Haverhill

Economic Development and Planning
Board of Appeals
Phone: 978-374-2330

City of Haverhill
Board of Appeals Minutes
August 19, 2026 – 7:00pm
City Hall, Council Chambers, Room 202

Call to Order:
The meeting was called to order at 7:04pm by Chairman George Moriarty.

Roll Call:
Present were Chairman George Moriarty, Member Louise Bevilacqua, Member Lynda Brown, Member Ted Vathally and Associate Member Gary Ortiz. Also present were Head Clerk Samantha Limberti, Planning Director Jacki Byerley, Local Building Inspector Paul Viliott and Matt Hennigan.

Public Hearing:

0 North St – Benchmark Property Associates LLC (BOA 26-15) (Map 305 Block 72 Lot 16)

Partitioner Attorney Paul Magliocchetti spoke on behalf of the applicants for 0 North Street. It is a vacant lot, now known as 6 North Street. The applicants themselves were also present to answer any questions the board may have. They are looking for a dimensional variance for frontage and area of the lot to put a three-family home. Attorney Magliocchetti tells the board that the applicants have agreed to make these condominium units for sale as opposed to another multifamily home in the neighborhood; making them owner occupied with neighbors making investments and taking care of their properties. Attorney Magliocchetti states that he believes when they originally filed they met the standards of the requirements that were significantly less than what the state has since changed them to. His brief, prepared under the prior ordinance, shows how they fulfilled all the specific criteria.

They meet all parking requirements; sufficient land for the driveway and 5 parking spaces in the rear of the home. Attorney Magliocchetti states that a neighbor voiced concerns about traffic on the street and sufficient parking, so they wanted to be sure to address it. Attorney Magliocchetti believes they meet the standards necessary to obtain the variances asked for, both under the previous standards and the current standards of the state. There would be probable difficulty if the applicant could not put something on the lot, as he would have no use for it. The public interest would be met as there is a need for housing in our community, and the price point is more affordable.

Member Vathally confirms this is in an RU zone and that there will be no more than two bedrooms per floor, so they will not exceed their 5 parking spots. Member Brown asks about the entrance to the condominium. An associate of Benchmark Property Associates LLC of Wilmington MA

confirms it will be once entrance on the side. Associate Member Gary Ortiz asks if there will be separate deeds for the property which Attorney Magliocchetti confirms, also noting there will be a master deed for all three properties as well. Associate Member Ortiz asks if there is a possibility of making the third apartment a one bedroom. They are hesitant to commit to one bedroom, but if that determines the final decision they are willing to do so. Member Brown asks about snow removal, with Attorney Magliocchetti noting they can fence off an area for the snow to be stored, per Associate Member Ortiz's suggestion.

The audience member in attendance who was in opposition decided he no longer wished to speak as all his concerns have now been addressed. Chairman Moriarty reminds the applicant that the one bedroom would be a preference, but as they have the flexibility to do either, it is not a stipulation.

Member Vathally entertains a motion to accept the application for 6 North Street. Motion made by Member Vathally, seconded by Member Brown. Member Vathally: Yes, meets the criteria for 255-10.2.2 paragraph 2. Member Brown: Yes, meets the zoning criteria for variance 255-10.2.2 paragraph 2. Member Bevilacqua: Yes, it meets the criteria for 255-10.2.2 paragraph 2. Member Ortiz: Yes, it meets the zoning criteria for variance 255-10.2.2 paragraph 2. Charmain Moriarty: Yes. Motion passes. Meeting conditions: 255-10.2.2. (5-0)

15 Davis St – Rozon PRO Construction Company LLC (BOA-26-17) (Map 511 Block 272 Lot 8)

Applicant and general contractor Edwin Rozon of 139 Winter Street is requesting a special permit and variance to construct a new bedroom at 13-15 Davis Street. He tells us that the family had a child last year. The existing side setback is only 2.6, and they would like to continue the same non-conforming of the lot to build a 13ft bedroom. They are also requesting a variance as in the area they are looking to build they have 24.7ft as opposed to 30ft but have about 50 additional feet of backyard space.

Member Vathally asks if there is any other place to put the addition so that they would not need the variance. Mr. Rozon notes the opposite side has a large driveway and that it is located on a large hill, making it the only feasible place to put it.

Chairman Moriarty entertains a motion to make a vote first on the special permit. Member Vathally entertains a motion to accept the application for a special permit of 15 Davis Street. Motion made by Member Vathally, seconded by Member Brown. Member Vathally: Yes as it meets the requirements for 255-1024.2. Member Brown: Yes it meets the zoning criteria for special permit 255-10.4.2. Member Bevilacqua: Yes it meets the criteria of 255-10.4.2. Member Ortiz: Yes it meets the criteria of 255-10.2.2. paragraph 2. Chairman Moriarty: Yes. Motion passes. Meets the criteria for 255-10.4.2. (5-0)

Chairman Moriarty entertains a motion for the variance of the rear set back. Member Vathally makes a motion to accept the application for 15 Davis Street for the variance. Motion made by Member Vathally, seconded by Member Brown. Member Vathally: Yes, meets the criteria for 255-10.2.2. Member Brown: Yes it meets the zoning criteria for variance 255-10.2.2 paragraph 2. Member Bevilacqua: Yes it meets the criteria of 255-10.2.2 paragraph 2 for variance. Member Ortiz: Yes it meets the criteria for 255-10.2.2 paragraph 2. Chairman Moriarty: Yes. Motion passes, meeting 255-10.4.2. Variance and special permit are approved. (5-0)

663 Riverside Ave – Urbanroot Ventures LLC (BOA-26-19) (Map 408 Block 3 Lot 2)

Partitioner Attorney Paul Magliocchetti speaks on behalf of Urbanroot Ventures, with both owners in tow. They are seeking dimensional relief, which fits both the old standards and new. They are looking to create a three-family condominium style home in place of the fire destroyed home that currently sits in its place. Attorney Magliocchetti notes that this will be consistent with other properties on the road and will be a nice addition to the community. There are neighbors in attendance who would like to speak in favor of this project and are even interested in buying one of the units. It meets the housing demands of the city and fits what the state is trying to do with the new laws passed.

Chairman Moriarty notes that one of the main concerns is the height the new building will be. Attorney Magliocchetti states that they are on a riverbank which changes the height requirements they need to request. They want to be able to have sufficient space for underground parking. Building Inspector Paul Viliott confirms that the existing house currently sits at 25ft where 35 is allowed. Attorney Magliochetti states they are asking for 50, but they do not think it will go that high. They will be losing the basement, and state they request 50ft so they can include the proposed rooftop deck in the plans. They do not want to ask for too little, then overshoot it and need to come back for another variance. They are proposing four stories. Member Vathally voices his concern that 50ft is too much to ask for, noting the other homes do not get even close to that height.

Attorney Magliocchetti states that because of the riverbanks, they cannot disturb a lot of the property around them. This directly correlates to how the building of the structure will have to be done. Because of the rivers act, you can only park at the front of the building. It is noted that various avenues were looked at to try and find other forms of parking, but nothing works with the typography of the land. Planning Director Jacki Byerley asks if they have engaged with an architect yet to discuss the height, as the renderings submitted were done by AI. They have not done so as of now. Attorney Magliocchetti tells the board the closing is on October 1st, but they also need to go to City Council for the three units. Attorney Magliocchetti asks the board to table the conversation so he and his clients can go to the hallway to discuss their next plan of action, which Chairman Moriarty agrees to.

After hearing 24 Mount Dustin Ave, Attorney Magliochetti and his clients returned to the podium to continue their hearing. He tells the board after speaking in the hall that they are comfortable reducing 50ft to 45ft and asks Local Building Inspector Paul Viliott about height calculations and how they factor into the roof deck. It is determined that these calculations go by the mean height of the actual roof, which would be the attic floor to the peak divided by two. Attorney Magliochetti restates the change from 50ft to 45ft with hopes of cutting it back even further. Local Building Inspector Paul Viliott makes note that this zone is 3.5 stories, not 4, which will factor into the design and can possibly affect the height requirement.

Neighbor Jay Wallace of 641 Riverside Ave has lived on Riverside for 28 years. Within that time, he watched the property of 663 Riverside be improved and eventually he watched it burn down. He believes this will bring significant value to the neighborhood and city alike, and that it will create symmetry with the 45ft tall building on the opposite end of the bridge in Groveland. He believes this will be a beautiful sight as opposed to what is there now: a burnt-down house and a plaza as that is

currently the first thing you see when entering Haverhill. He believes the applicants are genuine and are trying to do a good thing with a bad property, so they are there to advocate.

Chairman Moriarty asks the board if based on the 45ft, if any of the board members have any comments. Member Brown asks about the roof deck now that it is known this property will be 3.5 stories, not 4; and asks if the roof deck will be the whole story. She also receives confirmation that there will be three two-car garages as well as outdoor parking.

Member Vathally asks about the two structures on top of the roof with the applicant replying "it is a penthouse kind of thing" servicing the roof deck with its contents being a mini bar. Attorney Magliocchetti adds that this expansive roof deck overlooking the river could be used to cook or make cocktails. Chairman Moriarty tells them this could very well push them to the rejection of the application, causing Attorney Magliocchetti to decide immediately on the removal of the top rooms.

Planning Director Jacki Byerley suggests they remove the variance request and leave it that they need to meet the requirement of the 3.5 stories, and if after they do the rendering they need to come back, they can do so at that time, but for now they can get the variance for the lot area and they will meet their timeline. Attorney Magliochetti counters 40ft, 10ft less than the original ask; noting that it has nothing to do with the top but how it will need to be built up. Member Vathally states a rendering with hard evidence would be beneficial, saying 35 to 50 is pushing it too far. Attorney Magliochetti notes that if the board really is not comfortable moving forward with 5ft, they will go with Planning Director Jacki Byerley's suggestion. Member Brown gets clarification that the two structures are available to be entered from inside the condos via staircases inside the units. Attorney Magliochetti notes how the removal will diminish the value of the units.

Chairman Moriarty asks for the "final offer." Attorney Magliochetti tells the board what they are seeing is a staircase; a private entrance to the roof for each unit. A garage on the first floor, you live on floors two and three, and if you want to go up to the roof deck you go through the third floor up to the roof deck, which leads to the structures in question. The rest of the roof is open; the only covered parts will be the staircases.

Member Brown asks if the structures can be built at 40ft, which would be doable, but they would be more comfortable at 45ft. Attorney Magliochetti notes they will still need to take this to city council and that they will have full architectural renderings at that time. Chairman Moriarty believes we should go back to Planning Director Jacki Byerley's suggestion; going to 3.5 stories, and once they have the actual renderings they can come back. Member Vathally believes if they came sooner with renderings they wouldn't be "flying blind", and he questions what would prevent them to go to 55ft, 60ft, or 80ft. Chairman Moriarty makes a motion at 40ft, noting it will be for the whole project with the updated stipulation.

Chairman Moriarty entertains a motion about the height of 40ft. Member Vathally makes a motion to accept the application for 663 Riverside Ave with a height limit of 40ft, seconded by member Brown. Member Vathally: No, it does not meet the criteria for 255-10.2.2 paragraph 2. Member Brown: Yes, I do feel it meets the zoning criteria for variance 255-10.2.2 paragraph 2. Member Bevilacqua: Yes I believe it does meet the criteria of 255-10.2.2 paragraph 2. Member Ortiz: Yes it

meets the criteria for 255-10.2.2 paragraph 2. Chairman Moriarty: Yes. Approved based on 255-10.4.2. (4-1)

Member Vathally makes a motion to accept the application for 663 Riverside Ave, seconded by Member Brown. Member Vathally: No, it does not meet the criteria for 255-10.2.2 paragraph 2. Member Brown: Yes, it does meet the zoning criteria for variance 255-10.2.2 paragraph 2. Member Bevilacqua: Yes I believe it does meet the criteria of 255-10.2.2 paragraph 2. Member Ortiz: Yes it meets the zoning criteria for 255-10.2.2 paragraph 2. Chairman Moriarty: Yes, it meets the criteria of the section referenced. Approved. (4-1)

24 Mount Dustin Ave – Luis Medina (BOA-26-21) (Map 527 Block 7 Lot 95)

The applicant, Luis Medina of 24 Mount Dustin Ave, had already built a deck on the back of his home following his lot line; but he did not realize he would need a variance. He is in front of the board to correct this. Said variance would require relief from the required 10ft side-yard setback. The proposed setback is approximately 6.9ft from the side property line.

Chairman Moriarty confirms that the deck has already been built with Mr. Medina adding that if he had known, he would not be here now to tell them. Member Brown tells the board she drove by and took pictures, as did Chairman Moriarty and Member Vathally, and she asks for further clarification on what has been built. The deck is currently open, with only one side attached to the existing home.

Chairman Moriarty moves to entertain a motion. After confirming with Local Building Inspector Paul Viliott that they will still need to follow the building protocol and that they still have a bit of work to do, Member Vathally makes a motion to accept the application for 24 Mount Dustin Ave. Motion made by Member Vathally, seconded by Member Brown. Member Vathally: Yes, meets the criteria for 255-10.2.2 paragraph 2. Member Brown: Yes, meets the zoning criteria for variance 255-10.2.2 paragraph 2. Member Bevilacqua: Yes, it meets the criteria for 255-10.2.2 paragraph 2. Member Ortiz: Yes, it meets the zoning criteria for variance 255-10.2.2 paragraph 2. Charmain Moriarty: Yes, it meets the criteria for 255-10.2.2. Motion passes. (5-0)

5 Avon Pl – Robert Lapierre (BOA-26-18) (Map 501 Block 228 Lot 30A)

Applicant Robert Lapierre is looking to add an additional building next to the one already on the lot that will house a three-story, three-bedroom, low-income condo. This will be attached to the current building (which is to be turned into a two-bedroom home), making the entire thing a four-family low-income housing condo unit.

Member Brown asks for clarification on what the current building is being used for. It is a two-story building being used as office space by the applicant. Robert notes that there will be nine parking spots available. Member Brown asks about the trucks that currently park there, which are people that work for Mr. Lapierre, himself, and his trucks. Planning Director Jacki Byerley confirms that they will not be rentals and confirms that they will meet Haverhill's definition of affordable housing; restricted in perpetuity.

Neighbor Kimberly Tilton Arahovites of 241-243 Washington Street, which sits directly across from 5 Avon Pl, has written a letter of opposition (with photos), vehemently objecting to the granting of

any variances at 5 Avon Pl. She is in attendance and speaks in front of the board. She has owned her property since 1994. She notes Avon is an incredibly narrow street, especially in the winter with emergency vehicles unable to get down the street, and the area in general is already vastly overcrowded. People hang out on the sidewalks because there are no yards, causing her tenant (who is an avid runner) to run around people in the summertime. There is nowhere for kids to play, dogs to use the restroom, or plows to plow snow. She tells the board that the applicant already owns a good portion of Avon Pl and other rentals in the area, which he has expanded quite a bit. It has created noise problems and overall quality of living issues with her tenants. She believes if they accept this variance they will be further depressing the area; there is no place to relax, no place to be outside, no place for parking, no place for emergency vehicles.

Kimberly Tilton Arahovites reminds the board that this is not a residential lot, it is a commercial lot. When it was purchased it was a single garage with a garage door. Mr. Lapierre tore it down and built what is there today. She notes that after speaking with Building Commissioner Tom Bridgewater she was told this new building was for stock and storage. She does not think this office space is properly zoned and believes this building was never built with the intention of being used for stock and storage but built to be turned into a residential area in the future. She asks the board to consider the abutting neighbors and their quality of life.

Member Brown confirms the tents currently on the lot belong to Mr. Lapierre and makes sure he realizes his lot area is quite substantial. Member Vathally confirms that Mr. Lapierre is ready to go to city council for a special permit.

Member Vathally makes a motion to accept the application for 5 Avon Pl, seconded by Member Brown. Member Vathally: No, it does not meet the criteria for 255-10.2.2 paragraph 2. Member Brown: No, does not meet the zoning criteria for variance 255-10.2.2 paragraph 2. Member Bevilacqua: No for the same reasons. Member Ortiz: I agree with the other members of the board and vote no, it does not meet the criteria for 255-10.2.2 paragraph 2. Charmain Moriarty: Votes no. Does not meet the criteria and will be more detrimental to the neighbors and area. Rejected. (0-5)

1015 Broadway – Biaggio Properties, Inc. (BOA-26-20) (Map 574 Block 1 Lot 13)

Attorney Magliocchetti speaks on behalf of Biaggio Properties to resolve an ongoing issue. When the property was originally purchased, instead of putting one business inside, the applicant decided to lease it out to multiple buildings as storage which was not allowed there. Things came to a head when the landscaper lessee left various pieces of equipment and material outside, upsetting the neighbors. He is now asking for relief on what the applicant can use the property for.

He is looking to use some areas for storage. A plot plan has been laid out showing there will be no outdoor storage. This has always been a commercial building in a residential area, and the applicant is just looking for a way to make things work. It is noted that there is an apartment inside creating residential use. Attorney Magliocchetti asks for relief under 5.2 and 5.3; non-conforming structure and non-conforming use, to create storage for different buildings.

Member Vathally has no problems with this and notes he will add a stipulation that there will be no outdoor storage. It is also noted that this issue was brought in front of the board 15 years prior.

Member Vathally entertains a motion to accept the application for 1015 Broadway with the stipulation that there will be no outdoor storage at that location. Motion made by Member Vathally, seconded by Member Brown. Member Vathally: Yes meets the criteria for 255-10.4.2. Member Brown: Yes, it meets the zoning criteria for special permit 255-10.4.2. Member Bevilacqua: Yes it meets the criteria for special permit 255-10.4.2. Member Ortiz: Yes it does meet the zoning criteria for 255-10.4.2. Charmain Moriarty: Votes yes. Meets the criteria and is not more detrimental than the previous use. Granted (5-0)

Minutes:
Chairman Moriarty entertains a motion accept the minutes of the July 15th Board of Appeals meeting. Member Vathally makes a motion to accept the minutes of the July 15th, 2026 Board of appeals meeting, seconded by Member Brown. Member Vathally: Yes. Member Brown: Yes. Member Bevilacqua: Yes. Member Ortiz: Yes. Chairman Moriarty: Yes. Minutes are approved. (5-0)

Adjournment:
Motion made to adjourn; all in favor.