



# 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, June 17, 2020 at 7:00 P.M. via ONLINE PUBLIC HEARING

Those Present: Chairman George Moriarty  
Member Theodore Vathally  
Member Joseph Sullivan  
Member Ronald LaPlume  
Assoc. Member Lynda Brown  
Assoc. Member Louise Bevilacqua

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

Chairman George Moriarty called the meeting to order and said he would run down the list and ask if the applicants were here and to ask if there was opposition or anyone in support for each case. I would like the applicant and or attorneys to speak first and then if there is anyone in opposition or in favor, we would have those individuals speak also. Then I will call on each one of the board members, one at a time to see if they have any questions or comments. Trying to make sure not everyone speaks at once, so I will call on you once at a time. Then later on we will vote to approve the minutes and move on from there.

## **0 Seven Sisters**

Chairman: Is the applicant or owner here? (pause) Note: The attorney did not show up

Lynn & John Doucette: Yes, we are here

Chairman: Is there anyone here in opposition? (No)

## **0 Edgehill Road**

Chairman: Is the applicant or owner here?

Francis Bevilacqua: Yes, I am here

Chairman: We did receive a letter of opposition for this, so we will consider that as an opposed item. Is there anyone online or on the phone who wants to speak in opposition or in support?

Voices: Yes (Multiple opp)

Chairman: Ok so when we get back to this case, we will call upon you.

## **375 Washington Street:**

Chairman: Is the applicant or owner here?...Are you on mute?...Ok well hopefully they come on, when we get to that.

## **12 Acorn Street:**

Chairman: Is the applicant or owner here?

Attorney Caitlin Masys: Here

Laura Desjardins: I am here with opposition, well more of questions



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**Lynn & John Doucette for 0 Seven Sister Road (Map 478, Block 1, Lot 24):** *Applicant seeks a variance for front yard setback of 25.72 ft where 40 ft is required to construct a single-family dwelling in a RR zone. (BOA 20-7)*

Chairman: Lynn & John Doucette, can you please unmute and tell us a bit about your application?

Lynn & John Doucette: Our attorney Michael Migliori is supposed to be here speaking for us tonight, I don't know where he is.

Chairman: Would you rather wait for him?

John Doucette: Well we can talk. We own 0 Seven Sister Rd which is an acre of land that just drops off, so there really isn't a lot of land to build on and we wanted to go 27 feet back.

Lynn Doucette: Other people around here have gotten that variance in the front because of the way they shaped the lots.

Chairman: Yes, both neighbors have that variance as well. The set back is usually 40 feet and you have 25.72 ft. Are you going to be owner occupied in this?

John Doucette: Yes, we are. We just talked to our neighbors this last weekend and they are all in favor for it.

Chairman: Ok thank you. Let me ask again, I don't believe there was any opposition but let me ask a second time. Is there anyone here in opposition for Seven Sister or is there anyone who needs clarification? Would you take yourself off mute and identify yourself...(pause) Ok I will assume there is no opposition. I will ask the board members now in order if you have any questions or comments or need some clarification.

Chairman: Member Brown? Brown: I am all set

Chairman: Member Bevilacqua? Bevilacqua: I am all set

Chairman: Member Vathally?

Vathally: Just want to ask the applicant Mr. Chairman; how long have you owned the property?

John Doucette: Since last January

Lynn Doucette: A year and a half

Member Vathally: A year and a half. Were you aware of the restraints?

Lynn Doucette: Yes

John Doucette: Well not when we bought it, but when we started looking into it, we were. And the land fit in the lots a little bit weird, so we had less property than we originally thought.

Member Vathally: Ok thank you.

Chairman: member Sullivan?

Member Sullivan: My only comment is because of the topography up in that lot, I would think some relief of the setback requirements would be reasonable and I think the topography relief directly to the hardship under the statuette and zone code. That is my only comment.

Chairman: Thank you Mr. Sullivan. One more time is there any body who wants to speak in favor or in opposition to this?

Jim Papasan: Hi this is Jim Papasan, we are John & Lynn's neighbors and we are here to support them. We had the same similar situation last year and moving the house forward is in character with the street, so we are in support.

Chairman: Great thank you. Member LaPlume did I skip over you?

Member LaPlume: Ya you kind of did...I was up there, and I spoke to John Doucette's neighbor and he is all in favor of John building there. The people across the street feel the same way. I looked at the lot's that they have built on and one even seems closer to the road.



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Chairman asked to enter motion. Member Vathally said I make a motion that we approve the variance for 0 Seven Sister Road, 2<sup>nd</sup>ed by Brown

Brown: Yes

Vathally: Yes sighting 255-79 D

LaPlume: Yes

Sullivan: Yes

Chairman: Yes sighting 255-79 1-5

Motion passed/granted 5-0

**Fantini Brothers Realty LLC for 375 Washington Street (Map 520, Block 315, Lot 12)** *Applicant seeks a finding to construct an approx. 2,100 sf addition for new oven onto northwest side (rear) of bakery plant. Existing non-conforming structure is located in both RU & CN zones.*

Chairman: Is there anyone here now speaking for Fantini Brothers?

Paul Bergman (Bergman Associates Engineering): Yes Mr. Chairman

Chairman: Can you give us a rundown of what is going on with the new construction they want to put in on the West side of the property.

Paul Bergman: My company assembled the plans that were submitted to the BOA. As the chairman just said a minute ago it is a 30x70 metal building addition that is going to go on the North West. Facing the existing building, at the rear of the property. So, if you are coming up Washington you wouldn't see the addition. The addition is only being built solely to accommodate a new oven, that Fantini Bakery has ordered, it is going to be coming over from Germany. The oven is long enough, that they have to add onto the building to accommodate it. There are no plans for existing employees and requisite parking, it is only being built to accommodate the oven. I believe the building inspector Mr. Bridgewater and Mr. Osborne deemed this application as a finding. I think that's about it, if there are any questions, I would be happy to answer them.

Chairman: Thank you. You know if it is approved, when the construction would start?

Paul Bergman: The oven is already ordered; I know that, and I think they would be pleased if the building could be done before the snow flies. That's the information, I have been given.

Chairman: Thank you. Is there anyone either speaking in favor this or in opposition, if you are please unmute and identify yourself.

Terry Dauphinais: Good evening this is Terry Dauphinais, I live on 25 Freeman Street and we abut Fantini's, they have been a pretty good neighbor. I would like more clarification from the engineering firm of how this is all doing to go down as far as, when they put their last addition their large addition, they caused a lot of damage in the neighborhood with their existing buildings due to their piledriving to get through the shale. I think that needs to be addressed as a short-term solution or a short-term construction. And, since we have been in this neighborhood now 15-16 years the noise level from the exhaust fans at Fantinis has gone tenfold. They have a generator that they fire up two or three times a week at 10:00 at night, this is not a neighborly thing. Right now, as I sit in my kitchen, I hear their exhaust fans running. Do they have a game plan to protect their existing neighborhood and their existing residents? Thank you



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Chairman: No thank you very much. Mr. Bergman are you able to address any of those issues that were just raised by the neighbor?

Paul Bergman: Yes. Sir please forgive me; how do you pronounce your last name again?

Terry Dauphinais: it's Dauphinais

Paul Bergman: Mr. Dauphinais, I am not sure any of the managers or owners at the bakery are online here tonight, but I am the engineer for the new building, and we are structural engineers. I can tell you that I have spoken to the people just up the street from you at 33 Freeman Street

Terry Dauphinais: That is my next-door neighbor

Paul Bergman: Correct. About doing a preconstruction and post construction survey of their building. I actually met with them yesterday. Again, speaking on behalf of the Fantini family, I think they would be willing to do the same for you and your property. To go back to your comment about the exhaust fans and the Emergency generator, I'm not sure about the fans, but I know that the generator is sighted and possible they would be open to directing some type of a sound barrier, on the western side of their property to help block sound from that generator, heading up towards your property. To be honest this is the first time I have heard about that, so nothing has been engineered or approved, but I would be willing to think that they would be open to something like that to try and help the situation.

Terry Dauphinais: I appreciate that. That's what I am looking for. Just to take into consideration, when we moved here, they had one exhaust fan. Now if you look at the roof of that building started with exhaust fans that not only do, I not think are filtered, so you are sending out pollutants, it's a considerably amount of noise. And these run 24'7. It is a busy place, and like I said Joe has been a great neighbor. I just want our investment here, along with Loie and his wife next door, because we are here for the long term.

Chairman: Ok, thank you. The things about exhaust fans are out of our hands. But I think it would be helpful if Mr. Bergman would talk with Joe Fantini, who is a very good gentleman and considerate man, and if you could have him look into this situation. I like your recommendation about a sound barrier being put up and doing some surveying with the local neighbors and I think that would be helpful. I know the Fantini family is a very respected family and will probably do whatever they can do to help with that.

Paul Bergman: Mr. Chairman, I would be glad to do that, as Mr. Dauphinais was speaking, I was taking notes. I will relay your concerns Mr. Dauphinais, to Joseph and Rob and Alex tomorrow.

Chairman: I'm going to ask the board members if they have any questions, concerns or comments.

Chairman: Member Brown...Brown: Nope all set

Chairman: Member Bevilacqua...Bevilacqua: No, I'm all set

Chairman: Member Vathally...Vathally: No questions

Chairman: Member LaPlume...LaPlume: No questions

Chairman: member Sullivan...Sullivan: No Mr. Chairman

Chairman asked to enter motion. Member Vathally said I make a motion that we approve the finding to construct a 21,000' addition for 375 Washington Street, 2<sup>nd</sup> ed by Brown

Bevilacqua: Yes

Vathally: Yes

LaPlume: Yes



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Sullivan: Yes  
Chairman: Yes

Motion passed/granted 5-0

**Avis Malcuit for 12 Acorn Street (Map 527, Block 15, Lot 53)** (Previous Approval) Applicant seeks following dimensional variances to create new building lot and construct new single family handicap accessible single family dwelling in a RH zone. Requested variances for new lot (Orange Street lot) include lot frontage (50 ft where 75 ft is required) and lot area (4,994 sf where 7,500 is required). Proposed Acorn Street lot shall include existing single-family dwelling. Variance sought for lot area (4,994 sf where 7,500 sf is required) for Acorn Street lot. (BOA 20-23)

Chairman: Is the applicant or attorney here online?

Caitlin Masys: I'm the applicants attorney

Chairman: Great, if you could speak to us about this, it was previously approved by this board a couple of years ago and it's back on the agenda again. I saw<sup>3</sup> in your brief, you mentioned you weren't able to get it done previously, so if you could just tell us more about it and give us a background on it.

Caitlin Masys: Hello yes you may recall that this was before the board, a little more than a year ago. Mrs. Malcuit has had a stroke and her current home on Acorn Street is not handicap accessible at all, so she was seeking to be able to build on the lot behind her, a ranch style home that would be handicap accessible. She has had some additional health complications and as a result, some financial constraints, that didn't allow her to move forward with her plans. So, the variances today we are seeking approval again is the same project as it was a year and a half ago.

Chairman: I'm sorry can you please state your name and address?

Caitlin Masys: Yes, Caitlin Masys from Downey Law Group, 462 Boston Street, Topsfield MA

Chairman: Thank you. So, she is requesting to build a ranch style and have the entrance on Orange Street, which already has a driveway I believe, is that correct?

Caitlin Masys: That's correct, yes.

Chairman: And what is to take place at the Acorn Street side?

Caitlin Masys: It would just be a separate home on a separate lot. That will likely be resold or perhaps her son might move in and live in that property. But they would be separate lots as if they were not related at all. There wouldn't be any type of traction between the two, so you wouldn't have them going through each other's streets.

Chairman: Thank you. I believe there was someone who wanted to speak in opposition.

Laura Desjardins (Acorn St.): It is not opposition, I'm just a neighbor since I was a little kid and I'm just looking for some clarification. So, if for whatever reason she decided to sell that new lot as well as Acorn Street would the future owner of that new lot have to get another variance, or will this current variance be good or grandfathered in?

Chairman: The variance follows the property.

Laura Desjardins: Ok

Caitlin Masys: It does follow the property, but it is limited in time. So, unless something is acted upon, the variance expires which is what happened in this case. Because nothing was actually done to further the variance it does expire. But regardless, in the previous approval, the board had put a restriction in that it could



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only be a ranch style home, handicap accessible. So that would remain in affect if the lot were to be sold, they would still only be able to build what the board approved.

Laura Desjardins: Ok perfect. And just to clarify one last thing, back when my Mother was the owner of this house, the restriction was not to have access from Acorn Street

Caitlin Masys: Correct

Laura Desjardins: There would be no driveway, no access from Acorn Street?

Caitlin Masys: Yes correct, we are not seeking that in this variance. They would be treated as two separate parcels, there would be no access from the Orange Street property to Acorn and no access from the Acorn Street property from Orange Street.

Laura Desjardins: The only other question I have is and I'm not sure because I haven't seen the plan, is I'm not sure which property line it falls on, but there is a dead tree right near where I think the variance is going o split it. So that is the only other thing. If the tree could get removed, that would be awesome.

Chairman: could I suggest something Attorney Masys, could you make sure the neighbor gets to see the property plans.

Laura Desjardins: Thank you

Chairman: Any comments or questions from the board?

Chairman: Member Bevilacqua?...

Kevin O'Leary: Excuse me Mr. Chairman. My name is Kevin O'Leary and I live at 336 Hilldale Avenue, my driveway is on Orange Street. And I have a couple concerns, with the fact that the lot size is so small, it's also on a hillside and my biggest concern is that the street is only 100 feet long and I'm concerned about the impact on this little dead-end cul-de-sac

Chairman: Attorney Masys can you address that?

Caitlin Masys: Sure, well obviously the property will have to be graded appropriately for a home to be put in and a driveway to be put it. I believe we had some discussions before when this case was here before, about needing to make sure that we get it properly graded, as far as traffic, it is going to be just a single-family home and it is going to be a ranch style home with maybe 3 bedrooms at the most. There is an existing driveway and I know there is a plan and it shows off street parking in front of the home off the street, as well s in the driveway, so there is parking for 2 cars off street. So, I can't imagine it will be a terrible impact on traffic on that little road. I do understand.

Chairman: Thank you. Any other comments or questions, before I turn it to the board, anyone else out there that wishes to speak to this?...Comments or questions from the board?

Chairman: Member Bevilacqua?...Bevilacqua: No all set, thank you

Chairman: Member Brown?

Brown: Yes, I just have one question about the existing family, is she going to sell the house or is her son staying there? What is going on with this?

Caitlin Masys: It has been in her family for

Chairman asked to enter motion. Member Vathally said I make a motion that we approve the variances for 12 Acorn Street, 2<sup>nd</sup> ed by Brown 100 years, so I think ideally, she would have to stay there until a new house is built. They tried to retro fit it a little bit for her disabilities, I think there is a very real possibility that she



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would like to keep that house in the family and have her son and his family move in there. But obviously it will depend, so it could be sold, or it could not, at this point it is a little too early to tell.

Member Brown: Ok, thank you. That is, it.

Chairman: Member Vathally?...Vathally: No questions

Chairman: Member LaPlume?...

LaPlume: I have a comment and a question. I looked at Orange Street and there is a problem in the front of that home, some of that dirt can be removed as the attorney said, it could be graded correctly. The only thing that I wanted to ask about, it was mentioned ranch style handicap home, are we going to put this back in attorney?

Caitlin Masys: Yes, we are seeking the language exactly the same as it was granted before in the first variance. So, if that was the restriction that was put in the first time than that is fine and acceptable.

LaPlume: Yes, that sounds good to me.

Chairman: Member Sullivan?...Sullivan: No questions or comments.

Chairman: I would like to entertain a motion

Member Vathally: I would like to entertain a motion to approve the dimensional variances for 12 Acorn Street, 2<sup>nd</sup> by Member Brown

Brown: Yes

Vathally: Yes

LaPlume: Yes

Sullivan: Yes

Chairman: Yes 255-79 section C 1-5

Motion passed/Granted 5-0

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

Chairman: There is a number of concerns with this one, so Mr. Bevilacqua I will let you speak but we may ask for a continuance. I am concerned and we did receive some comments from one of the neighbors. I am particular concerned about the city's actions on this, because I believe there has been some dumping on this, what they call dumping, I don't know exactly what that means but anyway let's let Mr. Bevilacqua if you could briefly explain what you are doing there and then I know Member LaPlume has some questions he would like to address on this.

Francis Bevilacqua: I live at 14 Ordway Ave in Haverhill. My business is in Haverhill at 143 Essex Street, right downtown. I am the applicant and I request a zoning BOA variance for lot frontage, width, area and front yard for a proposed single-family building. This property is located in a RM zone, that's 20,000 square feet area where I have a little over 18,000. The lot frontage is required is 150 feet, my lot provides 73. The width is



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112.5 prosed is 101.31 and the front yard is required 25 feet and I propose 15.5. This property is a unique situation, because I purchased part of the property from the City of Haverhill 15 years ago. The other situation, that make it unique is the topography and the wetlands on the property. I did what they call a business meeting with the conservation commission and they asked that when I go to the BOA that I try to situate the house as close to the street as possible, that is why I included the front yard side-back. There would be some filling and replication that would be needed, and the conservation commission was favorable to that. I am requesting this variance, I have owned this lot for a long time, I would like to make it useful, this is my business, this is how I make a living. I purchased it 15 years ago and there was a lack of drainage and with the city's help, they installed a catch basin at the lowest point. That is able to catch some of the water that was going into the lot and it's been able to reseed some of the wetlands that were originally on that banking. Which has kind of opened up the possibility for the conservation being favorable to me doing something on the lot there.

Chairman: Ok thank you. Member LaPlume, you had some questions or comments you wanted to share?

Member LaPlume: Yes; first of all, Francis you do an excellent job on building, I have to commend you on that. I have seen a lot of the building that you have done and it's excellent. You have come before the board many times. So, on this particular lot, I would like to see you come back, it's totally up to you but I would like to see you come back with some more information. I walked it today, actually I climbed it today. The wetland flags, I didn't see any wetland flags, but at least 30 feet from the road it was wetlands and to the right and the left, quite a distance, so that wasn't flagged. If you look 15 feet and then you are putting 24 feet on it, I'd say you are right about in the wetlands. It's 30 feet down, I don't even think a double foundation would even make it to the height of the road, so I don't know I don't have those figures in front of me. Parking it doesn't show on the plans that Mr. Masys drew out, I know I spoke with you today briefly, but it doesn't show any parking out front, you should have parking directly out front. I don't know how far around this house, or if you are going to use the house as a wall all the way around. There are just so many things. Those are enough right there.

Francis Bevilacqua: I can address some of them if you wish. On the Masys plan that I submitted, if you are looking at the lot on the left side of the face of the building is a driveway that goes out Edgemoor Road. Now Edgemoor Road is a considerable right of way, so where my lot ends you can see my driveway at the right of way, it's a considerable distance, there is a dimension on it, but it does show it. And my wetland consultant walked this lot with Rob Moore the conservation agent and it has been flagged. I don't know if the vegetation right now this time of year is so thick that it is hard to see the flags. I do have a plan that shows where the flags are located and basically where I need to fill and where I need to replicate. As far as the topography goes, RAM engineering has a plan to be able to fill that and bring it up in one-foot lifts and get the compaction that I would need to be able to put a foundation on the lot.

Member LaPlume: Ok when I'm looking at this, I can see where it says Edgemoor Road and the catch basin is right in the right of way and then you have a piece of space and then another line and then the foundation, is that correct?

Francis Bevilacqua: I believe so

Member LaPlume: ok, so I don't know how you are, when I was out there right behind the man hole, not the man hole but the catch basin that's what it looks like, right on the easement there of the right of way in front of your house, it drops off from there and it goes down and when you get down right to the bottom, it only goes out maybe 30 feet, it looks to me like wetlands, why couldn't I find any flags? I walked it and could not see flags anywhere. So I don't know, you know there are no elevations on this either, showing or telling the





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elevations where the foundation is going to be and where the road is, it looks like to me 25 to 30 foot difference from the top of the road down to the ground and then you are going to have to put the foundation in. I just don't have a clear view of what you are doing. There were no stakes for the foundation either. There were just a few wetlands and they were kind of in a circle, not wetland excuse, red flags. So, I didn't have enough information to really vote on it.

Francis Bevilacqua: I actually do have a plan that shows elevations and I didn't think that it was appropriate for the Board of Appeals, but I do have a plan with the wetlands on it with elevations and basically the first lower elevation would be at 82 and it looks the street is at I don't know 70 or 80. If you look at the back, the rear elevation would be 70. So, it is about 12 feet difference

Chairman: Let me make a suggestion here, I think we have some neighbors that are on the line. I would like to hear a little bit from them first. But I kind of want to respect Member LaPlume's comments, as he is an excavator himself also, he is very knowledgeable of these kinds of things.

Francis Bevilacqua: I respect his opinion immensely

Chairman: So, I think he is uncomfortable with this and needs more information. Let's hear from the neighbors who are here. I know we have received a letter from one of the neighbors, but if there is anyone else online who would like to speak to this briefly.

Michael Songini (8 Welling Street): Hello so is this closer to Longview Street or if you keep on going on Edgell is it off all the way to the back?

Francis Bevilacqua: Michael where Tappan Street and Edgell kind of fork off, this lot is right on your right, right after that street.

Michael Songini: Ok so what I am concerned about, is right now the water is backed up. I have water if I take a left-hand turn out of my house and water on my right-hand side and water straight. And if you have disturbed the land, and we are talking two streets up/elevated, who knows where that water is going to go.

Chairman: Thank you for your comments Michael. Is there anyone else here a neighbor who wants to discuss this? I'm leaning towards continuing this so we can get more information. But I want to respect people who came online tonight.

Sean O'Leary (14 Newton Road): Yes, I'm another neighbor. I have been living here 18 years. By the looks of the lot lines, it looks like I share the biggest border with Mr. Bevilacqua's property and I'm looking for clarification on two things. Number one, what type of structure and square footage is planning to be built? Secondly, runoff is a large concern for my property as well, we are right in the middle of the hill, between the top of the hill and the lake. We have a considerable amount of runoff right now from Edgell and the road above it. In fact, I have had to put in a pretty extensive French drain system in my property, just to handle that. I am wondering what is being done for that property to handle any additional runoff during construction and once it's occupied.

Francis Bevilacqua: Thank you for those comments. I have owned this land for 15 years, so I am very well aware of the drainage issues, I actually had to press the city to install a drain man hole in front of this lot, because all of the water, coming from 3 different directions from each side and the north side, were coming into this property, which I think was kind of unfair for me and also the people below me. I bought one part from Doctor Bower and I know that he kind of dug a French drain in the back yard to try and convert some of the water. Right now, the problem is there is no real drainage at all on the property, so right now it is going to go wherever it needs to go. I think though once it's developed, I think I will be able to contain the water on the property versus right now letting it go wherever it wants to go. As far as the size of the house, the footprint



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that is shown is a 48x24 but there is also going to be a garage coming in the front, so that will cut out the first floor square footage considerably, I am talking about a three bedroom home, this isn't going to be a very big home, it is basically going to fit in with the other homes in the neighborhood.

Sean O'Leary: Would it be possible to get a copy of the plan?

Francis Bevilacqua: Yes absolutely. Sean you were at 14 Newton Rd

Sean: Yes Sir

Francis Bevilacqua: I can give you the Board of Appeals plan, and I can share with you the plan I shared with conservation showing grading, showing a different replication of what I would do differently.

Sean: Thank you, that would be very helpful.

Chairman: Is there anyone else who would like to speak briefly about this.

Member Louise Bevilacqua: Mr. Chairman, am I permitted to ask a question about this?

Chairman: Yes Louise, you are allowed to speak

Fran Bevilacqua: Yes

Member Louise Bevilacqua: I find it hard to believe the City would be willing sell you a partial of land that isn't even buildable. Would the City ever sell it, if it was totally unbuildable? I'm assuming it wouldn't

Chairman: It does

Fran Bevilacqua: When I purchased the land from the city it was at one of the first auctions they ever had. And I don't think they necessarily had their stuff together, and when I bought it I was really young and at the beginning of my real estate career and I didn't know what I know now. So, I think that when I bought it at auction, they had marketed it as assessed for \$80,000 at the time. One would think that if the City is assessing the property for a certain amount that one would think that there would be some value to it. The wetland part of it is also an issue, Also the lack of drainage. If there was drainage down the street, and all the runoff wasn't going in this piece of property, then you wouldn't really have the kind of wetland restraints that I currently have. None of that stuff was disclosed when I purchased the property.

Member Louise Bevilacqua: It's one thing if you inherit a piece of land and you want to cut it up and build on it and it's not buildable, but for the city to sell a piece of land, than it would have to be as you say, it would have to be buildable.

Chairman: I don't think that necessarily, one follows the other to be honest with you. We have had some people come before us with property's that they had to try and get all sorts of variances, because it wasn't buildable for a variety of reasons.

Member Louise Bevilacqua: You mean properties sold by the city? It's one thing to buy property from someone else

Chairman: not when it is sold by through auction, as Mr. Bevilacqua has said. It is sold by auction, and someone could correct me on this, the building inspector? I think its kind of, you have to take in to account the limitations of the piece of property when you buy it, even if you are buying it from the city through auction. And I don't remember the property but there was one that came up a couple of years ago that had some issues like that. What I would like to do is go through the board members and my inclination here is given

Member Brown: George excuse me, there is someone else here a Mr. Adams who is here, that wished to speak

Chairman: Go ahead Mr. Adams

David Adams (31 Edgehill Road): I own the abutting property, and I have a couple of concerns, first is there is a study from 2007 by the Mass Department of Environmental that said this lot had wetlands issues and I was wondering what Mr. Bevilacqua has done to address these issues, prior to pursuing any further work on the



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property, that it issue one. Issue number two is going up and looking at the drainage structures in the area, there looks like there have been 3 catch basins installed all of which go directly into a sewer manhole and not a storm drain. Mr. Bevilacqua, I'm sorry to bring that up at your meeting, but it appears that there is already some drainage problems up your end, those which all of us neighboring properties have to deal with on a pretty regular basis, particularly in the winter time as that storm runoff really rages in your property, the piping going into that manhole certainly insufficient for the runoff problem, so it floods down there, leading to water going in those wetlands down there. It is more of a city issue. What has been done as far as that DPE report?

Francis Bevilacqua: I am not familiar with the DEP report. I owned the property before the DEP report came out. I don't remember ever seeing a report. I don't know if you are referring to any of the wetland work I did, when I owned it prior. But the drain instructors that are in front of the property now were installed by the city, not by me. So, I don't know of the details, of where they were connected or how. But as part of the development of this property, I'd be willing to address the drainage issues there. Usually the process is that I would go through a site plan review process, once I am applying for a building permit and all the city departments would chime in and make comments and in those discussions we would talk about drainage and stuff like that, and how we can sufficiently or even fix some of the issues there because like you are saying, I am very familiar with the lot and there is a lot of water that drains into it. I'm not going to be able to build a house and sell it, if there is just water like you said that is just falling continually in a rain event. So, I am going to have to address that, one way or another.

David Adams: It appears to be significant storm water flow into the simulator system. So, I have concerns and effecting the wetlands, and also as far as construction of the lot to minimize any sort of adverse action and impact on those wetlands. It seems not impossible.

Francis Bevilacqua: Like I said, I wouldn't be coming here if I didn't already speak with the conservation agent & commission and they were favorable in doing what I am proposing here. I think a lot of the wetlands here is not a natural wetland, it is basically on a hill and I think that the reason why some of these wetlands have occurred is because of the drainage issues on the street. And I think the evidence of that is when the city installed those catch basins, all of the wetlands that were on the hill have receded now, there are no more. Because I flagged it land, and I recently flagged it and Rob Moore went out there to confirm that there are no more wetlands there. The wetlands are further down into the lot.

Chairman: Is there anyone else that wants to speak in regards, as I said I am leaning towards asking Mr. Bevilacqua if he wants to request a continuance.

Fran Bevilacqua: I would like to continue it. But I would like to hear if there is anyone else on the line.

Chairman: Yes, is there anyone else on the line? Let me also go through the board members. Member Brown do you have anything you want to mention before we go?

Member Brown: No, I am all set.

Chairman: Member Vathally?

Member Vathally: I agree with you Mr. Chairman. I would like to get some more information, there just seems to be to many open questions, relative to drainage and wetlands. I would like Mr. Bevilacqua to have documentation, so we can review that.

Chairman: Member LaPlume?

Member LaPlume: I would like to set up an appointment with Mr.: Bevilacqua to go out there and go over all the issues. I sit on the site plan review board also, so it would be very beneficial to me, him and for everybody



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else, if we could all get on the same page and we understood exactly what is going on and maybe this could be a win win situation.

Chairman: Great and thanks for that recommendation. I hope Mr. Bevilacqua will follow through on that one.

Fran Bevilacqua: yes absolutely.

Chairman thank you.

Fran Bevilacqua: I would like to request a continuance and waive the notification period

Chairman: Now I would like to entertain a motion about the continuance

Member Vathally: I would like to entertain a motion to continue the application for the dimensional variance for 0 Edgehill Road, 2<sup>nd</sup> by Member Brown

Brown: Yes

Vathally: Yes

LaPlume: Yes

Sullivan: Yes

Chairman: Yes

Chairman: Ok so the continuance with the notification time waived; has been approved. Mr. Bevilacqua also any outreach to the neighbors who have spoken this evening and showing them the plans and anything else that you can share with them, I think would be very helpful. And we will continue this to I believe the July meeting.

Mr. Bevilacqua: Mr. Chairman I have added my email address into the chat so if Mr. O’Leary, Mr. Adams or anyone else on the line if you could reach out and give me your contact info, I would love to set up an appointment with you to share the information that I have.

Chairman: Great. We also received a letter

Motion to **continue** 5-0

Chairman: Roll Call on voting on the minutes from the May 20, 2020 meeting.

Member Vathally: I make a motion to approve the minutes from the May 20, 2020 meeting, 2<sup>nd</sup> by Member Brown

Member Brown: yes

Member Vathally: yes

Member LaPume: Yes

Member Sullivan: yes

Chairman: yes

Approved 5-0



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