



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, May 19, 2021 at 7:00 P.M.

Those Present: Chairman George Moriarty
Member Theodore Vathally
Member: Ron LaPlume
Member Louise Bevilacqua
Member Lynda Brown

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

Chairman: Moriarty called the meeting in to order June 16, 2021

Hilldale Avenue, LLC for 1057 Main St (Map 635, Block 4, Lot 9)

Applicant seeks the following dimensional variances to create new building lot and construct new single-family dwelling in a RM zone. Requested variances for new lot (Lot 9A) include lot frontage (90 ft where 150 ft is required) and lot width (90 ft where 112.5 ft is required). Proposed Lot 9 shall include the existing single-family dwelling. Requested variances for Lot 9 include lot frontage (110.31 ft where 150 ft is required) and lot width (83 ft where 112.5 ft is required). (BOA-21-16)

Attorney Russel Channen (25 Kenoza Ave, Haverhill): I am here with Stephen Defeo who is the manager of Hilldale Avenue, LLC, which is the owner of the property. We are here requesting a variance. In my brief that I submitted to the board I outlined the history of the property. This property was owned by Philip Rapisardi for a number of years and my client Hilldale Ave purchased the property in April of 2021. The variance application is basically to take the existing lot which is an oversized lot of approx. 1.6 acres and subdivide it into 2 lots, where each lot would still consist of approx. 33,000 square feet, 11,000 more than what is the required square footage in the RM zone. But there would be variances that would be required as indicated in this application and in our brief for lot 9 we would be seeking a lot frontage variance 110.31 ft where 150 ft is required and a lot width of 83 ft where 112.5 ft is required. For the new lot to be created we would need a frontage variance of 90 ft where 150 ft is required and a lot width of 90 ft where 112.5 ft is required. One of the things that we submitted online is a new copy of a plan, the plan was redone recently, which actually provided with additional land to the left side of the property, it does not change any of the variance requests, it just resulted in some additional land for the existing lot 9. One of the things that I would also like to point out to the board is that there is a shed that sits close to the lot line on the left side and my client informed me that that shed will be taken down, so it will not provide any erosion issues with the neighbor on the left side. As far as the neighbors, we provided earlier today a letter of support from an immediate abutter Nicholas Bohanan. My client as he always does, goes out and meets with the neighbors and he met with Mr. Bohanan and went over the existing renovations that had been done to the existing home and what he plans to do with the proposed lot and this letter indicates that Mr. Bohanan is on board. We also provided an email from Frank Novak who is across the street, we all know Frank as a longtime standing real estate in the area and I think his email sums up the situation exactly, which he has no opposition and believes that the new single-family home will fit in well with the neighborhood, would provide additional tax revenue to the city and finds it to be a well thought out project. So, for those reasons, we would ask the board to issue approve the variances requests that were submitted before the board. We also provided copies of the plans for the proposed single-family home and Mr. Defeo can answer any questions concerning them.



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Chairman: Thank you very much. Questions from the board?

Member Vathally: I just have one question attorney, on the parking, I went through the plot plan, I went through everything and please tell me about the parking for the proposed lot. It would be off street?

Steve Defeo: Yes off street

Member Vathally: And the existing lot off street?

Steve Defeo: Yes. Both sides of the two-family have plenty of parking.

Member Vathally: Thank you.

Chairman: Questions from the board?

Member Brown: I was going to ask about the existing house, about the parking.

Steve Defeo: The existing 2-family has 4 parking spaces on the left and 4 parking spaces on the right and they are going to stay. The new house will have 2 to 3 parking spaces on the left.

Member Brown: There is no option there for on street parking right?

Steve Defeo: Right. We have more than enough parking.

Chairman: And the proposed driveway is on the left also.

Stee Defeo: Yes

Chairman: other questions from the board? Entertain a motion

Member Vathally: I make a motion to approve the variance for 1057 Main Street, 2nd by Member Bevilacqua

Member Vathally: Yes sighting 255-10.2.2(2) this satisfies that zoning criteria

Member Brown: Yes 255-10.2.2(2)

Member LaPlume: Yes 255-10.2.2(2)

Member Bevilacqua: Yes 255-10.2.2(2)

Chairman George Moriarty: Yes 255-10.2.2(2)

Granted 5-0

The Beverly Park Group for 403 River Street (Map 504, Block 244, Lot 7)

Applicant seeks a special permit to convert an existing industrial building into mini self-storage facility in a CH zone. (BOA-21-17)

Attorney Michael Migliori (18 Essex Street Haverhill): I have here with me Mr. James Hanrahan who is the principle of the Beverly Park Group, who is available for any questions you may have. The Beverly Park Group currently has the property at 403 River Street under agreement and plans on closing on the property should the board grant it's request for a special permit. We have before you tonight the plan to convert the building to a mini self-storage warehouse to Haverhill zoning ordinance 255 section 10.4. The property is in the CH zone, which allows for self-storage warehouse on pursuant of a special permit by the board of appeals, see appendix A table 1 for zoning regulations Haverhill zoning ordinance, which I have attached to the application. The existing building, I'm sure you are all aware of that it is a nonconforming structure built in approx. 1910, it is classified as and has been used in the past 111 years as a factory building, the building is 5 stories containing approx. 72,000 square feet. We have submitted as part of our application a detailed report on how the building currently exists, photos and details of the building's exterior and interior, along with a great deal of information,



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particular in reference to the back ground of the folks who are developing the project. I think it is obviously important for the board to know a little bit about any applicant before you, the Beverly Park Group located out of California, a real estate investment which has assembled a portfolio about a 40 self-storage properties located in major markets across the US with a gross market value of in asses of 200 million dollars. The Beverly Park Group is probably the premier company of the self-storage industry in the country with a great reputation in the industry. The anticipated investment in the building is approximately 5 million dollars. The project will employ construction workers from the area for approximately 9 months and will result in a number of permanent employees. As I indicated we are applying for a special permit, which is required in the zone to operate the self-storage. With respect to the special permit, it is our opinion that the use will not cause a substantial detriment to the neighborhood or the city. It will allow the reuse of the factory building into a business operation that is a significant reduction of traffic and parking needs due to the nature of the use. The proposed use meets the community need, it allows for safe traffic for pedestrian movement including parking. The existing building has adequate utilities and public services and will fit in with the character of the general neighborhood. The neighborhood nor the city will see any negative impact from the proposed use and will benefit from the tax based well. The facility will require virtually no new city services. In our opinion a special permit is a reasonable use of the property and a use that addresses an important need in the city. We feel that a strict application within the provisions of a special permit that will provide the owner and the applicant a reasonable use of the property. We believe that the relief sought if approved will not cause substantial detriment to the public good and repair the proposes and intent of the chapter but rather will result in a beneficial to the public good and will carry on the purposes and intent of the provisions of the Haverhill zoning ordinance. The relief sought clearly does not constitute grant of a special privilege inconsistent with limitations on the property, we feel a special permit is appropriate and the use will have a positive impact on the neighborhood and on the city as a whole. There is some good data that has been generated over the years by this industry, which reflects that self-storage facilities are a low impact use and at the same time offer a number of benefits. They don't use significant electric, gas, oil, water or sewer or any other resources. Only about 25% of the units renters visit the facility on a monthly basis on average, some go only once or twice a year. The traffic it does generate is not adding to rush hour, traffic attends to happen more on Saturday mornings or in the evenings, there are no significant parking needs based on the use. No municipal impacts and they pay their fair share of taxes. They don't add students to the public schools, they don't have calls for police and fire. No significant environmental impact and again there is limited hours of operation. I think it is an all around win for both the city and the applicant. At this point I will conclude my presentation; I am available for any questions or comments.

Chairman: How many units of storage?

James Hanrahan (Beverly Park Group, Los Angeles California): The facility will be approximately 39,000 rentable square feet which will be comprised of approximately 580 storage units.

Chairman: This is formally a machine shop?

James Hanrahan: Yes a manufacturing. The existing owner Mark is here

Chairman: I still see the C&C sign outside

James Hanrahan: Yes so virtually it is an empty shell. There are a few none supporting dividing walls that will be torn down and the empty shell will be segregated into metal storage units, similar to the other storage facility.

Chairman: How will the owners of the units access the building, through the backside?

James Hanrahan: Yes through the backside

Chairman: The loading dock there, is that still being kept there?]

James Hanrahan: We most likely will not have the loading dock available to tenants unless they have a special request for us to open the loading dock. So, it will be mainly through a new entrance at the back.

Chairman: What times of day can they access the units?



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James Hanrahan: Generally, 6Am to 10PM

Chairman: Seven days a week?

James Hanrahan: Yes seven days a week, 365 days a year.

Chairman: Are the units all the same size or are they different?

James Hanrahan: No, they will be all different sizes from 25sf which is a 5x5 all the way up to 10x25 250sf

Chairman: Are the elevators accessing all the floors?

James Hanrahan: Yes the existing freight elevator and we will be adding a high speed elevator so people can access the floors.

Chairman: There will be ample parking in the back? You mentioned not a lot of people come at any given time but there is ample parking?

James Hanrahan: Yes there is ample parking in the back. We don't plan on doing any major restructuring to the frontage on River Street, no crazy paint jobs, or anything like that. We like a clean structure, maybe some ownings and signs but that is about it.

Chairman: Other questions from the board?

Member Vathally: Are you going to be taking the whole building there or just a portion?

James Hanrahan: The whole existing building, it is a L shape, 5 story building.

Member Vathally: Ok. Do you plan signage at the property?

James Hanrahan: We will be adding some signage to the property. We will have a rendering put together on how the signs are going to look.

Member Vathally: Is there going to be an attendant on site?

James Hanrahan: During business hours which will most likely be from 9-6 there will be somebody on site.

Member Vathally. That's it, thank you.

Chairman: Any other questions from the board? Entertain a motion.

Member Vathally: I make a motion to approve the special permit for 403 River Street, 2nd by Member Bevilacqua

Member Vathally: Yes sighting 255-10.4.2

Member Brown: Yes it satisfies a special permit 255-10.4.2

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

Member Bevilacqua: Yes it satisfies a special permit 255-10.4.2

Chairman George Moriarty: Yes noting is satisfies the special permit 255-10.4.2

Granted 5-0

Mazraany Construction, LLC for 125-129 Kenova Ave (Map 10/11/12/13)

Prior to filing for a Special Permit for Multifamily Dwelling with City Council, Applicant seeks Special Permit from Board of Appeals to determine that proposed extension / alteration / change of existing non-conforming structure will not be substantially more detrimental than the existing structure to the neighborhood. Application includes converting / expanding existing funeral home building into an eight-family residential building in a RU zone. (BOA-21-20)

Chairman Moriarty: Before Attorney Harb speaks... The piece that we are dealing with tonight is only one small piece section of the whole property that is under consideration and there is a variance being requested for that. The real decision about whether this project moves forward as being planned is actually going to happen at the City Council, not



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here. Our assignment is only on that one small part that needs a variance for a setback that is being requested. The actual decision of wither not the conversion of the funeral home to the 8 apartments being proposed by the applicant would not take place here tonight. On top of that, we have one member of the board who must recuse herself because she lives in the neighborhood, we also have another board member who was unfortunately in an accident and is not available leaving only 4 board members to vote on this and all 4 would have to vote in the affirmative to allow this to move forward. Having said that, I am going to turn it over to the Attorney.

Attorney Robert Harb (17 West Street Haverhill): As the Chairman just announced and I just found out tonight, an unfortunate accident of a member and I have another member on the screen via Zoom. We have met with the neighbors once by zoom and they had a suggestion and a request that we meet with them personally. As the board knows it is not uncommon to ask for a continuance especially with only 4 members, so we would like to request a continuance for one month, to next month That would give us an opportunity to schedule a in person meeting, I don't know where but in person with all the neighbors to discus the project and maybe see what we can workout with them and then it would enable the applicant to have a full board vote. If necessary because I lost track of the days the applicant would wave any time for the hearing officially on the record, so I would ask for a one month extension for us to come back.

Chairman: Thank you and again my apologies to a lot of people who showed up here obviously hoping to speak on this and give us your concerns and would have liked to have spoke on this, again to all of you we are only dealing with one small portion of this, the real decision making is at the City Council as this goes before the City Council. But therefor I will entertain a motion to accept the request to continue the variance request to the July meeting

Member Vathally: Mr. Chairman I make a motion to continue the application for 125-129 Kenoza Avenue to the July Bo0ar of appeals meeting, waving the time limitation, 2nd by Member Bevilacqua

Member Vathally: Yes

Member Brown: Yes

Member LaPlume: Yes

Member Bevilacqua: Yes

Chairman George Moriarty: Yes.

Chairman: Again, my apologies to all of you for having to come out this evening.

Granted the continuance 5-0

Anthony Jackson for 69 Audubon Rd (Map 454, Block 6, Lots 143 & 144)

Applicant seeks a dimensional variance for side setback of 7.2 ft where 25 ft is required to construct an attached garage / addition with master bedroom & bath above in a RS zone. (BOA-21-18)

Anthony Jackson (69 Audubon Road): We are seeking a variance for a side setback; it is originally at 25 feet. We are looking to do a garage addition and it would leave us with roughly 7.5 feet within that setback, so we are looking for a variance for that addition on the side of the existing property.

Chairman: It is an attached garage addition with a master bedroom and bath

Anthony Jackson: Correct

Chairman: Is that becoming an accessory apartment?

Anthony Jackson: No



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Chairman: Could you tell us a little bit more about what you plan to do with the garage.

Anthony Jackson: We will have extra storage. Realistically on the right side of the house, the way it lays is the only way you could fit it or put it. On the left side of the property there was roughly 10 or 11 feet before the edge of the property line so there was really no option there. Then again with the back side and the septic and the well, so the right side option was really the only option.

Chairman: Haver you talked to the neighbors?

Anthony Jackson: Yes I have actually. I have brought with me the signatures of all the people on the street

Chairman: Tom do you have any issues from a construction point of view?

Tom Bridgewater: If I did we would go over them at site plan review

Chairman: Ok. Questions from the board?

Member Brown: Is the land to the right where this is going, do you know that owner, or that owner is here. So you did speak to that neighbor.

Anthony Jackson: Yes they are in full support.

Chairman: Is there anyone here who would like to speak in opposition to this? Anyone in support? Any other questions from the board? Ok, I will entertain a motion

Member Vathally: Mr. Chairman I make a motion to approve the variance for 69 Audubon Road 2nd by Member Bevilacqua

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

Member Brown: Yes 255-10.2.2(2)

Member LaPlume: Yes 255-10.2.2(2)

Member Bevilacqua: Yes 255-10.2.2(2)

Chairman George Moriarty: Yes. 255-10.2.2(2)

Granted the continuance 5-0

John Cave for 624 Main Street (Map 615, Block 508, Lot 1B)

Applicant seeks a special permit to change former non-conforming use (real estate office) of existing structure to a precious metals cash for gold shop in a RH zone. (BOA-21-19)

*Attorney Paul Magliocchetti (70 Baileys Blvd, Haverhill): I am here tonight on behalf of Mr. Imonti and Mr. Cave. We are all familiar with this building on Main Street, the Imonti family has owned it for a very long time. There has always been a commercial space on the first floor of this building, although it has been vacant for a little over a year now since COVID started. I believe it's last use was a real estate property, prior to that it was a pizza place, so it has a long history. One of the limitations with this space is parking, where it is located on Main Street there is not much parking. So there is some businesses that would fit there that would not need a lot of parking, so you have to be careful of what kind of business you put there. Mr. Cave and his wife they are looking to purchase a cash for gold franchise, which they believe fits perfectly into a space just like this, at that location. When I first heard cash for gold I was thinking pawn shop, this is not a pawn shop, it is nothing like a pawn shop. So, I had Mr. Cave put together a presentation that I handed out to each of you earlier today I am going to have him come and speak before you, before you vote on this I think you will have a better



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understanding of what his intent is and how he is going to be using this space. And I also have Mr. Imonti here to talk to the board, about the history and his struggles in finding a tenant for that space, because it does have limitations. So, what I would like to do now is introduce you to Mr. Cave and he can go through the presentation that I handed out to you so that you can get to meet him, and he can go over how the business functions and then I will introduce Mr. Imonti and then we will answer any questions the board has.

*John Cave (615 Prospect St, Methuen): Good evening board members, my name is John Cave, thank you for hearing me today I appreciate it. I will make this as quick as possible; it is about 8 pages, but I will try to fly through it as quickly as possible. First I want to introduce myself and my background, my professional background expands 26 years. I work with youth in terms of youth services all the way to youth development, when I say youth services I ran a youth prison a juvenile center for boys on the cape for 7 years. From there I moved up here to Lawrence and I ran an afterschool program for 7 years here, so I have been working with youth all my life, it is my passion. I actually went back to school and got my master's degree in clinical mental health counseling, so I was doing in-home therapy prior to COVID the pandemic, which put me out of work. So, at that point I had to kind of reconstruct my life and figure out where I was going. People won't let you in their house to do therapy with their children. So, my wife and I sat down and talked, and we took what little money we had and we put it together and we started purchasing gold and silver coins and during that process for a whole year, I met a gentleman named Archie and after he got to know me he said hey John I think you would be good at this business. He knows what he is looking for because he has been doing this for 42 years in Salem Mass. He has never had any problems, he works closely with the police department. He has several letters of recommendation on the last page of the PowerPoint. So, he began mentoring me, and I must say this is not a pawn shop, what we will be doing is just dealing with diamonds, gold and silver, coins, bullion's, and jewelry, we will be purchasing gold and silver as well, coins, diamonds etc. We will be working with wholesalers that want to come in and purchase these items. So, we are not a pawn shop, I just want to make that very clear. Pawn shops buy almost anything, and they sell almost anything. And they tend to bring in a crowd that is not really desirable for all neighborhoods. We are going to be dealing with folks that want to retain wealth buy purchasing bullion and coins, diamonds etc. If there is an estate sale and someone wants to sell their products, we will purchase them. The hours of operation would be Monday through Saturday 10-6. It would be me there by myself there now as my wife is getting her mental health license in counseling right now and then she will be opening a practice soon. Like I said I am diverging from that profession, and I am going to move into this because I found that this is a passion for me. So, it would be Monday through Saturday 10-6, I will be the only staff person there, I will make sure that we provide a safe location for everyone involved. Parking is limited, by folks come in and they make their sale and then they leave, so it is not like we will have a bunch of people there. I have been training with Archie's there in Salem Cash for Gold for about 8 months now and the folks come in, they park, and they leave. There is very limited parking where he is as well because he shares it with an enterprise and some other businesses. They come in, they sell their items and then they leave so it is not going to be heavy traffic. When I am there training he has no more than 10 folks come in, in a day. In terms of protection, I know there is no cameras on that street or anything, but we will have cameras around the building. I have a parking spot that I can use, Jerry the landlord has given me a specific parking spot, so I won't be interfering with any other business or folks there. Basically, how the business works is folks come in, say an estate came in and folks have silverware and things of that nature, and they want to get rid of it, they want to sell it, they will come into me, and I will check it and make sure it's authentic, it's real, I will weigh it and give them the fair value price for it. There will be a 10% charge, in order for me to stay open and run business, so that is how I would make a profit. Then within 24 hours I would have to notify the police department with any sales of items, I would have to send them the receipt, as well as the items I purchased and things of that nature. So, I will be working closely with the police department to make sure that no unscrupulous characters come in and sell stolen goods, and if that happens they will be



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able to identify them right away and I will be able to help them. I would take the gold or silver item or whatever it is and give it back to them so that they can prosecute those folks. So, in terms of items I am going to be purchasing, I would have to hold those by Mass state law for 30 days, before I take them to the refinery to melt them down. I pay the refinery and the refinery gives me cash for them and they take a 2% of whatever the grade is. So, I would be working closely with Archie to do that, because he has the connections he is the one who does that, so I would bring things up to him and he would take care of that. He would hold the items for me for 30 days and give me a check so that I can continue business. If you look at page number 6 you will see that there is a difference between pawn shops and a difference between precious metal shops. I won't be holding any product for long periods of time, because once a week I will be going to meet with Archie, so that he can take the items and hold them there and then melt them after 30 days, take them to the refinery. So, I won't have any large items or anything in nature, so if you are thinking unscrupulous people or anything, but I am not going to have anything there. I am building a business, it's small, maybe in the future I'll start selling coins directly or things in that nature, but right now I simple just purchase and send things out to the refinery and start building my business. The pictures are pretty much self-explanatory, pawn shops do have many different items that they sell, cash for gold on the right, they just test the gold, they have a waiting area for when folks come in, they test the gold and then they give them the cash. If you look at page number 7, that is a buildout a draft of what the actual facility is going to look like after I build it out, if you guys approve me. If you look at the final page number 8, that is a list of all the certificates and recommendations that Archie got from the local police departments, since he has been in business for 42 years.

*Chairman: Have you had conversations with the Haverhill police department yet or at all?

*John Cave: I have stopped by, but I have to go through the first steps, which is meeting with you folks and then I have to get licensed as well but depending on how this goes today I will then start reaching out, but I already did reach out, but it was too soon.

*Chairman: Have you looked at other locations in the city of Haverhill?

*John Cave: I have looked at other locations, but this location is really nice, it is kind of out of the way, it is in between Plaistow NH and Haverhill, so I would be bringing in a different pool of client base, and frankly I like the location, it is a lot cleaner area, it is a settled area.

*Chairman: It is right across from an elementary school, Walnut school. Is it an all cash business?

*John Cave: Yes it is.

*Chairman: Questions from the other board members?

*Member Brown: Mr. Cave, is this your first business as far as dealing with precious metals? Would it be the first of you owning this?

*John Cave: Yes, as I said before, I have been involved in youth development all my life and so this would be my first shift. I have been out of work, I have been getting a lot of this free money and I would really like to get back to work, I am a hard worker, I love working, and so this would be awesome for me and my wife if I can get this done.

*Member Brown: Also, you mentioned cameras. Are you planning on cameras inside and outside?

*John Cave: Yes there will be cameras on the exterior and cameras on the inside lobby.

*Member Brown: Will that be all around that building? Because you obviously have your two entrances, but I know people will just be coming in the front.

*John Cave: Yes there will be one at the front entrance and one at the back entrance.

Member Brown: Ok so you will have cameras on the inside and then on the outside at the front and back.

*John Cave: Yes Ma'am

*Member Brown: What about a security guard, is there anything like that necessary in your line of business? You said you do deal in cash.



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*John Cave: Right now, there is not a necessity for it, because as I said a lot of the cash is going to come in and then go out, as I said I take the gold and items I get over to Archie and he will hold them for 30 days, he is going to give me a check. And that money is going to be used for buying money. So, starting out the business, I don't have much money to start with to be honest., honestly we are starting this with a very limited budget. I need to take the items to Archie because he has done very well with his business and so he is going to cut me the check and hold the items for 30 days and then I use that money for buying money for other items that come in. So, there is not going to be a large amount of money or large amounts of precious metals or things of that nature.

*Member Brown: Ok thank you.

*Member Vathally: I know this building very, very well. John your friend of 42 years, what were some of the issues he had if any? You mentioned he has been in business a long time, has there been any kind of issues with that type of business.

*John Cave: No, he hasn't had any issues at all. If you look at the last page of the presentation those are recommendations. He actually has been very beneficial to the community, because when folks do break ins and if they do bring items to him, it has happened like once or twice to him and he works with the police, so they were able to apprehend these individuals who were going around breaking into communities.

*Member Vathally: And the parking there, I know there is the hairdresser next door and people going in to get their hair done are they there along the street for a long time, did you research the in and out of the parking there on the off street? I know in back there is just a little driveway right?

*Jerome Imonti: There is enough, there is 3 spots on the side of the building and some across the street, they kind of use them, it has been working out fine. She has been there 10 years and we haven't had any issue. We had a pizza shop there before and the parking was crazy and their drives would come and go and people would pull in and just park wherever they felt like it, to go run in and pick up their pizzas. It was a little hectic then and I don't want it to get back like that. Previously the real estate office was great, but when COVID hit they decided to close that office, he has 45 locations and decided to close the Haverhill one, I thought that would be there for many years, it was really working out well. So, it has been empty for a while and so we are looking to do this. Basically, we are just doing a use change and go from there and I hope you will approve it.

*Chairman: With this school across the street, Walnut Creek School, this doesn't feel like the right location for this type of business, to be honest with you. If it was in another park of the city, not that is a retail business as retail has been in there, the pizza shop, the hairdresser and the variety store for many years, and a pharmacy. Next to a school though I don't think it is the right location.

*Jerome Imonti: It's low traffic though. It is not a high traffic business, people are in and out, they have some estate jewelry they might want to cash in, they come in weigh it up, do there thing and they are in and out. He is not getting tons, and toons of traffic. Even with the school busses and all that, it shouldn't affect that at all, you know I don't really see an issue with that at all, otherwise we wouldn't even have been here. It is my building and I take pride in my building; I want to get quality people in there. I have owned this building since 1983. I try to get decent businesses in there and it's difficult because it is limited to certain things you know, especially being in the RH zone. I want to get stuff that is kind of low key and not too crazy. I want to get away from the food businesses, those were just too much.

*Chairman: I would support this because I very much, because I like to support small entrepreneurs starting up businesses, and with him working with the youth, which is the work I have done for my entire life and career with youth work. Just right across the street from an elementary school bothers me.

*Member Bevilacqua: I have a couple questions and a comment. It would have been good if this man who is part of the corporate structure, is it Archie, if he had been here. That might have been better if he was here tonight. You are right, you have illustrated the difference between a pawn shop and precious metals and yet the infrastructure the turning the



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identification and materials over to the police and having the cameras and lights and keeping things for 30 days, it sounds like if it walks like a duck and talks like a duck it sounds like a pawn shop. So why are the items kept for 30 days?

*John Cave: By Mass state law you have to keep any gold, silver, diamonds, and things of that nature that are purchased, for 30 days just as a precaution incase there are unscrupulous folks that make a sale to you, that is why. That is why I do work closely with the police. I hear what you are saying about the school but the school, we are not going to have any interaction with the school and the folks coming in are coming in and going back out and they won't have any interaction with the school either. In fact, I love kids, so if I thought that this was going to be a danger, I wouldn't even think about it. But the business after watching Archie for 8 months and the things that he is doing to help out the community and what no. And working closely with the police, comes with the business even these pawn shops that are selling anything and everything and deal with unscrupulous folks, they still have to put that is just the nature of the business when you are buying things, precious metals, or other things. The difference again between us is we will not be selling anything and everything, we will only be selling bullion coins, things of that nature. So, most of the folks that come to see us are going to be folks that are selling their estate items and things of that nature.

*Member Bevilacqua: You know Mr. Cave, way before COVID we had an appellant come before us, he was a retired doctor, his wife was a retired nurse and they wanted to open up a axe throwing recreational facility in Bradford and I remember sitting thinking at that time, we need a clinic over there, a walk-in clinic, why aren't you with your background? When I hear you with your presentation and your background and Mrs. Cave's background, I think if you were coming to us and saying your were going to open up a counseling center, which could be very helpful across from a school, you have the background, the experience. If you came to us and said this is what we want to open here, we have the credentials, its our life's passion to help children, I would think this is wonderful. We would love you to move to Haverhill, open up a business in Haverhill. I am not entirely convinced that this business in this location is for this city. But I would love you to come here and open up something because clearly you people are (couldn't hear the word she used).

*John Cave: I appreciate those comments and that's something we were pursuing once she did get licensed, we were looking at doing that at some point. I respect your response and although I really believe that you are kind of cutting me short here and not giving me the opportunity to really prove myself. I mean even if I was able to get in there for a year and prove myself to you guys. Jerry could put me out in a heartbeat. I am just looking for a shot, I have been out of work for a year and a half.

*Chairman: Like I said if you were in a different location, I would be more than happy to give you a shot.

*Member Vathally: Are there any other precious metal shops in the city?

*Member LaPlume: I just want to give you a little story on what I have had happen to me and I had to buy back my gold. I had a carpenter working for me in my home and he had a young fella working for him, a clean cut kid from Chelmsford. Well, I went into my bedroom in one of my bureau draws where I kept a few things and my gold bracelet was gone, my gold necklace was gone, and my gold diamond ring was gone. Well, we pressed this kid, and he came clean, and he told us he was using drugs and needed the money and he told us where he left them, where he got the money for the gold. I got to Chelmsford, and I had to buy back my stuff. I felt bad for this kid and his parents and so I didn't press charges, but I had to buy back my stuff. Luckily I got there at that time because as you said in 30 days they were going to melt it down. I not only found those, but I found 2 or 3 additional rings that I didn't even think I had in that draw, but the one with the diamond was missing. The kid said he gave it to them, we looked at the papers from the police station, there was no mention of a diamond ring with gold in it. I just don't have a very good taste for those cash for gold, that is just my opinion.

*Member Vathally: John any other precious metal places in the city of Haverhill right now?

*John Cave: Yes you guys have a pawn shop in the City of Haverhill. It is not a precious metals, it is a pawn shop, they sell everything.



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*Member Vathally: Where is it?

*Attorney Paul Magliocchetti: Emerson Street. I had many of the questions that you all have when he came to see me. I have had the pleasure of meeting with him every week for the past 3 weeks and getting to know Mr. Cave, he overcame my apprehension and that is why I agreed to come here with him this evening. I can kind of see where this is heading here and that is why I started my presentation by making the distinction with the pawn shop and it is hard, no matter what we do, it is how we view this. You brought up the axe throwing that came before you a few years back, well 7 or 8 years ago I represented Haverhill Salvage and that is when the city changed its ordinance in regard to salvage, when all these addicts were breaking into homes and stealing the copper pipes and they were just getting salvage metals and bringing them in. So, the police they wanted to make sure that they had security measures in place, video, ID so that they could identify these people when they got a report that copper was stolen out of a house, they would immediately go to Haverhill Salvage. That is where a lot of these security systems, these ordinances were put into place. So, when he is talking about putting in the security systems, it is going to be what is required by the city, it is not the business itself but it's just what is required. I think that what Mr. Cave said, my have some merit, if it has the potential of salvaging this, I'm going to put it out there. We would be willing to put a one year restriction if you were to allow this to happen tonight. For one year and then he has to come back to renew it, so he has to prove to each and everyone of you here and he has to prove to the Haverhill police department, that this can happen in a safe manner, that it won't interfere with the school, that it is a viable business. I got to be honest with you, I do a lot of probate work and when you have these estates, it can be challenging sometimes to get people to come out and give you an honest assessment of an estate. There's a lot of games that go on in that world. It would be nice to have someone local to do that for you, that you could hold accountable. I guess that's something we would agree to, and I think the fact that he put it out there says a lot about him. He believes in this, he thinks it can happen, like he said he has been working with Archie. By the way Archie is a Haverhill guy, Archie Delforia, he grew up on Brookline Ave or was it Commonwealth Ave, he is from Haverhill. He started this business, I don't think he lives here any longer, but he is an interesting character, I did get to talk to him on the phone. So, you know we are going to put this before you for a vote, you couldn't get a better candidate for a business like this, I mean you just are not going to get one.

*Chairman: I will just reiterate my point, if he came in with a different location, I would 100% support it, I give you that as me, (to Jerome) and I am not trying to hurt you or your business on renting the property out, but I just can not see that as a good location for this shop and I am not worried about your character or your ability to run a honest business, I assume you will, I start out assuming people will do that. In another location, you would have my support 100%, it is just the location thing, I know that area, the Walnut Square School, and it is not that I think you are going to be over there doing anything, it is just not the character of that neighborhood to have a cash for gold shop. Even with the one year, I find myself not being moved. If you were to come back with a different location.

*Member Bevilacqua: We would all love to see a business in there at that location. The only reason I alluded to the Axe Throwing place was because those people were medical people and these people here are educators and counselors. I am just thinking wow that's a great place for that and its right near a school.

*Attorney Paul Magliocchetti: Yea and just so you know there aren't a lot of locations in the city unfortunately, that is another issue, because he needs a very small space, he is not looking for 5,000 square feet, he is looking for a few hundred square feet. A lot of these small commercial spaces were converted to residential spaces because they just weren't being utilized, so they are few and far between and I would just really hate to lose him and have him go to another community, because I really think he is an asset to the city. And that's why I want you to give him a chance. I truly understand and I am empathetic, believe me I scrutinized it exactly the same way as you, we all have the same questions and concerns, but he won me over and I was hoping he would do the same here this evening.



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*Member Brown: Can you talk a little bit more, just a little bit about the one year, that you wanted to put a restriction on. What exactly would that entail?

*Attorney Paul Magliocchetti: So, for one year he would be allowed to operate this business, and if there are any issues that arise, any issues that the police department are not comfortable with and the police department have said its not working out, that he has say 60 days to vacate and find another location. So, if a month from now some incidents start happening, which we don't believe there will be. We are just using this as an extreme example, like if the police department says this can just not happen, that we can not allow this in the city of Haverhill. Or some neighbors are opposing because of the element that is going on there. So, the police would file an objection with the building department and then we will stipulate that if they do that, if they go down that road, then he has 60 days to find another location and transfer his business.

*Member Brown: Paul do you know of any other areas with this type of business that has used that one year restriction?

*Attorney Paul Magliocchetti: I have done a lot of things for the first time, in the 20 years that I have come before this Board of Appeals. You know, you have that flexibility in your decision, you put limitations all the time on variances, so that's what this is, so if you take your vote, you would just make that as a condition. That the police department at anytime feels that there is an issue that is happening, that this is causing a problem in the neighborhood, you could have it that he goes to the license commission, I think we have to go to the license commission anyways. So, if the police department brings us up to the license commission and the license commission rules against Mr. Cave, so if they say yea what you did is wrong than he has 60 days to find a new place.

*Member Brown: Thank you very much

*Chairman: I think it depends on the way Member Vathally words the motion, I just don't know if we have the authority do that. Yes if there are situations that fall under law enforcement or licensing or something, those bodies could pull back the license to operate, I don't know that we as a board could do that. Yes we put certain stipulations, but I don't know if we can put a time limit on something.

*Attorney Paul Magliocchetti: You can definitely put the one year, that they have to come back to you for a review in one year. You could put the other language in as a condition, but you definitely can put the one year, that he has to come back and reapply for the use variance. So, the use variance is limited in time for one year, it is very similar to what we used to do with the in-law apartments.

*Chairman: Yea we have stopped that thought.

*Attorney Paul Magliocchetti: You had to drop that, but you still could put that restriction in.

*Chairman: Tom do you know if that is consistent with the new zoning?

*Tom Bridgewater: I have no idea; I haven't seen anything in there about that.

*Member Vathally: The landlord would probably have to put that in his agreement.

*Attorney Paul Magliocchetti: We would stipulate that, that would be in his lease.

Member Vathally: Chairman Moriarty is correct; we could have the applicant come back in a year but ultimately it would be up to the landlord to police that in the lease.

*Attorney Paul Magliocchetti: We could state that the City Solicitor, has to review the lease before it's signed. You could do that.

*Chairman: Again, I don't know if we as a board could dictate that to the City Solicitor

*Attorney Paul Magliocchetti: We would stipulate that as a condition to the variance and if we don't comply than it does not go into effect. The City Solicitor can nix it too.

*Chairman: Any other comments or questions? Is there anybody here speaking in opposition?



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*Claudette Enright (636 Main): There is no parking. The side street parking is on the curb. Parents walk their children in the street, to and from school. Cash for Gold will probably not cause but bring in crime, we don't know, but it is a hard probability. We really don't need that type of retail, it is retail, no matter how you look at it. In our community, it is quiet there. I don't know if he is going to install the metal shutters to cover the windows, so there are no break ins, and this would devalue the area. Anyone coming to purchase a house could see that and they would leave, and we work hard to keep our neighborhood nice. I would rather not have this there.

*Matthew DeJaneio (15 North Ave): Basically, I agree with the statement you council members have made, I worry about it being so close to a school, I do think a youth counseling center seems like it fits with the applicants, and it would make much more sense. It really doesn't make much sense for the location; the parking is maybe one car at a time parked against the curb, it is limited, and I have seen a lot of traffic, not accidents but just in that intersection down the road. I would be concerned with the retail business there. I don't have anything else.

*Chairman: Thank you. Any other comments or questions?

*Attorney Paul Magliocchetti: Just to be clear, this will not be open in the morning when the kids are arriving at school. This is open 10-6 and I just talked to my client, and he has agreed to shut down between from 2:30 to 3:30 in the afternoon when the kids are being let out of school. So, he will not be open when the children are coming to school, and he will not be open when the children are leaving school.

*Chairman: Thank you. Any other comments or questions from the board?...Entertain a motion

Member Vathally: Mr. Chairman I make a motion to approve the special permit for 624 Main Street with the stipulation that the applicant must return in one year, to demonstrate affective and safe operations. 2nd by Member Bevilacqua

Member Vathally: Yes, I am going to support this matter, as I believe Mr. Cave is a real stand up individual and I think he will make good with this. And to me it does satisfy 255.10-10.4.2

Member Brown: Yes, I'm going to support that with the one year stipulation

Member LaPlume: No, does not meet the criteria of 255-10.4.2

Member Bevilacqua: No, I believe it does not satisfy 255.10.4.2. I believe that we cannot be certain that it will not cause a change in the detriment to the neighborhood.

Chairman George Moriarty: No, I think it is out of character with the neighborhood. Retail is a great option there, but I think a cash for gold is not a great option in that neighborhood.

Chairman: The application is denied

Denied 3-2

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

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

*Attorney Paul Magliocchetti (70 Baileys Blvd, Haverhill): I am here this evening on behalf of Michael Sofos. This is a continuance from a prior meeting from 2 months ago. We came before you with this application and there were some concerns in the neighborhood, about flooding in their basements, water drainage issues, so we agreed to go to great



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lengths to actually have a drainage plan designed for the site, at a great expense buy the way. When we left the meeting he obtained the services of Merrimac Engineering, has developed the plan, the plan has been reviewed by the City Engineer John Pettis, so it is a viable plan, it does meet the standards for the 25 year storm. This system will hold a lot of water, something that maybe more properties should have up in this area, because you can't redone what was done 50-60 years ago, but the system that he is putting in place will benefit not only his home but the entire neighborhood, because it is going to catch the water. We did consult with a traffic expert about this, and when I talked to him about the single-family home he basically said he didn't want to take my clients money because a single-family home does not make any traffic or add to an existing problem, it just doesn't. We just did a project with 19 units up off of 125 and that didn't even impact traffic, I mean you really need a large number of units to really impact traffic. So, with that being said, we already went through the fact that we meet the criteria for a variance in this area, I think we got everyone's attention with that. The major concern again was the water situation there. One more thing by the way, they mentioned that a lot of their issues started or arise when they started the construction for the new school. I did speak with superintendent Mirada a couple of weeks ago, I reached out to John Pettis, I followed up with an email yesterday and we are supposed to have a meeting in the area, the neighborhood next week, with the city engineer and hopefully with a couple of city councilors to walk the neighborhood and talk to the neighbors and see if the new Hunking School did in fact cause this problem. Now if it did we are not sure what can be done but I have been told by an engineer that I spoke to, there may be some way to divert some of the water and alleviate some of the issues with the homes. We won't know till we get there, but at least we are going with attention of the city with regard to it and have it looked at.

*Chairman Moriarty: When is that going to take place?

*Attorney Paul Magliocchetti: I am trying to schedule it for next week, we are still waiting to hear back from John Pettis, with his availability.

Chairman: Will you let or, or our secretary know?

*Attorney Paul Magliocchetti: I will definitely let you know. I think I cc'd Tom; Tom was on the email too.

*Chairman: Without going into dep technical details, can you give us a broad overview of the e-Litigation system that is being proposed.

*Attorney Paul Magliocchetti: You have the plan, we uploaded it so you could see it. It's a typical drainage system, that is designed to catch a lot of the runoff. It is going to be on the property and keep the water on the property, so it doesn't impact any of the neighbors, that is what it is designed to do. It's used a lot in homes that are built in wetland area or in areas where there are extreme slopes, where there is runoff that could possibly go into other peoples properties. Again, this was designed by a professional engineer and viewed by the City Engineer, and it is compliant with serving the needs of this property. And again, it will not only help with his property, but his existing house because it all kind of flows down.

*Chairman: Ron can I put you on the spot?

*Ron LaPlume: You sure can

*Chairman: You tend to know more about these kind of issues than the rest of us, certainly more than I do. I don't know if you had a chance to look at the documents that they have provided of the system that is going to be proposed, and if you had any comments on it.

Ron LaPlume: I don't know what it is, and this is one of the notes I put down, is what kind of system did he develop. I was born at 44 Germaine Avenue, which abuts corner to corner with this lot, I knew this lot, I used to rake it when I was a kid, I think I probably said that before, but that area over there believe it or not is wet area, the lot right below them I used to chase rabbits around when I was a kid. And the water at 44 Germaine Avenue was filled when they did Main Street over many, many years ago, probably 65-70 years ago my father bought fill to have the backyard filled, so they would bringdown truckloads of it and fill in, they did that to #42 also. But this property is raised, I can't tell you who raised it, but it



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is raised higher and it's flat and it's level. It is probably a foot to two foot higher than the property below it, I would assume that that was filled also. The drainage system, if it is a typical drainage system that he usually draws up would be two 500 gallon dry wells and I am not sure, I don't have those papers. So, you would be picking up a lot of the drainage off the roof and all the downspouts would go in. I don't have any papers on what he designed to know if it was anything special, but I have seen many times that the city usually don't go out and look to see if the drywell is put into water and that happens often, a contractor will go there and he will dig out and he will put in 500 gallon drywell and fill it with dry stones to the top, it might be inspected and if it is you can't see any water, but honestly in a dry period you come back the next day to put these 500 gallon drywells in and you are actually putting them in water. So, what I have requested many times while sitting on the board is that they do a test pit, to see how the water percs at that particular site. I know say to do this is an awful lot, but these neighbors have had water. 44 Germaine Avenue might have it in it's backyard and 42 which I did buy when we inherited it from my Day, we had water in our backyard on number 42, and I remember it running beyond into the next neighbors yard and it was 10 inches deep, so there is a problem there. I guess that is all I have to say. If the inspector can tell me what this drainage system plan looks like, maybe I can help you, but otherwise I can't.

*Chairman: Great thank you. Sorry for putting you on the spot and it sounds like some of the water problems actually were created with the new Hunking school too. You do provide us with a detailed picture of it here with measurements and with the installation of roof filtration system and two chambers.

*Michael Sofos: I have spent some time with the engineer, and I can figure it out a little bit better, I think. So basically, the engineer calculated all the water based on 25 years storm plan. The town as I know and as the engineer told me that they only require 2 years, but this system is for 25 years. The rain, they take the evidence over 25 years period, with times having the biggest storm and rains and based, they take the number like if it was raining 5 inches and hour and they put that number in the equations on the plan under the notes, and they calculate how many feet are required for storage. Based on this calculation with the area of the driveway and the roof, and the usual rainfall of 5.3 inches an hour, that is a lot of rain ok, they calculated that I am going to need like a storage system that is going to be able to hold 159 cubic feet of water. This is what the proposed house has for water on a big storm and then he is adding the system, the system is going to add is 207.5 cubic feet, its like 40-50 cubic feet bigger system than what I need, it is very big. This size storm occurs once every 25 years, they obviously had data they collected and graphs that they go over and they calculated the biggest damage that could occur to build a system that could hold it, this system can hold a lot of water. This plan was also approved by John Pettis.

*Chairman: Thank you very much, I appreciate it. Any comments or questions from the board before we hear from neighbors?

*Board Secretary: Ron I texted you a picture of the plan.

*Chairman: Do we have some neighbors who wish to speak? What I would ask you to do, is try and keep it to this issue of drainage and water and how this property would change that.

*Bertha Cole (57 South New Street): I am his next door neighbor. The drainage is a problem in my mind, as I said before it goes like this (hand gestured as the water going down) and then all the way down the street. Another problem in my opinion, I have lived there for 51 years, we moved in there in 1970, I am 79 years old, and I think the street is quiet, it's peaceful. He would ruin it, the house wouldn't complement the area., it would be too close to his house and mine. It just would not complicate the area., it would junk it up, I don't know how to put it, it just would not fit in, in this nice quiet peaceful area. It's just I don't want it there; I just don't want it there and I don't think any of the other neighbors want it there either. This is just the whole thing of it, it is just too nice of an area, to keep putting something like this in. I got a question for you, what is a variance? How much land does he want me to give him? I just don't understand, I just don't understand.



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- *Bertha Cole: How much land does he want me to give him?
- *Chairman: I will have the Attorney explain it.
- *Attorney Paul Magliocchetti: You are not giving up any land, is that what you are trying to say?
- *Bertha Cole: Well, this is what I don't understand.
- *Attorney Paul Magliocchetti: So, he needs 96,000 square feet for the 2-family
- *Berta: An he has got how much?
- *Attorney Paul Magliocchetti: And he needs 75,000 square feet for the single-family.
- *Berta: And he doesn't have 75,000 square feet
- *Attorney Paul Magliocchetti: No, he doesn't, that is why we are here for the variance, because he doesn't meet the criteria.
- *Bertha: Ok, so how is going to make that 75,000 sq feet?
- *Attorney Paul Magliocchetti: He doesn't that is why we need a variance.
- *Bertha: How is the variance going to give him the 75,000 square feet? I mean, I am stupid, I will admit it.
- *Chairman: A variance allows them to not have the amount the zone requires.
- *Attorney Paul Magliocchetti: Earlier tonight there was a presentation for 1057 Main Street, you were here in the room for that right?
- *Bertha: Yes
- *Attorney Paul Magliocchetti: Ok, that was the identical, the same situation. He had a two-family house on a certain size lot of land, he wanted to add a single-family right next door to it. He didn't have enough land to do both, that is why he was here asking them for permission to build the single-family on less land than what is required and leave the two-family on less land than what is required. It is the exact same situation, that is what the board is here for, that is what we are here for, but it has to make sense.
- *Bertha: But it doesn't make sense to me.
- *Attorney Paul Magliocchetti: But it does to us.
- *Bertha: How much is the variance? I read the paperwork, but I don't understand
- *Multiple people trying to speak, but not at microphone
- *Chairman: Stop, stop, stop, everybody stop. We are just having too many side conversations. This idea about a variance, we are going to have to set it aside, you can meet with them later to have the actual variance explained to you.
- *Bertha: Does he pay me for this little piece of land for this variance?
- *Chairman: No, we are going to have to sidetrack this for a moment.
- *Bertha: But anyway, it is a quiet street and I think if we put a house in that particular spot, it's going to...I don't know how to say it
- *Chairman: It's ok, I think we get the point. I appreciate that. I want to give other people a chance if they want to speak. Thank you very much. Anyone else like to speak?
- *Thomas Bradley (46 Germaine): I have lived there for 40 years. I was living beside MR. LaPlume my whole life. It is not the problem of the water that is coming, it is the existing water in the ground. I have been in construction for 20 years and if you put those wells in wet spots like he explained, it's not going to do anything, it is just going to fill up with water, so that the existing water is just going to overload it. And then if you look on that street, every single yard next to it all the way down is going to look out of place. And the water problem, I used to walk up to a foot and a half of water, in my backyard in between our two properties. I just think the water problem is going to be a problem. I'm worried about it, like our basements over there are over 100 years old, they are not new concert, they are all fieldstone, so it is concerning. Thank you.



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*Chairman: Thank you very much.

*Dominic Polari (22 South Spring Street): That is the corner lot on South Spring Street and South New Street. My home, my property is 2 lots removed from the applicant. I'm not going to address the water issue, I would like to hear a little more about that, I am a professional engineer at a wastewater treatment, but I will let that go. I believe the variance should not be granted because the result would be a significantly undersized lot, and that would be my concern. This house is going to be built on a grossly undersized lot, for example lot A requires 80 foot frontage, the proposed lot is 59.43 feet, that is a shortage of over 20 feet on South New Street. The proposal for lot B, which includes the apartment house is 75 feet and they have 61.57 and that is a shortage of 13 feet. That is one perimeter, they fall short on the whole perimeter of this lot. So, what you are going to have is a very small lot jammed into that space. Bertha Cole is my neighbor, she has been there 51 years, I have been in my house 53 years, and I have lived in the neighborhood for 90 years. I have lived on 2 streets for a total of 90 years. So, I think there is something about that neighborhood that I like, and I would like to see a home that is built on an approved lot. I remember when that street was completely devoid of any housing, I remember every house that was built on that street, I used to play on that land when I was a little kid. I think Bertha has a right to be aggravated, I think this is an encroachment on her property. I believe firmly that if a house is built, it should be built on an approved size lot. Now this is not personal, I don't know Mr. Sofos, he has been there 14 years, I know he is a good neighbor, I know he maintains his property and so does Bertha. Bertha's property is a showcase for her house and her land, it really is. For a widow, she lost her husband, my apologies Bertha a number of years ago and she has continued to maintain that property in pristine condition. You would all be proud to have property as nice as hers. She is aggravated and I think I would be aggravated under these circumstances. I would like to make one final point, I approve of housing, I think it is an asset for a community and I would support Mr. Sofos if it he had an appropriate size a valid lot to build on. Thank you very much for your attention.

*Chairman: Thank you, I appreciate your time and comments. Any other people want to speak? Any other comments or questions from the board?

*Eric Harper: I recently purchased the property across from the proposed variance. I just wanted to say that initially when I talked to Mr. Sofos I really didn't have a problem, and then I really kind of looked at the neighborhood and saw the character of it and I see that if this variance is approved, I see this erosion of the property rights of the people in the neighborhood. Because where are you going to draw the line here, because everybody has a nice big lot there and if everybody got a variance, that place would have houses in between every house there. So, when I looked at that, I said wow I don't think that this really works. Now I understand that the zoning is a difficult problem, but it is there for a reason, it is there to protect the integrity of the neighborhood and these peoples values, their property values and their family and quality of life as they live in those houses and in that neighborhood. I think it is good to be flexible but in a situation like this where you have a neighborhood that is really neat, it is really neat. If you start to erode these guidelines that have been put in place to protect it, where do you stop, it is just going to go downhill. I guess I don't have anything else to say.

*Chairman: I appreciate it, thank you very much. Any other last comments? Ok one more and then we have to move on.

*Paul McElroy (28 South Spring): Our biggest concern as Bertha has mentioned is water. Groundwater, it goes somewhere. You can't store 25 years of water in one spot, on a hill, it has got to go down, where does it go, where is it going to go, where has it been going, down the hill towards the river. Whenever you put something into the ground, you deviate water to somewhere, you can catch anything from the sky but what is already there, has to flow. Now his ground is for example yay high, as you go down the road, now his ground is almost towards my roof, so how much further down does that need to go, to go further down past our house. How does the water run, underground, can an engineer tell me that? I know when we dug a fence post in the summertime, right next to the shed, we got a foot and a half down and it was starting to fill with water, which leads me to believe that water is running down hill underground. That is our concern, we



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are losing, you can even tell in our front, in the front of our yard where our yard hits the street, that it is eroding away right there, you can see it, year after year and it is getting deeper and deeper. It is also happening in the back yard. We are not getting water in our house because we have done things to make the water go away from the foundation, which the last owner didn't, and they had issues. They also didn't seal the basement properly, which we have, that doesn't stop water underground traveling. Now if there was somebody who had an idea of how this worked, where it went, I would be more than welcome to listen, but I am seeing it every year, just erosion, after erosion and after erosion and there is no where for it to go, but down. That is all I've got.

*Chairman: Thanks

*Member Vathally: I just want to ask Attorney Magliocchetti something. I think what I am hearing tonight is for the most part is not so much the variance but the water issue. Have you researched Paul that if there was an existing water issue prior or any complaints of a water issue with the city engineering or the water department, prior to this application?

* Attorney Magliocchetti: Not that I am aware of. By the way I have Steve Stapinski from Merrimac Engineering available by phone, he couldn't be here personally, I don't know if you want me to put him on the phone and he can answer all of these questions, in better detail than I can. Would that help the board, would that help, and he can have a dialogue with Ron LaPlume?

*Chairman: Let me see what Ron's question is first. Ron, you had a comment or a question.

*Ron LaPlume: Well, I just heard somebody ask about if there was any conversation about water. I looked through the papers here and conservation Rob Moore, has not had anybody complaining about the water in their cellars or anywhere at this particular point. I just want to say that I did live there and everybody just dealt with it, nobody made any calls to the City Hall or to conservation. I don't even know if we had a conservation department back then. But I am looking at what the engineer drew up and yes it's a typical infortracial system for roofs but like the other people are saying, we are putting this water into the ground and these people are having water in their cellars. Also, you are going to have the rain that flows down there, well that usually flows down anyways but the house though, you are going to put a foundation in the ground and that is eliminating that much more of a section where the water can stay. You know if there was a test pit done there or a perk test done there, that would probably be a lot better. That is all the information I got. The engineer can explain to you what he drew up.

*Chairman: Great Thank you. Paul if you want to bring him on, go ahead. But keep him brief if possible. As he said it was about water that is already in the ground as opposed to rainwater coming down. Will the construction of a foundation redirect that water in such a way that it causes greater damage to the neighborhood.

*Attorney Paul Magliocchetti: (Paul puts Steve Stapinski on speaker phone). Mr. Moriarty do you want to restate your question?

*Chairman: Hi Steve, the main question issue that has been brought up, is not so much the rainwater and the flowing water down the street. It is when a foundation is put into the ground, there is already ground water underneath there and there is a significant amount of it in there and putting in a foundation in there is just going to push it out to other directions. How is the system that is being put in place going to deal with that?

*Steve Stapinski (Merrimac Engineering): Well, the foundation doesn't really cause the groundwater table to change. The foundation is placed at least a foot above the seasonal groundwater table, so because the cellar floor has to be above the groundwater table by the building code, then the foundation can't be pushing out groundwater. If you put the foundation below the groundwater table, then you would have water in your basement, almost year round. The code requires a minimum of a foot above the seasonal high groundwater table, so because it is above the groundwater table the foundation has no impact on pushing water out.



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*Chairman: We have had more than one neighbor claim they have dug down to put in a fence post for instance and all he dug down was a foot and a half and have already run into water, so how does that align with

*Steve Stapinski (Merrimac Engineering): I can't speak to what they found when they put a fence post in, I can only speak to what's in the soil conservation service mapping and the seasonal high ground water table is below 6 feet. So, either, maybe it was surface, I can't speak to what they found when they put a fence post in. I can only speak to what the United States Government does in terms of establishing water tables. The site, there is a sewer and drainage on the street, I can't see where you would have a foot and a half water table, I just wouldn't see it., that is right below the loam and the subsoil and except in a wetland, which this site is not, a foot and a half seasonal high water table just does not exist.

*Chairman: So, your analysis of the lot is that the water table is six feet down and there for your foundation for the proposed building would be there 4 or 5 feet down, is that correct?

*Steve Stapinski (Merrimac Engineering): The foundation would be at the most 5 feet down, because there's a seasonal high water table mapping is 6. And that is why we are able to put the infiltration system in, because the bottom of the infiltration system has to be 2 feet above the seasonal high water table.

*Chairman: Ok. Any other questions from the board? Ron any questions from you on that point? "Ron's computer went offline; we are waiting for him to reconnect.

*Dave Giarro (42 Germaine Avenue): Back in April when we first started talking, I heard here tonight that no one in the city has heard any complaints from the neighbors. We called the water department, I said this in April, and they came out and they said if there is fluoride they can test the water and if there is fluoride then there is a leaky pipe somewhere. If it is not fluoride than it is groundwater. So we did talk to them, we had someone come out it was a young lady from the water department, don't know her name, but it's just when everyone said no one said anything, we did. That is all I want to say.

*Chairman: Thank you Dave. I think some people look back years past, so no kind of things at that point. So anyway, final comments?

*NOTE:**We are waiting for Ron to reconnect--

* Attorney Magliocchetti: In the meantime, can the Building Inspector comment on the foundation being a foot above the groundwater is that accurate?

*Tom Bridgewater (Building Commissioner): It is accurate

*Attorney Paul Magliocchetti: So, to build this house, it has to be above.

Chairman: To build it has to be a foot above the seasonal ground floor

*Tom Bridgewater (Building Commissioner): It is all designed by an engineer

*Attorney Paul Magliocchetti: Otherwise, it doesn't get put in.

*Ron LaPlume: Ok, I got you now.

*Chairman: Ok Steve are you still there? Ron did you hear Steve's comments?

*Ron LaPlume: I did hear some of Steve's comments and he went by some survey done probably many years ago. If you really want to know what the depth of the water table is, you should send a machine in there, a backhoe. Its going to cost you a couple hundred bucks to dig a hole and to have someone come in from the city and look. You can see in a different layers where the high water mark is in that land. So that would give you an exact determination. If it is 3 feet down, well you are going to be putting in a 8 foot foundation, which would bring it out of the ground, which would look ridiculous because you would be filling around it and come up to the top. But just by going by a survey map that is telling you what it should be doesn't mean that is what it is. Everything has been changed in that neighborhood and you know I am not against this gentleman at all, but you got to do things right and I ask all the time for people to bring in a guy that is qualified and have the city go over and do the per test, that's all and then you know, you know what you have.

*Chairman; Thank you Ron.



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*Attorney Paul Magliocchetti: Ron so is your concern, what depth you are building one foot above the foundation? Is that what you are trying to get to?

*Ron LaPlume: You know a lot of people will go in and I'm seeing it done many times and they will go in and dig the foundation and they are in the water; they will pump that foundation out, back fill it. You know if you do it pretty quick you can get somebody over there to view perimeter drains and etc.. And you might even have a drain in there but what are you going to do if that cellar fills up with water, if it is too deep. You can't, even in rainy weather, those foundations in that area did fill up with water, and there was pumps put in a lot of them. You see if you pump it into the surface, you can't put it into the sewer water, you can't do that anymore and I don't know how many catch basins you have, you mentioned catch basins on that street and honestly I don't remember catch basins on that street, I drove it the other day, I looked at the area, I didn't look for catch basins. Germaine Avenue has it, but I don't know if they have them over there. But to just put a final end to this, it would be very simple for someone to go over there with a backhoe, hire a backhoe for an hour or for a couple of hours and they dig it, and the health department can do the determination or the modeling of where the land is, where the high water mark is. So, it would be beneficial for the builder, if would be beneficial for the neighborhood, especially if we passed this and then they had to build it above the water table and they had the foundation sticking out of the ground, even 3-4 feet out of the ground, you are going to raise the property higher, because you can't leaving the building looking like that. Normally it is 18 inches I believe out of the ground the foundation.

*Chairman: Thank you Ron.

*Attorney Paul Magliocchetti: Well, I mean there are a lot of if's in what's being discussed. I hear what Ron is saying, but I have never had to deal with this at this level. Normally you have to meet the building code, the building code says a foot above the water table, so is the water table determined by these maps or is it determined by a pit, I am asking the building inspector?

*Tom Bridgewater: I would say the maps.

*Ron LaPlume: All I would say is that usually before the foundation put in and the infiltration system, usually there is a test hole that is dug, often times it's when the contractor who's excavating digs it and we will come out and look at it and if the elevation of the foundation and or the infiltration system needs to be adjusted we do that. If this was a subdivision, we would test all of the lots, before the planning board approval, but where this is a long and existing street usually that is not done until the time that they are ready to actually construct it, and then the elevations are adjusted if they need to be based on the institute soil conditions, that's typical. Testing is the best way, there is no question about it,, that is why it is normally adjusted when they start the work on the site.

*Chairman: Member LaPlume has suggested a perc test, would that be something you would be willing to do?

*Attorney Paul Magliocchetti: Well, that is what I am asking my client.

*Member LaPlume: Just a deep hole.

*Michael Sofos: How much do they cost? How much time is it going to take? How am I going to know?

*Attorney Paul Magliocchetti: Steve Stapinski, what doe test pits cost?

* Steve Stapinski: What do they cost, probably for my soil evaluation to do the soil evaluation and instruction it's probably \$400, the backhoe probably \$800, maybe \$600 depends on who is available, but that is about the range so about \$1200

*Attorney Paul Magliocchetti: To Michael Sofos would you agree to that?

*Michael Sofos: I don't know. Why can we not do this after we get the approval from here? If it is required to build something, we are going to do it and build. But why now?

*Chairman: I hate to continue this again, however but we can give him the opportunity to think about if he wats to spend another \$1200.



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*Michael Sofos: It is not only \$1200, it is more than that. But I don't understand, if there is a problem, let's say that I get the approval ok and I am trying to build and when the excavator is there to do the basement and they found this problem ok, they are going to have to raise everything up. I am going to build based on the code, I am not going to do something illegally.

Chairman: I realize that, but we as a zoning board don't want to approve something, if it doesn't meet what we think is a reliable thing. The only thing I can see from my position is continuing it to another meeting and for you to do that kind of a perc test as Member LaPlume has suggested or we vote on it tonight.

*Michael Sofos: If we do this test ok, are we going to have to go back to the other subjects or just this one, as that's the only thing you need to see?

*Chairman: I can't promise anything obviously. I can not promise anything. The major issues of the neighbors tonight has been the water tables

*Michael Sofos: I don't know what has changed since last time, I spent extra amount of money and extra time and I did all of these detailed drawings, and it is still not enough. I don't know what to do

*Chairman: My suggestion is to is to continue it so you don't have to make the decision tonight, you and your attorney can talk about it. If we make the decision tonight, we will vote on it.

*Michael Sofos: Ok, lets move it continue.

*Attorney Paul Magliocchetti: Are you sure (to Michael), you don't want to just agree to do the test pits, before you build the house?

*Michael Sofos: We are going to do the tests.

*Attorney Paul Magliocchetti: So, you will stipulate that you will do the tests pits before you build?

*Michael Sofos: Yes

*Attorney Paul Magliocchetti: Does that satisfy the board to vote tonight?

*Chairman: No, I prefer my preference as the chairman, I would prefer that we continue and do the test first before we approve it.

*Attorney Paul Magliocchetti: Alright so

*Chairman: That's my opinion, the other board members can make their decision

*Attorney Paul Magliocchetti: We will continue for one month and we will do the test pit.

*Chairman: Entertain a motion

*Member Vathally: Mr. Chairman I would like to make a motion to continue the application for 69-71 South new Street to the July Board of Appeals meeting. 2nd by Member Bevilacqua

Member Vathally: Yes

Member Brown: Yes

Member Matias: Yes

Member Bevilacqua: Yes

Chairman George Moriarty: Yes

Chairman: So, the continuance is granted. I want the neighbors to know that I believe the applicant and the attorney, and the board have really worked very hard to make sure that you were listened to and that your concerns are being addressed, both by the water table and so there for I think, I just want to make sure that you heard that everybody has been trying to listen to your concerns. I think the attorney has been very helpful, I think getting someone on board, I think



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our own Member LaPlume who is an excavator by the way, a special excavator and he knows a lot about this, and I think this test will give us a much greater confidence going into the next meeting.

*Attorney Paul Magliocchetti: Just to be clear all the neighbors are going to be notified about the next meeting?

*Chairman: Yup

Minutes: May 19, 2021, meeting. Motion made by Member Vathally; I accept the meeting minutes from May 19 by Member Bevilacqua

Member Vathally: Yes

Member Brown: Yes

Member Matias: Yes

Member Bevilacqua: Yes

Chairman George Moriarty: Yes