Haverhill

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

City of Haverhill
Board of Appeals Minutes
October 21, 2026 – 7:00pm
City Hall, Council Chambers, Room 202

Call to Order:

The meeting was called to order at 7:00pm by Chairman George Moriarty.

Roll Call:

Present were Chairman George Moriarty (arrived at 5:40pm), Member Louise Bevilacqua, Member Lynda Brown, Member Ted Vathally, Member Michael Soraghan and Associate Member Gary Ortiz (arrived at 6:53pm). Also present were Head Clerk Samantha Limberti, Planning Director Jacki Byerley, Building Commissioner Tom Bridgewater, and Matt Hennigan.

5:30 P.M. Training:

Attorney Adam Costa provided the board with a seminar on the latest Zoning Acts and Ordinances. This training meeting ended up being quite timely as a bill was passed in June making meaningful changes to Chapter 40A where several sections of the zoning act have been impacted. Additionally, a pending economic development bill has two versions in the running; one in the senate and the other in committee being reconciled. If and when the bill is reconciled it will be signed by the governor's office, creating even further changes to Chapter 40A.

Attorney Costa notes that this training usually takes two hours, but we are condensing it into a little under an hour and a half. The board was provided with a syllabus for the night's events, a "cheat sheet," and an advisory summarizing the changes that were made in the bill passed in June. He also printed sections 5, 6, 10 and 11 of the Zoning Act (red line versions) showing the changes made by the legislature. The syllabus is broken down into three sections. *Powers and Duties*: Discuss the authority of the board as well as the obligations the board has. *Meeting Procedure*: Except for the Open Meeting Law, nothing is statutory; it is a matter of common law, historic practice and procedure, and relying on obscure sources. *Deliberation and Decision Making:* Is subjective more than objective. Objective being what decisions to incorporate; subjective being how best to organize a written decision.

Powers and Duties: How have things changed over the last 3-4 months? How are they going to change in the upcoming 3-4 months if the further pending legislation is adopted? The chief sources of authority for a ZBA is the state zoning act, zoning ordinance, and rules and regulations. *#1 Special Permits*; the most comprehensively covered. *#2 Special Permits for Non-Conformities*. *#3 Variances*; originally were supposed to be used sparingly, but with this new variance standard things could be quite more liberal. *#4*

Administrative Appeals; by statute, if appealed within 30 days they would go to the zoning board of appeals before going to court. *#5 Comprehensive Permits.*

What is the standard for a special permit? The state zoning act says there can be no substantial detriment to the neighborhood (subjective standard). The recodified zoning ordinance is a six-part test, considering the following factors for a traditional special permit:
#1. Community needs that are served by the proposal.
#2. Traffic and pedestrian flow and safety (including parking and loading requirements).
#3. The adequacy of utilities and other public services to serve the use or proposal.
#4. Neighborhood character and social structures.
#5. Impact to the natural environment.
#6. Potential fiscal impacts (job creation, detriment to tax revenue).

Special Permits for Non-Conformities are already protected by virtue of the fact they already exist. You need a special permit to make any changes to these grandfathered non-conformities, keeping in mind that the approval of the permit will not create another non-conformity and there is no further substantial detriment created. Vesting of rights have changed within the past few months. The concept being that special permits and variances (unless stated otherwise) always "run with the land". They are issued in perpetuity and are not unique to the property owner. Unless there is a non-transferability clause special permits run with the land, the successor and assigns of the recipient of the permit, and they will always run with the land due to the nature of the variance itself. Vested rights take these into account, but there is the issue of when the rights were vested. Construction or usage is now to be exercised within 3 years; variances now need to be exercised in 2 years.

The language of the statute for special permits states that the ZBA are authorized to allow changes, extensions, or alterations. Building Commissioner Tom Bridgewater gave a few different examples that were then discussed with Attorney Costa. They discussed elongating of walls, setbacks, and adding bulk to the structures.

40A Section 6 "Provided however, notwithstanding the forgoing preexisting non-conforming structures or residential uses that do not conform to zoning because of lot size or shape, frontage, lot coverage, or floor area ratio requirements can be extended or altered as of right without the need for the finding or special permit by the special permit granting authority if the extension and alteration complies with the current dimensional regulations regarding height, stories, and setback."

The six-part test is to be used for Special Permits, but it is not to be the only reasoning for the board to approve or deny a special permit. Special Permits for Non-Conformities: Case law says you can't use the six standards you would use for special permits. They are more subjective and case by case. You need support in the record, not just general feelings, you need specific facts.

Variances used to be a three-part test: applicant shows a strict application and interpretation of the zoning ordinance was the consequence of the soil conditions, shape, or topography of the lot in question; a hardship, financial or otherwise, and a strict application and interpretation of substantial derogation for the purpose or intent of the zoning ordinance. This was the old way, now it has been simplified to a new test called "practical difficulties." Practical Difficulties weigh the benefits to the applicant and to the public interest including the interest in support of housing against the detriment of the public health, welfare, and

safety of the neighborhood. This is now a balancing test. #1 You can consider if it relates to the soil conditions, shape or topography of the land or structure. #2 Would it impose a financial hardship? #3 Benefits sought by the applicant can be achieved by some other method feasible for the applicant to achieve. #4 Whether the practical difficulty was self-created.

Comprehensive permits will still require the board reach out to a land use firm for legal assistance as they are quite complicated.

Meeting procedure: Chairperson follows Roberts rules and must be mindful of the wording of motions and amendments. Role of members: regular, associate or alternate. Associate or alternate members are only permitted to vote if a regular member is unable to vote for whatever reasoning. If a public hearing goes through multiple sessions, you need to be present at each session in order to vote at its conclusion. Recommended order of presentation: no wrong way to do it, recommended way is for the applicant makes its presentation, the board asks questions, peer review offers their comments, members of the public are then able to ask questions and make comments, applicant can rebut or reply to any comments or questions made, and then if you are to continue the hearing, be mindful of deadlines.

Variances and Special Permits have different sets of deadlines which staff, more than the board, need to be aware of. Use by right that needs an approval of the site plan, not typical of a ZBA, will become statutory if the new legislation is adopted. “Site Plan” has now been changed to “Development,” but is still the same thing. Be mindful of open meeting law requirements: Required to post agenda meetings at least 48 hours in advance to the public. If a public hearing is underway there is no general exemption allowing an executive session simply to consult with council; there is litigation exemption when there’s pending litigation or imminently threatened litigation to use executive session, but generally there are no exceptions. Be mindful of the public records law: Most municipal officials did not have official government emails in the beginning, but now that is not the case. Now anything in which your government email is used for can be characterized as “city business.” It is best to keep your personal business and government business separate.

Helpful things to while deliberating and making decisions would be to consult city staff, to consult counsel, and to align goals. Be mindful; you cannot accept new evidence into the record once the public hearing is closed. Some boards will keep the public hearing open as they deliberate while others prefer not to.

Decisions must include detailed record of proceedings, name and address of the owner, identifying the land in question, a statement of compliance with the statutory requirements, and a certification of filing. Decisions are drafted by procedural history, identify documents and plans of record, findings or facts, legal conclusions, and reference any exhibits.

Variances on a five-member board require two thirds of the members to vote in favor; either all five, or 4-1. A change in quorum does not affect the voting requirements; you will need at least four votes whether you have five members present or four members present. Members can remotely participate if the meeting has been advertised as such.

7:00 P.M. Public Hearings:

Chairman George Moriarty opened the public hearing at 7:00pm, recalling the roll as the earlier part of the evening was for a training session. Member Bevilacqua? Here. Member Brown? Here. Member Vathally? Here. Member Soraghan? Here. Member Ortiz? Here. The Chairman is also present. The chairman calls out the applicants and their legal representatives to see who is in attendance and asks if there is anyone in opposition in attendance as well.

746 Amesbury Road's applicant was present with one audience member there not in opposition, but with questions. 32 South Pine Street and 0 Nineteenth Avenue (possibly going to be number 43 or 45) are also in attendance. 135 Washington Street was there with its applicants, with numerous members of the community there in opposition.

746 Amesbury Road – Zachary Sindoni (BOA-26-25) (Map 400 Block 2 Lot 6A)

746 Amesbury Road went first, as there was no opposition. Zachary Sindoni lives at 12 Fairview Farm Road. "My brother and I own Sindoni Brothers Construction. We're based here out of Haverhill. We are a design-build residential construction company. We are looking to purchase the commercial property, 746 Amesbury Road, formerly known as Dunn's Equipment. We're looking to apply for a special permit because this is a non-conforming commercial space. It is residentially zoned. We are looking to establish our design-build showroom in our woodshop there." Their plan is to use the current existing building as office space; a place for design client meetings, and an interior millwork showroom to show clients some of their building materials. They essentially want to use this building as their headquarters with some additional space to be used as a woodshop.

The building is currently being operated as a small engine repair shop. There was a waste oil tank that had already been removed to help create less detriment to the property. They additionally want to clean up the building by renovating it; replacing the metal roof that is falling apart, and overall, just making the building more appealing to the street view. The applicant states that other than the roof, the building itself is "pretty sound." They would additionally like to add a rainwater catch system.

Mr. Sindoni stated that the initial application did not propose an expansion of the building footprint. He described a potential future application for a separate additional building. In response to questions, he discussed security lighting, the type of wood and millwork products to be displayed and confirmed that no hazardous chemicals would be stored at the premises. The Board asked about hours, public access, staffing, physical improvements, potential effects on the surrounding neighborhood. Member Brown asks what will be stored on site, with Mr. Sindoni noting that it will be just a few pieces of equipment as the rest is normally stored on the job sites themselves. "In our design review, we do have a space that we would potentially might have our telehandler there or our mini excavator, but typically all of our equipment is normally on the job sites most of the time, so we would just have our work vans in front of the building." He notes that there will be no large excavators as they are not an excavation company. They do their framing in house, so they have their own telehandler as well as a mini excavator, but that is really it in terms of big equipment.

Mr. Sindoni notes that they are not a retail space currently, so the showroom would only be for clients. They are looking to create headquarters where they can bring their clients to in to review with architects

and designers. They will be able to show their materials and can give their clients a physical look at what will be used; this is what they mean by showroom. The open to the public aspect would be for making appointments, with the business having regular business hours, 8-4, Monday-Friday. The goal would be to have two to four employees on property at a time. “We have two in the office currently and myself and a project manager, (10:02) but I'm mostly in the office most of the time and my office manager, they work from home.”

Joseph Tropier, 740 Amesbury Road, asks if they are planning to build up a story. He is concerned about trucks backing up, beeping all day. He asks about spray painting, chemical storage, lighting, and what he will be looking at in the parking lot. He asks for further clarification on the showroom as well as their delivery of materials. Mr. Sindoni answers all questions, noting that lighting will be added for security reasons and reiterates that they are carpenters and that there are no chemicals on site at all.

Motion made by Member Vathally to accept the application for 746 Amesbury Road, seconded by Member Soraghan. Member Bevilacqua? Yes. Member Brown? Yes, it meets the zoning criteria for special permit 255-10.4.2. Member Vathally? Yes, meets the criteria for special permit 255-10.4.2. Member Soraghan? Yes, meets the requirements for general conditions of 255-10.4.2 and it's not more detrimental to the existing line of warming use presently. The Chairman also votes yes. Granted. (5-0)

0 Nineteenth Avenue – Wolpk Realty LLC (BOA-26-26) (Map 617 Block 512 Lot 13)

Philip Parry, attorney for the owner of Yakubachi Realty Trust and the petitioner of Walpik Realty LLC tells the board that they are looking for a dimensional variance on the lot. It is in an outage zone and is undersized. It has 7,200 square feet where 7,500 square feet are needed for a single-family residence and 60 feet of frontage where 75 feet of frontage is needed. Owned by the clients since 1983, they had attempted to get a building permit before; but the preexisting, nonconforming lot was determined unbuildable and became a vacant overgrown lot.

They stopped paying taxes for this property in 2018, but to file this petition they have now caught up on all payments. The elderly owner, deteriorating in health, has had his property directed by the beneficiaries (his children, nieces, and nephews) for several years, and they are ready to sell the property. They are requesting dimensional variances so they can construct a single-family home, as single-family homes are permitted in the zone. The street is full of single- and two-family homes with similar dimensions, with many of them being reconfigured in later years with a mix of them being conforming and nonconforming to this day. This home will not be out of character for the neighborhood, will have adequate parking, has no conservation issues, and is not in a buffer zone or is subject to any wetlands. Attorney Parry notes the practical difficulties if they do not receive this variance that the owners will have no use for their lot.

There is a slope at the rear of the property. The abutting property to the rear is in a different zone, the CG zone, and is vacant. Any area they could acquire towards the rear of the property would not be usable as there are wetlands further back. They cannot acquire or obtain any frontage from any of the other neighbors. Basically, they have investigated numerous ways to eliminate or reduce nonconformity in any possible ways, but there is nothing they can do.

They are attempting to make the property suitable for first time home buyers with a family by going for a single-family home as opposed to a two family, and they have decided against constructing a garage because doing so would increase the price, but there would be enough land out back for a usable yard.

“My client's proposing a 12-by-12 deck off the rear of it… He's proposing a three-bedroom, two-and-a-half bath.” They want to create a space that an owner-occupant would want to live in for years to come. This property is unique because of the slope and drop-off along the rear portion of the lot, which creates challenges not found on the surrounding properties. There are only two undeveloped lots remaining on the street, the other appears to meet current zoning requirements, while this property has longstanding dimensional issues. The lot has remained in its current configuration since 1893. When he and his brother purchased it in 1977, they believed it was buildable. However, they unknowingly merged it with the adjoining property, losing its status as a pre-existing, nonconforming lot. There is little else the owner can do to address the property's undersized lot and lack of frontage which is why they are asking for relief.

When asked what the official number of the plot would be, it was noted that both 43 and 45 are currently available, so it will be one of the two. When asked about the driveway on the righthand side, it is noted that it is indeed on their lot, but the direct abutter to the right is family, with some of the children being beneficiaries of the trust. It was agreed and they were aware that when they paved the driveway it was paved over onto the property, even though it shouldn’t have been. The builder has agreed that he's going to maintain the pavement along the boundary line and is going to cut it rather than rip it up, so their driveway is going to be paved right up to their boundary line. They are additionally going to add a fence in order to maintain a bit of privacy and maximize the parking for 39 and 41. There is a large tree on the 19th avenue layout, and the builder would like to speak with someone in the city to see if it is not of beneficial use he would like to take the tree down.

Lorraine Mykola of 18th avenue questions the size of the lot, noting that the home on the right and the one next to it are already incredibly close. She is concerned that with another house added, these will be too close. The chairman notes that the neighbors did not seem to have an issue with this. She also notes her grievances with 19th avenue as they get a lot of water, with two poorly placed storm drains at the bottom. “I guess I'm selfish in my lot that I own on 18th avenue is a non-conforming lot and next door to me new people have moved in. I only own 5 feet, my house is 120 years old, I only own 5 feet on one side… I get nervous thinking of all these non-conforming lots coming up. I don't want to reach out my window and I'm touching somebody else 's house…I can't imagine it's fitting on that lot and I can't imagine the trees staying there either I mean how can they possibly build a house with that?”

Motion made by Member Vathally to accept the application for the variance for 43/45 Nineteenth Ave. Motion made by Member Vathally, seconded by Member Soraghan. Member Bevilacqua? Yes, it meets the zoning criteria for variance 255-10.2.2. paragraph 2. Member Brown? Yes, it meets the zoning criteria for variance 255-10.2.2. paragraph 2. Member Vathally? Yes, meets the criteria for 255-10.2.2. paragraph 2. Member Soraghan? Yes, it meets the conditions for 255-10.2.2 paragraph two and I do not think there is any substantial detriment to the greater good. The Chairman also votes yes and agrees with Member Soraghan, noting it is in character with the neighborhood and does not change the neighborhoods character. Granted. (5-0)

135 Washington Street – H & C Rental, LLC (BOA-26-22) (Map 500 Block 226 Lot 4)

Attorney Robert Hart with offices at 40 Kenoza Avenue is representing the owner HNC Rental LLC with Cindy Nguyen, the manager who also runs Cindy 's nails at that property. Paul Borgman is also present, he's the engineer that designed the engineering plan.

Neighbors have concerns about what the parking situation will be like. Attorney Hart spoke with

neighbors prior to this meeting and made an agreement with them, stating that if the board were to be in favor of the petition, they would add a condition that the applicant will add signage on the left side of the building. As you face Washington Street their property is to the left of 135 Washington; there's an alley there some people go in and park outback. It has been suggested that signage be put on the new building being proposed, saying “no parking” or “no parking in rear”.

Attorney Hart notes that they are in a CG Zone, unfortunately not in the downtown smart growth district overlay district on the other side of the railroad track. If they were they wouldn't need to be here, they would need to go before City Council to get a special mixed-use permit, then go to planning for a preliminary plan review, a development review, and it's likely when filing with City Council they will be asked to go back for another predevelopment review so this is just the first of about 4 or 5 steps.

They first wondered if it would be best to attempt to go for a zoning amendment to change the zone itself, but per a conversation with the planning director it was said that a variance is a much more reasonable request.

Because they are on the left side, they need parking variances. They have sufficient parking space for the 9 two-bedroom units to be constructed. There will be underground car park with one open-air space, needed for an electronic charging station that needs to be outside. There will be one handicap spot. The setback request is because they will need to go to the rear property line to have support for the underground parking and the buildings on top. This will help eliminate the issue of snow removal as they will only need to worry about one outdoor spot.

Attorney Hart states this is all to support the production of housing the 3 main commercial units in the front can stay there. The architect said building up wouldn’t work as it would be too tall, so building down was the best route to take. He believes this development is going to fit in the neighborhood. “I think it's going to be a good development the owner 's been there 16 years and the building could use renovation for the commercial units but also be able the opportunity to supply the 9 residential units.”

There's plenty of mixed multifamily in the area the zoning code allows the mixed-use. The city needs reasonable housing, and it is believed this development would supply that. Topography wise is a unique piece of property that is not like anything else. Strict application would not enable the applicant to utilize the lot for residential development. There is no special privilege because of the uniqueness of the lot and its location next to the railroad.

Member Vathally confirms that this is in a CG zone, and that two bedrooms will be in each unit. He asks about the parking to which Attorney Hart replies: “I don't have packing for the commercial that's why I'm here; the parking would be by code for the residential, but I am not able to submit parking for the commercial.” Member Vathally asks if they reached out to any other local parking spots or public parking spots to rent from for parking. Attorney Hart states that no one has available parking, and that they tried to develop the building the best they could with the most parking they could do.

Member Brown asks if they will be rentals or condos. They will be deeded condo units as we do not need more apartments downtown. It is confirmed that all three commercial lots in the building will be returning after the renovation.

Member Soraghan notes the building has grandfathered rights because of its existing location. However, he shows concern for construction and future maintenance. The building sits directly on the neighboring property line. Will the owner need an easement or permission to access the neighboring property for construction, repairs, and maintenance? Has the owner considered this issue? If access cannot be arranged, could the building be moved back?

Paul Bergman of Bergman and Associates, 20 Washington Street, states that this is a valid concern, and that the contractor will likely need to coordinate with the neighboring property owners to arrange access and space for construction. The neighboring driveway is not owned by the applicant, so permission from the abutting property owners may be necessary during demolition and construction.

State law allows property owners to access neighboring property, with proper notice, when necessary to maintain their buildings. Once construction is complete, the owner should be able to maintain that side of the building. They can also discuss the construction access issue further with the architect and other professionals.

Douglas Bailey of 155 Washington Street comments that he is not in opposition of the project as they agreed to signage, but that he wanted to discuss parking situations. “From a general kind of 30,000-foot perspective we just kind of want to comment it's wonderful that this section of hair is being developed it's fantastic it's great for everybody involved it's great for property values but you know we do think that payroll needs to think about you know congestion and parking from a holistic perspective.” He believes the building should be built approved to be built, but collectively all the buildings going up on Washington as of late are straining parking capacity. He wonders if a garage would be needed, perhaps better signage, etc. Overall, he believes the city needs to think forward about how they will develop better parking as a community.

Zachary Hare of 155 Washington questions the parking signage letting people know that they should not go up the driveway. “I just want to make sure that the signage is clear because if you're leaving downtown Haverhill and the building is on your right and that alley is on the right, the signage has to be clear from the street or else people will drive up to and be like oh here's a driveway let's go up there and really find out up there they can't park.” In short, he is requesting a more obvious sign be in the plans.

There is a back and forth on where the sign(s) will be placed, if they will need permission from other buildings and owners, etc. It is discussed that with permission from the owners, directional signage is allowed if it is within a certain size.

Motion made by Member Vathally to accept the application for 135 Washington Street with the following condition that the applicant will explore appropriate no parking signage be attached to the commercial building. Motion made by Member Vathally, seconded by Member Soraghan. Member Bevilacqua? Yes, it meets the zoning criteria for variance 255-10.2.2. paragraph 2. Member Brown? Yes, it meets the zoning criteria for variance 255-10.2.2. paragraph 2. Member Vathally? Yes, meets the criteria for 255-10.2.2. paragraph 2. Member Soraghan? Yes, it meets the conditions for 255-10.2.2 paragraph two and is no substantial detriment to the public good. The Chairman also votes yes, and it is a great improvement to the area, provides much needed housing, and the applicant has agreed to address the lack of parking in the back. The application is granted. (5-0)

32 South Pine Street – RJCS Consulting, LLC (BOA-26-23) (Map 706 Block 703 Lot 26)

Attorney Mark Johnson Bornstein from Johnson and Bronstein 12 Chestnut Street Andover Massachusetts is here to represent RJCS Consulting, LLC. They are looking for certain variances to allow the division of a large parcel into 2 lots; the first one which will have the existing building, and they are looking to construct a 2-family building on lot 2.

Riley Smith, the owner of 32 South Pine Street, his first home, recently got engaged, and is looking to establish roots in Haverhill. He graduated from Harvard Institute of Technology with degree in construction management, growing up in residential construction and development through his family's involvement in the industry. He would like to make productive use of the relatively large parcel of land while maintaining the existing single-family home as his primary residence. They are looking to subdivide the existing property into 2 lots maintaining the existing single-family residence on the front lot and creating a separate rear lot for a proposed 2 family residence. Mr. Smith states that he intends to continue living in the existing home and wants to build something he will be proud to live alongside. He hopes to be a positive addition to the City of Haverhill.

This parcel is located in the RH high density residential district; it's currently made up of 3 assessor parcels. The house on lot one will remain with no changes, the only variances relative to lot one is to maintain the existing setbacks which currently do not conform. The second lot would create a single 2-family dwelling; the lot is of sufficient lot area of the variances that they are seeking. The access to lot 2 would be by way of a 25-foot-wide access strip and will contain 2 parking spaces per unit as well as a turnaround area so cars would not have to back out onto the public way. They are also proposing a landscape buffer along the proposed driveway provide screening for the directive butter.

The public benefit is to create 2 additional housing units. It makes productive use of an oversized lot; it makes productive use of an oversized residential parcel, and it does not create adverse impact to public health safety or neighborhood welfare. Traffic on South Pine Street is primarily residential and congestion is generally associated with pick-up and drop-off activity the Sacred Heart school.

The residence is intended to be a modular two-family home. A substantial portion will be constructed off site and delivered for installation; on site framing activity would be reduced to construction, duration should be shorter than that of a traditional construction, and neighborhood disruption should also be minimized.

John Moran from Lauren Cameron Group office at 66 Elm Street Danvers and 25 Kenoza Street Haverhill are the design engineers and civil engineers/surveyors for the project. The engineering department provided some preliminary comments, including minor concerns about spacing between water services. These issues are expected to be addressed as the project moves forward. Stormwater requirements will also need to be addressed during the next stages of the project.

The board notes that zoning requires 80 feet of frontage, but by requesting a variance to allow only 25 feet, they are effectively creating their own hardship by dividing the property to build a second home. Member Vathally states that the applicant knew the size and layout of the property when it was purchased, so the hardship is in fact being created by the applicant.

Attorney Johnson Bornstein tells the board they are requesting a variance because the proposed lot does

not meet the frontage requirement. The only other option would be to remove the existing house on the front lot. The existing three-bedroom, single-family home will remain as it is already a legal, nonconforming property. The new lot meets the required lot size and most zoning requirements, except for frontage and lot width. Under the new law, the standard for granting a variance has changed from substantial hardship to practical difficulty. Whether the hardship is self-created is still something the Board must consider, but it is only one of several factors.

Attorney Johnson Bornstein notes that the Board must also consider the benefits of creating additional housing, the impact on the neighborhood, public health, safety, and welfare, and whether other reasonable options exist. Member Vathally clarifies that self-created hardship still matters. It cannot simply be dismissed because the law now uses the term practical difficulty. Attorney Johnson Bornstein agrees, stating he did not intend to suggest that self-created hardship is irrelevant, but that it is one of several factors that must be considered when granting a variance.

Pat Smith and his wife Joan of 15 Greystone Avenue abut the property line of Riley Smith, who is their nephew. Mr. Smith states he would be concerned that Riley Smith would be able to add on to his existing home and that it could come out looking like the 2 that were done across the street. He states they are unattractive and don't serve any great purpose rather than the developer got to sell two new units. He believes this will be much more attractive and will enhance the property values.

Carrie Sierra of 22 Elmwood expressed concern about adding another two-family home to an already congested area. She explained that South Pine Street is narrow, parking is limited, and snow makes the street even harder to navigate. Sacred Heart School also creates heavy traffic during school pickup and drop-off. She believes adding two more units could create safety issues and increase traffic. She suggested building a single-family home instead and raised concerns about the lack of road and infrastructure improvements throughout the city.

Charles Clark, father of Amanda Clark 24 B, Unit 2 speaks for his daughter who currently has laryngitis. He asked for clarification about the driveway width, the nearby utility pole, and how vehicles would enter and exit the property. Mr. Smith returns to the podium to respond to the questions noting that the proposed driveway will be 10 feet wide. The two-family home will have four parking spaces on the property. Residents will not need to park on the street. The driveway will allow cars to turn around rather than back out onto the street, and the utility pole will not need to be moved.

Heather Evoniuk of 35 South Pine Street states her concerns about how snow would be stored since there is limited space around the property. It is stated that the snow will be pushed up the driveway and stored in the backyard. The board also explained that snow removal and driveway requirements will be reviewed during the development process. The fire department will make sure the driveway can accommodate emergency vehicles.

Valerie Drynan of 38 South Pine Street, who lives next door, expressed concerns about her children's safety because vehicles will be closer to their backyard, the need for a fence or landscaping for privacy and protection, the existing sinkholes and infrastructure problems on the street, and existing flooding in her backyard and the possibility of additional water runoff from the new development. She clarified that she is not against new construction but is concerned about the size of the project and its impact on the neighborhood.

The applicant explained that a drainage plan will be required and must meet city and state regulations. Any additional runoff must be addressed. They also offered to install landscaping or a fence along the property line to provide separation and protect the neighbor's backyard.

Charles Clark returns to speak on behalf of Amanda Clark and raised concerns about the historic home on the property. He explained that the home's old stone foundation could be affected by additional water runoff. “Suspect to the impacts of hydraulic pressure and with some of the calculations just on a 10 foot by 200 foot we're talking about one inch or one inch of rainfall being about 1122 gallons of runoff. With an average of 48 inches per year that's about 53,856 gallons that this new driveway is going to run right into that 1800 foundation that's a big concern of ours as well as the snow removal the street allows for alternative parking.” Engineer Moran explained that a full drainage plan will be reviewed during the next stage of development to make sure neighboring properties are not negatively affected.

Member Brown asked whether building a single-family home instead would eliminate the need for variances. The engineer explained that a single-family home would still require variances because the lot does not meet the minimum frontage and width requirements.

Devin West of 54 South Pine asked whether the two units would be rented or sold. He expressed concern that rental properties could bring additional cars and traffic to the neighborhood. Mr. Smith’s current intention is to rent the units, although selling them remains a possibility.

The Board reminded the applicant that the driveway must meet all city and fire department requirements. Noting that this will still need to go to developmental review, the board entertains a motion.
Motion made by Member Vathally to accept the application for 32 South Pine Street. Motion made by Member Vathally, seconded by Member Soraghan. Member Soraghan adds a condition with a fence or vegetative buffer, whatever is preferred. Motion made by Member Vathally. Seconded by Member Soraghan. Member Bevilacqua? Yes, it meets the zoning criteria for variance 255-10.2.2. paragraph 2. Member Brown? Yes, it meets the zoning criteria for variance 255-10.2.2. paragraph 2 along with the condition of the fencing. Member Vathally? Yes, meets the criteria for 255-10.2.2. paragraph 2. Member Soraghan? Yes, it meets the conditions for 255-10.2.2 paragraph 2. The Chairman votes yes, meets the conditions of 255-10.2.2. paragraph 2. The application is granted. (5-0)

Minutes

Motion made to approve August minutes. Member Bevilacqua: Yes. Member Brown: Yes. Member Vathally: Yes. Member Soraghan: Yes. Member Ortiz: Yes. Chairman votes yes. The minutes have been approved.

The chairman makes a motion to adjourn. All in favor.