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August 20, 2026

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HAVCITYCLERK

By [Electronic Delivery]

Tim Jordan, City Council President
Haverhill City Council
4 Summer Street,
Room 204
Haverhill, MA 01830

Re: 421 East Broadway, Bed and Breakfast Special Permit Application

Dear Pres. Jordan and Members of the Council:

Reference is made to the above captioned matter and the application you have before you for a Special Permit for use as a Bed and Breakfast establishment at 421 East Broadway Street. In that connection, the Council President has requested that I opine on the following question:

May the City Council issue a decision which includes the owner complying with all requirements of the qualification of a bed and breakfast establishment while at the same time or shortly thereafter the owner seeks a variance from the Zoning Board of Appeals to excuse her from not occupying the structure as a primary residence.

In short, if the Council finds that the Applicant complies with all requirements of the Special Permit to become a bed and breakfast establishment, including the requirement that the owner occupy the same structure as the bed and breakfast facility, they may, issue a special permit. The Applicant may thereafter or even simultaneously seek a variance from the Zoning Board of Appeals relative to the requirements of the Ordinance requiring the owner to occupy the residence

As you are aware, the property at issue is located in the RR zoning district where the use as a bed and breakfast establishment is permitted by Special Permit. The definition of a bed and breakfast establishment in the City of Haverhill includes the requirement that the owner occupy the residence.

Bed and Breakfast Establishment¹, An owner-occupied dwelling with not more than six rooms available for overnight rental, with or without breakfast.

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
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New Bedford Office

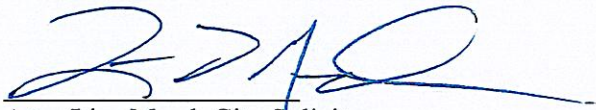
227 Union Street, Suite 606
New Bedford, MA 02740

¹ While there are definitions of bed and breakfast under G.L. c. 64G sec. 18 which are similar to the zoning ordinance, those definitions relate to room occupancy tax qualifications and not zoning requirements.

An Applicant may apply for a special permit from the City Council for this use. The City Council will exercise their jurisdiction over the issuance of a special permit or not, depending on whether the Applicant meets the requirements of the Special Permit in the Ordinance. The Applicant then or also has a statutory right to seek further or alternative relief from the Zoning Board of Appeals by way of a variance and as a separate matter and over which the Council does not have authority.

Should you require any further information please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Mead', with a long horizontal flourish extending to the right.

Atty. Lisa Mead, City Solicitor

cc: Melinda E. Barrett, Mayor
Thomas Bridgewater, Building Commissioner