



Haverhill

Board of Appeals
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Meeting Minutes – December 19, 2018

**BOARD OF APPEALS held A PUBLIC HEARING ON WEDNESDAY EVENING
DECEMBER 19, 2018 AT 7:00 P.M. in ROOM 202, CITY HALL, and heard the following items:**

Attending: Members LaPlume, Soraghan, Vathally, Brown, Bevilacqua, and Chairman Moriarty.

Absent: Member Sullivan.

Repetitive Petition for Variance:

1. **33 Eighth Avenue, LLC for 33-35 Eighth Avenue (612, 497, 19A & 20):** A dimensional variance is required for proposed 3 unit residential building which has a proposed lot area of 9,280 where 11,700 are required, a front yard setback of 9.17' feet where 20' feet are required, and frontage of 65 feet where 80 feet are required.

Vote #1

The Board (members Soraghan, Vathally, LaPlume, Brown, and Chairman Moriarty) **granted and accepted the application for a repetitive petition by the Planning Board for a Specific and Material change for 33 Eighth Avenue** on a vote of 5-0.

Motion by: Member Soraghan
Seconded by: Member Vathally

The original application called for four units. The Repetitive Petition now requests approval of Dimension Variances for three units. The applicant requests approval of three Deminsional Variances for lot area, front yard setback, and frontage. The applicant listened to the concerns of neighbors and proposes to address the concern by reducing the units from four to three. The concern about parking is addressed by providing six parking spaces – two under each unit – and an additional two on the lot, for a total of eight parking spaces. The applicant has moved the driveway to the other side of the lot and will install 6-foot high, solid white vinyl fencing on three sides of the property. The property also provides 40-feet of depth in the rear of the building.

Board members noted the deplorable condition of the lot currently, with two abandoned and deteriorating structures, plus a small shed in the rear of the property. The Board also noted the shape of the lot as a factor in the requested Dimensional Variance. The attorney for the applicant noted that many of the dwellings in the neighborhood are two and three family dwellings.

Opposition

Catherine Weeden, 131 Cedar Street

- Concerned with overcrowding in the neighborhood.
- The other two and three family dwellings were constructed long before the zoning laws.



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- Concerned also about water runoff.
- A neighbor noted the vegetation on the lot; yes, some of it is overgrown and needs to be removed, but other is good vegetation that should be preserved.
- There is an old tree that is partially on a neighbor's property and partly on the proposed property. Can that be retained?

Rebuttal

- The attorney for the applicant noted that much of the sense of overcrowding is caused by on-street parking, whereas, the applicant is providing ample off-street parking with eight parking spots on the property.
- The applicant has reduced the number of units by 25 percent, in response to neighbor's concerns.

One Board member acknowledged the applicant's willingness to compromise by reducing the number of units. The member also noted that the current state of the property and dwellings is a blight on the neighborhood. The property needs improvement; therefore, the neighbors might need to compromise, as the applicant has, in order to improve the property and the neighborhood. Another member noted the financial hardship that would be challenge by reducing the units lower.

Vote #2

The Board (members Soraghan, Vathally, LaPlume, Brown, and Chairman Moriarty) **granted** the Dimensional Variances for a 3 unit residential building on a vote fo 5-0.

Motion by: Member Soraghan Seconded by: Member Vathally

New Business:

2. **Back Bay Sign for Cedar's Foods, 50 Foundation Avenue (763, 3, 1B):** To allow a wall sign reading "Cedar's Know Better Hummus" that is 312.6 square feet, where the maximum is 80 sq. feet.

The applicant proposes the installation of a 312 square foot sign on the side of the building facing Route 495. The existing banner will be removed. The new sign will include the Cedar's logo and the phrase *No Better Hummus.*"

The Board (members Soraghan, Vathally, LaPlume, Brown, and Chairman Moriarty) **granted** the building sign application on a vote of 5-0.

Motion by: Member Soraghan
Seconded by: Member Vathally

3. **Wildflower Solar, LLC for 1037 Broadway (574, 1, 16):** Large-scale ground mounted solar photovoltaic installation. The applicant seeks a special permit for wireless service facilities allowed in RR Zone District.

Following a discussion with the Building Inspector and the applicant, **the Board determined that the request should be withdrawn and should go before the City Council for approval of a Special Permit.** The applicant agreed.



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The Board (members Soraghan, Vathally, LaPlume, Bevilaqua, and Chairman Moriarty) **granted** the Withdrawal on a vote of 5-0.

Motion by: Member Soraghan
Seconded by: Member Vathally

4. **Sunil Samtani for 64 Locust Street (304, 59, 11):** (Previous Approval) Applicant seeks a dimensional variance and parking variance for 40' x 80' 1 story building lot area of 6,910' where 10,000' is required. Frontage of 57' where 100' is required. Lot side yard of 3.85' where 25' is required. Rear yard of 5.99' where 25' is required. Front yard of 34.48' where 40' is required. Parking for 3 vehicles where 16 spaces is required. Loading space for 1 where 2 loading space is required in an IG zone.

The Board previously approved this application; however, the applicant was unable to perform the necessary construction and property improvements, thus the time lapsed. There are no changes to the original designs and layouts, as submitted to the Board in the initial filings.

Q. What will be the hours of operation for the store?

A. Monday – Thursday, 10 a.m. to 9 p.m. On Saturday, the hours will be 10 a.m. to 10 p.m. Sunday hours will be noon to 7 p.m.

Q. How many employees will be on duty?

A. Two.

The Board (members Soraghan, Vathally, LaPlume, Bevilaqua, and Chairman Moriarty) **granted** the Dimensional and Parking Variance on a vote of 5-0.

Motion by: Member Soraghan
Seconded by: Member Vathally

OTHER MATTERS:

Approval of minutes for the:
November 28, 2018

The Board (members Soraghan, Vathally, LaPlume, Bevilaqua, and Chairman Moriarty) **approved** the minutes of the November 28, 2018 meeting on a vote of 5-0

Motion by: Member Soraghan
Seconded by: Member Vathally

-Adjourn-