

**MINUTES OF A HEARING HELD ON TUESDAY, JANUARY 24, 2012, REGARDING DOCUMENT #116 OF 2011 – AN APPLICATION FROM D. PALMER LEWIS JR, REQUESTING A SPECIAL PERMIT TO BUILD A GARAGE AT 14 QUIMBY STREET WITHIN 500’ OF A WATER SUPPLY, LAKE PENTUCKET; ASSESSOR’S MAP 640, BLOCK 1, LOT 43**

**SUBJECT:** An application from D. Palmer Lewis Jr., requesting a special permit to build a garage at 14 Quimby Street within 500’ of a water supply, Lake Pentucket.

Present: Council President John A. Michitson, Robert Scatamacchia, Michael Hart, William Ryan, Sven Amirian, Michael McGonagle and Mary Ellen Daly O’Brien.

Absent: Councillors William Macek and Colin LePage.

City Clerk Margaret A. Toomey: Document 116/2011 – An application has been received from D. Palmer Lewis Jr. for a special permit to build within 500’ of a water supply, Lake Pentucket – a garage at 14 Quimby Street. There are attached comment sheets from departments.

President Michitson recognized Councillor Hart.

Councillor Hart: Before we get into this matter, I have to make a disclosure on behalf of three of the Councillors. The applicant happens to be a dentist and there are three members of the City Council who use him as a dentist. I use him as a dentist. Councillor Daly O’Brien does and Councillor Amirian’s wife uses him as a dentist. I reviewed this with the City Solicitor because we have no financial interest with the applicant over this matter. Therefore, we don’t have any conflict of interest. The City Solicitor has opined that we do not have a conflict of interest. However, because we do have a, even a medical relationship with the applicant, that we have to disclose this, which I have done. That we fill out this form which states that we are disclosing this. At that point, we have done our duty and none of us feel that we have any kind of problem with being impartial on this and it’s been ruled that we do not have a conflict of interest. The forms were filled out by the three of us (and given to the City Clerk).

President Michitson: Thank you very much Councillor Hart for handling that. Now we can open the hearing.

President Michitson: Mr. Lewis

I’m Palmer Lewis and I live at 14 Quimby Street and we are applying for the special variance please.

President Michitson: Is there anyone else who would like to speak in favor of this? Anybody else that would like to speak in favor? I have to say it a third time. Is there anyone else who would like to speak in favor. (There was no one.) Is there anybody against this? Is there anyone who would like to speak against it? Is there anyone who would like to speak against it? (There was no one.) I declare the hearing closed.

Councillor Ryan: Move approval of the application.

President Michitson: Motion by Councillor Ryan to approve and seconded by Councillor Daly O’Brien.

President Michitson: Any further discussion? Councillor Hart.

Councillor Hart: I just want to explain what Dr. Lewis is attempting to do here tonight. He has a garage which is in disrepair. He has a house from the information that is before us, he has a house on Quimby

Street. Correct me if I am wrong on any of this. The garage is in disrepair. It's not really suitable to actually work on it and repair it as much as it is to replace it. So that's what he is going to do is replace his garage. Nothing to do with his house. His garage will go from probably when it was built a long time ago, 18x22, they built them smaller then. He's going to do 24x24 which isn't a significant increase in the size of the garage. That is the whole reason he's before us, to be able to do that. Most people who wanted to do this, they could just do this. But because we have this ordinance in place and the ordinance is designed to protect our watershed areas and our drinking water. The ordinance says you can't construct anything within 500 feet of all of the bodies of water in the City; Kenoza Lake, Johnson Pond, Chadwick Pond, Round Pond, Crystal Lake, if you are within 500 feet without getting a special permit from the City Council. I see the value in this ordinance. I also see the excess in this ordinance too, particularly with the situation like Dr. Lewis has because he's got the garage right there now. He's on Quimby Street. I look at this plan; I am going to stick this up. It probably doesn't show very well on TV or anything like that. This is just a small area that's abutting Round Pond. First you have Stanley Drive then you have rows of houses on Stanley Drive. Then your next street up is Quimby Street but you already have the houses on Stanley Drive and now the houses on Quimby Street away from Round Pond. But, if we go 500 feet we go all the way over to Edwards Street. So we're like five houses away from the pond and we'd still have to get a special permit. I am not going to ask to do anything about it tonight. I'm saying, when I see this, I think the ordinance was designed for somebody who is going to build near a watershed area, and it's open between them and the watershed area and what are you going to do that could cause a problem to the drinking water. In this particular case, and the small area of Quimby Street and Stanley Drive and Edward Street there's twenty-two houses that if they wanted to do anything like you are doing, would have to come before the City Council and get a special permit. Just seems a little bit excessive cause I know you have to go thru a lot more that anyone else does to just build your garage. Also, just want to point out, the whole point of this ordinance is, and the only thing we are suppose to be looking at, is that we have to determine and find that the proposed building does not have an adverse affect on the public water supply. For the life of me, I can't possibly see how you would have an adverse affect on the water supply.

President Michitson: Thank you very much Councillor. Any further discussion? Madame Clerk please call the roll.

City Clerk Toomey: Councillor Scatamacchia-yes, Councillor Hart-yes, Councillor Ryan-yes, Councillor Amirian-yes, Councillor McGonagle-yes, Councillor Daly O'Brien-yes, President Michitson-yes. 7 yeas, 0 Nays, 2 Absent

President Michitson: That passes.

Respectfully submitted,

Barbara S. Arthur  
Administrative Assistant to the City Council

February 3, 2012

Application from D. Palmer Lewis Jr., for a Special Permit to build a garage within 500' of a Water Supply; Lake Pentucket; 14 Quimby Street, Map 640, Block 1, Lot 43.

REASON FOR VOTE

In granting the Special Permit, those members voting in favor found that the application fulfills all of the general conditions contained in 255 of the Haverhill Zoning Ordinances.

President Michitson: I voted in favor because the City requirements were met.

Councillor Scatamacchia: I voted in favor because it would not have endangered the water and the small size of the building.

Councillor Hart: I voted in favor because the permit poses no adverse threat to Lake Pentucket.

Councillor Ryan: I voted yes because it is good for the neighborhood.

Councillor Amirian: I voted to grant the special permit because I believe the project would not adversely affect our water supply.

Councillor McGonagle: I supported the 14 Quimby Street project based on the project meeting all the prerequisite conditions.

Councillor Daly O'Brien: I voted yes for this special permit because this project will not have an adverse affect on the water supply, Lake Pentucket, near by.