

DOCUMENT 102/2014 – MINUTES OF A HEARING HELD ON MARCH 3, 2015, PETITION FROM ATTORNEY FARACI FOR KERRI FRONDUTO, TRUSTEE OF 13 HIGH STREET REALTY TRUST, REQUESTING SPECIAL PERMIT, REPETITIVE PETITION, FOR PROPERTY AT 13 HIGH ST AND A VACANT LOT ACROSS THE STREET, CONSISTING OF 6 RESIDENTAL UNITS AND 9 PARKING SPACES ON THE VACANT LOT

SUBJECT: Document 102/2014- Petition from Attorney William Faraci for Kerri Fronduto, Trustee of 13 High Street Realty Trust, requesting Special Permit, repetitive petition for property at 13 High Street, and a vacant lot across the street consisting of 6 residential units and 9 parking spaces on the vacant lot

Present: President John Michitson, Councillor Robert Scatamacchia, Councillor Melinda Barrett, Councillor William Macek, Councillor William Ryan, Councillor Thomas Sullivan, Councillor Mary Ellen Daly O'Brien, Councillor Michael McGonagle, Councillor Colin LePage

City Clerk Linda Koutoulas: Document 102/2014 - Petition from Attorney William Faraci for Kerri Fronduto, Trustee of 13 High Street Realty Trust, requesting Special Permit, repetitive petition for property at 13 High Street, and a vacant lot across the street consisting of 6 residential units and 9 parking spaces on the vacant lot. Related communication from Attorney Faraci with final revision of plans including new maps for renovation of project. This has been postponed from January 27, 2015.

President Michitson: Re-opened the hearing.

My name is William Faraci, I am an attorney maintaining an office at 211 South Main Street in Bradford district of Haverhill. I have all of you back in January, a new schematic of a 5 unit plan rather than a 6 unit plan. I have listened and listened and listened and revised and revised on this over a long period of time. This is a project which takes a building, which I think you all know is dilapidated and in such a state of disrepair that I have been told now that it's getting to be in danger of a collapse with all the present weather circumstances that have passed. There have not been a lot of people interested in this property. I would think for obvious reasons. We have had a party come in, discuss it with all the city officials and they came in with a proposal for originally 7 units which all departments had approved. This has been back to the Planning Board with a positive recommendation. It's had a very strong recommendation from the Planning Director. I just want to quickly, you all know this project. I don't think I have to go on for ever and ever about it. Couple of things that have changed as a result of input from various Councillors. First of all the parking which had been sort of a piggy back parking in the original. The schematic has been changed to one designed by Council which conforms in all regards to current zoning and has the required 9 spaces which would cover the 5 or 6 units. I have had the number of units reduced and thereby the number of bedrooms reduced to five units yielding 10 bedrooms. In order to do that, the applicant has given up really one whole floor of the warehouse which is a lot to give up when you are thinking about the size of the building. There was a request for more storage and this plan which you have received has sufficient storage on the first floor for all units. It was asked that none of the bedrooms be designed or other rooms so that they could easily be converted into another bedroom. I believe this plan does that but I could never stop anybody from deciding their living room is a bedroom. It is not designed for that. It will have to be sprinkled as it's more than 4 units. As the total renovation costs really amount to rebuilding the entire structure. It conforms in that it has 2 egresses for all the units. We anticipate that the rear entrance will be marked more as an emergency exit than as a usual exit as it doesn't have direct access to the street but only to the lot, the people behind. (inaudible) I don't think that, as a realistic matter, with parking across the street, I don't think that's ever going to be used unless it did amount to an emergency. I think the applicants have done all that they can do; from the original proposal they are giving up \$24,000 a year in revenue which is significant. As we all know, these projects are done on a capitalistic basis for profit. So it boils down to on a special permit whether or not the proposed use is better than the current use. The current use is a dilapidated vacant what would have been a 3 family, if it had ever been built out, and warehouse to a fully enveloped new residence with appropriate parking in an

area where most of the units do not have appropriate parking. I think this has been a major improvement and it brings to mind after all this, one of my favorite political quotes, right after being sworn in as president, President Gerald Ford said, “our long national nightmare is over”. I would hope this little nightmare for this particular neighborhood would be over. I would ask that you grant this special permit.

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

Councillor Macek: I just have a few questions Attorney Faraci. Let me start off by saying I think that you and your client did hear both my concerns and concerns of other members of the City Council. The reduction in the number of units and the number of bedrooms for the whole property, I think, was at least some of my concern originally that there was such a large number of units and bedrooms, you’ve reduced that significantly. I’m pleased to see that. I do have a few questions, can I just ask, who designed your floor plans?

Attorney Faraci: Yes, Mr. Arsenault here, who is the original applicant and builder, left the scenario, and is now back in as the builder.

Councillor Macek: With all due respect Mr. Arsenault, I am glad you are not, you don’t do this for a living right? I just want to point some things out. I would just think that I would like to hear your answers but I’d like to also to make some suggestions. My main objective is that you create the highest and best possible demand property that will bring in the best tenant to that area in helping to rebuild the Mt. Washington Street area. I’ll start with unit 1, I think there’s no problems. With unit 2, your first bedroom has no closet in it. You should put a closet in it. A bedroom without a closet is really pretty worthless. Unit 3 has no problems except that in almost, I believe, all of your units except for maybe one they are designed so that you have walls for your bedrooms that are as far away, you have to walk thru the living room and the kitchen, in almost all your units to get to the bathroom which is not a good situation for people at certain times of the day or when certain things are going on in your household. On the first floor you have trash at the base of stairs and almost it looks like you have a double doorway opening. Is that trash, it that interior trash area or is it just double doors that fly open to the outside?

Attorney Faraci: It’s my understanding that the double door is to give access to take the trash from the building to the street.

Councillor Macek: You do not then have an interior trash and recycling room?

Paul Arsenault, 5 Dunder Ridge Lane, Middleton, Mass. No, that’s not the bottom of the stairs. That’s actually underneath.

Councillor Macek It says trash and then I see a couple of double doors that would swing open.

Paul Arsenault: Those are access from the outside so the dumpster can roll in and out of there.

Councillor Macek: Does the dumpster actually sit inside for the people to use?

Paul Arsenault: The dumpster will sit inside a room that they can access from the other side.

Councillor Macek: Which room would the dumpster be in?

Paul Arsenault: Its own trash room.

Councillor Macek: Where is that? Where is that?

Paul Arsenault: Right there, underneath the stairs.

Councillor Macek: You're using that as the trash room, Okay. What about recycling, are you going encourage recycling?

Paul Arsenault: If that is what it requires, yes.

Councillor Macek: Well, we do have a requirement for recycling. Anything that is recyclable needs to be recycled.

Paul Arsenault: The trash company will give us different bins for each.

Councillor Macek: I don't run a trash company so I can't answer that.

Paul Arsenault: Me neither.

Councillor Macek: You are building the property, you should know these things. I am going to move on from that. You have created private storage for each unit and the one that's closest to the up stairway, has no access nor do I believe there's adequate room for access unless you're going to have them be two stairs up and the doorway is going to open with the stairs obstructing probably half the doorway.

Paul Arsenault: We can access it from up the top or down the bottom depending on what size stairs we end up going with. We don't have the elevation proper on this plan. This was just a layout to show where it's going to be. It might end up being 3 stairs there. It might end up being 4 stairs. It could be one stair.

Councillor Macek: We are supposed to get real plans. We are not supposed to get things that are iffy sketchy. I am going to the rear of the first floor. You have equipment/storage room again without access. These are things that I look at. These are things that I think are important to the ebb and flow of the usage of the building and also how the tenants will be able to enjoy or think that their place is not really a suitable location to continue to live and you will be having a revolving door at the front with tenants coming and going. Moving to the third floor, again, you have 2 bedrooms. You have no closets. Especially on bedroom one, to me, it's a no brainer, that the bedroom door would be moved to the far left so that that door would at least be across from a bathroom and not having someone to have to go thru the living area to get to the bathroom. Same thing on the fourth floor, you have bedroom two with no closet and also on the bathroom you don't have a door. So these to me are not acceptable plans which makes it difficult for me to vote in favor of something tonight when the plans are so inadequate.

Paul Arsenault: It's just missing a few closets. They are going to be put in there. You have to have a closet in a bedroom, that's part of the code. It's just showing that this is a bedroom. It just doesn't specify.

Councillor Macek: I'm glad you are happy with it. Thanks a lot. I'm done Mr. President.

Councillor Sullivan: I want to thank Attorney Faraci and more importantly the client, the developer of this project for sticking with us and going thru this with us over the past few months. I'm fine with the project and I'm fine with the plans as presented to us at this point in time. Obviously, bedrooms will have closets. The doors may not be ideally where some of us would want our entries to be or entrance ways. But, we are not moving there. We are not going to live there. I would think that these apartments are going to be very well done. They are going to serve a very valuable purpose. They are going to be a catalyst for improvement on lower High Street. I think it's very important to allow this project to go forward to everyone an opportunity on High Street to raise the neighborhood and bring it up. Increased property values. I am still concerned about the parking across the street. I hope there will be a pedestrian crossing

in front of the apartment building. I hope that there will be pedestrian signage and posted speed limits would be more than fair to ask the city to make sure there are posted speed limits around the new apartment building. I do intend to support this project tonight. Thank you.

Councillor Scatamacchia: I am going to support this as well. I grew up in that neighborhood. Long before it was Fort and Electrical Supply I can remember it being Arthur's Market just to show you how long it's been there. If you go up High Street, at the corner of High Street and Grove Street there's an empty lot that's overgrown, junk all over it. It's city owned because it was a tax title property. If you go on the corner of Porter Street, across from Porter Street and Washington Street, it's an overgrown piece of property. If nothing is done with this parcel, that's exactly what's going to happen there. If the work isn't done as far as closets, or anything else is concerned, that's not going to be our problem. It's going to be the developer's problem. I am going to support this. I'm sure it will get done or it's going to be marketable.

I hate to see another vacant lot in that area because once a lot becomes vacant, it's going to stay vacant. I don't think the neighborhood could stand another vacant lot. I am going to support this.

Councillor Daly O'Brien: The way I feel about it is it's got to be built to code anyways. The fact that you saved a few bucks by not hiring someone who really knows how to do the plans, good for you. I don't think it reflects well on the subject. But, I know it's got to be built to code. You won't be able to get occupancy permits or anything. I am not worried about it. I think it's time that something good happened in that neighborhood. Thank you.

Councillor McGonagle: I will support this as well. I think Attorney Faraci and Mr. Arsenault, I think you should have better plans made up for when this progresses to other departments because they are not going to

Attorney Faraci: We are going to have to.

Councillor McGonagle: I know we've put you thru a lot but Councilor Macek is spot on that there is a requirement to come in with these plans. I agree, because of where it is, that doesn't excuse that. I am going to support it. I want this to go thru. I just think other departments, you are going to be required to bring in plans that reflect

Attorney Faraci; There's no question that before getting a building permit those items would have to be in. I certainly, any motion to support this that says that the closets have to be in place and every place where there is supposed to be a door is okay.

Councillor McGonagle: Our codes will protect that. That's mandated in the codes. It's not a bedroom without a closet I understand. One other thing. In the order here, it says consisting of 6 residential units. I think we need to amend it. When the time comes, I will make that amendment.

Attorney Faraci: I accept an amendment to that.

Councillor Barrett: Attorney Faraci, the back part of the lot and your emergency exists per se are right up against that fence. Is that fence going to be there still it exists now between that part?

Attorney Faraci: I think you asked about a fence before. I have been out there.

Councillor Barrett: In the back there's a fence that blocks the

Paul Arsenault: The rear fence is about 6 to 8 feet away from the building.

Councillor Barrett: It looks closer.

Paul Arsenault: On the lot it's about 6 feet.

Councillor Barrett: And you are building right to that end?

Paul Arsenault: No, that's the existing building it stops.

Councillor Barrett: You are not taking anything back from that with this plan?

Paul Arsenault: She's asking if we are going to come back away from it, correct?

Councillor Barrett: Yes.

Paul Arsenault: Away from the fence?

Councillor Barrett: Yes

Paul Arsenault: No, then you'd have to re-support the roof.

Councillor Barrett: I still have concerns with the people crossing the street and that wide area of High Street that is really a busy area. People are making that turn and they are flying. I will not support this.

Attorney Faraci: Given the fact that the applicant cannot put a crosswalk there without city permission or a speed limit sign. I certainly would say that they would ask for that and the signage that is being asked for. As far as, Councillor Macek you mentioned something about having to go thru some things to get somewhere and I am not sure I quite followed

Councillor Macek: I don't have the floor. I am not talking. It's Councillor Barrett.

Attorney Faraci: I'm sorry. As far as that goes, if you take a look at the buildings on that street, most of them do not have parking. What would make this different, not only is there parking and I know it's across the street, but not only is there parking but that makes the units themselves more marketable. If people know they have a place to put their car. Whereas other places on that street there is not. It's going to be an asset to that particular project. The only other thing I can say, something is going to happen with this building. If we don't do this it's going to fall down.

Councillor Barrett: And then I just have one more question on the trash. You have enough alley way to get the trash out of that side building and onto the street?

Attorney Faraci: Yes, you can see that the indent from where the back section comes out so you have at least that and also as far as the code goes, other than having a good place to store it and resolve it, there isn't really a requirement for a dumpster. This would be curbside service like anybody else. They are trying to do something that improves that situation. That's beyond what they technically have to do. It's an item that would increase the value of the rentals to not just to have trash thrown into a room and piled up and moved out every Tuesday night or whatever it is. They've done the best that they can. I can only say that as part of the building permit process, precise elevation, precise measurements, where the structures are, that all has to be done. I know that the requirements say that to have a plan, but this is more than conceptual if less than perfect.

President Michitson: Thank you very much. I think Councillor Macek has done a very good job of holding your feet to the fire. You've made a lot of changes here and it looks like he has some more good ideas that I hope that you will consider as you go to the next step in the process. With that, is there a motion on the floor to start with an amendment to the document?

Councillor McGonagle: I will make that amendment, that the line where it says the vacant lot across the street consisting of 6 residential units, be changed to 5 residential units.

President Michitson: Motion by Councillor McGonagle, seconded by Councillor Daly O'Brien.

Councillor Ryan: Mr. President, I have property within 50 feet of the building. At the advice of our City Solicitor, he recommended that I vote to abstain.

President Michitson: That you for announcing that Councillor. Madame Clerk please call the roll on the amendment.

City Clerk Koutoulas: Councillor Scatamacchia-yes, Councillor Barrett-no, Councillor Macek-yes, Councillor Ryan-abstain, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 7 Yeas, 1 Nay, 1 Abstain

President Michitson: The amendment passes.

Councillor McGonagle: Motion to move the amended document.

President Michitson: Motion by Councillor McGonagle, seconded by Councillor Daly O'Brien. Madame Clerk please call the roll.

City Clerk Koutoulas: Councillor Scatamacchia-yes, Councillor Barrett-no, Councillor Macek-no, Councillor Ryan-abstain, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 6 Yeas, 2 Nays, 1 Abstain

President Michitson: That passes.

Respectfully submitted,

Barbara S. Arthur
Administrative Assistant
Haverhill City Council

March 12, 2015

REASON FOR VOTE - DOCUMENT #102/2014

Special Permit – 13 High Street Realty Trust and Vacant Lot across the street consisting of 5 residential units and 9 parking spaces on the vacant lot

In granting the special permit, those members voting in favor found that the application fulfills all of the general conditions contained in Chapter 255- 94 and Chapter 255- 80 (as applicable) of the Haverhill Zoning Ordinance.

President Michitson: I voted in favor because it complies with all requirements.

Councillor Scatamacchia: I voted in favor of the permit because it would be a benefit to the neighborhood.

Councillor Barrett: I feel the construction on High Street will not have a positive impact on the area. I don't believe it provides adequately for traffic. Parking is across the street at the widest part of the road near a busy intersection.

Councillor Macek: I did not feel that the project would be beneficial to helping to re-establish the area, nor did I feel that the proposal was designed properly in respect to health and safety standards.

Councillor Sullivan: I voted for the 13 High Street special permit because I felt that the complete restoration of this site for 5 apartment units would add badly needed decent housing in this area and perhaps serve as a catalyst for more improvements to the High Street neighborhood.

Councillor Daly O'Brien: I voted for the special permit on High Street because it is a re-utilization of a vacant property and a substantial investment in an area of Haverhill that needs revitalization.

Councillor McGonagle: I voted in favor of the special permit based upon the recommendation of the Economic Development Director and the benefit to the area that a new apartment will bring.

Councillor LePage: I voted in favor of this special permit application, with the proposed conditions and stipulations conferred by city department and the Council (5 living units) as it provides sufficiently for traffic, public safety and other utility considerations.