



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, December 16, 2020 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Theodore Vathally
Member Ron LaPlume
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 December 16, 2020

Ignatos and Thespina Tsagaris for 71 Jaffarian Road (Map 635, Block 4, Lot 16) Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RL zone. Requested variances for new lot (Lot 16A) include lot area (14,876 sf where 40,000 sf is required), lot frontage (93 ft where 150 ft is required) and side setbacks (18 ft and 19 ft where 20 ft is required). Proposed Lot 16 shall include existing single-family dwelling. Requested variances for Lot 16 include lot area (23,775 sf where 40,000 is required), lot frontage (147 ft where 150 ft is required), and side setback for accessory structure – pool shed (3.6 ft where 5 ft is required). (BOA 20-54)

Continued

Attorney Paul Magliocchetti (70 Baileys Blvd Haverhill, MA): I am here tonight representing Ignatos & Thespina Tsagaris who have owned the home since 1980. I'm going to present my presentation; there is a story behind this. I know this is a big ask, as far as appeals go. So I have put a lot of thought into this, I have talked to my clients and I think it's important for the board to know who they are dealing with. So we are looking at a traditional Greek family, they are very close. Their daughter is actually on the line with her Mother today. Ignatos is 84 years old, his health isn't the best he has early on set dementia and he is ok, but things are going to progress. When they purchased this lot back in 1880, if you drove by or looked at the plans you would see that the lots in the general area there are 17 lots, this is the third largest lot on Jaffarian Road, and there are only 2 lots that are bigger. There is one 60,000 square foot lot and one 47,000 square foot lot and then there is this one. I think that is very important to understand and we have to put the ask in perspective of what we are trying to do. There are actually 4 lots that are the same size or a little bit smaller, than lot 16, after the subdivision. So lot 16A is going to be a little bit smaller, than the other lots, but 16 is very consistent than what is there right now. So with that being said, I prepared a brief it was uploaded, I believe you had the opportunity to review it and I believe that they meet the requirements for a variance, in this particular case, when you look at the neighborhood and you look at the circumstances around there property. So getting into how they meet the requirements, we need this variance so that we can break off the lots so that the daughter Thea can build a house there for her elf, so that she can help take care of her aging parents. And this kind of fulfills the goal that they had when they purchased the property, like I said before when they bought this, it was one of the larger lots in the neighborhood. When you count the area that they have and the road, because they purchased it, they actually hold an interest in the road, so they actually met the requirements and were close to meeting the requirements to a double lot at the time that they bought it. And I think that is very important to understand



Haverhill

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

here. It was only through the zoning changes through the years that it became as non-conforming as it is right now, as far as lot size goes. So the applicant is a port for their application meets requirements for 255-75 and 79. The conditions of the lot are unique to the property. If you look at the way they built their house, they built it over to the side and they left that lot on the side, which is enabling us to do this subdivision today and I think that is further evidence that, that was their intent from the beginning. They were looking down the road by keeping that big side yard, they were contemplating from the very beginning that one of their children as they got older would live there, which is one of the things ethnic Greek families do. Number two this application would deprive the reasonable use of the property. Again when you look at the neighborhood and you look at the ways the lots are cut up, even though the numbers look like we are asking a lot, when you do this subdivision and you create this lot, if we get approved and the house gets built, when you are driving down the street, you won't know that they were granted anything special, it will fit, you can see that in the plan. Any conditions are not the result of the actions of the applicant in the subsequent of the adoptions of the doctor. They haven't done anything to create the problem that they have, quite the opposite. The city through the zoning change created the hardship that they have today and the reason we are here asking for this variance. It is not what they did, it is what the city did, that is having us here tonight before you. If this is approved, it will not cause substantial detriment to the public good and to the intent of 255-75. And this is one of the rare cases where this one really fits because when you look at the intent of zoning when we create these zones we say it's RL RM RH, it's impossible as you make the changes to create perfect lines and to create perfect scenarios where all of the neighborhood fit in those zones and I think this is one of those cases. Because even though they have this rather large RL district if you look at the zoning map that catches this road, it is clear that this road doesn't really fit in the RL scheme and if you look at the accessors list that I talked about, with all the lots, you can see that. Because the lots on this particular side of the RL zone really could be RM, this could be an RM zone. And I think you need to put that in perspective, it is just one of those pockets that really accommodates the kind of subdivision that we are looking for here tonight. The grant of a variance does not constitute special privilege in consistent with limitations of properties in the district. And again if you look at the site plan, the way the house is going to be situated and the kind of house they are going to construct, even though we are asking for the help with the dimensions or the relief with the dimensions, they left it symmetrical in other words when you drive by and look from the street, it is not going to look out of place, so again I think it is going to fit with the neighborhood and that is very important when you consider what we are asking for tonight. The hardship in this matter, well that is what I have been talking about all along. I think that there are other lots when looking at this lot is almost 40,000 square feet there are 4 or 5 other lots that are between 22 and 23,000 square feet, some of the other lots are in the 20's and there are only two lots that are larger, all that being considered there is a hardship. Not only that, but there is a hardship because when you look, these are not sophisticated real-estate people that would have known that they needed to subdivide these lots, they just, these are just people who bought a big piece of land that they thought someday I will let my kids build there. You know I understand that the integrities of zoning, or that they even understood that there was a zoning change along the way. The zoning change happened in 1991. When they purchased I believe it was under the zoning back from 1972, I did upload by the way, I inherited by my mentor Jim Waldron the 1972 zoning book of the City of Haverhill but I also have the 1956 zoning book, so if anyone here or in the city needs to know the history Tom need to look back, they can always call me, I can always scan a copy in. So I looked at those books because I really wanted to understand the history of this road and I wanted to understand why the lots on the street were undersized, but they just didn't fit into the RL and that really explained it to me. So that being said, that is my presentation this evening. I would like to have the opportunity to respond to any questions. But I do have my clients here and would like to allow them the opportunity to talk a little bit and tell you their story. O thank you very much for your time and I would like to introduce Mrs. Tsagaris right now.



Haverhill

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

Thespina Tsagaris: Hi, I am speaking here on behalf of myself and my Husband Ignatos who has been diagnosed with dementia and his English isn't great and because of his memory problem, I am speaking to you on his behalf. We purchased this house back in 1980, with the thought of leaving that lot thinking that at some point in the future my daughter or son would build a house, so that they can help us in our senior years. So we are hoping that this can go through.

Daughter: and I hope it does too, so that I can help them. Right now, I need to be there for them.

Chairman: Thank you very much; I appreciate you being here tonight with us on the call tonight. Before I open it up, Attorney Magliocchetti, could you answer a question for me, it' under the zoning 255-59, if I'm reading it, one of the things it mentions if it is a nonconforming lot it cannot be increased or reduced to make it further nonconforming and it appears that is what is being recommended here, it does fall into that category here. If you could help us understand that, that would be very helpful I think.

Attorney Magliocchetti: That is where I was talking about the road, in other words I have a copy of the deed here. And if you look t the deed here, there l 38,000 square feet but when they deeded he property it was deeded to the midpoint, I don't think or know if this is an accepted road, I don't have clarification on that but according to the deed they go to the midpoint and that adds about 4 or 5,000 square feet, which I believe makes it a conforming lot as far as area. That's the best expiation that I can give you on that.

Chairman: Thank you

Attorney Magliocchetti: And just for the record I have in the pat come before you and it has always been understood that if you do own to the midpoint to the road, that that area is included in the zoning purposes. Unless that has changed, but that has always been past practices of the zoning board.

Chairman: Ok, thank you. Another board members have any questions?

Member Lynda Brown: Paul can you go over one more time about that point you made about Midpoint, I didn't her how many square feet that added on.

Attorney Magliocchetti: Ok, so they own to the midpoint of the road, so the right of way is a 50 foot right of way Jaffarian Rd, so going to the midpoint you are 25 feet out. I think they have a total of 248 feet of frontage, so I'm not sure what that map is, 25 times 248, I believe you get up around 4,000 square feet, I'm not sure.

Member Lynda Brown: Great, thank you

Chairman: Any other board members have a question?

Member Vathally: What is the back yard setback and how close is the closest neighbor in the back?

Attorney Magliocchetti: The back yard setback is almost 70 feet; it's 69.9 feet, which is pretty far back.

Member Vathally: Ya it looks it here on the plan, I just wanted to verify it.

Attorney Magliocchetti: I don't know where the person's house is in the back. But to have 70 feet in the back, that is pretty significant, a lot of the properties that we do have like 35-40 feet, so that's almost double.

Member Vathally: Ok so that's no issue, I was just curious about any shrubbery if it needed it in the bankment, but it sounds like there is plenty of room there.

Attorney Magliocchetti: Yea like I said, the way this is laid out, you are not going to know that they were given help to build this house.

Chairman: Any other board members?

Member Ron LaPlume: Can I ask the commissioner and also Attorney Magliocchetti, in that order. Maybe I'm a little confused but I know on paper roads because we have had quite few of them and they own to the middle point and they are not developing them in the future, so we would let them pass if they owned half way to the middle but this is already a



Haverhill

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

street, a right of way, do they still have that land to the middle of the road? So we are adding this on, or is this just before hand, this is what they had but they don't have anymore?

Attorney Magliocchetti: I would ask Tom if this was a City approved road, I'm not sure that it is. I was under the understanding that it is still a private road.

Commissioner Bridgewater: I don't have an answer to that to be honest with you. Like Ron said, I always assumed that on paper roads they owned to the middle of the streets. This is a paved road and I'm assuming it is a City approved road. It has been there for a long time.

Attorney Magliocchetti: On the deed it is not, so I don't know, but the deed does go back to 1980.

Chairman: Ok thank you commissioner. Any other comments or questions from the board? Is there anybody speaking in favor other than what we have heard or in opposition?

Deborah Signarati: I am a neighbor of theirs and have been for 32 years. I moved here in 1988 and Thea was 11 when I moved here and my family is a strong Italian family so I understand their ethnic background. And basically they have been great neighbors; Thea is a great daughter helping her parents. I approve, I am the house at 65 Jaffrian Road, o I am right next door to them, before them and I have no objection what's so ever. In fact, I am very much in favor of her building this house and helping her parents.

Chairman: Thank you and I appreciate you being on here this evening. That is very helpful. Any other comments or questions from the members of the board or anybody else part of the audience here?

Ray Champaign: I am an abutter; I am at 58 Ledge Road. So I abut directly behind that house. My concern is that the house that is already there is going to be a 23,000 square foot lot, the lot that you are going to put the second house on is 14,000 square feet and I think that is way too small to build a house that would be abutting up to the back of my house. It would be the smallest house lot, I believe except for the little one on the corner, on all of Jaffrian Road. I think 14,000 in a RL zone is way too small.

Chairman: Attorney Magliocchetti, would you like to respond to that?

Attorney Magliocchetti: Well you know it is what it is and that is what I said earlier. When we did the plan, the plan was to keep lot 16 as conforming as we can and that's why its 23,000. This one is smaller, he is not incorrect. But again, when you look, I think there is a difference when you have a perfectly rectangular lot and you have these oddly shaped lots. It is not like they are trying to jerry rig this subdivision. So if it was 14,000 and an odd shape, I think it would be more impactful and I think and I don't mean any disrespect Mr. Champaign but I think has a little more credibility at that point. I think when you have these perfectly rectangular lots, even though that on paper it is going to have a smaller number, it is just not going to give you that impression when you go by, so I don't know if it will have any negative impact on any of the other homes, as far as value. And again he is behind it and there is several well 70 feet between the back of this house and his property line. And he is going to have another, and again I don't know how much distance he has but I'm assuming he has at least 35-40 feet, so you are looking at it as at least 100 feet from house to house, that is a lot. So I don't know if it's going to negatively impact as visually or impact the use or enjoyment of his house and I think as far as if his concern is property value, I don't think it will have any impact there. Only because 14,000 is still a sizable lot, it is not like 10-12,000, 14,000 are almost 15,000, so that is all I can say to that. He has a valid point, but I think when you are looking at what we are purposing and you look at the shape and configuration, remember this 50x60 is a footprint, this isn't the actual foundation size, we just wanted to give you a window, just to let you know it is within this box that we are going to build a house, in fact the actual house is probably going to be smaller, so there could be more room on the setbacks and on the back.

Chairman: Thank you very much Attorney.

Ray Champaign: So approximately how large of a house will that support square footage wise?



Haverhill

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

Attorney Magliocchetti: Well it depends on when they go up, it could be anywhere from 2400 square feet to 3,000 square feet, it just depends on the configuration, if they go 2 and a half stories, 2 stories, we just don't know.

Ray Champaign: Looking at a plot plan from Google at least, that looks like one of the most rectangular house lots on Jaffarian and it looks like the existing house is almost dead center of the lot

Attorney Magliocchetti: Ya but if you look at the plan, it's not. Do you have a copy of the plan?

Ray Champaign: I don't. I'm using Zillow which is drawing the lot lines for me.

Attorney Magliocchetti: The 14,000 square foot lot actually has 93 square feet of frontage and that is not even to the corner of the house that is to the edge of the lot line. To the edge of the house it is, it looks like you have another 42 feet, so you are going to have 135 feet before you hit the house. It is actually offset

Ray Champaign: So give me the dimensions of the frontage on Jaffarian, what is the total frontage?

Attorney Magliocchetti: It is 149 on lot 16 and then 93 on 16A

Ray Champaign: So there is about a 40 foot difference. There used to be a pool there, right next to the house, I think has since been filled in. Being a former realtor I think that a 14,000 square foot lot is too small for a house in a RL zone.

Chairman: Thank you for the back and forth, I think we have the point and thank you for being part of the conversation.

Are there any other comments or questions before we move on to the vote?

Member LaPlume: I have a question. Would the Attorney, be entertained with the idea of, and I just heard the pool was filled in, would he entertain the idea of moving the line closer to the other house so that it would almost be equal or if they cut it right down the middle and since they are not using that pool, then the 93 would get larger it would be over 100 then 120?

Attorney Magliocchetti: we would definitely entertain that to make it more symmetrical, we don't have a problem with that.

Tom what are the side guidelines for that zone?

Commissioner Bridgewater: 20 feet

Attorney Magliocchetti: So we have 42 now, so we could stipulate right now a condition that we move the lot line 20 feet over, is that ok to do this, Thespina?

Thespina: Yes, that would be fine.

Attorney Magliocchetti: We can make a condition that we move the lot line 20 feet, which will make it 113 feet frontage and then we will take off 20 to take it 127 and we would make the necessary adjustments.

Chairman: I have no problem with that, the questions I do need to ask is a technical one, by changing the dimensions that we just talked about which might be amendable to everyone, we have actually changed the application before us, can we do that on the fly sort of speak and just keep it as a stipulation?

Attorney Magliocchetti: Actually I think I can answer that if you don't mind.

Chairman: Sure

Attorney Magliocchetti: Because we are not creating another nonconforming conformity because we are going to be keeping 22 feet off of the existing house, so that is still conforming and we are actually reducing the nonconformity of the new lot by doing this, by making it larger and giving it more frontage, I don't think it is an advertising problem. You are making the situation better. That is my explanation.

Chairman: Tom are you ok with that?

Commissioner Bridgewater: So we want to move the lot line 20 feet and the pool is no longer in play. We advertise it for a variance for a 147 feet and 93 feet, so now we're making that 147 foot original house more nonconforming

Attorney Magliocchetti: I guess we are on the frontage

Commissioner Bridgewater: That is not what it was advertised as

Attorney Magliocchetti: Ya so you would probably have to re-advertise



Haverhill

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

Chairman: It appears, so not a question of not supporting this it's just we don't want to violate our advertising requirements and all of that, so I don't know if the appropriate action would be to withdraw it and resubmit it.

Attorney Magliocchetti: I think rather than redraw and resubmit; I think we could continue it and re-advertise the amended plan. Do you agree with that Tom?

Commissioner Bridgewater: Yes

Chairman: Ok, so Attorney you are formally requesting a continuance?

Attorney Magliocchetti: Yes

Chairman: Ok thank you. I entertain a motion to approve the continuance

Member Vathally: I would like to make a motion to continue the application for 71 Jaffarian Road and we don't have to waive the time period, to the January 20, 2021 meeting; Seconded by Member LaPlume.

Member Brown: Yes

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes

Member Louise Bevilacqua: Yes

Chairman George Moriarty: Yes

Continuance granted 5-0

Young Chang for 5 East Meadow Drive (Map 462, Block 204, Lot 21A) Applicant seeks a dimensional variance for front yard setback of 15 ft where 20 ft is required to construct a detached two-car garage in a SC zone. (BOA 20-59)

Granted 5-0

NOTE: The microphone kept cutting out on Mr. Change and so it's very spotty, so the minutes only reflects what the recording can hear

Young Change: Nice to meet you all. I recently about 3 and a half months with this property, planning to put a extra garage and I didn't know the rule that or realize that conservation, it is a little over even acre, so it has to be sent back to conservation as there is wetlands back there. So I have sort of been moving around all that area back there and I have submitted the plan a few times and we discovered that that is not suitable. I still have been dealing with engineering department and also the building inspector and we have come to that the suitable area would be on the front. So I originally submitted a plan for a 3-car garage and it was too much so I downsized it to 2-car garage, so now it fits, but we adjusted it almost 10 times to try but unfortunately there is no way so now we are made it as small as possible but to fit 2-cars. Originally it was going to be 3-cars so since my lot is big, my tractor everything can fit with one extra room to fit other tools but unfortunately now I can only put 2 so I have to work around it, so that is why I am humbly asking you to give me some permission to allow me to do that. Another important thing is I spoke to both my neighbors right close to me and they were very favorable to help as a matter of fact one did the plot plan engineering, he is one of my other side Erik and he owns that engineering company, he is the one who helped me draw the plan, also the house closest to that corner is actually there is only 3 houses surrounding, so my other neighbor John and Erik they have both been very helpful. They guided me through all this process. But anyways they are all kind of encouraging me to move forward so I got a lot of help,



Haverhill

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

I really appreciate. So basically I don't have any neighbors except for those ones. I was going to get a lawyer, but it cost a lot of money, I asked other people and they said building a 2-car garage doesn't really need a lot to be involved. So basically that is it.

Chairman: Thank you very much; it seems like a pretty straight forward thing. I appreciate all of the work you have put into it. Are there any questions from the board?...And is there anybody speaking in favor or opposition? Ok I will entertain a motion.

Member Vathally: I would like to make a motion to approve the variance for 5 East Meadow Drive; Seconded by Member LaPlume.

Member Matis: Yes

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes, it satisfies 255-79

Member Louise Bevilacqua: Yes

Chairman George Moriarty: Yes

Granted 5-0

Robert Brown for 168 Hale Street (Map 602, Block 457, Lot 1 & 2) Applicant seeks a special permit for fuel storage and distribution use in conjunction with the replacement of existing tanks with new tanks for increased storage in an IG zone. Applicant also seeks a variance for rear yard setback requirement for an accessory structure (0 ft where 5 ft is required) to construct new expanded loading rack canopy. (BOA 20-60)

Special permit granted 5-0

Variance granted 5-0

Guy Bresnahan (I live in Newburyport): I am employed at Broco Oil, I am a business development manager. As far as I know, I will be speaking on behalf tonight, because our owner Bobby Brown is also a Chelsea firefighter and he is on duty today and tonight, so I don't believe he is going to be able to join us., so our apologies for that. The reason for our request to the Zoning Board this evening is that last summer Broco applied for a sizable federal matching grant from the USDA higher blends infrastructure and sensor program. I know that is a mouth full but it is a federal initiative designed to help firms like ours who are involved in the production of environmentally friendly biodiesel heating fuel and the goal of the initiative is to produce the sales and increase biodiesel. We are still awaiting word on the distribution position of that approximately 2 million dollar funding request. We hope to hear within a month, but because that funding request would make considerable improvements to our fuel service terminal at 168 Hale Street, we had to initiate the permitting process, so that when the award comes through, we are ready to implement the project. The second reason for our Special Permit request is that since this summer, we have also decided to pursue the storage and delivery of propane at our 168 Hale Street facility and that is a new endeavor for us and that request is wrapped up into this whole amended fuel licensing and special permit request. I would like to start out by saying that in your package, I hope you received an excel file with a side by side comparison of storage, existing storage and future storage, it is listed Haverhill storage license in the hearing summary in 27-20, it is the document that we used at the City Council hearing back in October. It summarizes as I think



Haverhill

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

very nicely, what exists at our terminal where we are going if these plans are approved. So if anybody has that form in front of you, you can follow along, it is the one with the yellow highlighting. On the left side of that chart you can see that we currently have 13 above ground storage tanks. 8 tanks that are 10,000 gallon each that hold heating oil for 80,000 gallons, and 2 vertical tanks 20,000 gallons each that hold ultra-low sulfur diesel fuel for 40,000 gallons. So that is on the diesel and heating oil side 120,000 gallons of fuel. In addition to that we have 3 tanks that are 30,000 gallon biodiesel tanks for a volume of 90,000 gallons in class 3B biodiesel fuel storage. So the 120 and the 90 brings us at our current storage capacity of 210,000 gallons of liquid storage at the terminal today. When the grant is funded, things change. We will be decommissioning 8 10,000 gallon heating oil tanks that have in our opinion outlived their useful service life, they are very, very old and we would like to retire those and dismantle them and dispose of them properly. And replace them in the existing containment footprint, which is important that they reside in their proper containment dike, in that same dike once we construct it and reinforce it, we propose to replace 4 vertical tanks 49,500 gallons each, so those 80,000 gallon tanks go away and we replace them with 198,000 gallons in those 4 vertical tanks. In addition the 2 existing vertical tanks with the ultra-low sulfur diesel remain, those are 40,000, so the new tank is 198 versus the existing 40 brings us to 238,000 gallons in diesel and home heating oil volume. In addition we propose to add 2 additional 30,000 gallon biodiesel tanks; these are double walled heated biodiesel tanks that will complement the 3 existing 30,000 gallon tanks for a total biodiesel tank farm total of 150,000 gallons. So the 238,000 that we strive to achieve on the diesel and heating oil side, in that tank farm plus the 150,000 in the biodiesel tank farm would bring us to 388,000 gallons from the existing 210,000 gallons. Now I should note that when we install the 2 new biodiesel tanks, the 2 30,000 gallon tanks adjacent to the existing 3 tanks, that those will be in their own containment adjacent to the existing containment and it will be in a containment dike that is to essentially design one that we already have. So that all involves the USDA grant that we are waiting to hear on. Those would be the storage increase that we need, in order to implement and upgrade our terminal for that grant development. But as I said additionally at the same time, we made a business decision that kind of further diversifies our heating oil products and diversify our portfolio and we have contracted with Hills Propane Corporation in Pennsylvania, to build us a 30,000 gallon horizontal skid mount propane storage tank. It is kind of a turnkey system if you will. It is all built down in Pennsylvania and shipped up to Haverhill. We were responsible as Tom Bridgewater knows to build the foundation system for the system to sit on, to do the electrical work once the system is fully installed and to build the perimeter security fencing around the system, before it goes into service. So while it is a single 30,000 gallon propane tank, we were advised to think to the future. And we are requesting a second future tank, also be permitted, same kind of set up another 30,000 gallon tank for a total of 60,000 gallons. We also purchased what is called as a bobtail delivery truck that is in service now. And that hold 3,000 gallons of propane and that is being put into use currently ahead of the implementation of the large storage tank. We want to not only approve that one bobtail but up to 4 additional bobtails over time, as the business takes hold and increase. And then we have also thrown in \$8,000 dollars of misc. customer tank storage. At any one given time we anticipate that there will be a number of customer tanks, going in and out of the facility that will total approximately 80,000 gallons and we were advised by the fire chief, that we had to account for those in our request on the special permit. So the 388,000 gallons on the heating oil side, plus the 80,000 gallons on the propane side, our request for total terminal combustible liquids and flammable gas storage is 468,000 gallons from the current level of 210,000. So that kind of puts it into perspective and provides some context. I am open to take questions about what we are doing, where we are going, how soon these things are taking place, so I will now leave it to the board.

Chairman: I will remind the board that we are actually going to take two votes tonight. One is the special permit vote and then also you are seeking a variance for a yard setback requirements, right?



Haverhill

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

Guy Bresnahan: Yes I forgot to mention that. We put in this large federal grant; we were significantly increasing our storage volume and the safety and environmental safety of our storage practices and with that we will be producing more environmentally biodiesel. To deal with that we had proposed to also under this grant that I am refereeing to build a third truck loading position adjacent to the existing loading rack that you can see in our plans. And it is the canopy over that third loading position that triggered the need for a rear lot setback variance. At first we thought it was a 25 foot setback, but Tom Bridgewater explained that that canopy actually is considered a accessory structure and that the actual setback we should be seeking is only 5 feet. So there is a 5 foot accessory structure that will be right up against our lot line, at zero feet.

Chairman: What is beyond that lot line, I that the railroad tracks?

Guy Bresnahan: Yes, beyond that lot line is land we lease from Panam railways. We have our freight rail tracks in there and our rail car storage unloading equipment and it is actually property that the MBTA owns. But as you may know, the MBTA owns a quarter, but Panam Railways maintains a shared trade, so we have a lease with Panam, to lease all of that land out in front of our terminal. Plus additional land to the south, for us to move cars in and out, to unload the biodiesel products into our storage tanks directly from our rail cars.

Chairman: Thank you. I do want to make a note that as I say we have 2 votes, Member Brown I am going to k you when we get round to voting, I am going to ask you to vote on the special permit and Member Matias I'm going to ask you to vote on the variance. Any questions from the board?

Member Brown: I do have one question. Guy I couldn't hear too well, it was kind of muffled, you said you would be decommissioning what the 4 vertical tanks?

Guy Bresnahan: No, we have (8) 10,000 gallon heating oil tanks, in this existing containment area and they are old and they have outlived their service life and we would like to retire those and get rid of them. So we are going to have them professionally removed, cleaned and removed and disposed of. Then we are going to rebuild the containment that they sit in and in that same footprint we are going to install (4) 49,500 vertical tanks. The existing 4 tanks are horizontal.

Member Brown: Ok great.

Guy Bresnahan: This is all going to result in tremendous improvements and longevity at the terminal, with great sales and volume throughout the region.

Member Brown: Ok, thank you for clarifying that for me.

Chairman: Any other comments from the Board members? ...Is there anyone else that would like to speak in opposition or in support of this application?

Allison Madore (26 Burke Street): I think this is an awesome way to expand the business; however I do not feel this is the proper location to do so. We are a residential community. I live on Burke Street, also 8th Ave is abutting and we have tons of children on these streets, there is only 2 houses on Burke Street that do not have children. I have no truck signs on both sides of my Street that are not being obeyed. We have big 18 wheeler trucks going up and down our street already. So Ronnie's Oil was perfectly fine, they were obeying the rules and then in 2019 when Broco's Oil bought Ronnie's Oil, all hell broke loose and we have big rigs going up and down. We have gone from being 8-5 Monday through Friday to now being a 24/7 establishment. And I really don't think this is the greatest place for this, I mean they have already expanded and I just feel that it's not, and especially listening to what Guy is saying that they want to double their storage capacity. So this is a no for me.

Chairman: Ok, thank you. Guy do you want to respond to that?

Guy Bresnahan: Ye to Allison's point about traffic on Burke Street, she is correct. There is no truck traffic allowed on Burke Street and entering our facility and if she finds a Broco Oil truck or any other truck using the facility using that route, she should notify us immediately, all trucks should enter the facility via 8th Ave as agreed with the City. The location of



Haverhill

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

having a railed serve fuel terminal is a business opportunity that can't be denied. We are not increasing our footprint with these improvements; we are simply increasing our storage capacity. And the environmental safety of our facility. So with all due respect, I understand the comments and we are within the industrial general zone and acting accordingly and we think we are always good neighbors.

Chairman: Thank you. Member LaPlume, you wanted to make a comment?

Member LaPlume: Yes I just wanted to ask Mr. Bresnahan about the containment, you said they were double walled tanks, all of them?

Guy Bresnahan: No. The new heating oil tanks we are buying are going to be brand new tanks, they will not be double walled, but they will be in containment sufficient to address any spill that could happen. The biodiesel tanks that we are buying again will be brand new, they're double walled, heated biodiesel tanks and they don't really need to be in containment, but we are placing them in containment for extra safety measures. And the propane storage unit that we are going to be installing, again is a brand new tank, manufactured by Island tanks and probably has a 50-60 year service life at a minimum, so this is all brand new stuff, replacing older stuff and in some instances and we believe we are enhancing security of our terminal.

Chairman: So you are brining everything up to date. I have been down to your place, not recently but I have noticed some other places that they are digging underground and pumping up and it's like total containment, you are not going to be doing that, but I'm sure everything you are doing is by law.

Guy Bresnahan: Yes everything we are doing, we are doing in conjunction with our engineering and manufacturing partners at Hills Propane Systems. We have talked about underground storage but our particular sight is not well suited for that kind of application. It's important to mention that at this sight we are jumping into retail propane business Bobtail delivery trucks coming in and filling up and going out to homes that have propane tanks, maybe heating oil tanks too. So we are expanding our business with our existing cliental and expanding to others by servicing those who have propane requirements. This is not an attempt to build a huge propane facility at 168 Hale Street; it is just retail sales to homes and small businesses.

Member LaPlume: Thank you very much, sounds very good.

Chairman; could you just address two other issue. The neighbor was questioning the hours of operation, she has mentioned that it has increased greatly from a normal work day; she suggested it is much longer now. Could you address that and the other thing is with these increases, almost double storage capacity, does that mean that the traffic of trucks will be almost doubled also?

Guy Bresnahan: First of all the truck traffic associated with the increased storage is not necessary a doubling of traffic, for instance when we have to bring in heating oil by truck it's one thing but now we have expanded our rail capacity and we are bringing in our heating oil and biodiesel fuel by rail and we are pumping the product directly into our storage tanks. This is a practice that avoids trucks on the road. Furthermore when we do deliver down to some of the terminals in Chelsea and down in Boston, we typically backhaul product to our diesel farm. With this increase in our diesel farm a significant increases we will be able to fill our diesel farm more readily from the rail side, taking again additional tractor trailer loads off the road so it's a win, win with an off the road kind of standpoint. We have looked at it from all sorts of angles and it just seems to be a smart growth principle for us.

Chairman: Thank you

Mrs. Finckle (Not sure of name, it was muffled): We are an abutter as well and are right next door at 29 Burke. I want to know as far as putting new equipment at the facility, how much more do you plan to expand up to our property?

Guy Bresnahan: There is no further expansion at our 168 Hale Street sight. These are infrastructure improvements, that re important. They are important or our business going forward, they are important for the environment and they are



Haverhill

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

important for a safety standpoint. We are not expanding our physical footprint outside of the two lots that we own at 168 Hale and 161 8th Ave. There just isn't any further development possible there. I will be upfront we you, we have recently purchased additional land on the rail corridor and we are looking at those parcels for further development in the future, but that is not anything we're prepared to disclose, discuss in detail at this point and time.

Mrs. Finckle (29 Burke Street): So you don't plan on putting anything the property that is going to be closer to our home? I think for safety and the noise factor.

Guy Bresnahan: Do you live at the end of Burke Street?

Mrs. Finckle (29 Burke Street): Yes

Guy Bresnahan: No if anything there may be a safety gate installed at some point and time, for people entering our facility but that is just in the planning stages.

Chairman: Ok, thank you. Any other comments or questions from the board? Ok, I will entertain a motion.

Member Vathally, I would like to make a motion to approve the special permit for 168 Hale Street, 2nd by Member LaPlume.

Member Brown: Yes

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes, it satisfies a table of use for fuel storage 255-80 special permit.

Member Louise Bevilacqua: Yes

Chairman George Moriarty: Yes

Special Permit Granted 5-0

Chairman: I will also entertain a motion for the variance

Member Vathally, I would like to make a motion to approve the variance for 168 Hale Street, 2nd by Member LaPlume.

Member Matias: Yes

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes, it satisfies 255-79 for a variance

Member Louise Bevilacqua: Yes

Chairman George Moriarty: Yes

Variance Granted 5-0

OTHER MATTERS:

Approval of minutes for the: November 18, 2020

Advertise: December 3, 2020

December 10, 2020

George Moriarty

George Moriarty, Chairman



Haverhill

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

Minutes:

Chairman Moriarty: I will entertain a motion to accept the minutes from the November meeting.

Member Vathally motioned to accept the minutes from the November 2020 meeting. Seconded by Member LaPlume.

Member Theodore Vathally: Yes

Member Ron LaPlume: Yes

Member Louise Bevilacqua: Yes

Assoc. Member: Lynda Matias: Yes

Chairman George Moriarty: Yes