



# Haverhill

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

The regular meeting of the Haverhill Board of Appeals was held on Wednesday evening, September 16, 2020 at 7:00 P.M. City Hall

Those Present: Chairman George Moriarty  
Member Theodore Vathally  
Member Joseph Sullivan  
Member LaPlume  
Member Louise Bevilacqua

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

Chairman: Moriarty called the meeting in to order, September 16, 2020

**Francis Bevilacqua for 0 Edgehill Road (Map 684, Block 3, Lots 132 & 133A)** *Applicant seeks the following variances to build a single-family home in a RM zone. Variances sought for lot area (18,029 sf where 20,000 sf is required), frontage (73.02 sf where 150 sf is required), width (101.31 sf where 112.5 sf is required), front yard (15.5 sf where 25 is required). (BOA 20-21)*

Chairman: Mr. Bevilacqua sent in a letter to formally withdraw the application

Letter:

I would like to formally withdraw my application to the Zoning Board of Appeals.

I still need more time to work with the City to come up with a better solution to some of the drainage issues, and instead of keep continuing I would like to withdraw until I can show the Board a solution that I think will work.

Please let me know if you need anything else from me.

Regards,

Fran

Member Sullivan: I make a motion to allow the petition to withdraw the application for 0 Edgehill Road 2<sup>nd</sup> by member Vathally.

Member Vathally: Yes

Member Sullivan: Yes

Member LaPlume: Yes

Member Bevilacqua: Yes

Chairman: Yes



# Haverhill

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

**FANTINI BROTHERS REALTY LLC for 375 Washington Street (Map 512, Block 278, Lot 10)**

*Applicant seeks a finding to construct a 45 ft x 115 ft addition to bakery plant for a new oven. Existing non-conforming structure is located in both RU and CN zones. (BOA 20-41)*

Chairman: We received a letter from Bergman & Associates regarding Fantini Bakery

Letter:

**Bergman & Associates, Inc.**

Engineers



20 Washington Street  
Haverhill, MA 01832-5524  
Tel. (978) 372-1125

September 16, 2020

Haverhill Board of Appeals  
4 Summer St.  
Haverhill, MA 01830

**Reference: BOA-20-41 - Fantini Bakery Addition, 375 Washington St.**

Dear Board Members,

Per Fantini Bakery, we would like to request a continuance for the use variance sought under BOA-20-41. Fantini wishes to put an addition on the rear of their existing building to accommodate a new oven. However, they do not know the exact size and clearances required for the oven yet, and want to continue the hearing until they receive more information.

Note: A smaller addition was previously approved by the Board in June, 2020.

Chairman: Motion to continue to the October 21, 2020 meeting by Member Sullivan, 2<sup>nd</sup> by Member Vathally.

Member Vathally: Yes

Member Sullivan: Yes

Member LaPlume: Yes

Member Bevilacqua: Yes

Chairman: Yes



# Haverhill

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

**Jeffrey A Saab for 0 West Lowell Ave (Map 540, Block 446, Lot 13) - Repetitive Petition**

*New Petition proposes 50 feet of lot frontage for the construction of a new single-family dwelling. The prior petition proposed 0 feet of lot frontage. (BARP-20-1) Note: New Petition includes 70 Bailey's Court (Map 540 Block 14 Lot 8). See below.*

Chairman: We will be voting on three different parts of this.

Attorney Robert Harb (17 West Street Haverhill): I am here with Jeff Saab the owner; Greg Saab and his wife were not able to make it tonight. To assist the board, Greg did give us a color 2x3 foot photo plan, showing you in color what the new lots would look like, Mr. Saab has it, I'm going to ask him to stand up with it and show it, this will explain better, about the 50 foot access. So, you can see how we are going to have access on Bailey's Court, that 50 feet is a box we are going to add to Mr. Saab's property and then you can see how we are taking it from Greg Saab's property in order to make actual frontage on the property. I believe this is a two-section hearing, the first hearing that requires a vote is simply due to substantial material changes in this new application. We have gone to planning (8 members present) they all agreed yes, we did substantial material changes, the planning board director also spoke, you saw that in the minutes and he agreed we did substantial and specific material changes, which is required by our ordinance. The basic issue previously that this board turned down the application was that we had zero frontage. So material and specific we now have 50 feet of frontage. Mr. Pillsbury agreed with that, so the first thing we would like you to do is move and pass this repetitive petition so that we can come back, which I believe we are next on the agenda. The material and specific change is a big change from 0 to 50, so we would like to ask you to find it is specific in materials and immediately allow us to come forth with our new petition.

Chairman: Any comments or questions from the board? ...Make a motion that the specific material change

Motion made by Member Sullivan, 2<sup>nd</sup> by member Vathally

Member Vathally: Yes

Member Sullivan: Yes

Member LaPlume: Yes

Member Bevilacqua: Yes

Chairman: Yes

**Jeffrey A. Saab for 0 West Lowell Ave (Map 540, Block 466, Lot 13 – Proposed Lot 13A) and Gregory Saab & Christine Saab for 70 Bailey's Court (Map 540 Block 14 Lot 8 – Proposed Lot 8A)** *Applicant for Proposed Lot 13A seeks variances for lot frontage of 50 ft where 200 ft is required and lot width of 50 ft where 150 ft is required to construct a new single family dwelling in the RR zone. Applicant for Proposed Lot 8A seeks variances for lot frontage of 103.32 ft where 200 ft is required, lot width of 103.32 ft where 150 ft is required, and lot area of 45,309 sf where 80,000 sf is required in a RR zone.*



# Haverhill

---

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

---

So basically, the right of way that we had zero access to before, we are going to change that into part of Jeff Saabs lot so he will have that 50 feet frontage on Baileys Court. That 50 feet frontage dictated that we also did not meet the minimum width requirement of the setback, so that is why we had to ask for two variances. So, it is not just the frontage, the frontage goes back 50 feet and it starts to widen out, but it doesn't equal 75 % of the required frontage. So, a in technicality so we have to ask for the waiver for width. It meets all the other requirements of the code. If you turned to Greg and his wife Christine's lot, it was a grandfathered lot, the subdivision was built under the old code and only required 40 thousand square feet, it required less frontage. Well in order to improve Jeff Saab's lot from zero frontage to 50 feet of frontage, we have to take that right of way away from Greg. We have to make it part of Jeff's land, we have to show a new property line. That means Greg will be missing some frontage. He won't meet current frontage and he won't meet the old frontage so that means he will need a variance for his frontage. But we are giving Greg and his wife some land so he will have more than the 40 thousand square feet he had as a grandfathered lot, but I won't have enough land to give him to make it meet current zoning. But he still takes his grandfathered lot, and we are making it better for area. Which complies in that subdivision, it meets the old area. The only we are really missing, if you think about it is the frontage, we have to take the right of way land and give it to Jeff Saab. So that creates the issue of why Greg needs a variance. I had mentioned to you when we were here Before with the zero frontage, that we wouldn't have had to do anything to Greg's lot. But in order to better Jeff's lot and give us that frontage, it mandates that we have to take away from Greg. Remember previously and I think I refiled, the abutters would rather have this than a road and I think it's good for the neighborhood and the last time we were here issues were brought up what is our hardship regarding the property. Well we showed you that is a sublimite brief last time and I'm going to mention it again, because I'm going to refer you to what is also in your packages. Rob Moore from your Conservation department, filed a refile for. But he highlights the reason why we really need this variance, there are environmental reasons why the property I support the consideration of the layouts that are alternative to convention zoning norms. As we showed you last time if we were to build a road it would cause walls, disturbed the wetlands, due crossings. This is better environmentally and you can see our agent supports it. Otherwise we are going to have an 8-acre lot, that will never be developed and it is just going to stay there with no access. This is better method, the planning board thought it was better, it's better than what we did before. This is getting us closer, and this board has consistently been giving frontage waivers to other developers and owners, maybe not zero frontage which is why you asked me to come back, so we did. So, we are thinking we are applicable to the neighborhood, nobody was against us before; we are providing something that is going to benefit the neighborhood. We are going to be helping the neighborhood, conservation approves this. It will meet all the requirements of the fire department, I know that he will have to sprinkle the building and the road has to be built with certain requirements. He will meet all the requirements of the Fire Department; I do believe that they wanted the building sprinkled, all the other buildings on Baily's Court are sprinkled I believe. Again, he is not asking to subdivide this large lot he wants just to pick a single-family house on it, we gave you the design on the house, it is a nice house that will fit in a agriculture rural neighborhood, I think it is aplicible to the neighborhood and I do think that now we meet all the codes of the zoning board, because now we made Mr. Saab's lot better, he is going to have frontage on a public way, now it is more conforming and to allow him to build this single-family would not be contrary to the neighborhoods and it really is what the neighborhood would rather have then an extension of a roadway. He does have those unique circumstances. That lot has been there landlocked for properly 70-80 years and if you can not give him this relief than he can't build on it at all and



# Haverhill

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

to will forever be landlocked. It is not going to harm the neighborhood; we are making this more conforming and Mr. Greg Saab's lot will have more frontage. So, we would ask you for the reasons set forth in my brief which I reference and filed online, that you approve this variance. Thank you

Chairman: And this variance we are voting on right now is the court variance, correct?

Attorney Robert Harb: Well it is a combination, as the city requests. It is a single partition for both of them so one vote would pass the partition for both of them as it is a joint partition, it is almost as if they were two lots and I was subdividing them, but I have two different owners for one application. So, I believe a vote would give us all the variances, you could ask Mr. Bridgewater but I believe how I filed it, that it is a partition filed by Mr. Jeff Saab with the approval of Greg and his wife as their land it involved.

>>>>Board Secretary Jill Dewey and Attorney Harb talk a bit about the decision sheets and wither there should be one or two since there is Baily's court and also West Lowell that asked for variances, Mr. Harb said one sheet could be used, but that he would let the board decide.

Chairman: We will use two as the addresses are different. Are there any questions from the board?

Member Vathally: Has the fire department approved this for both properties

Attorney Harb: Well Greg Saabs house is already built, so they had no objections. It's already built, it's already sprinkled. We are not changing his access, how you would get to his house is the same. This right of way he wasn't using. Only it was set up for Jeff to use, to get to his lot.

Member Vathally: So, the fire deputies went out there?

Attorney Harb: I couldn't tell you if any deputies went out there, but I can tell you there have been reports filed by their department. I think they were only talking about 0 Lowell because the other lot/house is built and the house is sprinkled and the access to get to them isn't changing. I think their concern was the new house, because they already gave permits for the other house.

Chairman: Any other questions from the board?

Member Sullivan: Is this the application for the frontage?

Attorney Harb: Well both lots are going to need frontage. Because Baily's Court needs frontage, because we are taking away from them. 0 West Lowell needs frontage because he only gave him 50 so that is why we are here for two variances. Perhaps you could split them up, but if I don't get one of them than I wouldn't need the other one.

Chairman: Ok. So, we are going to vote first for Baily court



# Haverhill

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

Member Sullivan: I make a motion to approve the variance for frontage , lot width and area for 70 Baily Court 2<sup>nd</sup> by member Vathally.

Member Vathally: Yes  
Member Sullivan: Yes  
Member LaPlume: Yes  
Member Bevilacqua: Yes  
Chairman: Yes

Motion passes 5-0

Member Sullivan: I make a motion to approve the variance for lot width and frontage for 0 West Lowell 2<sup>nd</sup> by member Vathally.

Member Vathally: Yes  
Member Sullivan: Yes. For the record I voted in favor for this application the last time it was here, I think the applicant demonstrates a hardship of statues and ordinances because of the topographic and economical with this land.  
Member LaPlume: Yes  
Member Bevilacqua: Yes  
Chairman: Yes

Motion passes 5-0

**Luis Molina for 44 Atwood Road (Map 433, Block 1, Lot 69)** *The Applicant seeks a special permit to allow for the raising and keeping of chickens in a SC zone. (BOA 20-39)*

Luis Molina (44 Atwood Rd): The reason why I am here is a got a report that someone complained about me having chickens. I didn't know that you needed a permit to have live chickens at my house. The reason why I am here is to request a special permit

Chairman: How many chickens are we talking about? And where are they, are they out in a pen? And where on the property is it located

Luis Molina: I have 8 chickens. I have a coop, a big coop it is 26x12. I can move it anywhere I want it, it is movable but now it is in the back of the house behind the shed.

Chairman: Are you getting any complaints from neighbors about the chickens?

Luis Molina: No not at all.

Chairman: Are there other neighbors in the neighborhood that has chickens?

Luis Molina: No

Chairman: What do you have the chickens for?

Luis Molina: They are my pets and also, they lay eggs

Chairman: Do you sell the eggs



# Haverhill

---

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

---

Luis: Never

Chairman: Do you plan on getting anymore chickens?

Luis: Yes, if you allow me too

Chairman: Well you have 8, at what point do you stop?

Luis: The max would be to have a dozen (12) chickens.

Chairman: Do you know why this was reported? I know you do need a permit.

Luis: Yes, the problem was, my sister-in-law who lives in Rowley. She went to the store and saw somebody was giving away turkeys and she said to me, because she doesn't have a coop could she keep her turkeys until she builds a chicken coop. I said sure. So that is when I brought them over to my coop and someone saw the turkeys and complained about the turkeys not the chickens. I have had my chickens for over 4 years.

Chairman: So, the turkeys are gone now?

Luis: yes, the turkeys are gone. I just have my 8 chickens.

Chairman: You have neighbors on both sides of your yard?

Luis: I do on one side, the right side.

Chairman: How long have you had the chickens there?

Luis: Almost 5 years.

Chairman: Ok, I would like to hear from the neighbors that are here.

Angela Kizirian (41 Atwood): I am across the street from Luis. I never had an issue with his chickens, turkeys, none of them. He takes care of them very well. I have never seen them be mean in any way, shape or form. I have animals myself and dogs and they are perfectly fine, there has never been an issue. So, I see no issue of them ever being mean.

Lucien Lamarre (57 Atwood): I live across the street diagonal from Luis. The chickens will come across the street every now and then, I actually don't use fertilizer or anything in my lawn because I don't want to (something) organically. The chickens don't interrupt anything, they stay over there most of the time, but we have times when we bring them back over and feed them. Most of the neighbors don't believe the issue was chicks, it was the turkeys.

Chairman: Thank you

Member Bevilacqua: Are there other people on the street with chickens, according to your letter there are.

Luis: On my street Atwood, I don't see anybody with chickens. But if you go around, on Myron Rd they have some chickens.

Member Bevilacqua: With the coop, have you had problems with predatory animals?

Luis: No because my coop, I'm a builder so my coop was built to have chickens all year round. So, nothing can get into the coop. Every night at like 6:00 I close the door, so nothing can get in and I have heat for the winter, AC for the summer.

Chairman: Entertain a motion

Member Sullivan: I enter a motion to approve the special permit for up to **12 chickens**, 2<sup>nd</sup> by member Vathally

Member Vathally: Yes

Member Sullivan: Yes

Member LaPlume: Yes

Member Bevilacqua: Yes



# Haverhill

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

Chairman: Yes

Motion passes 5-0

**Keith Gostanian for 15 Yellow Brick Road (Map 791, Block 1, Lot 33)** *Applicant seeks dimensional variances for side setback of 8.54 ft where 10 ft is required and rear setback of 28.5 ft where 30 ft is required to replace an existing deck with an enclosed deck in a RH zone. (BOA 20-42)*

Keith Gostanian (15 Yellow Brick Rd): There was a 16x16 deck that was really falling apart when I bought the house. I was going to replace it with a deck, but my Son has bad allergies and he has to go to Boston Children's Hospital every week for shots. Boston Children's suggested that we enclose it for him because he likes to be outside, but he can't be outside for long. When COVID hit they had to stop his shots because he couldn't go to the hospital, so he had a hard time breathing. So, we decided we wanted to make it a little bit smaller 14x14 and enclosed.

Chairman: Questions from the board? Ok make a motion

Member Sullivan I make a motion to approve the variance to allow for the new deck enclosure 2<sup>nd</sup> by member Vathally

Member Vathally: Yes

Member Sullivan: Yes

Member LaPlume: Yes

Member Bevilacqua: Yes

Chairman: Yes

Motion passes 5-0

**Dawn Chute for 3 Wyoming Avenue (Map 534, Block 23, Lot 101)** *Applicant seeks variances for lot depth of 87.8 ft where 100 ft is required and front setback of 15 ft where 20 ft is required to divide an existing parcel and create a new building lot in a RU Zone for the construction of a new single family dwelling on Joseph Avenue. (BOA 20-43)*

Dawn Chute (245 Hilldale Ave): I am seeking a variance for 3 Wyoming Ave for lot depth of 87.8 feet where 100 is required and a front setback of 15 feet where 20 is required to divide an existing parcel and create a new lot in a RU zone for a new single family dwelling on Joseph Ave.

Chairman: Who will be occupying the new Single-family dwelling? Are you selling it?

Dawn Chute: It is for me and my husband David.

Chairman: Do you own the existing parcel?

Dawn Chute:" My Mother Maria Melanson does.





# Haverhill

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

Chairman: What is on that parcel now?

Maria Melanson: Nothing

Chairman: What are you going to do with the part that doesn't have a home

Dawn Chute: We are going to sub divide it, she is selling that lot to us. Yes, my mother lives at 3 Wyoming Ave and we are going to have it subdivided.

Member LaPlume: Mr. Commissioner, that doesn't make the other lot nonconforming?

Commissioner Tom Bridgewater: It has area, frontage and it's short on the depth. The existing lot I believe would have 81 feet where 100 is required.

Member Sullivan: I have a question for the commissioner. The lot depth on the existing lot, doesn't necessarily change

Commissioner Tom Bridgewater: It does not change the depth.

Chairman: What does it change

Commissioner Tom Bridgewater: Area, but it has enough area it has 12000 sf

Chairman: That's what I'm trying to make sure of or figure out. We are not creating a nonconforming, are we?

Commissioner Tom Bridgewater: no

Chairman: any other questions or comments from the board?... Anyone else speaking on behalf or in opposition? I will entertain a motion

Member Sullivan I make a motion to approve the variance for 3 Wyoming Ave, 2<sup>nd</sup> by Member Vathally

Member Vathally: Yes

Member Sullivan: Yes

Member LaPlume: Yes

Member Bevilacqua: Yes

Chairman: Yes

Approved 5-0

**33 EIGHTH AVENUE LLC for 33 Eighth Avenue (Map 415, Block 149, Lot 10B)** Applicant seeks dimensional variances for lot area of 9,280 sf where 11,700 sf is required, frontage of 65 ft where 80 ft is required, and open space of 31% where 40% is minimum to construct a three unit residential/condominium building in a RH zone. (BOA 20-40)

Attorney Michael Migliori (18 Essex Street Haverhill): I am here this evening representing Mr. Snow and Mr. Castle that is where the Snow Castle LLC comes from. We have a petition for a variance. You might be familiar with the site because in 2018 you actually granted a variance for a three-family on this site, I would like to point that out. Also, the letter that was submitted by the Weeden's, they are here, and we just went over everything that was in their letter. I wish we had met earlier, but unfortunately it wasn't until here tonight. We went through their questions, by the way it was a very thoughtfully written letter, I thoroughly appreciate it, the tender of the letter, it's not often you see one like that. I thought it was very gracious. But anyway, we can



# Haverhill

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

address the concerns they had in that letter and they are satisfied, but they are here and can speak for themselves if they want to. One other thing that we will discuss and Tom Bridgewater may have brought it to your attention but if he didn't then he brought it to my attention, that he thinks that there may be somebody using the property, he told me about it today. If that is the case, we will make sure that we get it secure upon approval. I did ask Weeden's if they have seen anybody, they say that they have not. We will do an inspection and make sure, that there is nobody there that shouldn't be.

Chairman: We thought we seen evidence of some one squatting there.

Attorney Michael Migliori: We will check that out. As you know this is a two-step process, if this does get approved tonight that we still have to go to City Council since they are going for a three-family. The property is located in the RH zoning district and because of that we do need throw variances the first is frontage we have 65 feet where 80 is required, open space of 31% where 40% is required and area we have 9,280 sf where 11,7000 is required. I have some handouts, the 3 sets of handouts are the existing buildings, a couple of abutting properties and then the rear fence with the tree that the Weeden's had some concerns about. As you can see from having visited the area, it is a disgrace, it's an absolute disgrace. When my clients came to me with the project, I short of shook my head and said do you really want to do this. This is going to be owner occupied and in the inner city, there is other projects similar to this in the Portland St area. There are some 2-families down there that have become owner occupied and they have made a difference so I think this project will make a big difference, it is baby steps in the inner city but I think that these are 3 good baby steps to take in home ownership in the area. With respect specifically the concerns in the Weeden's letter, I explained to them as far as stormwater goes, I explained to them how the engineering department works and how we are required to keep everything either onsite or divert it to the city system, which we will have to do if and when we get to that point at a site plan review, Mr. Pettis will certainly oversee that. One of their other concerns that they had in there was the 3 parking spaces at the end of the building, I wasn't sure, but they seem to understand that in addition there are another 6 spaces, each unit has it's own 2-car garage underneath. So those 3 spaces are there for a couple of reasons, one for an occasional guest , #2 during the winter if we can't do immediate snow removal, we have a spot where we can do short term snow storage. Another one of their concerns was waste storage, again these units were designed with the garages being street level, there will be totes maintained in each garage till they are taken to the street for pickup, there is actually a space in the garage carved out for them.

Chairman: Question this was approved for variances in, 2018?

Attorney Michael Migliori: Yes

Chairman: Were they the same variances?

Attorney Michael Migliori: No. One of the reasons we are here again before you, are the layout, the way the previous owner wanted to do it, just wasn't workable when it came down to it. These guys went back to the drawing board and improved the project. Basically, before they were going to hot top every inch of the property. Now we are going to leave as much as we can, we are not going to take down any trees unless we have to, we are going to leave as much greenery as we can, we are going to put in new fences around the property, we are going to replace the fence that abuts the Weeden's property and put in as much greenery, shrubbery and privacy as we certainly can, understanding that there are some limitations. Again they are here



# Haverhill

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

if they have any other concerns but we can certainly commit to that, which we had planned on doing anyway, some of it obviously by necessity. So, I think it's a multi-family use that is going to provide homeownership in the inner city, there are similar variances that have been granted over and over, actually we are less intrusive than the similar variances that have been granted 2 years ago.

Chairman: There were more units before?

Attorney Michael Migliori: When it first started there were as many as 6 then to 4. So, with that if the members have any questions?

Chairman: Any comments or questions from the members?

Member Vathally: Attorney, on the Weeden's letter, can you just address the part where he indicated the parking spots in the park?

Attorney Michael Migliori: Yes, I wasn't sure if they were aware that there is actually 6 spaces of garage parking in addition to the 3 overflow spaces. But they were just concerned about how much use they would get. As I see it, it is going to be an occasional visitor or guest, nothing 24 hours and again we are going to need it, if and when snow storms come along, on a temporary basis so we have somewhere to put the snow till we get it off site. The owners will have to monitor that, but once I explained it to them again, I think it regulated their fears.

Member Vathally: What is the capacity for each garage unit?

Attorney Michael Migliori: 2 each, so you are going to end up with nine spaces where the ordinance calls for five. So, we have almost twice as much as the ordinance calls for.

Member Vathally: And the tree is staying?

Attorney Michael Migliori: Yes, that big tree is definitely staying. We are going to save as much as we can and what we can't save we will replace. I think it is going to be an attractive building.

Chairman: What are the exterior materials, what will it look like?

Joel Gagnon (Architecture Residential Design-80 Merrimac Street): Vinyl. Some mixed materials it will be some mixed materials it will be some shingle work and some clap boards, so it will pick up the same error or the neighborhood.

Member LaPlume: (Member LaPlume Didn't speak into the microphone...So we couldn't hear what he said)

Kathrine Weeded: (She spoke but not at the podium so not heard on microphone)

Chairman: If there are no other questions from the board, make a motion.

Member Sullivan I make a motion to approve the variance for 33 Eighth Ave, 2<sup>nd</sup> by Member Vathally

Member Vathally: Yes sighting 255-79

Member Sullivan: Yes

Member LaPlume: Yes (He sighted something but was not heard as not into the microphone)

Member Bevilacqua: Yes

Chairman: Yes

Approved 5-0



# Haverhill

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

**Usynergy Express LLC for 767 Main Street (Map 645, Bloc 1, Lot 25A)** *Applicant seeks a finding to convert the use of part of the property from an auto repair garage to a convenience store. Existing non-conforming structure located in both RH and CN zones. (BOA 20-44)*

Attorney Caitlin Masys (462 Boston Rd Topsfield): We are here in front of the board today seeking a finding for an allowed use at 767 Main Street under zoning code 255-57, the property is currently run as a gas station and a two-bay garage auto body shop. Because they are seeking to change the use to a convenience store under section 255-57 nonconforming structures and uses may be extended or altered by no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals, that such change, extension or alterations shall not be substantially more detrimental to the existing nonconforming use. I submit to the board today that the convenience store would be significantly less detrimental in that there would be less noise, less hazardous materials stored on the property, there would be less of an environmental impact in terms of potential oil leakage and things of that nature that would happen with autobody repair shops. They would continue to use the property as a gas station. My clients have made a significant investment into this property already. They have as I'm sure you have noticed, driving around Haverhill you will see that that particular property has been cleaned up quite a bit. There are no more old cars sitting around, they have cleaned up some of the shrubbery, they have installed new self-service gas pumps. They also have already moved ahead with installing a new fire suppression system. So, they are significantly invested in making this particular property something that the city of Haverhill can be proud of. A little bit about my clients who own the property, they are Haverhill residents and have lived here since 1989, their children attended Haverhill schools, they own several different properties in Haverhill, some of them are investment properties. I am sure you never heard of them, because there have never been any complaints about those properties. They love the community in Haverhill, and they want to see it the best that it can be. That is one of the reasons why they bought this particular property, it was starting to get very rundown and it was a bit of an eyesore and they saw a chance to take it and make it better. They have other projects in Haverhill going on, they have been in discussions with Harbor Place about potentially opening up a café there. I think it is safe to say these particular business owners will be around and will be very conscientious in terms of taking care of the property and making it safe. I'm sure there would be some questions about traffic and keeping it safe, I will say that this is a very large lot of land, there is significant parking, it is probably more than twice the size of the existing gas station convenience store that is across the intersection. In terms of traffic, I don't think that there would be an overall increase in fact I think it will actually decrease the traffic here in Haverhill, because the property is so large it would be larger trucks coming off of 495 would be able to stop right there, get gas, get some convenience items and get back on the highway. There is an existing traffic light. So coming out of the property there is a light when taking a left hand turn going back into Haverhill, going straight across to Primrose Street and then there is a separate entrance exit for taking a right hand turn on to 125 going towards Plaistow. I think this particular property is perfectly situated for this type of use. My clients actually started this project, because they have customers who get gas that have asked them to open a convenience store there, because it would be useful to them as a one stop, get gas and run into the store. They do have customers right now, that will get their gas from them but will attempt to cross 125 to go to the convenience store across the street to get a drink. It is a very dangerous spot to try and cross, even though there is a traffic light and a cross walk. With that we ask the



# Haverhill

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

board for a finding this evening to allow my clients the change of use to allow them to turn it in to a convenience store.

Chairman: The existing bay that is used for car repair, would that still be there

Attorney Caitlin Masys: They would both be going away. Angelo Petrozelli is here, my clients hired me to represent them and him as their architect, to make sure that the building will be very nice to look at. Mr. Petrozelli has a few minutes to talk.

Angelo Petrozelli (Design Partnership Architects Inc): “”Angelo holds up plan and gives a presentation””, copy of plan is in file.

Chairman: Is there and particular redamation work that has to go into removing the two bays, that are currently used for auto repair, is there anything there that needs to be attended to?

Angelo Petrozelli: It all has to be removed; all the jacked-up equipment needs to be removed. We are going to level the floor.

Attorney Caitlin Masys: I believe in the past there has already been some remediation work done at the site. There was an agreement on record between the previous owners, about doing some cleanup at the site. There has already been some remediation happing there.

Member Vathally: Are the parking spaces going to be striped along Brookline Ave?

Attorney Caitlin Masys: We show them, as striped. I think there is an existing curb there.

Member Vathally: Is there going to be a buffer along Brookline Ave?

Attorney Caitlin Masys: Yes, it is all buffered.

Member Vathally: Second question, I went up to the property and spent some time there and let me tell you, I had a heck of a time getting out of there. When you go to turn left to head back to the traffic light, is there going to be any kind of traffic flow design to get in and out of there? Going in is no problem, it’s going out that’s a problem.

Angelo Petrozelli: I understand what you are saying. You have to wait for the light to change. The problem is there is so much traffic coming from the opposite direction.

Member Vathally: Correct

Attorney Caitlin Masys: In order for there to be some change, that would have to be with the traffic light timing I would think to take a left-hand turn. I think you would only be taking a left hand turn at the light. From the entrance on the right-hand side would be right turn only.

Member Vathally: The building is beautiful, you out did yourself Mr. Petrozelli. My concern is the traffic.

Member Bevilacqua: I get my gas there. You are actually guided by a light, so if you are going that way you wait for your light. But the other way, you mentioned that that would be right turn only? It doesn’t say right turn only.

Attorney Caitlin Masys: I think traffic wise it makes since to have a particular exist.

Member Bevilacqua: But if you are going the other way, which I always try and do, then I just wait for the light.

Attorney Caitlin Masys: Yes, if you are going in that other entrance/exit I think traffic wise and safety wise it only makes sense to have that be a right hand turn only.

Member Vathally: Lets face it, people coming off the highway, that dot in for a quick pack of cigarettes, there’s cars all over the place, the people who are not familiar with that area are not really going to follow that flow that the Haverhill residents know about and that is where it gets a little bit touchy. I like the project very



# Haverhill

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

much, don't get me wrong, he did a really nice job. I'm just worried about the people coming off the highway and down 125. I just looking to make sure that people who are not from the area, to be safe.

Member Bevilacqua: Does this mean that there will be no auto repairs done, not even outside?

Attorney Caitlin Masys: Correct. There will be no auto repairs done at all. The use would be completely changed to just a gas station and convenience store.

Chairman: And self-serving gas station?

Attorney Caitlin Masys: yes, self-serving only. They have already installed new pumps, at the location, it will only be self-serving pumps.

Member Bevilacqua: There won't be an attendant there anymore?

Attorney Caitlin Masys: There will be an attendant inside, but the pumps will all be self-serve. There won't be any full-service pumps whatsoever.

Member Sullivan: Would it make sense, and this is just a thought to maybe not exit only but maybe put an arrow or a right hand only and then the other traffic can go out the other side, just a thought.

Attorney Caitlin Masys: Yup, yup.

Member Sullivan: I like the project and I think it will be good for Haverhill in this time and place, I am in favor of the change in use.

Chairman: Any other comments or questions? Is it going to be a franchise?

Attorney Caitlin Masys: No

Chairman: So, the convenience store is going to be their own

Attorney Caitlin Masys: Yes.

Chairman: Any other questions or comments?... Ok I will entertain a motion

Member Sullivan I make a motion that the board approve the finding for 767 Main Street, finding that the change in you structure and the proposed use is not , 2<sup>nd</sup> by Member Vathally

Member Vathally: Yes

Member Sullivan: Yes

Member LaPlume: Yes, finding sighting 255-70 or 72 couldn't hear him well.

Member Bevilacqua: Yes

Chairman: Yes

Approved 5-0

**LAMBROS VOURTSAS for 11 Adele Avenue (Map 561, Block 2, Lot 66)** Applicant seeks a variance for front setback of 21.83 ft where 25 ft is required to attach a currently detached garage to the existing single family dwelling and a special permit to construct an accessory apartment above the garage. Applicant also seeks a variance for side setback of 9.39 ft where 15 ft is required to remove rear deck and construct sunroom addition in a RM zone. (BOA 20-45)



# Haverhill

---

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

---

Joel Gagnon (Architecture Residential Design 80 Merrimack St, suite 17, Haverhill):

The handout you are getting right now, has to do with the accessory portion of this, which I'm guessing will come after the variances.

Chairman: We will probably take two votes on this. The accessory unit as a separate vote.

Joel Gagnon: Sure. I am here to represent the Vourtsas family, tonight the primary homeowner Louie is here and his daughter Joanna who will be occupying the accessory unit, that hopefully will be approved. The first order I believe will be for the variances, you have noted that there is a front setback where we are currently at 21.83 ft where 25 ft is required, that difference in the dimensions is what the building is currently at now, that represents the garage that we will be adding a second floor to. Because the second floor will be added to that, then it technically doesn't meet the setback. However, the rest of the property, in terms of its setbacks on the front is all nonconforming right now, so we just want to go up a second floor. The addition itself what is connecting the house and the garage actually sets back further and does comply with the setback. The second setback would be the side, which is the side yard to the right rear which is for a sunroom where 15 foot is required and right now the sunroom as designed sits at about 9 and a half feet off of the current line and that neighbor on that side, has no objections to it. The property is always beautifully maintained, they are happy with anything that goes on there., they are happy neighbors, so they are ok. In terms of setbacks and the variances that my clients are requesting are they any questions?

Member Sullivan: The sunroom is that going to be 9 ... (Then Joel comes over to Member Sullivan and they talk about the plan)

Joel Gagnon: The lot itself angles at about 15 degrees, cutting across the corner, so that is why that gap narrows between the existing house and the fence. Unfortunately, I couldn't slide that sunroom over more, due to an existing bulked, which would be costly just to move that. There is an existing deck right now where that sunroom is.

Chairman: Do you want to move on to the accessory apartment.

Joel Gagnon: Yes sure. Ok so we are also applying for a special permit for the accessory unit. We feel that it meets the requirements. The handout that you received you will see a change from what was considered at filing. I spoke with Mr. Bridgewater regarding the third front door that was on the original design, I think now there is no door visible from the street, it is around the corner under a covered porch. Which actually after I redesigned it, I think it works out better than what was there before. So that part now is in compliance with the zone. I do now believe that that also helps to present it more as a single-family home as opposed to a two-family. The unit does not exceed 800 square feet, I think I have it listed at 800 but actually in the end it is about 780 sf. If you look at the layout the in-law itself is the new entry way, the downstairs where the kitchen, dining and living space will be and the master suite is being built over the garage. Everything else that is being added on to the house is common space for all of the family, so there is a common space room on the second floor over the kitchen of the in-law and as well there are two smaller bedrooms which are fully accessed from the main house as well as the in-law. That also complies with the in-law, as supposed to be part of the existing home as opposed to being setup as a two-family where it is all sealed off. It will be owner occupied. The board of health will have to do what it does, I just want to make sure that since I know you are on city water and sewer., so there are really no issues with any of that. Questions?

Member Vathally: What is the total square foot inside the apartment?



# Haverhill

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

Joel Gagnon: I have it listed as 800, but it will be under that around 790-780 somewhere in there. Because actually, the way that the master suite is designed now, I'm going to bring some walls in a little further, which will cut out probably 10 square feet one I move them in. The accessory apartment requires a special permit and then the land itself before you can approve the accessory apartment, because of where the additions are being placed on the existing building, the existing building needs variances for the setbacks. Right now, the house does not conform to the front yard setbacks.

Chairman: Any other questions or comments?...Ok the first vote we are going to take is just on the variance and then we will take a second vote on just the special permit for the accessory apartment. So, entertain a motion

Member Sullivan I make a motion that the board approve the variances as applied for by Vambros Vourtsas for 11 Adele Avenue, 2<sup>nd</sup> by Member Vathally

Member Vathally: Yes  
Member Sullivan: Yes  
Member LaPlume: Yes  
Member Bevilacqua: Yes  
Chairman: Yes

Approved 5-0

Chairman: Entertain a second motion for the special permit for the accessory apartment

Member Sullivan I make a motion that the board approve the special permit as applied for at 11 Adele Avenue, 2<sup>nd</sup> by Member Vathally

Member Vathally: Yes sighting 255-92 A-F  
Member Sullivan: Yes  
Member LaPlume: Yes  
Member Bevilacqua: Yes  
Chairman: Yes

Approved 5-0

**Treetop Rentals LLC for 15 New Street (Map 305, Block 71, Lot 4)** Applicant seeks a variance for lot area of 4,903 sf where 11,700 sf is required and a special permit to convert existing residential dwelling into a three-family dwelling (currently a 2-family) in a RU zone. (BOA 20-46)

Chairman: I believe we are going to have to take two votes here. We have a request for a variance for the lot area and a special permit to convert existence into a three-family.





# Haverhill

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

Attorney Russell Channon (25 Kenoza Ave Haverhill): I'm here with Sid Gehlot who is the manager and owner of Tree Tops Rentals. This property was part of the receive a ship program, here in the Haverhill District Courts and for which I worked with Mr. Gehlot on other properties he has received through this receive a ship program. This was in fact another property that was in violation of numerous sanitary code violations. Mr. Gehlot through his company has purchased the property and has been renovating the same and in fact has photographs of what he has done to date with the first floor and what he is looking for is basically take the two-family and convert that into a three-family because there is plenty of space on the second floor as well as the attic to convert them into similar apartments units as is currently located on the first floor. One of the things that I have noted in my brief, is basically the surrounding area there on new street and although I did not upload it into the system, I do have for the boards consideration if they want. One of the things that I have do is through the Map Gio system here in Haverhill and also provided copies of the assessors cards for the surrounding homes in the area and what I would represent to the board is that most if not all of the surrounding homes and the New Street, George Street, Franklin Street are all either 2 or 3 family homes are in fact multifamily homes. There're a few condos and a few single-family homes sprinkled in but primarily the homes in the area are 2 & 3 family homes, in fact there is a 3-family home across the street and a 3-family home 2 numbers up from the current property at 15-17 New Street. So, from that standpoint, I would recommend to the board that converting this home from a 2-family which is already there, to a 3-family unit which is sprinkled throughout that area, is consistent with the neighborhood. Being here in the past, rental units in Haverhill is something the city needs. My client can provide some information on what he plans to do with the property, I can tell you he has gone so far to have spoken with Deputy Chief from the fire department who has talked with him about if in fact this gets approved, my client has already agreed to put a sprinkler system in for the property, so he is committed to this project, in fact Mr. Gehlot has recently purchased the property at 58-60 High Street, which was another property through the receive a ship program. And he is converting that into a 3 or 4 unit

Mr. Gehlot: The upstairs Attic is a one bedroom, there was an illegal 2-bedroom in the attic, but we are making it legal. Part of the second floor, keeping it the same 4 family. But we are renovating it and sprinkling it.

Attorney Russell Channon: So, he has a number of units in the city that he is remodeling, and he is looking to do the same here on New Street. So, for a quick overview, that is what I would like to propose to the board.

Chairman: Thank you, any questions or comments from the board? So, you are here for lot size where you have 49 but 11,000 is required?

Attorney Russell Channon: Yes, I would also point out that the plot plan that we submitted does show the proper parking, so that has been addressed.

Mr. Gehlot: This property has two driveways, so some of the parking is on one of the parking is in one driveway and then the other bigger one holds 4.

Chairman: Entertain a motion on the lot area

Member Sullivan I make a motion that the board approve the variance for 15 New Street , 2<sup>nd</sup> by Member Vathally

Member Vathally: Yes



# Haverhill

---

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

---

Member Sullivan: Yes  
Member LaPlume: Yes  
Member Bevilacqua: Yes  
Chairman: Yes

Approved 5-0

Chairman: Any questions on the special permit to convert from an existing two-family to a three-family?...I will entertain a motion.

Member Sullivan I make a motion that the board approve the special permit requested for 15 New Street to allow a three-family dwelling , 2<sup>nd</sup> by Member Vathally

Member Vathally: Yes  
Member Sullivan: Yes  
Member LaPlume: Yes (He sighted something, but his mic is not working properly, and I couldn't hear the code)  
Member Bevilacqua: Yes  
Chairman: Yes

Approved 5-0

## **OTHER MATTERS:**

Approval of minutes for the: August 19, 2020

Chairman: I make a motion to approve the minutes from the August 19, 2020 meeting

Member Vathally: Yes  
Member Sullivan: Yes  
Member LaPlume: Yes  
Member Bevilacqua: Yes  
Chairman: Yes

Approved 5-0