



# Haverhill

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

The regular meeting of the Haverhill Board of Appeals was held on Wednesday evening, December 15, 2021 at 7:00 P.M.

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

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

Chairman Moriarty called the meeting in to order on December 15, 2021

Member Vathally: I make a motion to approve the variance for 40 Brown Street, for 6 months...2<sup>nd</sup> by Member LaPlume

Member Vathally: Yes  
Member Brown: Yes  
Member LaPlume: Yes  
Member Bevilacqua: Yes  
Chairman: Yes  
\*Granted 5-0

## **Marcos DoCanto for 0 Seven Sister Road (Map 478, Block 1, Page 59)**

Applicant seeks a dimensional variance for front yard setback of 30 ft where 40 ft is required to construct a single-family dwelling in a RR zone. (BOA 21-44)

**GRANTED 5-0**

Marcos DoCanto: The background of the project as many of you are aware is that those roads and the way that the lots were built, there are many lots that have down grading elevations that are very steep, and many locations of those homes have already been granted a variance, due to that scenario. What I am requesting from you tonight is to grant our variance for a 30 foot variance where a 40 foot is required. If you have any questions please feel free to ask,.

Chairman: 30 Foot setback verses a 40 foot requirement. Any questions from the board? Entertain a motion.

Member Vathally: I make a motion to approve the variance for 0 Seven Sister Road ...2<sup>nd</sup> by Member LaPlume

Member Vathally: Yes it satisfies 255-10.2.2(2)



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Member Brown: Yes it satisfies criteria for

Member LaPlume: Yes it satisfies the criteria for a variance 255-10.2.2(2)

Member Bevilacqua: Yes 255-10.2.2(2)

Chairman: Yes 255-10.2.2(2) and it reinforces the topography which creates a unique situation.

\*Granted 5-0

## **Suzanne Bowman for 672 Main Street (Map 616, Block 510, Lot 1)**

Applicant seeks Special Permit to convert existing (non-conforming structure) two-family dwelling into a three-family dwelling in a RH zone. (BOA 21-46)

**WITHDRAWN BY APPLICANT**

-Paul Bowman (672 Main Street): The application is for turning a one family with an in-law apartment into a 3-family on the request of the building inspector. My theory or my question is that when I bought the house in 2005 from Piccolo and Mareices, Piccolo was the realtor, that full kitchen that the inspector seen was there since the 60's or the 50's and so our little question is why are they making me change it. I'll keep it as is, if I can, because everybody that has been in my home is family. He (the inspector) just came over because I am financing and the appraiser came and asked questions down at city hall, when he should have just went on the computer and seen what it was zoned at, but he must have said too many words.

-Chairman: The kitchen is on the second floor?

-Paul Bowman: Yes

-Chairman: And is there anybody living in that part now?

-Paul Bowman: Yes

-Chairman: So, are there 3 families living in there?

-Paul Bowman: There is 2 families. If you know the place, it is a big place, there is a main house, a breezeway, and then I built an in-law apartment for my family my mother and farther back in 2010 when I came before you guys in 2010, and it is separate, it is a separate building. That was my other thing with talking with you guys is that it is not a triple decker, it is separated by a firewall that I had to do by building code back then. So I want to try to keep it as a 2-family with an in-law apartment.

-Chairman: Which floor or part would be the in-law?

-Paul Bowman: The barn, I call it the barn.

-Chairman: The barn, the attachment on the side

-Paul Bowman: Yes the attachment

-Chairman: And the other two would be regular apartments?

-Paul Bowman: Yes

-Chairman: But the second floor has not been designated as a apartment?

-Paul Bowman: No, well not that I know of because its been there since, I am a builder

\_Tom Bridgewater (Building commissioner): Accessory apartments are only allowed in single-family houses, so he can't get it a 2. We got a call from an appraiser saying there is a unit on the second floor so we went over there. The tax records don't have it. So, I said you either got to remove it or go to the board of appeals, even though it has been there forever, so here we are trying to make it a third unit.

-Ted Vathally: So, it is not a 2-family, it says 2-family into a 3-family?



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- Tome Bridgewater: It is not a 2-family, basically the apartment is classified on the tax records as a 2-family. We are trying to get the third unit legitimized, so we are sending him here for a special permit.
- Chairman: The third unit being the second floor.
- Tom: Ye
- Ted Vathally: As a 3 family?
- Tom: Yes
- Chairman: Does he meet all the requirements for it?
- Tom: It meets all the requirements, yes, because we went through all of it and all it is, is a special permit to turn it into a 3-family.
- Chairman: Any questions from the board?
- Linda Brown: Tom did you say it was a one-family?
- Tom: As it is a single-family yes. But to make this right would need a special permit to make it a 3-family.
- Paul Bowman: Because I feel it has been there since creation, because I am a builder, all the plumbing is cast iron behind horsehair plaster and lave so it has been there for a long, long time.
- Tom Bridgewater: But the assessor has never had it and that is what we look at.
- Paul Bowman: Well, I look at it as a mistake on whoever built the house back then, because even on record when I came here in 2010, the wording that you guys did that is actually a separate unit, and you guys wanted to make it an in-law apartment. I said what do you want me to do, rip it apart and throw it away after my parents die? So, I said no.
- Member LaPlume: A 3 family in the city of Haverhill is worth a ton more, than single-family.
- Audience member speaking over people while not at podium/microphone (Suzanne)
- Paul Bowman: I am not arguing. My thing is they want me to do a lot of changing, to change the whole structure, once I get this I have to go before the building inspector and satisfy all his needs.
- Audience member speaking over people while not at podium/microphone (Suzanne)
- Paul: It is an old Victorian style house, the hallways, and the beautiful staircase. The staircases are going to be ruined, rip out windows and put in doors.
- Tom Bridgewater: Well, you can remove the kitchen, remove the stove and just turn it into a single family with an accessory apartment.
- Paul: What classifies that, see I don't know. Maybe I should have hired a lawyer, but I don't know. I did call a bunch of lawyers to ask questions because I don't know, I only live in Haverhill part time anyhow and I pay my full taxes. I have a home in Maine too. Everybody is happy at my house, we are all family, we have been family, I bought it because my parents are old and were dying, so I fixed the lace up for them.
- Member LaPlume: You had to have gone before the board of appeals.
- Paul: I did back in 2010, I went before you guys.
- Member LaPlume: Didn't you know this then
- Paul: It is too late to argue about that now. I probably should have brought that up, but I didn't even think nothing of it. Mareices, Piccolo sold it to me, and the banks all appraised it and everybody walked through it and said this is what it is and nobody made a fuss about it.
- Member LaPlume: You could put a little bit more money into it and it will be worth \$600
- Paul: Oh, I will and it is worth more than that now.
- Member LaPlume: Thank it will be \$800k
- Chairman: Ok, so Tom what does he have to do to make it comply.



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- Tom: He has to apply for developmental review and all the department heads will review it and all of that. You will have to sprinkle that unit on the second floor, the work area, which would be the unit and the common areas.
- Paul: Can we just back it up a little. That is a lot of money, I know it is an investment, but it is a lot of money. Now he mentioned some kind of other apartment, what was that, almost what I did for my parents, take the kitchen out.
- tom: Take the whole kitchen out and make that first and second floor all one unit.
- Paul: I didn't hear that, I though you said some kind of
- Audience member speaking over people while not at podium/microphone (Suzanne)
- Chairman: You can't speak unless you want to come to microphone. Let's finish with this part first. I will give you a chance to speak, I just want to get through this part first. What if you went with Tom's suggestion, just pull the kitchen out and just make it all one family.?
- Tom: One unit with an accessory apartment or go through this.
- Chairman: If you go through this as Tom has suggested, you would have to sprinkle
- Paul: Just the one floor.
- Tom: It would be the work area, which would be the new unit and the common area where that waterline comes in through the stairway, it would be any part where there is water running, where the sprinkler heads will be. It wouldn't be the whole rest of the building, just the work area.
- Paul: Don't you think that is funny?
- Tom: well, if you want to sprinkle the whole building, I'm sure the fire department wouldn't mind.
- Paul: Well, I mean
- Tom: That is what the code says
- Member Brown: You mentioned you have all family living there
- Paul: Yes
- Member Brown: Is that an issue that you can't take out that top kitchen? Is that kitchen used.
- Audience member speaking over people while not at podium/microphone (Suzanne)
- Paul: Yes my daughter lived there.
- Audience member speaking over people while not at podium/microphone (Suzanne)
- Chairman: Excuse me you can't be talking
- Audience member speaking over people while not at podium/microphone (Suzanne) Just let me talk for a few minutes.
- Paul: Then get up here and talk. You can't talk over there Hun
- Audience member speaking over people while not at podium/microphone (Suzanne)
- Suzanne: I just want you all to know that it was there.
- Paul: They know that
- Suzanne: Ya but there is family there. There was a plug there to put in a stove, that was already there so when my daughter came and she was pregnant, I thought well this is great, she can have her own space, and we have been living like that for 16 years and now we have to break everything down and that's lots of money.
- Tom: We have these all over the city and they are going through the same exact thing.
- Paul: I don't think so.
- Chairman: It is what is required, so once you brought it to our attention, its required. It is not like we can say yours is ok. We appreciate the back story.
- Audience member speaking over people while not at podium/microphone (Suzanne)
- Chairman: I might suggest something to you since this is new information. You might want to continue this and you might want to go talk to a contractor and go talk to a lawyer.



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- Paul: I am a contractor, so I know.
- Chairman: So, you might want to talk to a lawyer about it too. I am only suggesting, so you have more information.
- Paul: Well, I already have \$2,000 invested in this now, because I had to hire an engineer and the fees and all of that.
- Chairman: But you hear where the conversation is going, that if you want to turn that into an apartment you are going to have to do a lot of things to it and invest some more money.
- Member LaPlume: Does he have to block off the downstairs from the upstairs
- Suzanne from the audience: We want to keep it the way it is.
- Tom: He has to create fire separation between the two units.
- Chairman: You heard that, you have to create separation between the units.
- Paul: Oh yah, that's why I
- Member Brown: That's why I suggested if its family, that you kind of think it over and think about what you want to use it for first.
- Chairman: It won't hurt just to continue it to the next meeting next month, without any predigest.
- Paul: Well, I am going to be in Florida for the winter. That is why I paid money to get this to the December 15<sup>th</sup>, I paid my engineer.
- Chairman: Well, it is up to you
- Paul: Can I postpone it till April?
- Chairman: Sure, there is no requirement.
- Board clerk Jill Dewey: He can withdraw and re-apply too. He has talked with Tom, he came in many times and they knew before tonight that they had to do all of this, this is not new news to them. I thought they came tonight to make it legal. They knew about the fire wall and sprinklers.
- Suzanne: But we don't want to do it.
- Chairman: It doesn't sound like they want to do that.
- Paul: It isn't even the money; it's taking the look out of the house.
- Tom Bridgewater: It doesn't matter, like I said we get these all over the city
- Paul: It is a look that will take out of our house, closing up the nice stairwell
- Chairman: But If you are going to make a unit, it has to have that. So if you want to continue it.
- Suzanne: We are going to continue it.
- Board Clerk Jill Dewey: So you have to pick a month and then submit a letter to me tomorrow requesting a continuance until April or if it's May.
- Suzanne: It will probably be May, so I write you a letter Jill
- Jill Dewey: Yes you have my email but if you need it again its on this agenda up top. Just send an email with your name and address saying you would like to continue the Board of Appeals special permit request until the month you pick.
- Paul: We don't have to pay the \$200 fee again do we.
- Jill Dewey: NO, your application is still going to be in there
- Chairman: So, you are in an agreement to continue to April
- Paul: Probably May
- Jill Dewey: Tom just out of curiosity, you only gave them a couple of days to get this done otherwise they would start getting fined.
- Tom Bridgewater: Thank is exactly what I'm thinking about.
- Jill Dewey: that is why we all were rushing to get you into this meeting.
- Paul: It has even gone passed that day.





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- Tom Bridgewater: That was because you were coming here. We don't know if that is safe or not. So, you are going to be getting a phone call tomorrow or Friday, so we can get in there and take a look at it. That kitchen should be removed.
- Audience member speaking over people while not at podium/microphone (Suzanne) We are going to get fined.
- Chairman: Are you fine with continuing it?
- Paul: Well, I don't want to get fined.
- Audience member speaking over people while not at podium/microphone (Suzanne) We don't want to get fined.
- Chairman: You can't keep talking from the audience... Please stop!...Ok
- Paul: I mean I pay my taxes.
- Tom Bridgewater: It doesn't matter
- Paul: Well to me it does
- Tom: Now that we know about it and something happens there and people are in that unit
- Paul: Well, there will only be 2 families there, because one family will be in Florida.
- Tom: It doesn't matter, have them move downstairs, vacate the unit. Take the sink out make it all one family, take the sink and the stove out. Then it will be one family.
- Paul: I don't want to get into an arguing match, because I live here in Haverhill, but unless I am wrong, and you guys can show me what classifies, and apartment is a stove and a refrigerator and not the sink.
- Tom: Well, you can have a bar sink. You are right. Remove the stove, no cooking, sleeping. Is it a gas stove or
- Paul: Electric
- Tom: Get a permit and remove the stove and the wire all the way to the panel. Get a permit and then you are good and you can come back here and think about what you are going to do.
- Paul: Take the stove out.
- Tom: Take the stove out, I will let you have the sink there. Take the stove out and the wire out all the way to the panel. Take it out with a permit.
- Paul: Alright
- Chairman: Are you going to come back to us later?
- Paul: I don't know, I am going to be in Florida. I can have it taken out tomorrow
- Tom: We can get in there a verify it with an electrical inspector or we will let assessors know that there has been an apartment in there, you will get a tax bill
- Paul: We get a tax bill
- Tom: Not on that unit you haven't
- Paul: I have been paying about \$8,000 for 16 years and not one child has gone to Haverhill High. I pay a lot of money for having my snow removed.
- Tom: it is what it is
- Chairman: Does he have to come back here?
- Tom: not if he removes the stove. If he removes the stove and pulls a permit and it is all one unit, not with a separate unit than I am fine with it.
- Chairman: Ok. So, you are just withdrawing it then? You are going to get the permit and remove the stove and it will get inspected, and we are just withdrawing your application.
- Board clerk Jill: Someday if you decided you wanted to put the stove back in and make it a legal unit, then you just reapply to come back to this board.
- Paul: Ok, alright. The engineering plans are good for how long.
- Board Clerk: One year.



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-Chairman: Entertain a motion

-Member Vathally: I make a motion to withdraw the special permit for 672 Main Street, 2<sup>nd</sup> by Member LaPlume.

Member Vathally: Yes

Member Brown: Yes

Member LaPlume: Yes

Member Bevilacqua: Yes

Chairman: Yes

\*Withdrawal Granted 5-0

## **Paula Astl for 725 North Broadway (Map 571, Block 3, Lot 1)**

Applicant seeks a variance for side setback of 5.9 ft where a minimum of 12.5 ft is required to construct proposed open deck in a RR zone. (BOA 21-48)

**GRANTED 5-0**

Chairman: We received a letter from Barbara & James Grant who are your abutters saying that they are in support.

Paula Astl (725 North Broadway): My partner and I Michelle, just moved into 725 August 9<sup>th</sup>, bought the property and if you looked at the plot plan, you'll see that we have a very large back yard and one of the things we have is 2 sliding glass doors that are off an addition that was done 10-12 years ago and that was added. But I am using that part of the house as a gym right now and I would love to put a deck there off the sliding glass doors and be able to actually walk out on to that deck and overlook the large yard and also do some exercises out there too when the weather is nice. That was the plan before we moved in, we thought about it when we were looking at the house thinking of purchasing it, we planned to put this deck on it. I just want to introduce you to Greg Baily, Greg is with Capital Construction, they are the company who will be doing the work. You can see in the packet, the plan.

Greg Baily (Capital Construction): So the deck comes straight back where the side lot line is, running straight back to the home itself, an 8 foot deck, just a small area back there 8x8 coming off the sliding glass doors. We need footings and a simple.

Chairman: Right beside the fence?

Greg: There is no fence there

Paula: The fence was just added a month or 2 ago, so that is why he hasn't seen it. That is not the lot line, we had the fence go from the back of the house straight out for our dogs. The lot line is actually a couple of feet over from the fence.

Chairman: A couple of feet, so to the left if you are looking at it



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Paula: Yes, if you are looking at the picture along with the lot line, you will see there is 5.9 feet at one portion just because of the way the property line goes, there is about 6 feet in one area and up to 7 feet in another area, where we have property line left from where the deck will actually go. The deck will go right by that fence.

Chairman: Questions from the board?

Member Vathally: Can't you just slide the deck over?

Tom Bridgewater (Building Commissioner): If you look at the picture in the back you'll see why. When she came in I said the same thing, can't you just slide the deck over, but you can't because of the door. Look at the picture in the back of the packet.

Paula: That was a question that Tom asked when we were applying and putting in the application for the appeal. The deck can't be moved, if we moved the deck, we would have to move those sliding doors. If we move those sliding doors, it's a huge undertaking number one, but number 2 you would have to move those quite a bit but a little, the depth will not align with the doors.

Board Clerk Jill: We received a letter from the direct abutter in support.

Chairman: Other comments from the board?

Member Vathally It probably should go as a hardship.

-Chairman: Entertain a motion

-Member Vathally: I make a motion to approve the variance for 725 North Broadway, 2<sup>nd</sup> by Member LaPlume.

Member Vathally: Yes sighting 255-10.2.2(2)

Member Brown: Yes

Member LaPlume: Yes it satisfies the criteria for 255-10.2.2(2)

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

Chairman: Yes agreeing with the stipulations of 255-10.2.2(2). As the building being situated the way it is  
Granted 5-0

## **Catherine Rogers for 93 Neck Road (Map 755, Block 1, Lot 8)**

Applicant seeks a special permit for construction an accessory apartment in a BP zone. (BOA 21-49)

**GRANTED 5-0**

Catherine Rogers (161 Neck Road): I am building a house at 93 Neck Road, so its new construction and I am looking to put an accessory apartment in the back of it, either for my mother or one of my kids.

Chairman: Can you tell us more about the accessory apartment, some details on it.





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Catherine Rogers: One bedroom, less than 1200 sf, it will have a kitchen a bathroom and a bedroom.

Chairman: It meets all the requirements?

Catherine Rogers: It is all within the footprint of the house, its not an add on.

Chairman: It meets all the requirements?

Catherine Rogers: Yes

Tom Bridgewater: Yes.

Chairman: How many square feet

Catherine: probably 1,000

Tom: We did the math; it meets all the requirements.

Chairman: Questions from the board? Enter a motion

-Member Vathally: I make a motion to approve the Special Permit for 93 Neck Road 2<sup>nd</sup> by Member LaPlume.

Member Vathally: Yes it meets the criteria 255-8.1

Member Brown: Yes

Member LaPlume: Yes it satisfies the criteria for 255-8.1

Member Bevilacqua: Yes it satisfies the criteria for 255-8.1

Chairman: Yes agreeing with the stipulations of 255-8.1

Granted 5-0

## **Francis Bevilacqua 0 Edgehill Road (Map 664, Block 3, Lot 132 & 133A)**

Applicant seeks the following variances to build a single-family dwelling in a RM zone. Variances sought for lot area (18,029 sf where 20,000 sf is required), frontage (73.02 ft where 150 ft is required), lot width (101.31 ft where 112.5 ft is required), front yard setback (15.5 ft where 25 ft is required). (BOA 21-45)

**GRANTED 5-0**

Francis Bevilacqua: As the applicant for this variance, I request lot frontage, width, area and front yard for a single-family dwelling. The width required is 112.5 mine is 101.31, front proposed is 15.5 where 25 is required. I have been here a few times, the long history to this and the main reason why I came back is because I worked in conjunction with one of the abutters to come up with storm drain, I have to come up with money and the work to get to the street below me and then the city if going to pick up the rest. There is also a letter from John Pettis the city engineer, he talks about the storm water



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system will work to benefit this area which lacks a storm water drainage, it's a ton of work that we are talking about, it could be upwards of 300,000, I have a small portion of that large project, to correct the drainage problems in that neighborhood.

Member LaPlume: I remember I was against you when you came here before, we talked for a long time, and I noticed that you have done this project. If I was to vote on this in a positive manner, I would like a stipulation (Ron was braking up during the recording, I missed a few words)

Francis Bevilacqua: That makes total sense to me, I wouldn't build it without this.

Chairman: Comments or questions from the board? Ok anyone want to speak in opposition.

Debbie Gatchel (40 Edgehill Road): I appreciate that there is something here being done but, the information that you received from Mr. Pettis I think should be preview to all of us. The applicant says he is a resident, but he lives in Charlestown, but his business is here, I'm a little confused on that.

Fran: I don't live in Charlestown; I live in Haverhill.

Debbie Gatchel: Ok, I just looked at the cities records and it says Charlestown.

Chairman: Can I interrupt you for a second, please don't go back and forth because we are recording this and it is hard to do when we here separate voices speaking, we don't know who is speaking.

Debbie Gatchel: Alright, when we first left the last meeting, we talked about the water and he was going to talk to the engineering board, which I am assuming he did, but I don't see any information on it in writing, as far as far as it goes. We have discussed this immense drainage water problem. Some residents below him have spent thousands and thousands of dollars, to try to address and try to correct the current water issues. Looking down there is a drop cliff, where he is going to put a house, you see sitting water there, this tells you that the land doesn't drain, it does make wetlands, the neighbors say it never dries up. My other concern is how many trucks and how many tons of fill, would it take to build a driveway and put in a home on this cliff? Would this potential house be built on pilings, is there an engineer drawing available to view the potential plan and scope of this build? What type of retaining method would be engineered to hold the filled land up on this drop of cliff for the house to sit? The abutters on the other side would be affected from the runoff from the water of this home., as well as the roof and the buildup of the soil. The street Edgehill is not wide enough and can not support or handle trucks and tons of fill to be hauled and delivered with heavy construction equipment. What is the access method planned, to get into this drop Cliff area to do a potential build? How would the heavy equipment, the trucks, the excavators, the fill, the lumber, the labor, how does he potentially plan to get in and out, when the land drops, I mean you have to look down, it drops right down. Where would you plan to keep the construction materials and vehicles, they can not be kept on Edgehill Road, it is not wide enough to support along with the fact the road is too narrow. What about the drainage, he says he is attempting something with that? The Covent that is there now and I did bring you a picture of it and it is enormous. The other problem up on Edgehill is the water pressure, it is extremely low on this street, can it support another home tying into it? Currently the residents on this street have installed pumps in their homes to increase the very low water pressure that comes in up there. If a home were to be built here, the driveway entrance would be on this dangerous bend in the road, a vehicle climbing up the hill and coming out of that driveway with the step drop of cliff which it



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is, would be right at the most dangerous bend and also steep incline. Also, the incoming cars would be traveling, additionally in the winter months you can not stop your car and continue to make the cut when the road starts you have to keep climbing, he is putting this right on a bend. If you are trying to make that hill, you come up, if a car is trying to come up and out at the same time there is just no way, you can't stop. Another example for that and it being dangerous in the wintertime, I think you are aware of this the city stores the snow piles there and the water run off with this drainage is terrible. Where is the elevation of this potential home that he is supposed to be talking about from the street level? Is it a first floor, are you talking 20 feet down to the roof? Where is the snow from the city when it plows at this bend of the road to go once he puts a house there, right now the city piles all that snow in that corner so where would it end up now? The road and the bend are not two car widths wide, the road can not again support trucks vehicles after the bend, otherwise anywhere on this road as this would be a safety hazard for the residents, especially from the bend and above. This is a dead-end street, from that point up a lot of them have medical conditions, there are elderly persons and minor children, god forbid a fire truck should have to come up that road, how would they ever turn around on this dead end street? Emergency vehicles, firetrucks and ambulances and police must have access at all times up and down this road. I want to point out that there is only one way up Edgehill Road and one way out and no alternat. The US mail does not even go door to door up there, they come in at the beginning of the street and there is clusters of mail boxes where they leave it because they can not get up and around in the winter time because there is no where for the cars to come around them. The city plows and sands the road down backwards when the city plows in the winter, because they have to put the sand down at the same time they bring the trucks up. It is most everyday when you drive up Edgehill Road and an oncoming car is coming and one of you will have to pull over as far as you can to let the other car go by, because you can not put two cars coming up and down the road, the road is not wide enough to have 2 vehicles pass one another at the same time. The road is currently all broken up in disrepair around the drainage area and the vehicle has to go 5-10 miles an hour to avoid frontend damage. You are all sitting in these chairs today and you have to make a decision whether to bend the rules and let this applicant build on top of wetlands which the table does have rules and regulations, so I ask you all to go to the site, visit it, walk it and actually get an understanding of the situation on this road, see for yourself why this land should remain undeveloped. How many times does the abutters, and the neighboring residents have to come before you to plead their case against this land being built on? Mr. Bevilacqua has a right to build a living, but not at the expense of the residents on the hill. You would be transferring the ever-battling water problem to someone else. I do appreciate that he is looking into the water, I just haven't seen anything to prove it, that the water situation would be resolved. In closing I just think that no home should be built there. The water is the number one issue of course, and secondly is the street, it must be, he must maintain that the street be clear, and it cannot handle these heavy trucks and equipment. You will just totally ruin the rest of the street and what is left there, the street is in very bad repair.

Chairman: Thank you, we can give you a copy of the letter from the city engineer. It might not satisfy our thoughts, but there is a letter in the packet from the city engineer indicating the issue with the professional shared costs

Debbie Gatchel: That seems like a tremendous amount of money for someone to put up one house.

Board Clerk Jill Dewey: Everything is the application is public records

Chairman: And just as a side I know at least 3 of us have visited that site before and have walked the site. Myself, Member Vathally, Member LaPlume and maybe some of the others, so we are familiar with that site.



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Debbie Gatchel: Are we going to have it guaranteed that this would be done, to fix the water issue.

Member LaPlume?: That is what I said earlier, if we let this move along, funding this, but as it stands right now there is an if there.

Debbie Gatchel: How about the water pressure, how, what is going to happen to the water pressure.

Member LaPlume: This all has to go in front of the other departments and the fire department will be involved in it, he has to go before the city. There is a little bit of wetlands, there was a lot more, that is the part that he is going to eliminate. The city is going to pick it up all the way from I forget what that road it called, the state is going to pick it up from 108

Debbie Gatchel: How about repairing the road damages, from the whole process of this. I can't imagine digging up that road work.

Member LaPlume: Well this is how the other houses up there got built, they had to have the same trucks and materials

Debbie Gatchel: I know but where it is and where it drops there is not place for equipment to go, there is just nowhere to park.

Member LaPlume: I believe they're going to be putting walls in there and setting curbing. All of that has to be reviewed at developmental review, I don't know all of the particulars.

Chairman: Are there any other members of the audience that would like to speak? Can you tell us your name and address and if possible, I know you want to reiterate some of what the other person said, but any new information would be even more helpful.

David Adams (31 Edgehill): I am the direct abutting property toward the city side of the property. Hearing Member LaPlume talk about the pending construction of the drainage construction kind of took the wind out of my sail, so I am glad to hear that that is going to be done. I would not have too heavy of an objection to the property being built given the construction of that drain system are complete by the time.

Chairman: Thank you very much. Anyone else wish to speak?

David Gerard (37 Edgehill Road): I am the other abutter on the other side. My concern is what about the people on Edgehill. As I brought up in the August meeting of 2020, coming from Tappan onto Edgehill the city has already invested in trying to remove overflow stormwater coming down, by the looks of it, it is tapped into the city water & sewer which is illegal. If you are going to invest in all this work and money, what is happening to the water after it hits the drain, what about the water prior to hitting the drain? The people up on the hill are all dealing with every time there is a storm. Again, it was done, the contractor went bankrupt, and the storm water was never remediated for that entire hill, so everybody has paid the price, mover often than not it is the people at the bottom of the hill. This has been going on since Bevilacqua bought the property in 2007. Again, with everything else going on back then and you come here first because you need to get a buildable lot prior to building. My only concern is the majority of it is the water, because it causes so much damage



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for everybody in this neighborhood, especially below us. The poor guy that spent 40 no 50 thousand dollars on bails and water meditation and his foundation to this day is still cracked and getting water in his cellar, because of the amount of water coming off this thing, it's a mess. It is great about the 108 situations, I involved myself in listening to what they had to say. My understanding is, when I brought up the question is what you are going to do about all the water coming down off of 108 because it is going directly into Kenoza Lake, which is our drinking source, and there wasn't too much of an answer. They were more worried about the traffic, its direction and remediating the ability to lessen the ability to getting cars passed but wasn't addressing the water situation at all. Now that this comes up, this might all tie in. My last personal concern, I have had my property surveyed twice from route 108 all the way to Edgehill, 1920 is when the property started there, so there was nothing up there when my property was first built. The stakes were done by Graphic Engineering here in town, they were familiar with 108 and the changes with the state and everything. My property stake on Edgehill on this corner, is underneath this humongous tree that dropped, now how do I know that, because when the stakes were first put there I found out that the city has 15 to almost 20 feet from the edge of the road inward, that is were the corner of my lot is.

Chairman: I am going to have to interrupt you for a minute, I need to bring you back to what are your concerns with this application?

David Gerard (37 Edgehill Road): My concern is since I put a place marker there, I have now noticed that someone else has, being hired by Mr. Bevilacqua has surveyed the property and now there are stakes 15-20 feet onto my property. I asked him before in August about the situation, I have never seen or herd from hm since. Now I don't know how this works, is it first man first, since my survey was done first and then all of a sudden someone else comes along?

Chairman: What you are addressing is worrisome I'm sure, but it is outside of our purview

David Gerard (37 Edgehill Road): Well if it is dealing with a variance on frontage on Edgehill Road 150 feet and 73 feet is a measurable, it is less than half of what you are required. That is my concern, because where the stakes are on Edgehill Road, if we are talking about 73 feet when you need 150, which is an entire corner, he doesn't have it. So I am concerned about this variance on that end of Edgehill Road. Again, the access with the driveway. Mr. LaPlume you are an excavation specialist, you went up there and you saw it and your concern was the amount of incline to were the beginning of the property was to the top of Edgehill Road

Chairman: Right, we have got all of that. I just want to make sure we give everybody a chance to speak, so they can voice what their concerns are too. Thank you very much

David Gerard: No thank you

Chairman: Ok there was another gentleman back there. Again we are here to deal with the variances that are being requested, things that are like the road and the condition of the road we are sensitive to all of that but it doesn't necessary come under our ability to say ok the city better go back up there and repave the road or redevelop it or something like that, if there is issues about how that is going to be affected I understand that, but again we are here to vote on some variances that are being requested so, you could address again what he is proposing to put in there or what your concerns are about that, that would be very helpful.





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Walter Petreck (14 Newton Road): Our concerns is about the Edgehill property above us, about the already severe drainage problem. Currently any rainstorm results in standing water in our basement, the storms overwhelm our backyard resulting in excess water overflowing from our drywell, this project will worsen that. We have done all that we can do to protect our home. We have received no new information to review prior to coming to this meeting. We are against it's approval at this time. This new information we appreciate it.

Chairman: Thank you very much. Anyone else want to address this. Mr. Bevilacqua would you like to respond to some of the issues that have been raised?

Fran Bevilacqua: First I do want to say I appreciate the neighbors and I appreciate their concerns, they are the ones that have been living up there and dealing with the issues, its too bad that they have taken their hard earned money and purchased real estate and built a home and then had to deal with all of these challenges that were left on them from a prior builder, so I appreciate and I feel bad for what they have had to go through in the past. That is the only reason why I have come back is because I have been around long enough to understand what all of the concerns are up there and I wouldn't come back if I new this was a significant deal, the major concern that I have heard was about the drainage and I have not done any of the engineering, I met with the city and they did some preliminary engineering on their own and that is where this idea came from, because the city would be responsible for most of it, the stuff that I would be responsible for is that years ago the city had put in some catch basins on Edgehill in front of my lot and that was from direction from me because I didn't think it was fare that they were just dumping water on my property. So when they did that they built a berm and they put those catch basins in, but the water still overflowed, the problem was that the catch basins were just tying in to the sewer system, so what is going to happen now is there is going to be new catch basins, that I am going to provide and also a pipe that goes down to the street below me and then everything else is going to be picked up by the city. So all of the rainwater that comes off of the street is going to be collected in front of my lot and diverted now into stormwater system that it should have been years, and years ago. I just wanted to kind of explain to you and to the residents that I wouldn't be here unless there was a significant change, I wouldn't want to build a house up there either the way it was. Some of the other little things is that this is only the beginning to my journey, even tho I have owned his property for awhile now and like some of the members said is there is developmental review and there is other departments that will need to weigh in, I will need to satisfy them to move forward. Just in wrapping up, I truly believe that this is really a solution to a lot of the neighbors' problems that they are dealing with now and the water, so I hope that everyone can understand that in my opinion

Chairman: Member Vathally

Member Vathally: Just a question for Mr. Bevilacqua, the city addressing the stormwater runoff did they talk about capacity or did you talk about the capacity of the water that would be

Fran Bevilacqua: Not really, I am not an engineer so like I said the basic design came from the city, so I wasn't necessarily told the details, I am not sure the city has necessarily detailed it all out

Member Vathally: Did they indicate that it would take care of the general area





# Haverhill

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Fran Bevilacqua: Yes. So I think when I was here last time, the solution that I came up with wasn't early sufficient, so that is why I knew that I knew that I had to come up with a new other bigger solution. Like I said between my 30 thousand and what the city engineer is telling me could be in the upwards of 250 thousand, this is a significant investment to the stormwater drainage problems up in that area.

Member Vathally: But the intent is for the betterment of the entire neighborhood, because still without it there are still some issues up there.

Fran Bevilacqua: Yes it is really something that the residents really need up there. Especially like if you live on Edgehill the concerns are correct, when it is extreme weather conditions there is a lot that they have to deal with. I think that the people below me though I feel like they are getting some damage to their home and that I feel like is not acceptable. I am hoping that all this work that we do here can help remediate some of this.

Chairman: Any other questions from the board?

Member LaPlume: Last time I was there, there was two 3 inch pipes, I would imagine that that pipe was there to also catch some of the water (the rest got cut off, couldn't catch what he said)

Chairman: Just want to also mention that Maryanne Scatamacchia from 23 Edgehill Road has provided a letter and has been given to all of the board members and is part of the record, and it touches on basically the same things that have been brought up by the members of the audience, no sidewalks, lack of frontage, water pressure, diversion of water, increased traffic, size of the property. So anyways any other comments or questions?

David Adams (31 Edgehill): I would just like to take a look and see what they are talking about as far as the design of that system, the people are talking numbers and everything and it seems kind of concrete, but I have no idea what it is going to be. Has there been a hydraulic study?

Member LaPlume: I can't answer that

David Adams: So you don't really know what the flow is

Member LaPlume: An awful lot.

David Adams: ok, alright that's all.

Chairman: Thank you, any other comments or questions

Walter Petreck (14 Newton Road): Listening to all of this, it is obvious that there is a water issue here, regardless of whether I live on Newton Road or Edgehill, it's a water issue and that should probably be dealt with separate. I would like to see the drainage fixed and then we will revisit this.



# Haverhill

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Chairman: I couldn't agree with you more, I think clearly that there is a water issue there and I think the city should go up there and look at a comprehensive solution to fixing it, and I think this is a good first step, and again I have gone up there many times so I know what it looks like and I know what it is, I haven't been up there during a storm sight but I can imagen what it is and we have pictures of the water flow, Member LaPlume I believe brought in pictures of the water flow. So I think you are right comprehensive analysis and study should be done on the entire area up there and the city should take that on and the residents should do something. Go before the City Council, Go before the Mayor and get that done.

David Gerard (37 Edgehill Road): MY question to the board is, we have been here a number of times 5 maybe 6 times, is there a way to see information quote on quote that is new being brought before the board in regards to the request for this variance and what has changed since the last time, just wondering if there was a way to get information on that?

Board Clerk Jill Dewey: Anytime you receive one of these agendas with a property near you on it, you can just go online and see it, anything he gave us is public record, you could come in and physically look at it, you can look at it online, there is emails and phone numbers on here to contact the city. Whether he goes for Board of Appeals or building department or conservation, everything is public record, so you have access to it at any time. Come in or call, you can view everything in the file

David Gerard (37 Edgehill Road): Evidently there was something new, is that the piece of paper that I saw there.

Chairman: Yes the Jill handed to the neighbor in the audience. Amore questions or commets ? Entertain a motion

Member Vathally : I make a motion to approve the variances for 0 Edgehill Road with a stipulations that the construction and work not be started prior to approvals , 2<sup>nd</sup> by Member LaPlume

Member LaPlume: Can we change that a little bit. As long as it is funded, I don't have a problem with it.

Chairman: So as long as it is funded and started

David Adams: My questions is when you say started you mean having construction materials on the site? I am just looking for clarification, so once the paperwork is done you would consider that the commencement of construction.

Member LaPlume: No, no, what I am thinking of is there is a piece there that is not paved, and they are going to pick it up there I believe

Chairman: It was you concern that paperwork will get done but then nothing else will get done and then he will start his work.

David Adams: Yup.

Chairman: We would say no, some kind of work should be started. Approved by the Mayor and funded by the Mayor and work will actually begin, you will see stuff happening there before Mr. Bevilacqua can start doing any construction there

David Adams: Will we also be part of any reviews of designs. Are we going to get to take a look at these drainage studies or anything like that?



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Member LaPlume: No, I don't know, I can't answer that.

Jill Dewey/Clerk: It is not our department

Member LaPlume: Mr. Pettis will be designing it or will have someone design it and then will bring it to the department heads

Chairman: Tom, you could correct me on this, but I am assuming as a resident of this city that you could go to the engineering department and ask them about that and ask to look at designs.

Tom Bridgewater: Absolutely

Davis Adams: Alright fare enough.

Chairman: I appreciate your concerns and questions. Motion made and seconded

Member Vathally: Yes sighting 255-10.2.2(2)

Member Brown: Yes

Member LaPlume: Yes

Member Matias: Yes

Chairman George Moriarty: Yes reiterating 255-10.2.2(2) with the stipulation described by member Vathally and member LaPlume, so it is granted

Approved 5-0

**Minutes:** Motion made by Member Vathally; I accept the meeting minutes from November 17, 2021 2<sup>nd</sup> by Member LaPlume

Member Vathally: Yes

Member Brown: Yes

Member LaPlume: Yes

Member Matias: Yes

Chairman George Moriarty: Yes

Approved 5-0