variance?

Attorney Paul Magliocchetti: That's it, that's the only one.

Member Vathally: So, you also need the variance for the 2-family because?

Attorney Paul Magliocchetti: Because of the area. If that were a single, you wouldn't need that. The existing 2-family, he really improved the property, I don't know if any of you have driven by. But it's a nice property, that speaks quality. You heard him speak, he is a good guy. This is his intent that this will be a family compound eventually.

Member Vathally: So, the rear yard and the side setbacks are all good.

Attorney Paul Magliocchetti: They pretty much are what they are, again you have the house on the side. It is a corner lot.

Member Vathally: This is the one, there is a hope there right?

Attorney Paul Magliocchetti: Correct

Member Vathally: Thank you.

Chairman: Any more comments or questions?... Ok we'll hear opposition.

Alicia Rochon (44 Gemine Ave): I am directly behind Mr. Sofos. I am going to speak probably for a lot of the people here. I am sure he is a lovely gentleman and he been a fantastic neighbor. I think the concern of a lot of people here is that we have had water problems in this neighborhood, and it has gotten progressively worse as the years have gone on. And we presume it may have had something to do when Hunking was built. I know one of our neighbors 34 years they have been here, and they put a sump pump in, I know it goes all the way down to the Wood School and backs up and out yards look like lakes. I have a finished basement that has flooded. I think pretty much everyone who is here has had basement problems and flooding problems and we just think or feel that putting in another dwelling will exacerbate those problems; I think that is the number one issue for everyone here. I personally also feel that particular intersection, I have 3 children that walk to the new Hunking School and that intersection is extremely dangerous, there is only one stop sign, kind of where that is, the only sidewalk I think is in front of Mr. Sofos house, which you have to cross a double intersection to get up to South Main to get to the Hunking School. The cars fly from Laurel and fly up that Street and it is already very dangerous. I am not sure if there will be on street parking if there is another dwelling or if the traffic would be any worse, but that is also a concern, at least of mine. I have had to call 311 several times and now they have actually put up some signs, some kids at play is I guess what they use to try and slow some of the cars down. It is also a concern for visual for cars to see. But I think the biggest issue for everyone here that is in opposition is the water issue.

Chairman: Has the city addresses the water question, or has it been raised to the city?

Alicia Rochon (44 Gemine Ave): I'm not sure, I haven't personally raised it, I am not sure. You can let them go.

Chairman: Please tell us your name and address.

Dave Gaiero (42 Germine): Maybe a month or two ago we had the water department come out and they took a test of the water and if it were a leak in the pipe it would have had fluoride in the test. If there was no fluoride then it was ground water, so they took the test and there was no fluoride, so it is ground water. Alicia has said she has lived here for 34 years and about 3 or 4 years ago we put in a sump pump for the flooding in our cellar. We think the water is due to Hunking, we talked to a few people and they said it wouldn't take much and if the original Hunking was on a swamp, we are not sure what they did up there. But I think other neighbors will say the same thing, it is water> You should have taken pictures at Christmas, my wife went into the back yard and it was a lake, there was a lake in the back yard. The water just goes and



Haverhill

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

sits there and then goes into our cellar and the sump pump takes care of it, but we never had to have a sump pump before. We did address it to the city, they came out and said no leaks, so it is ground water.

Chairman: They identified it as groundwater, but they didn't have a resolution?

Dave Gaiero (42 Germine): As far as they say if there was a leak in the pipe or something, then they would fix the leak. But they don't do anything for groundwater.

Chairman: Is there any way to mitigate that? I am not a water expert as you know. Attorney maybe we should talk about this. Thank you. Any other neighbors want to speak?

Tom Bradley (46 Germine): I live directly behind the yard that he wants to put. I am very worried as my house is 150 years old, we have our Mother who lived there for 40 years. Right now, he actually has a hill next to his house with a leaching field where all of his drain water can run off in. Once he puts that house I there, that water is not going to be able to do that. I have a feeling that it is going to come right into my yard and into my basement, my basement can not handle it. I am worried about the trees that he is going to be cutting down from the house and what is going to happen to the root systems when they collapse, because I know they go right in my yard, I am very concerned about it and so isn't every neighbor around us. There is not a neighbor that touches the property around it that is in favor of it. Basically, houses that are not touching, basically houses that are farther away are in favor. I am highly against it.

Chairman: Thank you. Other residents that want to speak up?

Bertha Cole (57 South New): I live right next door to Mr. Sofos, he has been a very good neighbor and he has kept the property up nice. But my main concern is his house is up here on the top of a hill, the very top of a hill there is a hill that comes down real steep into a flat land where he wants to put this new house. Then there is a smaller hill that comes down to my property and it goes across through my yard and in back of my shed, Christmas day I could have gone swimming, it was so flooded. Then in back on the north side of my house there is a slight little hill that goes into the Kanovitches yard where the Moroughs used to live, then beyond the Moroughs, there is another hill that goes into the Prairies yard and my main feeling is that if he puts this house in, South New Street will be flooded down to Wood School, that is my main fear. My second fear is the children, we have children and animals in the neighborhood. People walk their dogs, and they have no sidewalk to walk them on, on South New Street. In fact, last year, one of my neighbors, their dog ran out, you know how kids and animals will run out when the door is open, and this poor little dog got killed because a car came around and killed it. That is one of the major problems and between 8am and 9am, people going up Laurel Avenue, cut across because of the traffic light and the crossing guards. People are cutting through South Spring Street, zooming up South New Street and some of them are zooming over South Spring and up Germine Avenue to avoid the light and the crossing guard and there is kids walking to school, because they are walking distance and there are no sidewalks. And the same thing occurs between 2:30 in the afternoon and 3:30 in the afternoon, when 6 school busses come down South New Street and parents are coming down South New Street and they are going over South Spring Street or down cutting across down Laurel Avenue and kids and people walking their animals. Anyway, these are the things that I am concerned about and where he wants to put the house is very close to this and just the corner itself and street itself does not, we do not need another house there, it would be too crowded, in that particular corner. These are the reasons why we don't want this house here, in that particular area. And besides, there is an empty house across the street, it's beautiful and can be fixed up beautiful and all he has to do is move across the street. It needs to be fixed up, I don't know why he doesn't go and see if he can buy it. Anyway, that is my opinion.

Chairman: Thank you, I appreciate your comments and your time. Anyone else who wants to speak in favor or in opposition?

Mark Sheegan (Live on 125 Crosby): I own 51-53 Germine Ave, it has been in my wife's family for 150 years, so we have been in the community. I have no objections, I just wanted to say that. Since I have owned a portion of that house since



Haverhill

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

2009-2010, Michails has been one of the nicest rehabs, he does quality work. I will admit both South New and Germiné has congestion problem and a water problem. When I took control and had to do upkeep and maintenance on my 2-family, the city made me cut my gutters, that were going into sewer lines, so now all that roof water is now combining with ground water and it just goes downhill. So, unless the city either changes regulations or does some sort of water study that controls the flow, you can see even the street is a mess. Both Germiné and South New have been paved multiple times because of this, it just gives way to whatever is underneath the ground there. I have to live in this community, they are all nice people, they all made valid points. But like I said, I am in support.

Chairman: Thank you very much, I appreciate it. Any other people who want to speak?

Julia Rochon (44 Germiné): Again, I will also agree Mr. Sofos that that you have done a wonderful job with the property and there is absolutely no issue with you as a neighbor. But the issue with the water impact, every house that is downstream from Mr. Sofos's house and that is all the people that is here right now. It has been significantly worse since ground was broken for Hunking and again, none of us are environmental scientists but the correlation is pretty clear, that when you dig large holes in the ground up hill, it changes the dynamics and it is hitting all of us, it is certainly I know hitting our neighbors very, very badly and again we are number 44 so we are behind Bertha and our backyards are now water and we have the least of it, we get the least basement flooding and we get the least yard flooding, we only get it into a little bit of our backyard, but I can tell you from having seen it time and time again, for probably the past 4 years most significantly, it is just getting, worse and worse and worse. If this happens, we are all going to be sitting here 5 years from now with the first floors of our houses underwater, I mean I am being a little sarcastic, but every time you break that ground, it seems to be causing more and more water to flood down and I think Bertha said the same thing. It just goes right down to her. So, I appreciate he wants to build a home for his family, I appreciate all of that but recognize the impact it has on every single property that falls in line behind them, because again they are all the way down across from the Wood School, they have extensively more flooding since Hunking was built as well. So, it is not like it is one house, it is happening all the way straight down, so that is our big concern. The rest of it, yes I get it, nobody wants more traffic, nobody wants their kids walking, it stinks that there is no sidewalks, but really it is the water issue killing us and that is why we are all here on a Wednesday Night, that is all.

Chairman: Thank you very much. Others?...Please come up.

Lisa McElroy (28 South Spring): I moved there 5 years ago, in 2017 with the school being built we have had flooding in our backyard, and it is not like a little flooding, it is a lot of flooding. My backyard looks like a swamp when it rains, because there is no where for the ground water to go. So, from where that house is to Berthas house to Kim & Tim's, my house is in between 2 big houses, but mine is on a hill and the other houses are lower down from me and I get most of the flooding, so it comes from behind Berthas house down and then my whole backyard is flooded with water. I know either house on either side of me, they also flood in their basement, but it just seems to be getting worse and putting a house there is probably going to make it worse for us. I just don't think it is a good idea to have a house built there. I don't know him, but when he bought the house, I lived there when he was buying the house, so I used to live in the house that he bought.

Chairman: Thank you very much. Anyone else, I don't want to pass up anyone?... Clearly the flooding is a huge issue, it is not caused by the applicant, but it could be more detrimental to the neighborhood, which is one on the things that we have to consider obviously as a board, water flow and traffic does not come under the purview of this board, but certainly detrimental to the neighbors and we have to take that into consideration. So, if you could address that attorney.]

Attorney Paul Magiocchetti: Thank you very much. First of all, in my other position, I am very concerned about Hunking, I am going to follow up on that, you will see me in the street with the superintendent, I was unaware that this was such a severe issue. But I think that is what we are really hearing tonight, when the new Hunking when in whatever they did when they constructed it, they had issues and they are infecting everyone here in this room. But that being said, what we are



Haverhill

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

here for tonight, what he is opposing is not going to have the impact that they are worried about, we do hear this all the time with developments and when you do a development like this, I talked to Mr. Sofos and he has agreed to do a zero impact development, as far as water runoff, the building inspector knows what I am talking about. So, all of the water that comes off of the house, there will be a drainage system put in place on the lot, where the water will trickle down. One of the speakers was talking about, how the city cut off the drainage going into the sewer, it basically is a system that has been designed to replace that. So, when you have a lot of these homes, you will see that when built in wet areas that the building department actually requires this as a requirement and it prevents water from leaving the property, it stays in the property. The system has all these channels and pipes that it goes through and stays in the property. So, he is agreeing to stipulate that that will be a condition of this variance. That should address the water issue. With regard to the traffic, I contacted Ken Cramp about this, he is an engineer at Bayside Engineering, he is probably one of the foremost traffic specialists in the area, a member of the planning board here in the city and I asked him, because I knew it would come up, because he brought it up. But he says the main issue is speed and that is something that the city can address, we can agree that cars go pretty fast over there. That is something that can be addressed by policing. Thank being said, when I discussed this issue with Ken Cramp, he told me that for a small single-family house like this, there is nothing he can do, the only thing he can do is give a report to you that says this will have almost a zero impact. Because he is going to leave for work in the morning and come home at night. With regard to the children and the pets, yes that is always going to be a concern and I don't want to minimize that at all, as a parent it is something you worry about all the time when your kids are going out, but again if you look at the way this house is being designed with a 2-car garage and a driveway, it has a clear line of sight, we are not creating a hazard, there is not a wall a fence a tree line, that is obstruction any line of sight. I guess with regard to the traffic impact based on what Ken told me and based on like I said there is plenty of parking on the site for at least 4 cars, 2 in the garage plus the driveway, so I don't think you will see much on street parking, unless he has a party or something, but it won't be during the high traffic times that they are talking about. I believe that those measures do address specifically all the concerns that you raised Mr. chairman. I do believe that the traffic won't have the impact that a lot of people are concerned with. With regard to the water, he will stipulation it and keep it a condition that it will be a zero runoff, whatever water is generated will stay on that property and he will make sure the system is placed and take care of that. With regard to the side setbacks, the proximity of the houses together, we are not asking for a variance, we meet that, we meet the zoning on our side yard setbacks, we actually comply in zoning with that regard, so they are spaced the way they are supposed to be in the neighborhood. Like I said, I am very concerned with the issue with Hunking, to be honest I empathize with the entire neighborhood, but it is now him. With regard to the water coming from him, we are agreeing to keep it on the property, we are going to build a system to do that.

Chairman: Thank you. Any other comments or questions?

Fran Laserd (9 Germine): I have witnessed for a long time the speed, also the water running down street going into the sewers, flooding the sewers, and just constantly running into peoples houses, including my house at times. The speed, I have gone to the Mayor repeatedly, I have repeatedly spoken to him about the velocity of which these cars on South New and Germine Avenue as an exit from 125. I have literally sat in that traffic because of the school, from the 7-11 and waited 25 minutes to get up to the light by the Hunking school. People are literally cars are parked on South Main Street, trying to make that left into the school. There is just not adequate parking. More houses, more people, more cars, the school is over crowded now, it is going to continue to grow. We are going to continue to have more traffic, more speeders, it's going to end when we have a really bad incident, and we don't want that to happen. As I have said, I have spoken to the Mayor on numerous occasions, I haven't seen anything done to address that. I have seen neighbors out in the street motioning slow down. I know that doesn't accurately address this situation here, but it does with some extent with more cars, more people, more kids, who knows who is going to live there. There was a time when I actually saw superintendent of schools



Haverhill

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

Jim Skully out there directing traffic. It is only going to get worse; I mean every parcel of land in Bradford is being developed. There's variances out there for all of these places and it is going to continue. Environmentally, trafficker wise, kid wise, we need to be concerned about this. We need to adjust this now, environmentally we need to stop this now, before it becomes too late. Thank you.

Chairman: Thanks Fran. Any other comments? Dave

Dave (42 Germine): This is what happens with the water staying on the site. Someone came out and talked to Bertha a couple of weeks ago and he said they are going to have gravel and hay surrounding the foundation and go into a system. I don't know a lot about this to be very honest with you. But just talking with the different people, they say what happens is, when the water flows it catches this and that and it catches sediment, little by little the system fills up with sediment, the system that catches the water on the property. I said what happens when the system fills up with water, overflows and goes into the ground water. I don't know a lot about it, but that's what I heard. Once again, the biggest thing is the water, so if he is trying to keep the water, like everyone says it is a great property, he has done so much with it. We are just worried that even if he tries to keep it on, that sooner or later the system is going to fill up and it is going to become part of the ground water again.

Chairman: Thank you Dave. Anyone else? I want to give everybody an opportunity. Comments or questions from the board?

Member Brown: This is for the Attorney. Parking, is it a 2-car garage? So, you said 4 spots, so there is going to be 2 in front of the garage?

Attorney Paul Magliocchetti: Yes so you'll have 2 in the garage plus the driveway, just like any other house.

Member Brown: And the zero impact that you are talking about, it is not leaving this property?

Attorney Paul Magliocchetti: Correct

Member Brown: How is this built, is it built into the house?

Attorney Paul Magliocchetti: Into the property, it is underneath the grass, so they are going to have the gutters coming off the house that catches all the water that drains off the roof, it is going to come down the pipes to the gutters, and the gutters go into a pipe in the ground and then there is a series of pipes that will go out to the back yard. They will have all crushed stone and dry wells, so it will drain into the dry wells and crushed stone. It's all engineered, it is done all the time, they work, and they are all over the city. Again, the building inspector can attest to the fact that they do work. And it could actually make the situation better than it is now because they don't have that system in place right now.

Member Brown: Obviously, it is a big issue with all these people saying so.

Attorney Paul Magliocchetti: So, what we are agreeing to do that as part of this, it actually could end up being an improvement over the water situation.

Member Brown: With Mr. Sofos keeping the water on his property.

Attorney Paul Magliocchetti: Right because it won't be leaving his property.

member Brown: Thank you

Julia Rochon (44 Germine): can I ask a questions? So, what you are describing takes care of the water coming down from the sky into the roof of the house, but I am more concerned with the water coming from the ground that will cause the runoff that already exists. Never mind what is going to hit the house. I am simply trying to understand the ground water, like I get that it is going to catch what is coming from the roof. Sounds like it is going to be close to the Tommy's backyard. But it is going to capture that water, but what about the water that is coming down, either from under the ground already or coming down from 125, which is where I believe we are getting the vast majority of it from?

Alicia Rochon (44 Germine): I just wanted to say to what Magliocchetti said that if it's coming off the house and it's going back there, no matter rocks or what have you, that's where a lot of the problem is, the back of where the house would be



Haverhill

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

in back of Tommy's house, the back of my house, the back of Betha's house and then Kim's, that is a swamp now and you are going to move water that way, I don't think there is enough rock in a quarry to take that water away. So, I think that is just going to exasperate the problem and put more water in that exact area, which again then flows down the street to all the way down to the school. So, if that is where they are going to redirect water, I can't imagine there is enough rock to make anything any better.

Chairman: Bertha?

Bertha Cole: I just don't understand this, now they have a backhoe or some sort of digger thing, when they go to excavate they are going to be digging a hole, a big hole for the foundation correct. Now if they are digging a big hole, wont the water come down from that hole into my property and everybody else's property, while they are digging? I understand you want to put hay bales around, but they are going to dig the hole in order to put the hay bales around. What about the hole that they are digging, wouldn't that run down into South New Street and then to Germain Avenue,. Before they get the hay bales? Do you understand what I am trying to say?

Chairman: Yes. Clearly water is a problem. Attorney I don't know if you want to address that last question. It is effecting my voting, it is a hug problem right now. So, if you could address it. Again, it is not created by the applicant, but it certainly seems to be contributing to it.

Attorney Paul Magliocchetti: I think what she is saying is she is worried about when they are digging the hole for the foundation correct? So, when they do that of course they will put the hay bales up before they dig. Whatever litigation they have to litigate, so when they are doing that they can't disturb other people's properties. Things do happen, but they have to take proper precautions measures and again that would be a temporary thing, just while they are digging the hole. If there is any runoff it eventually going to be resolved, but again I confirmly believe and you know I can have the engineer come and talk about it. But, when they put in these zero runoff systems and they put in these systems, they are designed to approve the conditions, they do not make them worse, they make things better. I really think if there was a better understanding about this you would understand that what we are proposing is actually going to improve this situation and not make it worse. It is just the way the systems are designed to work and again the building inspector deals with these all the time, I would defer to him before you pass judgment on this. There is no perfect solution here, but we can't solve the problem created by Hunking, you can't solve the problem created by the roads, they have existed for years. When you look at this one subdivision request for a small single-family home, that we are stipulating zero runoff, with a litigation system installed, it is not cheep by the way, but he is willing to do that. Nothing he is doing is making anything more detrimental. He is improving the situation; I can't say that enough.

Chairman: Member Vathally.

Member Vathally: I think what I am hearing here tonight, that this has been a long standing problem obviously for many years and I am also disappointed at the school, the situation that I am hearing. I just feel right now Attorney I would like to get some more information before I vote, I'm not sold, I'll be honest with you I'm not sold on this. The neighbors are all very, very nice and Chairman I would request a continuance until we get some better understanding on the water drainage system that is going to be installed and the particulars on how this would affect the neighbors and effect the neighborhood and also to get some clarification with what happened with the school. This isn't the applicants problem, but it is a detriment, as I am seeing it tonight it is a detriment to the area, until I'm convinced that there is a resolution to this water situation or a little bit more specificity with what the plan is going to be.

Chairman: I have to concur with that and if we took a vote tonight, it sounds like you might get 2 no's at least.

Attorney Paul Magliocchetti: I am fine with the continuance; I think it might give everyone a little piece of mind.



Haverhill

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

Chairman: Attorney if there is anyway to do this and I know this is something we can't actually impose on you, but if you have some engineering information, if it could be shared with the neighbors before the next meeting, so that they get a chance to see it.

Attorney Paul Magliocchetti: Do they have access to the portal?

Board Secretary Jill Dewey: Yes and they can call me to walk them through it, but anything that you have submitted, the applicant and all of the attachments are viewable to the public.

Attorney Paul Magliocchetti: With the online system, I submitted everything online now, they can access, so if you call Jill at the Planning office, she can help you access all of the documents online through the portal, if you want to see it.

Board Secretary Jill Dewey: At the top of the agenda is my phone number and email, so I can walk you through it if you are sitting at a computer.

Chairman: So, it will be up to the residents to read whatever engineering reports Attorney Magliocchetti uploads, it will be a coven upon the residents to read it. As knowledgeable as you can, Dave you and I are not engineers.

Attorney Paul Magliocchetti: It might be a couple of weeks until we get it because we have to have it done.

Chairman: I don't know if you want for the next meeting or the one following that?

Attorney Paul Magliocchetti: I think one month should be enough. May 19th will be ok.

Chairman: ok great. And that way we will all be able to have a more informed spectacle on it, as Member Vathally has suggested.

Tom Bradley (44 Germine): I have been in the industry for 25 years and putting hay bales up, I have done water systems, I am a carpenter and putting the hay bales up is not going to stop the water while he is doing the work, it's just not. Something else is going to have to be, like when I tell you I am right behind his house, like my yard touches his, we have no separation, so it is beyond hay bales, they don't do anything.

Chairman: Usually our excavating expert is Ron Laplume, sadly Ron was injured today with a leg injury or he would he been here this evening. Ok, Attorney do you want to formally request a continuance to the May 19th meeting.

Attorney Paul Magliocchetti: Yes

Chairman: Motion made by Member Vathally, 2nd by Member Brown for the continuance.

Member Vathally: yes

Member Brown: yes

Member Matias: yes

Member Bevilacqua: yes

Chairman George Moriarty: yes

Grant to continue to May 19 5-0

Minutes: March 17, 2021 meeting. Motion made by Member Vathally, I accept the meeting minutes from March, 2nd by Member Brown

Member Vathally: Yes

Member Brown: Yes

Member Matias: Yes

Member Bevilacqua: Yes

Chairman George Moriarty: Yes



Haverhill

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