

DOCUMENT 132 – MINUTES OF A HEARING HELD ON JANUARY 13, 2015, PETITION FROM MARIO NEHME TO OPERATE A USED CAR DEALERSHIP AT 117 WINTER STREET WITH 22 SPACES FOR CAR SALES; 3 SERVICE SPACES, 2 CUSTOMER SPACES & 2 FOR EMPLOYEES

SUBJECT: Document 132 - Petition from Mario Nehme to operate a used car dealership at 117 Winter Street, with 22 spaces for car sales; 3 services spaces, 2 customer spaces and 2 for employees

Present: President John Michitson, Councillor Melinda Barrett, Councillor William Macek, Councillor William Ryan, Councillor Thomas Sullivan, , Councillor Michael McGonagle, Councillor Colin LePage

Absent: Councillor Robert Scatamacchia and Councillor Mary Ellen Daly O'Brien

City Clerk Linda Koutoulas: Document 132 - Petition from Mario Nehme to operate a used car dealership at 117 Winter Street, with 22 spaces for car sales; 3 services spaces, 2 customer spaces and 2 for employees. Comments from City Department are included.

President Michitson: Opened the hearing

My name is George Sibe from Methuen, Mass, 77 Riverdale Street and this is my (inaudible) Nehme my brother-in-law, same address actually. We are purchasing the property on 117 Winter Street in Haverhill which was a pre-existing used car dealer, it has a pre-service garage. Before we close on the property the first week of February, one of the conditions that we had was for us to be approved to keep it operating as a used car license. I would like to apologize, we had given you I believe two plans, an older one and then an updated one. The reason for that is we went to the Building Inspector the first week of January and he had suggested to change the original plan that we had, reduce the amount of cars and go with more of a conservative plans. That's why it's not going to be 22 car sales, it's going to be 16 based on his recommendation that's what we did.

President Michitson: Is there anyone else here that would like to speak in favor? Is there anyone opposed that would like to speak? Is there anyone here that is opposed that would like to speak? With that I now close the hearing. Council what is your wish?

Councillor Macek: Just a few questions. I do know the Police Chief was against your original space plan.

Mr. Sib: Correct

Councillor Macek He's made some recommendations and you have reduced with a new plan. I think is down to 17, is that correct?

Mr. Sibe: Actually 16.

Councillor Macek: The question that I have logistically and logically thinking through going to the 16 spaces. I have no problem with that. Actually it's 19 spaces.

Mr. Sibe: For sales it's 16 spaces and for service it's 3.

Councillor Macek: It says for repair 3.

Mr. Sibe: Yes, correct.

Councillor Macek: The rest of them are marked of the 19 spaces. In your original application which I think you were being more realistic and revealing of what's really going to go on. You're going to have at least 2 employees, each of which will drive a car and you want some space for your customers because when somebody drives in to look at another new car, used car, whatever, they need a place to park their

car. I think that this is a plan that would allow for too much space for sales and no space for either the employees or the customers to park. My recommendation, and I will listen to what you have to say, but I think that these 6 spots here where you have 3 for repair and 3 for sales, I think those other 3 should be left for customers and employees and I think I'm being generous in saying the other spots can go for sales on the outer rows, but this one here which is close to your building, logically thinking should definitely account for your employees and your customers.

Mr. Sibe: Exactly, I totally understand where you are coming from. That particular space that you are talking about – it's a fenced in area.

Councillor Macek: You're not going to take down the fence? The way this is designed, it can only work by taking down the fence.

Mr. Sibe: Well, that's what I spoke to the Building Inspector about and he said to hold on that until we actually get in the building because there's a lot of maintenance that needs to be done. Then he suggested if we do want to take down the fence later on, he suggested a couple of ideas for us to do. Basically, this is fenced in. Now going back to your question about yes, customers are going to park. They are going to need someplace to park and they are going to need at least 2 more cars to park. If you look at the actual plan, on White Street, there's actually enough spaces for maybe 4 to 5 cars to park in the building itself or next to the building itself. Not on the actual street, inside, between the building and the street. There's enough space for at least 5 to 6 cars. That's why in the original plan that we had we mentioned that we wanted 22 car license. That's why we reduced it by six to kind of keep that intact and in place.

Councillor Macek: In looking at the original plan you really had them stacked more like a storage lot again and you didn't take up the space you are talking about where you would be parking cars. I think that from what you are telling me, I am going to need to see another plan before I can comfortably vote for this because I think if you are going to leave the fence up, then you have to give me a plan with the fence up and tell me what you are doing. If you are going to put cars inside, you have bay doors and that's why you probably can't put parking in front of them because you've got service doors that have to be considered.

Mr. Sibe: Correct, there's 3 of them.

Councillor Macek: I know you want to jam as much on there as possible but it's one of the most heavily travelled areas. I don't want it not have some curb appeal also even for your own business. I think it's important that this be done in a way that it's got curb appeal so that people will want to come in and look at your cars. I think either one of these plans from what you just told me address what you are really going to end up doing.

Mr. Sibe: Those 6 cars that are on Winter Street itself, those 6 spots basically are going to be for fixed cars that are going to stay there for a while. Now, the actual cars that are going to be in the fence itself, they are going to be extra cars so we can change those cars in the front on Winter Street. Basically, we went by the original kind of grandfathered in plan based on what the Building Inspector kind of suggested. Because yes, you are right, the original plan that we actually wanted to do, kind of crammed a lot of the cars in. He actually pointed that out. He pointed out the spaces.

Councillor Macek: What is the current number of for sales cars that are allowed on that lot? Do you know that number? That hasn't been presented to us.

Mr. Sibe: That number is exactly the same number here, 16.

Councillor Macek: 16 cars for sale?

Mr. Sibe: Yes, correct.

Councillor Macek: Well, that was a mistake. I just can't support this with what you are telling me tonight.

Mr. Sibe: What would you like to see different?

Councillor Macek: I am going to need to see a plan that actually will show what actually is going to happen. If the fence isn't coming down, there's going to be a break in these spaces that are all equally sized, some will be inside the fence, some will be outside the fence. That may affect how many spaces you end up with. I'd like to see space designated for customers and for employees.

Mr. Sibe: Okay, I mean I can talk to the engineer and have him re-draw this and submit it to you. I have no problem doing that at all.

Councillor Macek: That's just zoning, I'm only one of nine. You'll have to hear from the rest of my colleagues tonight and the President will decide how we would move forward if we are going to look to receive any amended plans. A couple of good suggestions came in also tonight from the Appeals Board regarding another property that is looking to do car sales in Riverside and that was addressing no towing, so that you wouldn't have 3am in the morning AAA dropping a car off. No towing of vehicles on or off and the other one was that there would be no overnight storage of long-term repair vehicles.

Mr. Sibe: You are not going to have a problem with us.

Councillor Macek: We just might want to address that as part of the permit.

Mr. Sibe: Oh yes, that's no problem at all.

Councillor Macek: It appears that you are looking to become more of an auto sales than you are a repair. This is currently more of a repair location than it is a sales location.

Mr. Sibe: We have been in the business for auto sales for a very long time.

Councillor Sullivan: My concerns were basically over what steps or plans you have to improve the corner, like Councillor Macek said, to improve the curb appeal. What is it that you plan to do to the site to make it more attractive? Right now, as Councillor Macek mentioned, it's not very attractive. It's got a fence which I think you should remove the fence. I think you need to open it up. Are there any plans for improvements to the actual landscaping? What do you plan to do?

Mr. Sibe: For the landscaping, definitely, it's going to definitely need to change. First of all, we are going to repaint the whole building from the outside. The landscaping is definitely going to be changed. We are going to have some plants, something appealing to the actual person that looks, like that's a dealership. We are selling cars. You have to present yourself in a respectful clean manner to attract customers in. I'll have my sister deal with that because she is more of a person who understands that more than I do. I am a numbers person. I have no style when it comes to that but definitely because it needs a lot of work. It needs a lot of work especially on the appeals side. I can't tell you exactly what's going to happen because I really don't know because my sister is the one who's taking care of that but a lot is going to be done. A lot is going to change because it's very plain and very deserted looking.

Councillor Sullivan: It is, it's stark. There's nothing attractive about the corner right now. You have an opportunity to make that corner much more attractive and appealing which I think would benefit the entire neighborhood. You are in a decent neighborhood, you've got decent neighbors. There's respectable businesses, there's churches, Emmaus House is right across the street. It's not a bad area, but it does need some work, your corner. I have no problem with the 19 spaces. It appears you've gone thru the proper people; the Building Inspector; the Police Chief has weighed in and he said he could support the 19 spaces total. I don't have a problem with any of that. I do just want to encourage you to improve the site and to abide by whatever plan you presented to us tonight which I looked at earlier. I do agree it's a little confusing where you have spaces for this here and that there. As Councillor Macek said, will you really abide by that plan? We won't know. We won't know until you get there and you lay it out. You will know that the police will be counting cars. From time to time you will be counted to see how many cars are actually on site. You can't go over what you've been allowed. I wish you well. I hope it works and do hope the you will make some substantial improvements to that corner because it is an important corner in this inner city of Haverhill.

Mr. Sibe: Thank you very much. We are in it to stay for the long run. We are not renting it or leasing it. We are actually purchasing the property and in order for us to stay with it for the long run, we have to actually have to do better and better and better. At the end of the day, it's a small family business.

Councillor Sullivan: When is the closing and do you hope to open the business?

Mr. Sibe: The closing is, we did the past environmental. Bank of New England had assigned a closing the first week of February and we are going to have a lot of work ahead of us. We were expecting at least a month of work just to kind of make it more appealing in that sense. So probably we are looking at the first or second week of March.

Councillor McGonagle: I too would want to see you succeed there. I believe, and I am going back to the Police Chief's letter, and something Councillor Macek said, you need to maintain that fire lane. So you really don't want cars parking in front of your garage bay doors just in case something happens inside and you need to move vehicles out or safely get out yourselves or whoever is working in there. I am okay with 19 spaces but I think we have to designate it a little bit differently. I think 13 is the right number for car sales, because I, like Councillor Macek, believe that you should have 3 spaces in there for repair cars, and 3 spaces for employees and out of that 6 spaces that might fluctuate, you know there might be 2 employees, 4 cars in for service. I just don't think we have accounted for that. That's giving you 2 more spaces than the old tenant that was in that building. But it's still allows us to make sure that there is ample parking for customers and cars in for service. That is a very, very busy corner and there's not usually a lot of parking outside the footprint of your building because there's a lot of traffic and there's no parking from the edge of your entrance to the corner. You are kind of limited. I know from past experience in that area that cars do tend to block that lane. I think you would be better off, and I would personally feel better, if we allowed those spaces for your employee parking. I don't care which ones you designate. You know much more about that. Maybe it's the ones in the corner, for service and for employees depending upon what's easier to move cars for you. I do want you to succeed. I think 19 spaces is the right number but I would like to see the designation change so 13 and 6 if you could. Again, you will still have to come back and deal with our Building Inspector if you are going to take that fence down and make sure you are within what we need to do and the boundaries. I would support this with the designation of 6 spaces. I think it's probably not a bad idea that we get an amended plan showing where you would put those 6 spaces and keeping the 13 for that. That's my thought process. I don't have a major issue with what's going on here. We do have to be accountable for making sure you have your employees, your service vehicles and then kind of limit the amount of cars on the premise for sales.

Councillor Barrett: I can concur with both Councillors McGonagle and Macek, the 19 with the re-designation of some of those sales spots for employee and customer parking. It's a very busy little area there and I don't think you are going to have a lot of street parking available to you.

Councillor Macek: I think that the conversation has been good and I will be willing to go along with the 19 as Councillor McGonagle said as long as we got a subsequent filing of a redraft we will agree to tonight what Councillor McGonagle said 19. I'm okay with the 19 but it's the usages. There would be 13 for sales, 6 others for repair, employees and customers. Councillor McGonagle didn't mention customers but there's actually 3 different categories for those 6 spaces and you could put them where ever you feel is best. It's your lot, your business. I don't want to get involved in that. If you find as you are going along in your business that you can reposition somehow work in additional spots, you can come back to us and increase that amount. It's not as though we are saying this is forever. But for starters, I think that's the reasonable number that I would be willing to agree with tonight. Would you like me to form a motion? I would move that the request for a special permit be granted for 19 spaces with the spaces being designated as 13 for cars for sale and 6 spaces to handle cars in for repair, employee parking and customer parking and that an amended plan reflecting our conditions be filed within 15 days.

President Michitson: There's a motion by Councillor Macek and seconded by Councillor Barrett, Madame Clerk please call the roll.

City Clerk Koutoulas: Councillor Barrett-yes, Councillor Macek-yes, Councillor Ryan-yes, Councillor Sullivan-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 7 Yeas, 0 Nays, 2 Absent.

President Michitson: That passes.

Respectfully submitted,

Barbara S. Arthur
Administrative Assistant
Haverhill City Council

January 20, 2015