



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, March 16, 2022 at 7:00 P.M.

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

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

Chairman Moriarty called the meeting in to order on March 16, 2022

Robert J. Lappierre for 177 Lake Street (Map 588, Block 422, Lots 21B & 23A)

Applicant seeks following dimensional variances to create new building lot and construct new single-family dwelling in a RR zone. Requested variances for new Lot A include lot area (11,934 sf where 80,000 sf is required), lot frontage (50 ft where 200 ft is required), lot width (29.34 ft where 150 ft is required), and side setbacks (12.5 ft / 14.04 ft where 25 ft is required). Proposed new Lot B shall include existing single-family dwelling. Requested variances for new Lot B include lot area (13,204 sf where 80,000 sf is required), lot frontage (140 ft where 200 ft is required), lot width (146.32 ft where 150 ft is required), lot depth (92.39 ft where 125 ft is required), and rear setback (12.52 ft where 40 ft is required). (BOA 22-7)

WITHDREW

Attorney William Faraci: Due to the opposition in the neighborhood, we have decided to withdraw the application and will go in another direction.

Chairman: Entertain a motion on the withdrawal.

Member Vathally: I make a motion to withdraw the application for 177 Lake Street, 2nd by Brown

Member Vathally: Yes
Member Brown: Yes
Member Bevilacqua: Yes
Member Matias: Yes
Chairman George Moriarty: Yes

Withdrawal accepted 5-0



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Juan Ramos for 4 Garfield Street (Map 504, Block 241, Lots 12-13&8A)

Applicant seeks following dimensional variances to create new building lot and construct new three-family dwelling in a RU zone. Requested variances for new Lot 12 include lot area (6,500 sf where 11,700 sf is required) and lot frontage (65 ft where 80 ft is required). Proposed new Lot 13 shall include existing two-family dwelling. Requested variances for new Lot 13 include lot area (5,950 sf where 9,000 sf is required) and lot frontage (65 ft where 80 ft is required). (BOA 22-3)

GRANTED 4-1

Attorney Caitlin Masys (462 Boston Street, Topsfield): I am here representing Mr. Juan Ramos, he is seeking a total of four variances however they are 2 separate lots, he is seeking frontage and area. As most of the board may recall, we were here last month with a proposed 3-family dwelling to be sited on a newly created lot. After some discussion here in front of the board and with some neighbors who are in opposition, we had a short session with them. The proposal we are now putting before the board now would be for a 2-family structure. We have some architectural renderings; the proposed dwelling will be 2.5 stories down from 3 and a 2-family down from a 3-family. I believe the plan you have before you the plot plan they reduce the number of parking spaces to 4, but the applicant does plan to keep the 6 parking spaces that were proposed with the 3-family. On the old plan that was submitted last week you could see that there were tandem spaces and then 2 single spaces, the new plan submitted only shows four but their intentions is to keep 6 spaces for the 2-family. Just to refresh the boards memory you may recall that this particular property is a combination of 3 different lots, one of the lots has the bottom left corner cut out, and then not shown on the plan but you can see on the accessories website the GIS that there is another short strip of land towards the River Street side that had been taken out, so part of the hardship presented is the existing shape of the lots as separated, as well as the fact the property does straddle a RU zone and a commercial highway zone. I did write up the legal memorandum using the standard for the RU zone, because the structures would be entirely located in the RU portions of the lot, as a result the only variance necessary for the existing lot and the proposed new lot with the 2-family structure are for area and frontage. The proposed new structure meets all setback requirements, and the current structure has some preexisting nonconforming setbacks in terms of front and side setbacks as well as the rear setback because of that small little rectangle that is cut out of the back right portion of the lot.

Chairman: What are you using for the new lot area size

Attorney Caitlin Masys: The area for the existing home would be 5,950 square feet where 9,000 is required. The 66,500 would stay the same where also 9,000 is required for a 2-family. The frontage 80 is required and both lots would have 65 each.

Chairman: Any questions or comments from the board?

Member Vathally: Attorney once again just explain in detail your hardship for this application.

Attorney Caitlin Masys: The biggest hardships is one of the lots has roughly 600 square feet of area that has been carved out of this lot before MR. Ramos even took ownership of it, they are both in the RU and it is dissected by the commercial highway zone as well. So a lot that should have been rectangular as all of the other lots are in that neighborhood, had this rectangular piece cut out and whether or not it was retained by a larger lot that is on the corner or conveyed as part of, its used for commercial purposes that particular portion.



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Member Vathally: That part that is carved out the RU lot, if that was put back and there were no issues with soil shape or topography, how much area are you missing?

Attorney Caitlin Masys: It would be roughly 6600 square feet where 9000 is required

Member Vathally: OK, thank you.

Chairman: I should note that there is recognition that there are a number of neighbors that have supported this.

Attorney Caitlin Masys: Yes there was a list that was uploaded, that had a list of neighbors that are in support of the project. Additionally, my client decided to reduce the number of units to two as in combination to some of the neighbors that came and spoke in opposition. I know there were concerns about density on the street but with 6 off street parking spaces for a 2-family unit, I think it is a pretty good argument that there will not be any parking on the street problem for this particular site. This is a professionally designed plan that the applicant is proposing. Mr. Angelo Petrozelli is here from Design Studio, who has some renderings to show how the property will look when completed, green space, I think he would like to speak to the board.

Angelo Petrozelli (Design Partnership): The first thing I would like to show you is a photograph of the street, this is Mr. Ramos property and next to it is the garage, so you can see it is the same scale as his existing home. The plans now have the same footprint, a 3 bedroom on the first floor like what was shown the last time, the second floor, on the same footprint, where I introduced a master bath on the upper floor with dormers around the sides, it will also be in scale with the street, it is 25 foot back from the street, same as the others on the street. I am hoping that when this is built the neighbors will see that it is not out of scale and fits in. Thank you very much.

Chairman: Any comments or questions from the board

Member Brown: I'd like to ask, I'm concerned about green spaces, I see them on your plans but if they are not carried through. So I would like to ask how much of that is going to be on Mr. Ramos property?

Angelo Petrozelli: What you see here is the topography approximately 6500 square feet, that is the footprint of the house and all the green is what you see, the only asphalt you will see is the 6 parking spaces off of Garfield Street.

Member Brown: And that is exactly how it is going to be after completion right?

Angelo Petrozelli: Yes. Right now I am on many committees and the same question comes up and we promise to do that. We are not going to have 15 cars, I don't do that any way, we are going to have 6 cars there will be plenty of parking and plenty of green space. It will be an enhancement to the street.

Member Brown: Well that what I was going to say, because right now it doesn't have that, and sometimes it is something that is forgotten about or left out and just thrown together at the last minute. So I think it is important that when plans are done that it is followed through exactly what is on that plan.



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Angelo Petrozelli: I agree 100%. This hopefully will set the tone for the rest of the street, and maybe other improvements will be made by other owners and other developers on that street.

Member Brown: That will be really nice. Thank you.

Attorney Caitlin Masys: I think it is clear from Mr. Ramos attention to detail in coming to the board with this project, by undertaking the expense of hiring someone like Mr. Petrozelli to draft plans and draft renderings, his plan goal here is to make his property a desirable place to live, and part of having a desirable place to live is having a yard, having an area of space to gather outside and enjoy the fresh air and I know Mr. Ramos things that is very important to is project.

Member Brown: I hope so cause I think it really is. I do want to say thank you for talking to the neighbors and getting this down from a 3-family, I think it fits that area.

Chairman: Any other comments from the board?

Nick Xagaras (16-18 Garfield Street): We have a 3-family there that has been owned by my parents since 1969-1970 right around there. Look the problem is everything they are saying sounds really nice on paper, but in actuality that street is so congested as it is, there is not no room even if you put a single-family there, there is just no room in that whole neighborhood to accept another house. He is trying to jam in a 2-family in such a small space and as it is right now 6 parking spots, he has a 3-car garage with a fenced in yard and in front of that gate he has a no parking sign, so he took away another spot from someone else that he doesn't even use, and he doesn't use his garage, so he has a 2-family here and he wants to build a 2-family there. And we all know because I have tenants and I have in that 3-family 6 people that have cars, that can't park in front of my house, that have to park down the street, and I have had issues in the past with people not wanting to rent my property because there is no where for them to park. So now you are adding in another 2-family and the spots are just not enough and you have now next to Sanborn Tire, that property got sold to a developer which abuts his property, and I don't know what is going to happen there either. They are just trying to stick so much stuff in this small block and we have been there and a couple other neighbors have been there, I mean I grew up in that house, I know that area better than anybody, you cannot go up to the top of Garfield Street and take a right or a left without risking your life trying to pull put because there is cars parked all the way down to the corner on both sides. And you have an apartment across the street from him that there is like 12 cars, so it is a hardship for the people that live there and try and rent their properties and rely on there rent, I mean nothing personal towards him, he is a good guy or whatever I don't know him, but you just, I don't think it is a good fit for that neighborhood.

Chairman: He is providing the required parking. How come all these other houses don't have parking?

Nick Xagaras: Because it is an old neighborhood and back in the day they didn't have, you know each family didn't have 5 cars and I don't know if you guys have been on that street or have driven down that street at any given time, you have to maneuver to turn on to the street and now you are adding even more cars and more of that, into a neighborhood that can't handle it. That is my point and it affects me renting my property, if I need that rental money to help me, which is why I bought a 3-family and you are making that harder for me to rent, because the street is congested, because there's no parking, so the house across the street has her 3 parking spots, everyone has kind of a designated parking spot, but in the



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winter time its even worse, because cars from Wilson Street will park in front of Garfield Street, because there is no parking on Wilson Street. Now I plow for the City of Haverhill, I have plowed for the City of Haverhill for 20 years, I do my route and as soon as my route is done, I go plow my Street and I try to plow the whole street so that everybody has a spot, and a lot of the times I can't because there is cars parked in front of my house that belong 2 streets up. It is a real issue, and the problem is the city just okays all these houses and buildings and that's all great and good but it affects us in the end, it affects me renting, too many cars, too much traffic going up and down the street, it's a small street.

Chairman: I'm just, I'm trying to work it out in my mind. It would sound like we would have to penalize him for the parking situations of other people.

Nick Xagaras: Its never going to work out the way it is on paper.

Angelo Petrozelli: Why not?

Nick Xagaras: I have seen it a million times. Oh you are going to have 4 spots, so you rent to one person that has a husband and wife and they each have there own car, and two kids and they each have their own car and the roes all your spots. Where are the rest of the cars going to go, is he going to park them on the lawn, is he going to park them on the street? As it is he parks his cars on the street.

Chairman: We have to go by what the zoning requires, and he meets the zoning requirements for parking. We can't assume that a bunch of other cars are going to be there, what we have to look at is

Nick Xagaras: But that is what ends up happening.

Chairman: We have to look at what the parking requirements are.

Nick Xagaras: So you think for a 2-family 6 spots, what about his pother 2-family, where do those people park?

Member Brown: Can you speak to the current garage, what is happening to that garage?

Attorney Caitlin Masys: It is in pretty rough shape, which is why it is being torn down as part of this project. I think if it was able to be used and parked in safety that he might have done that, who wouldn't want to have their car parked in a garage in the winter, but it is pretty run down, there is a reason it is going to be torn down.

Member Brown: Are the neighbors aware that, that is coming down?

Attorney Caitlin Masys: we did discuss it at the last meeting as part of the plan that was presented to the board and uploaded, it does show a little outline of the garage where it is and that it is to be coming down. Some of the new parking will be where that garage currently sits.

Member Brown: Right and that's what I was seeing, I didn't know if the neighbors knew that was coming down, and you are not cramming another building in that spot.



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Attorney Caitlin Masys: No, that garage is coming down. Since I am up here there is a couple of things I would like to point out. Not only does Mr. Ramos meet the requirements for parking, he exceeds them by keeping the 6 spaces. Additionally I can appreciate some of the neighbors having concerns, however I can't help but sit there and feel like this is a lot of "Not in my backyard" kind of stuff, I mean 16-18 Garfield Street is a 3-family home that sits on 4300 square feet, that is more than 1000 square feet less than what we are proposing and it has frontage of 46 feet, where 80 is required.

Angelo Petrozelli: Let me explain, we are providing 6 parking spaces on his lot, next door where he lives there are 4 parking spaces, so it is 10 altogether and it is all on his property. Also they are keeping the green space where they need it. As I indicated on this drawing, that's the new building and right next door is his house and they will have 10 parking spaces, so it is not an issue on parking, it only requires 4 and we have 6.

Tom Bridgewater (Building Commissioner): Can I clarify that, how many bedrooms are there?

Angelo Petrozelli: There are 3 bedrooms on the ground floor and 4 on the second floor.

Tom Bridgewater: So you would need 4 parking spots.

Juan Ramos: I am going to be moving into the second floor where the 4 bedrooms is going to be. My family is just 2 kids and they are around 2 years old.

Chairman: I want to go by zoning regulations, and it is 4 parking spaces, and you have 6,

Tom Bridgewater: One thing I want to clarify, it says 19.6 to the setback in the bay window, the foundation needs to be 20 feet and the other thing is that stoop you have in the front designed, if you read the table of use it says stoops with a roof the exceeds 4 feet in height a similar architectural figure not more than four feet, so that there is no measurement on here on the front steps, but that can't be anymore than 4 feet into the setback

Angelo Petrozelli: We are up 4 feet from the foundation

Tom: Again, that step coming out can only be up to 4 feet

Angelo Petrozelli: We will make it 4 feet

Tom: Yah it's got to be

Angelo Petrozelli: I don't think it's much more than that.

Tom: It can't be.

Angelo Petrozelli: I can scale it.



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Member Bevilacqua: I think it is a slippery slope for this board to start to worry about other parking circumstances on the street that have nothing to do with Mr. Ramos, he's come here with beautiful plans, retained the most esteemed architect in Haverhill and I just think this project will do so much for that neighborhood, it will be beautiful, and I think that he has presented that he has

Nick Xagaras: You don't live there so you don't know

Member Bevilacqua: But it's not the part of this board to judge on the circumstances of parking of other residences when this applicant has satisfied the need for his parking. It would be a slippery slope for this board to start to get into that that area, it is not our purview. I commend him that he brought in an architect, he doesn't just have a general contractor, he brought in an esteemed architect, and he came back and reduced it from 3 to 2, I think Mr. Ramos has had good faith all along, his attorney has come a second time, he has retained the services of someone who has reputable reputation, I just don't think the board can absorb what are responsibility, we have to look at this applicants project, we can't look at the circumstances of other people obeyed that they are not optimum, we can only look at whether or not Mr. Ramos and the design that his architect has given him and we are already responding to the concerns of last time, that 3 dwelling was too much, he has come back and satisfied and with parking. I think we can only consider his project, I don't think we can consider the limitations of parking at other numbers on Garfield Street, as I said it's a slippery slope if this board starts to go down that road.

Chairman: Thank you.

Member Vathally: I think Mr. Ramos and Mr. Petrozelli did a really good job on this project, notwithstanding Mr. Xagaras argument here but I will yield on the parking, lets not forget why we are here as a zoning board of appeals, it is with area, its with setbacks, its with zoning, not with parking, not with other peoples parking on the street or how its going to be an inconvenience or what not because there's a lot of nonconforming existing properties on that street. My problem still is the area that you are requesting, even with that RU back, it is still a self-proposed hardship with looking to get that area with the existing structure, so I am having a hard time with I understand you reduced it, the property looks beautiful, I have not problem with it, but to prudent with the zoning board we have to look at area, we have to look at how this is going to fit and I still think you are short quite a bit of area. I understand the hardship that will et back your what you said attorney that would bring it back to 6500 from 9000 required but you need that for both properties the proposed and the existing, correct?

Attorney Caitlin Masys: Yes that is correct

Member Vathally: So I guess I am looking at it strictly from zoning, not the parking, you fit the parking and it looks nice, the green spaces looks nice, everything works, you did a great job with it, I'm still having a problem with the area.

Chairman: Other comments or questions from the board? Anyone else want to speak?... Ok I will entertain a motion

Member Vathally: I make a motion to approve the variances for 4 Garfield Street, 2nd by Member Brown.



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Member Vathally: No, it does not fit the criteria of 255-10.2.2(2)

Member Brown: Yes, I had a big problem with this last month, but I think they came back and did a pretty good job.

Member Bevilacqua: Yes, I believe it does satisfy the criteria and it's a beautiful, beautiful project.

Member Matias: Yes

Chairman George Moriarty: Yes and I site the unique conditions of the lot and the shape of it, and I believe it is straddling 3 different zones that creates in my mind a hardship use for it.

Approved 5-0

Gregg & Amy Sevene for 110 Gale Ave (Map 666, Block 2, Lot 3)

Applicant seeks a special permit for construction of an accessory apartment in a RM zone. (BOA 22-8)

GRANTED 5-0

Attorney Caitlin Masys (462 Boston Street, Topsfield): I am here representing the applicants Gregg & Amy Sevene, who are here this evening should the board have any questions for them, along with their general contractor Mr. Mau who you may or may not recall as the general contractor for the brand new Cederdale in Bradford. Mr. & Mrs. Sevene are here tonight seeking a special permit to construct an accessory apartment onto their home a 110 Gale Avenue, the apartment will be for Mrs. Sevene's parents the Donahue's who currently reside in the neighborhood, but they are looking to downsize and where 110 Gale Avenue has a significant amount of land, so they thought that an appropriate use would be to add an accessory apartment for them. The new Haverhill zoning regulations did set forth some new requirements and eligibility for accessory apartments, in my legal memo I addressed the six different conditions that must be met, along with the application, there were a set of architectural drawings and plans uploaded, so hopefully you have those in front of you. The first requirement is that the building must retain its characteristically single-family appearance, I think by looking at specifically sheet G201 and sheet A201 you can see the existing phased and the proposed phased. Looking at the building from the street, you would really not be able to tell that there is a completely separate accessory apartment. They are adding a 2-car garage and the apartment will be mostly above that, so it does not change the home as a single-family appearance, I think anyone driving by would think nice big single-family home on a large lot. A separate main entrance may not be constructed facing the lot frontage, so referring back to G201 and A2012 there are no separate or additional doors being added other than the garage. There is a current entrance which will remain the entrance, it will then become a small vesta pool that will then provide an entrance to the main house and the accessory apartment, but one door from the street from the outside into the property. The third requirement is that the apartment shall not exceed 1200 square feet or 30% of the living space of the size of the existing structure, whichever is less. I know that the plans are a little bit small and they might be hard to read the numbers but as par of this project, they are dong some renovations to the existing structure and they will be finishing off a basement room to make a exercise room on the basement level and then finishing off a mud room and providing a home office and a walk in closet, which provides a significant amount of area of living space, it would be 3937 square feet of living space for the main house and the accessory apartment will have a total of 1070 square feet of living space, it will consist of one bedroom, a full bathroom, a walk in closet, a open concept kitchenet dining and living room area. When you do the math, it comes out to be 27% of the living space of the existing single-family, so within the bounds of the regulations. The conversion must occur within the entirety of the existing footprint of the building, unless the expansion can be accomplished in compliance with all setback and yard requirements, this is a very large lot, this project can be completed and there would be not even close to approaching onto any of the setbacks required in this particular zone. In this particular application it still meets area, frontage, depth, height, stories, all of the



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required requirements on the zoning table are met. Single-family home with no separate electric or heating services provided. The home is currently occupied by Mr. & Mrs. Sevene and their two sons, one of which is here tonight. They have no intention of leaving this property any time soon, and as stated before the accessory apartment will be for Mrs. Sevene's parents who would be moving in. The fourth condition is that the board of health must certify and existing portable water and sanitary waste disposal system, that would be well and septic that we are talking about, but this particular property is serviced by town water and town sewer so certainly there's no issue with that. For all those reasons the Sevens are seeking a special permit to build an accessory apartment pursuant to section 255 chapter 8.1 of the Haverhill zoning code.

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

Member Vathally: I make a motion to approve the special permit for 110 Gale Avenue, second by Member Brown

Member Vathally: Yes as it satisfies 255-8.1 and 255-10.4.2

Member Brown: Yes it satisfies zoning criteria for 255-10.4.2

Member Bevilacqua: Yes it satisfies 255-8.1 and 255-10.4.2

Member Matias: Yes it satisfies 255-8.1 and 255-10.4.2

Chairman George Moriarty: Yes it satisfies 255-8.1 and 255-10.4.2 and as stated earlier and its always cleared by the building commissioner that it meets the 6 eligibility requirements necessitated by the zoning.

Approved 5-0

Minutes: Motion made by Member Vathally; I accept the meeting minutes from February 16, 2022 2nd by Member Brown

Member Vathally: Yes

Member Brown: Yes

Member Bevilacqua: Yes

Member Ruiz: Yes

Chairman George Moriarty: Yes

Approved 5-0