

DOCUMENT 56- MINUTES OF A HEARING HELD ON AUGUST 11, 2015, PETITION FROM ROBERT AHERN FOR RKACO LLC REQUESTING SPECIAL PERMIT TO BUILD 3 BUILDINGS TOTALING 13 UNITS THAT WILL BE SOLD AS CONDOS AT 2 CROSS RD.

SUBJECT: DOCUMENT 56–Petition from Robert Ahern for RKACO LLC requesting Special Permit to build 3 buildings totaling 13 units that will be sold as condos at 2 Cross Road.

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 56, Petition from Robert Ahern for RKACO LLC requesting Special Permit to build 3 buildings totaling 13 units that will be sold as condos at 2 Cross Road. Related communications from various City Departments; favorable recommendation with conditions/stipulations from the Planning Board and Planning Director, William Pillsbury. This was postponed from July 28, 2015.

President Michitson: Opened the hearing

Good evening President Michitson, members of the Council. My name is Michael Migliori. I am representing the applicant this evening. My offices are at 18 Essex Street in Haverhill. Here with me this evening, the owners of RKACO, Rob and Russell Ahern. Also here is the project engineer Dennis Griecci from Andover Consultants. We will be available for any of your comments or questions. As you are aware, RKACO is seeking a special permit to construct 12 two bedroom, 2 ½ bathroom condominiums. The units are approximately 1,400 square feet. They have a garage. There are 3 buildings. The original proposal called for 13 units, but one unit was removed as a result of comments we received from the Planning Board hearing. With respect to the site itself, there is a rather large rendering of it down here. It is a parcel that fronts both on Cross Street and Bradstreet Ave. and is located in a mixed use neighborhood with both residential and commercial uses. The particular property in question for the past 50 years or so has been used as an auto repair facility, storage yard and I hope, if most of you if not all of you have had an opportunity to go and visit the site because it's somewhat eye opening to the condition of the property. Currently contains a number of junk motor vehicles, rusted out machinery, dilapidated buildings and out buildings; has contamination on the site as a result of those uses of the many years which will need to be cleaned up, which my client has obviously agreed to do. The owner of the site itself has filed for bankruptcy protection. Therefore, the property is currently controlled by a trustee in bankruptcy. There are approximately \$12,000 in outstanding back taxes owed to the city right now on the property between the taxes owed to the City and contamination. One of the fears that we have, and I think everybody should have, is that the trustee in bankruptcy has made no effort to pay any taxes or do any of the cleanup, would be inclined to abandon the property if it's not sold. There are no other interested parties in the site. The property is in the CG zone which does allow a number of commercial uses by right, which we believe is certainly more detrimental than the residential use we are proposing this evening which will come with the cleanup. When we appeared before the Planning Board last month the project was designed to have 13 units. It had ingress and egress provided over both Bradstreet Ave. and Cross Street. Parking provided for 28 spaces for the 13 units. After hearing from the neighbors in the Bradstreet area about their concerns, the Aherns and Mr. Griecci, our engineer, made some significant alterations to the project. The ingress and egress on Bradstreet was removed. There will be an alarmed gate to be used by the Fire Department. They wanted that access and control. The unit count was reduced to 12 providing some additional green space and the parking was increased to 30 spaces for the 12 units. Other concerns that the neighbors had at the time was that there was going to be work in. There's a rather large gas line easement in the area. The neighbors had concern about work in that easement area. By doing away with the Bradstreet Ave. entrance there is no longer a need to do any work in the gas easement area. There won't be any disturbance to that gas line at all. Additionally, at the request of the City Engineer and Planning Director, approximately \$50,000 in improvements to the intersection of Cross Road and Boston Road which is designed to make that point safer. We were also advised by the Planning Director that the neighbor at 1179 Boston Road was

requesting an access easement for their property over this property which apparently they have been using over the years but hasn't been formalized. We have agreed to provide that access easement. It is on the plans before you this evening. The Planning Board hearing and the subsequent workshops with the City departments were very helpful. I think the results are an excellent compromise of the original proposal. We have received at this point approvals from all the City Department who have reviewed the project. Last week the Conservation Commission voted to approve the project and indicated that they supported the project in its current state. We have agreed to incorporate all the comments and the notes contained in the various department approvals into the special permit decision. Hopefully, the Council approves this evening. Notwithstanding finally, before I go to the engineer, we still believe the site can adequately handle 12 units and has appropriate parking. The Aherns continued to listen to comments and have agreed to reduce the count down to 11 which would then provide 33 parking spaces for 11 units. Which is 3 per unit which is probably hard to beat in the City of Haverhill. At this point I will go to Dennis Griecci to run you thru some of the engineer's details and then I will come back and summarize and take it from there. Thank you.

Good evening, my name is Dennis Griecci. I'm an engineer for the project with Andover Consultants in Methuen, Massachusetts. As Attorney Migliori has explained, this plan has changed based on some comments received from the Planning Department as well as various other departments. We removed one unit. We've resolved some issues or some concerns that the Conservation Commission had with respect to the existing wetland and the discharge pipe. I don't think that Attorney Migliori mentioned, but we do have an access easement with the property here to maintain the existing 10 inch pipe that is technically on their property. So the easement gives the condominium association rights to maintain/repair as needed. We have also increased the number of parking spaces to address any concerns about visitors that might be visiting the residents. We've also indicated areas for snow storage on the site which I think was a concern of the abutters. Where's the snow going to go? There is adequate storage for snow. I believe that Attorney Migliori addressed what the changes have been. If there are any specific questions about the drainage or circulation I would be happy to answer them.

Attorney Migliori: Dennis is correct. I did forget about, at the request of Mr. Moore from Conservation, he was hoping we would approach a neighbor. It's the gentleman, the family who owns that car dealership on Route 125 and obtain from them an access and drainage easement which is going to improve some flow problems that they have had on their site by connecting to our drainage. They were gracious enough to give us the easement. It has been signed and will be recorded at the Registry of Deeds with the rest of the documents. In summary, although this is a modest project, we are of the opinion that it's a very important project for this particular site. The site has been in a terrible state for many years in the middle of a residential/commercial neighborhood. Current eyesore has contamination on it. According to our engineer's report there are approximately 100 tons of contaminated soil that has been identified. There may be more once the demolition is underway and the removal of the rest of the junk that's at the site. We know of approximately 100 tons of soil that needs to be removed. This property which is currently in terrible condition will end up being a very attractive 11 unit condominium complex providing quality housing for 11 families to call home. We have now twice reduce the number of units. We have agreed to make some expensive off-site roadway improvements. They've agreed to delete the access to Bradstreet Ave. They have agreed to do no work in the gas easement areas. We provided an abutter with a necessary access easement. We've obtained drainage over the gentlemen's property, the car lot, which will improve their situation. The cleanup has actually started by the Ahern's at their own risk and peril because we know that we don't have any permits in hand to construct anything. They felt it important to show good faith and have started to cleanup. They will be making and have told the Treasurer and Tax Collector's office that upon approval of the special permit they will pay the back taxes the trustee in bankruptcy will not pay. The Planning Board has given us a favorable recommendation. They saw how hard, we worked with and tried to work with the neighbors. Mr. Ahern approached all the neighbors he could find door to door. Tried to explain the project to them and tried to satisfy their needs as best he could. All the departments have reviewed. We don't have any objections to any of the items that they are asking to be included in the project. We see this as a significant improvement over what's there now and a new neighborhood in Haverhill. I am going to end my presentation. We are available.

President Michitson: Is there anyone else in favor of this project that would like to speak? Is there anyone else in favor of this project that would like to speak? Is there anyone opposed that would like to speak?

My name is Charles Adams, I live at 25 Cross Road. I've got some concerns about this gate, this siren operated gate that is going to lock the access from Bradstreet Avenue. I am wondering if a fire truck shows up at that gate or an ambulance shows up at the gate and it doesn't open. What do we do? This is lives, we are talking about people's lives. Just don't have any fire protection. That street is a dead end street. There's no turn around on it. I don't believe this council has ever okayed a subdivision of any kind, that there was no cul-de-sac at the end of it. This project really doesn't fit into the neighborhood. It's a single family neighborhood with businesses. I don't understand where 10-12 condos even come from. This is a special permit. It has to give you people some leeway on how you vote on this. As far as the access out to 125, that intersection on 125 Cross Road/Boston Road has to be the worst intersection in the city. Now we are doing to dump another I don't know, another 20, 50, 75 cars a day into it twice a day. We have had 4/5 accidents out there in the last couple of months. It's suicidal over there. This will just make it worse.

President Michitson: Thank you very much. Is there anybody else that is opposed to this project that would like to speak?

Good evening, my name is Robert Thompson, I live at 29 Bradstreet Ave. and I moved in there 10 years ago, a little quiet neighborhood. To address a couple of things I have concerns with which we started this process a couple of months ago and I really actually applaud, there was something in the paper that one of the Councillors proposing that abutters to these special projects be informed. We have been at many of these Council meetings and unfortunately tonight we only have a couple of people here. When this first started we had a bunch of our neighbors. But one by one we are getting worn down from coming here.

President Michitson: That would be Councillor Macek.

Robert Thompson: Thank you Councillor Macek. That's a great idea. The parking is going to be way too many for the size lot. I know on the scale it show it's 1.3 acres, but there's a wetlands there. So it's really not 1.3 acres and once this is developed. This is news to us tonight, it went from 13 units to 12 units now to 11 units. So the overflow parking is getting better compared to the first proposal. Also, the way these condos are built, one of those parking spots is underneath each unit and they have a little driveway. When a husband and wife get home are they going to sit and argue about who's parking in the garage, who's going to park here? But even once that's all said and done, say it's a holiday or what have you and this place is so full there's no parking. Nobody in that complex is going to park on 125. We know that's impossible. You can't park on Route 125. You are not going to park on Cross Road because you have Flowers by Steve, right there, you have the post office. You can't legally park there. So where are they going to park? They are going to park on my street directly across from this on Bradstreet Ave. Based on that, even with this fire gate they are proposing, which I think you guys all see the rendering of it, you show up. It's Thanksgiving. There's 40 plus cars there now. How are these people going to get into that place? By crawling under that little gate. Is there going to be an adequate gate that actually stops people from parking on Bradstreet Ave? With this special hearing, let's say because I moved in 10 years ago, I got 16 years left on my mortgage. I plan on retiring there. I bought into this tiny little rural neighborhood. 16 years from now, when these are all 2 bedroom units, these families have kids. These kids start getting cars, there's not going to be adequate parking. Actually I really appreciate Mrs. Daly O'Brien, you earlier mentioned, we had this huge meeting over a silly telephone pole and traffic problems and you said years ago that stuff was developed willy nilly. Let's look forward, 16 years from now and these people have kids and these kids have cars. Is it something that I am going to be as an abutter guaranteed that 16 years from now I'm not sitting here at this meeting because this condo complex is asking for a special permit that they can have egress onto Bradstreet Ave because it's impossible to park there and it's too crazy? That's kind of the first thing that's on my little speech tonight is parking. At the very first meeting when we know we are also going for a wetland permit, my first meeting I spoke about that. My property and Kathy's, we have annual floods every year. Our property is below grade of that property and I just heard tonight for the first time too that I heard that Eli, First Choice Auto, is getting some kind of special thing done for drainage for his property. But that first meeting where we are asking for a special permit to alter wetlands, I addressed the problem that I have

floods every year in my basement. At that time, somebody on the Council asked the engineer did you ever survey Robert's property and it was stated no. At this meeting, when I was here, somebody here said well we'll make sure your property is surveyed. I am really wondering by the time you put all those foundations in, pavement, parking lots, how am I guaranteed, I am below 3 feet of that property, that my little Home Depot sump pump is going to keep up with what happens now? There's no guarantee of that kind of like 16 years from now with the parking. I really feel it's way too crowded for the egress. I am sure some people know how dangerous that intersecting is. That intersection on Cross Road and 125, couple of years ago when Lucent Technologies went out of business wasn't bad. But then they built Irving. You got Irving, you got car wash, you got Farrwood which might be proposing another couple hundred units but now that Osgood Landing is there, anyone of my neighbors will tell you, you cannot pull out on that road. It is insane from 6:30 in the morning to 9:30. It's four lane traffic. People are flying in and out of there. In the morning, you can't pull out because they are all going this way to Osgood Landing and in the afternoon they are all going that way. It's a suicide wish trying to pull out of there. Based on that, I understand the developer absolutely altered the plans to move the driveway a little bit left, so it's not right there, but what's the chance of these families trying to pull out, kind of back to that willy nilly thing, that looking forward, these people move in and realize it is a suicide wish trying to pull out of here and to get onto 125. Really, with that, I don't know if it's been discussed, has there been a traffic survey and even like the gentleman Mr. Adams said, how many accidents there? How many accidents happen at the intersection? Has somebody ever looked into a survey to say, if this project goes thru, should the town look into having a traffic light there. Or even if it doesn't go thru, I would love to have a traffic light there. You can't get out of that intersection. Under my next little section, number 4, is I keep on hearing these things. Also I read in the paper that that property is a blight to my neighborhood. I've been there 10 years. Basically under the blight to the neighborhood, for 9 plus years, none of us neighbors have ever called this town saying we are tired of the junk yard. It's not a blight to our neighborhood. He was a great neighbor. Unfortunately, he's a disabled elderly man who basically unfortunately got himself into, he's on a property that has commercial taxes so he can't afford it. Even in the newspaper article where it says or even tonight, it says a junkyard full of cars which I even see on the Haverhill TV thing. That's a satellite image from 4 years ago. A couple of years ago he cleaned his property up trying to sell scrap metal to try to make some money to make his mortgage payments. To me, anyone of you Councillors want to go and inspect that property now. I certainly heard about 100 tons of waste, that was not an issue until this gentleman now is behind with his taxes. He's behind with his mortgage payment and developer wants to come in and do it. It's really not a blight. To me a blight is that problems I just spoke of earlier with this particular property. Even in my conclusion, is kind of like my neighbor Adam said, I really feel this whole thing is about a developer who wants to come in and squeeze out the maximum amount of units on a small lot. Just to maximize the profit. That proposal is not appropriate for that size lot. I'm sure every single one of you guys live in some place in Haverhill. How would you feel if your neighbor, all of a sudden loses their acre house to foreclosure or acre and a half and the city says, guess what, we are going to put a 13 unit condominium project right next to you because the zoning board allows it. I really feel, that what they are proposing, so he can maximize profit, is basically going to set a precedence. That even for this particular developer, myself, Ray, Kathy, anybody in the Bradford area, which there are a couple of other condo things going down right now, we all can say I own $\frac{3}{4}$ acre lot, he just got that approval. My house is only worth \$220,000. I have $\frac{3}{4}$ acre. Guess what, I'll tear it down and I'll stick 10 condos in there because there's a precedence. It was set. It's been allowed by the city. It's going to fundamentally change that little corner of Bradford where Spring Hill, I'm sure you all know about where it is. It's a beautiful quiet little section. It's something we have to really look going down the road, is what problems are going to happen from this unit. 16 years from now are we going to have a special hearing saying there's a bad problem there. Or once this thing is built and the developer is done, all the units are sold and the city is now saying what are we going to do with this parking? What are we going to do with this egress? Thank you.

President Michitson: Thank you very much. Is there anybody else against the proposal that would like to speak?

Good evening Mr. President, Council, Kathy Mangion, 31 Bradstreet Ave. Basically, right across. First I am going to start with nobody sees that property but Rob and I. That's it. It's behind homes and everything else. I agree, it does need to be developed. It needs to be taken care of. Number 1, the concerns

for public safety as far as the intersection there. Once again, traffic study being done? We always hear people screeching brakes, many accidents you know this, you've heard it many times before. I would like to see a traffic study done and also I think it does need some lights and would like to see that come into play somewhere along the line. The other thing about the fence and the gate. I'd like to see that be some kind of privacy gate and privacy fence maybe as high as what exists there now and a solid gate. I am not sure about the alarm and what's going to happen when that goes off or whatever. But it is tight. It's going to be tight for a fire engine to get down there. They've been down there before. I'd like to have that really solid so it does deter people from coming down and parking on that street. I want to know where the water supply is going to connect. Is it going to connect on our street because that's where there is a main and if it doesn't, how is that water supply going to be impacted for us. What's going on with that as well as the sewer. Where is the fire hydrant going to be? You talked about a fire hydrant, where is it going to be?

President Michitson: We'll address your questions. The city engineer is here, I don't want to put you on the spot although I guess I just did. I think several of these questions, you could probably be the best person to answer or at least start the conversation.

John Pettis, City Engineer: I think the only thing I would be able to talk about would be the intersection. As I mentioned, there are some improvements proposed as part of this project. They were done at my request. The end of Cross Road where it meets 125 right now is a huge curb cut. I think it's over 100 feet. I basically sketched up what I would like to see and kind of matched it with other things we've had like one on River Street at Bradley Ave. that the state did several years ago. Proposed, sent that to them and they did incorporate that into the project. I think it will make that intersection much safer. As far as signals, even with this project wouldn't be near being able to meet the warrants for a signal because there is not enough traffic on the approach streets. I think they can speak to where the water and sewer is being proposed.

Kathy Mangion: Once again, the wetlands and an impact study for us abutters would be nice. Three are supposedly 4 buildings I believe that have to be demolished. Question, is there going to be baiting for those rodents that are in those buildings? I would like to know where, how far, how often and what is going to be used. So we wouldn't have an impact on our pets. I appreciate that it's down to 11 units now, but I would like to see something more in keeping with the structural aesthetics of the neighborhood. We have duplexes, we have 2 family homes, we have single family homes. I would rather see something put in there like that instead of townhouses. Thank you.

President Michitson: Thank you very much. Is there anybody else that's opposed that would like to speak? And we are probably are going to wrap it up here and then we'll have rebuttal and hopefully some of the questions can be answered and then when we close the hearing the Council will also be asking questions.

I'm Ray Kane, I live corner of Cross Road and Bradstreet Avenue. I've been there probably 45 years. Grew up there. To agree with my neighbors here. I think that even scaling it back to 11 is still way too big. I think it's a safety issue. To hit on the traffic again. The traffic safety. There's been at least half a dozen accidents out there over the last 5 or 6 months. There's been a couple of teenagers over the years that have been hit and killed out there. I think we definitely need a set of lights. If you are going to be dumping that many cars back onto 125 and Cross Road. People come off 125, they go by the post office. I hear brakes all weekend, all week long. Front of the Irving Station, I've heard it in front of the post office. Trying to get out near Joseph's Bakery on 125, either one of those spots right there near Flowers by Steve or where the egress in and out would be over on Cross Road. Probably going to have more families, more kids over there. What's the like lihood of another kid getting hit and killed. I don't know what it takes in the city whether this thing was going in or not anyway. I can't even recall the last time I've seen the Haverhill Police out there with radar stopping people quite frankly. It's too big. It doesn't fit in with the aesthetics of the neighborhood. It should be scaled back. That's all.

President Michitson: Thank you very much. Now we will go into the rebuttal. If you could address at least some of those questions and then the Council will also be asking questions.

Attorney Migliori: Certainly, thank you Mr. President. Let me start with a couple of questions that came up about the gate. One was how does it work and two was she was hoping that it could be a fence of some sort or more private gate. My understanding is that it's a remote system that the fire and fire safety have so that when they approach it they are able to open it. Now we would certainly be more than happy to talk with fire and fire safety and if there is a similar gate in the form that's something more private or fence like, I don't think that's an issue but obviously, it would have to be cleared with those individuals. They are the experts. We wouldn't have any objection to making that more private for those folks over on Bradstreet if we can do it. The intersection, you heard from Mr. Pettis. We've agreed to pretty significant expenditure to improve the intersection. We went to the Police Department to try to find out because everybody was telling us how terrible the intersection is to see what they had for records. We were advised that over a 15 year period there were 9 accidents reported to the Police Department. 2 over the past 2 years. Those are the official records. That's all I can tell you about what might have some myth in it. With respect to the issues again that pertain to zoning. All I can say is we continue to follow the rules. The code says this is what you can do. This is what you can't do. We've exceeded all of the dimensional items in the code. Significantly more parking than the code calls for. More open space than the code calls for. The number of units. I have trouble having the rules out there for everybody to follow and then to find out people don't like the rules. It's important to know what rules we are supposed to be playing by. This is certainly a legislative body, I don't have to tell that. If you don't like the rules, you certainly have the ability to can them. But until they are changed, anybody who wants to develop in the city or open a business in the city or do anything that needs any sort of permit, has to go to the rule book. I am not convinced they should have to do so much more than what the ordinance calls for. That's the best way I can respond to too many units. We'd like more parking space and those sorts of things. We meet the requirements. We exceed the requirements. I am going to ask Dennis to talk about drainage. Mr. Thompson apparently has some kind of problem on his property. I think Dennis can explain to you we certainly can't release any drainage off site and have to contain it all. I would rather have him talk about that and perhaps he can comment also on the water supply and hydrant issue in a way better than I.

Dennis Griecci: For the water connection, you all have sets of plans. We have two water connections. So we are looping the water at the request of the Engineering Department. We are connecting to a main on Bradstreet as well as a main on Cross Road and we are adding a hydrant at the half way point of the water main, approximately in the location of the removed unit. So we are adding a hydrant we are also looping the water so it doesn't dead end which is typically what you would do. Dead end mains aren't standard practice. That's what we've done with the water. For drainage, we have gone thru the peer review process and we did get our approval last week for Conservation. We did a hydro cad analysis that shows there is no increase in volume of water or rate of water to the wetland. All stormwater runoff discharges towards Boston Road. It doesn't go to the other side of Bradstreet Avenue which is where the abutters are having some flooding issues. We've also restored an 1800 square foot portion of historically filled wetlands. This is a wetland that was previously filled by a previous land owner. We are adding 1800 square foot of wetland area which in theory will hold 1800 square feet times the depth of that restored area of additional volume. That will decrease the flow off-site that much more. We are matching or reducing in some instances the volume and the rate at which volume is leaving the site which is in the other direction from the abutters.

President Michitson: Is that your response?

Attorney Migliori: I think there was one other question regarding demolition of the existing building. I don't propose to be an expert on it, but I know when you demolition buildings you need first to do a study of the buildings to make sure there aren't any hazardous materials inside. You have to get the proper permits from the city. The Fire Department, the Building Department, appropriate inspections are done. I think everything is in place to ensure a safe removal and demolition of the property out there. I don't unfortunately know much more than that.

President Michitson: Councillor Ryan mentioned the question about rodent control.

Attorney Migliori: I think that was part of the demolition. That is part of the whole demolition process. In addition they have to make sure there aren't any hazardous substances in any building that comes down there has to be a plan in place for rodent control. I am not terribly familiar with it but I do know those items are addressed before you can get a permit to do that. I think I covered the issues that were raised.

President Michitson: Thank you very much. A rebuttal for those that are against. You are welcome to address any question that you didn't think was answered or if you disagree with an answer.

Kathy Mangion: I appreciate that everything was answered. My only question is on the rodents. Can we be informed if there is going to be bait used? What kind it is? Because of our pets and everything. That the big concern for us. How far out it's going to come.

Attorney Migliori: If and when we get to that point Mr. Ahern would certainly be willing to let the neighbors know baits or things like that.

Robert Thompson: Just 2 quick things with the car accidents with the Haverhill Police Department. Perhaps maybe it's the wrong address or something. There has been absolutely way more than that many accidents stated tonight. I lived there for 10 years. I can hear them when they happen but before that I lived at the Farrwood complex but I actually rented the upstairs of where 1181 Boston Road is. I had a wedding video business since 1994. There has been a lot of accidents at that intersection. That's a crazy, crazy intersection. Maybe they just listed it a little this way or a little bit that way. But it is definitely a bad bad intersection. Even kind of just back to addressing real quickly about that gate which we kind of appreciate about the gate. But the gate rendering you see is not a deterrent if people decide it's too full or too crazy to pull out here, they are just going to step under it and go under. There's no guarantee that people are not going to park on Bradstreet Ave. or even my friend Ray just said. The little street I live on. We are like the low man on the totem pole to get plowed. I am glad the Rogers from Spring Hill are not here right now because they plow my road. We are the last in that neighborhood to get plowed. Everybody else is plowed in the city. I have a 4 wheel drive. Kathy has a 4 wheel drive. It doesn't bother us. We kind of like a little snow scape. Because it is technically only a road with two houses on it, we are absolutely low man on the totem pole. Say it's another one of these winters that seem to be the new norm around here, we are getting 5 feet of snow all the time. If that road is not plowed and that fire truck tries to come down that road for that safety thing, it is not going to happen. Once this condo development is built, that fire gate. To these plow guys it is going to be a non-issue. They have to deal with Cross Road. They go on 125. Bradstreet is the last road to get plowed. We like it. But that's something else to consider. What's going to happen during the winters? Thank you.

President Michitson: Thank you very much. Is there one other person that would like to speak and then we'll close the hearing.

Ray Kane: I am going to agree with Rob on the accidents and the traffic out there on 125. There are more accidents than I guess was understated. One including myself out there. Upon the scene talking to someone, asked me my name. Somehow my name ended up in the paper and I get dragged into the court over this whole thing and lost time out of work and everything. If that gate doesn't open when the fire department shows up, what's the protocol then?

President Michitson: Thank you very much. With that, I now close the hearing. We have several Councillors that would like to speak on this matter.

Councillor Macek: I spent considerable amount of time doing homework on this, discussing it with a number of different people. Really appreciate the neighbors coming out tonight and making clear some of their feelings and concerns. I think that the project is still even at eleven oversized and the density is too high. I think that the zoning does perhaps allow for certain things to go in there but I think common sense has to prevail when you are looking at probably 40% of the land area is wetland. It can't be used although it gets calculated into the equation for units. I think it has issues with the amount of snow storage that is being presented. I was told the answer to that is that the condo docs or the homeowners association documents are

going to have a provision in them that would require whoever buys there to actually pay additional money if they exceed a certain amount of snow. It will have to be hauled away. Very expensive process. Even a project this size, homeowners don't have the money. They don't easily pay the money. Small condo projects often have major major problems in getting to resources from the owners that can go into years of nonpayment and really create problems. I think that kind of a condition would create problems like that. I worry about the bump gate. I agree that a privacy fence should go along that whole Bradstreet Avenue and then down in along the back area. Otherwise it will become the surplus overflow parking area for the project at certain times. I think the property would need to be fenced with an 8 foot privacy fence and that the gate area itself should also be somewhat non-traversable whether it be thru construction or an additional fabric or something added to it so that it would not be easily crossed. I have never heard of a siren gate. To the best of my knowledge it's the first one we are permitting. I am familiar with the old bump gates. My guess is that's what the fire trucks would do if they were in pursuit. They would probably be able to also bump, not just open it casually with a siren. It would probably have a backup mechanism of a bump would also open that gate. Something is going to happen there. Sometimes you got to be careful what you wish for or what you don't wish for because we are dealing with a project here that is residential, would probably be a pretty good neighbor to the neighbors that are there that are residential. I think that 2 three unit buildings is about as far as I can go. I think that makes sense. I would also want to see that additional parking where the units are being removed, you could an additional 2 on the 4 unit side. You could get an additional 4 parking spaces. I just want, I am not going to keep going on and on. Our zoning, and Attorney Migliori is right, it is the zoning that he is using. But common sense and personally having one stall under garage in my home that my wife and I built many years ago over thirty years ago, it was good as a garage for a car for maybe 4/5 years. Then as the kids came along, as other things came along between motor cycles and lawn mowers. I didn't have the RV's but people have RV's, skidoos, there's no place else to put them here. They are going to have to go in that garage. So the garages are going to become a storage area and not for a car very quickly for most of the units. I am not going to count those. I want to see outside parking for what I believe is a reasonable amount of parking for the project. What I am suggesting, if you count the 9 underground you'd have 38 spaces. If you don't count you would have 29 spaces for nine units. You have a little over 3 spaces per on the footprint of the property and I think that would be an adequate amount to cover not only the residents but hopefully the holiday visitors, the summer- time party out back visitors. It might even be tight. There isn't, as was stated, a lot of close by streets or locations to park. That's also another concern I have. The snow storage also has to be increased. With what I am suggesting there would be enough room to increase the snow storage so you wouldn't have to burden the owners with additional costs of hauling snow every winter. We should put in a requirement that the gate at all times be properly cleaned by whoever is privately cleaning the project on both sides. The outside area has an access way, which is when the city plow gets around to doing that street they are not going to clear that driveway area as it leads in. I think there should also be something in the homeowner association documents or condo documents there is to be no snow at any time to be stored in any of the parking areas. That would be my starting point for this evening. I'll gladly listen to what my colleagues have to say.

Attorney Migliori: Just one point of clarification. You said 2 buildings of 3 units.

Councillor Macek: I am sorry, 2 buildings of 3 units and another, 3 buildings with 3 units.

Attorney Migliori: So nine, you are talking about 9 total not 6.

Councillor Macek: Yes, three buildings.

Councillor Daly O'Brien: You know this is one of those situations where it's hard to find what is more right. The person who owns the property who has the opportunity to sell it and sell it to someone who wants to redevelop it. That redevelopment is something we've been known as a Council to encourage here in Haverhill. But what is the proper thing and what makes the most sense. I hate to keep somebody who has to come to that stage of his life from being able to sell it. I don't want to stop that. I think the man deserves, he's gotten himself into a jam. He deserves to be able to get out of the jam. I have to be compassionate towards that. However, I can see what the neighbors are saying. It is a difficult place. We are all familiar with that intersection. We know that it's a difficult intersection. But I do want to see the property improved.

I am really at a loss as to what is going to be the better way to go. I think Councilor Macek has brought up some very good points that maybe going to the nine units and utilizing the property differently may make the most sense. He is absolutely right. There's so much of the property that is wetlands that we can't use. What's going to happen in the future with the garage is a well-known, anybody who has a house and a garage knows that those things happen. Especially when you only have the one garage and you are probably going to have 2 people. Everybody has 2 cars. There is always going to be that problem with, if anybody comes to visit where are they going? I don't see that that is mitigated enough here. Other than that, I think the privacy fence is a must. I think if we went down to the 9 units the problem with the traffic would not be as overbearing. I'd rather see a development like this, meaning the 9 units, than seeing a business go there. I think that would really add to more traffic and we wouldn't be able to control it as much. At least with this project we have some leeway as to which way to go. At this point, if I thought the neighbors thought 9 units is acceptable. Does that sound like a magic number for you all over there? I see nodding so I am hoping that is true. That would be where I would want to go.

Councillor Scatamacchia: I think those in opposing are worrying more about the people, the potential owners of the condos and not looking on the positives that this project will bring to the area. You talk about traffic, you are talking about as planned 20 cars, maybe? It's not going to have a tremendous impact on that intersection. It's not going to make it more dangerous because of those extra cars. What I do see as far as positives are concerned is that we are cleaning up a junkyard. It's going to be ecologically cleaned. It's going to be all of the hazardous wastes that have been put there for years and years and years is going to be removed. If the project isn't a good project, it's not going to be successful. It won't sell. I think Mr. Ahern has a track record in Haverhill. It's been a good one. What else do you do but follow the rules? As Attorney Migliori said, that's what the zoning allows. I really don't have a problem with the project as is. Whether it's 11 or 9, you are talking about 2 units and maybe 4 cars. I'd like to see it stay as it is. It's a damned if you do damned if you don't situation. I think the process is backwards. I think that all the issues should be at the Planning Board, Conservation, the Appeals Board if they have to and then come to us. That's not how it is. We have to live by the rules that we have today. I just want to say I am going to support this. I think there are more positives than negatives on the project. It's going to be cleaned. The City may not have to take it over. I ask any of the people in opposition to drive by some of the neighborhoods where the City has taken away vacant properties that are just empty lots now. Overgrown messes because that's just what happened. There were taxes owed on it and we took it. Hopefully someday we will reap the benefit of the property taxes but these are going to be paid. I think the positives far out way the negatives and I am going to support it.

Councillor LePage: I live in that neighborhood. I am very familiar with the area. I've listened to my neighbors when this first came up. When it came to us in June, I requested postponement because we didn't have enough information as Councillor Scatamacchia just alluded to from the department heads. We had only received 2 reports at that time. The Conservation Commission was going thru a peer review and at that time I think they had 20 odd items that they were going thru. From what I have seen so far, they seem to have worked thru, the developer and the Conservation Commission. I saw Rob Moore today and spoke with him about that and they seemed to have worked on that also. Again, knowing the neighborhood and living there and knowing that intersection. Speaking about a reduction in units, I asked the question back then to the Conservation Commission with Rob Moore and where would such an idea come from or who would propose that? It wasn't an exact science as he told me and it wouldn't come from them, but he basically alluded that it should possibly come from Council. I asked, not being experts by any means, I don't want to say just common sense, just kind of looking at things historically if we would determine that. I think be where that's coming from and I think it's a good idea to do that. I think that's also what the neighborhood is also looking to do. I also believe the developer has been listening. I met with the developer before the hearing came just to get a little more information about the area. Again, knowing the neighborhood and knowing the state of that area. One on the questions I have and I have it for other things we talked about for development is mitigation for water run-off. Some of the folks have concern about stormwater and where it would run to. It's going to be another big issue for the city as far as how we take care of it. I know we can't run it off of the property. Is there any other assurances that you can give them? You don't want to build it and then something happens. I can tell you a did a little project in my back yard and then water seemed to back up. Well, I did that project so I realized that I must have dammed the water

up myself and I had to take care of it. That won't be the neighbors case. If something happens, how are they to be assured it will be mitigated? Is there bonding that will be done? Is there insurance that you would take out that would help prevent them if something were to happen in the development that you could make them whole again? They wouldn't have to go thru that kind of expense. I know we can't run it off intentionally to them and their vicinity to that. That's one of my questions. I know you talked about commercial operation is there between Steve's Flowers and the auto. The folks, what they were talking about is, the Conservation Commission was making sure that the main was clear so if there were any drainage issues it wouldn't back up onto the property or other properties that they would have an easement to go thru that if I am correct in understanding, that's what the Conservation Commission did. Living in the area and asking about and talking to the neighbors. Also, concerning the traffic reports. I asked Officer Powell who is here tonight to run a report for me a month and a half ago knowing that this would come up. Some of the information that he has, we have thoughts about what our memory is and I'm not going to dismiss anyone's or what they remember. What he found, if I read this sheet correctly, that there are 2 crashes on Cross Road and Boston Road. And he has that over a time period from 2010 to today or when he ran this report in July. Four crashes were on Cross Road with no cross street and then 6 crashes at Knipe Road crossroad. I don't know if there are any others. I would just end it with this for a moment. When you talk about the fatalities, I myself only know of one. There might have been more, I have not paid attention to it. I am very aware there was one. Knowing that intersection I drive out that way going thru the neighborhood, it had nothing to do with that intersection. It had to do with a distracted driver. It happened 12 years ago. The boy's name was Corey Strisoulo. My son was standing next to him as close as Councillor McGonagle is to me. Fortunately, it wasn't him but it was one of the worse days of my life, heartbreaking days of my life. I don't know how many other fatalities or accidents, I greatly understand the concerns of the neighbors and we are going to hear more about traffic and safety on another agenda item. I can speak to that, I don't know if there are any others, but I know very well when I got the phone call 12 years ago of the fatality that happened. It was on Boston Road and it was a distracted driver who veered off the road and hit Corey Strisoulo as he walked down the sidewalk.

Councillor Barrett: I was wondering in the peer review of the water/stormwater, they asked for catch basins that would handle 100 year storm as opposed to 25 year storm that you designed. It doesn't seem like you came back with 100 year storm just to alleviate the possible overflow onto the neighbors on Bradstreet that say they have water already. Why wouldn't you go that extra length?

Dennis Griecci: The catch basins we proposed are typical and they approximately will capture about a 20,000 square foot area. It's kind of a rule of thumb. We have significantly less area than that contributing to each catch basin. In the event that it does back up for any reason it won't get to Bradstreet Ave. before it gets to another catch basin which is a lower point. That shouldn't be an issue. If both catch basins were to fail it would overflow the curbs by the guest parking area and then work its way towards the wetland which is the lowest point on the site before it does over top onto Bradstreet and flow across the street.

Councillor Barrett: Okay

Councillor Ryan: As many of my colleagues, I had a chance to go over there. I know the Paradis family. In fact the current Mr. Paradis who is losing the property, his dad used do some repairs to me. I knew him very well and the family. It's always been kind of a junk yard. When I was younger it was a junk yard. I used to go over there with my car, you could never get in the place. There were so many cars and whatever in there. Over the years, the amount of oil and transmission fluid that's been dumped on that property is been incredible. That's why it's a real costly cleanup that's going to be required by the developer. Then when you couple that with changing the engineer's request, which I think is a very good one, change the width of the intersection onto Boston Road is really an expensive project. Upgrading the water and sewer system. Looping that water system around is better for everyone in the area that is using water. We all know that stagnant water isn't really very good for you. Even beyond that, if, in the future there was a fire in the area, the Fire Department is going to have a looped system where they are going to be able to draw unlimited amount of water; with the new hydrant going in that will also increase the ability to get more water from the other hydrants in the area. That's a win situation. When I look at this project, it looks like a very good project. I know the Ahern family. Some of them live in Haverhill. They have been

involved in many projects. They do a great job. Their word is good. They follow thru and I think when you look at a project like this and you want to vote for it, you look at the people who are proposing it. What's their track record? Does it improve the property? Of course there is always going to be somebody against it. I think overall, every one of the people who spoke will find that their values of their properties are going to be worth a heck of a lot more after this is completed than what it would be now with the way the project is currently laid out. I know Attorney Migliori spoke earlier about the zoning that it's a mixed use with commercial. When you say commercial, you could put up another building in there, something that could be probably a smaller impact could be an auto body shop. Would that go there?

Attorney Migliori: Yes

Councillor Ryan: There's a good example and that would be detrimental to this neighborhood. I think it's a very good project. It's well thought out. I know my colleague said let's move it down to 9 but I think that to get all this done and to build these buildings and to make a profit, to make some sense out of why you are doing it, I think they need at least 11 units. Other than that it becomes a very difficult to make sense whether or not this project is feasible. I would be very saddened if this project was not approved. When I first went there I couldn't believe they'd want to put all that money in and take a chance with this project. It is a real positive impact on the neighborhood and beyond that the City is a better place with these kind of dwellings. I intend to support the recommendation or the proposal that has been put before the Council.

Councillor McGonagle: I want to thank the folks that are in opposition for handling this the way you did because that showed class. You didn't come in and rant and rave and that's important. I want to thank the Aherns for the way they came in. When this project first came before us, I don't know about the rest of the Councillors, but I feel pretty confident that we all got calls from a lot more neighbors than are here tonight. Calls and emails. A lot of the things that the neighborhood folks that were concerned about have been taken care of. The Bradstreet entrance being worked out with the Fire Department so we can use it in an emergency. They still have egress from the other side. In an emergency you want to be able to get there quickly. They worked that out. That's something that was very important to the Bradstreet residents. Parking, even at 11 units is higher than what the requirement is. They have come down in the number of units that are going to try and put on this place. Water improvements their own expense. The improvements to 125 their own expense. Conservation, they worked with Conservation and if you know Rob Moore, Rob Moore does a great job for the city. He is very thorough. They worked with Rob and they are at a spot where he feels comfortable. As far as the rats that are currently there, I'd like to get rid of those for you. There is protocol for when they do this type of thing. They are doing it for downtown Harbor Place. The same thing. They bring a company in that is licensed to do this and has the knowhow. That will be taken care of. The other thing I want to mention to you. We are not going, well we may be going somewhere, it's an election year. We stand behind what we approve. We've had other condo developments go in and maybe the developer didn't do what they said. This Council has held those developers next time around accountable. These gentlemen do a lot of building in the area. I think we can still have some influence over them and we can make sure that what you are afraid of or what your concerns are can be alleviated. Attorney Migliori has taken down all these points. I think we will get him to be able to consent to the extra restrictions we want to put on this development here tonight. Councillor Macek had some good things about snow removal and that condo association thing. I think we have to look at that and wonder how we can do that better. If people lose their jobs and they are living in there, maybe they don't have the money. It makes it hard on the rest of them. I think overall it's been a good working relationship and I give you guys credit. Attorney Migliori for taking a large amount of abutters and making them happy because at first they weren't. These guys are important. They are down on Bradstreet. We want to make sure that they feel comfortable. I'm looking to support this tonight. I am okay with 11 because to do all that work as Councillor Ryan said, it costs a lot of money to do it. You are not in this to do this for free. We all get that. You are entitled to make a living. I am going to at one point I'd like to go back to, thru you Mr. President, to Councillor Macek to think about how he might do that little restriction on the owners of these condos if this passes tonight or before. I'd like to just be able to do that a little smarter if we could. Thank you.

President Michitson: I am sold on Councillor Macek's recommendation. He showed a lot of diligence. I am going to count on him to craft a pitch and also to incorporate the very good comments he got from some of his other colleagues. We will also give Attorney Migliori a chance to speak so don't worry about that. I think compromise to 9 units. I noticed heads were nodding in the right direction. Sounds like we are pretty close here. We are pretty close.

Attorney Migliori: Thank you Councillor and thank you for all of you for all of your comments tonight. One thing that I can tell you is that 9 units is not economically viable. We believe 11 units make it economically viable and that's on the hope that the environmental issue doesn't get any worse than it is. We've discovered 100 tons out there now. We are hoping we found most of it. We won't know until buildings come down. In the spirit of compromising, we are not sure that 10 is economically viable. But we are certain 9 is not. What my recommendation to you, to this Council would be is to vote on the special permit with 10 units. We'll do the best we can to make it economically viable and build it out. I really think the other option is not anybody wants to see in the city. As I told you, the bankruptcy court is ready to abandon the property. There is nobody lined up behind us. Commercial or residential or otherwise. There's nobody we know of out there. We will do the best we can with 10. It is on the cusp. Nine won't do it. Eleven we think would do it as long as we don't get blindsided by any more bad news on an environmental front. We are willing to take a chance with 10. That would be my suggestion. We can certainly incorporate all the things that Councillor Macek talked about into the condominium documents because Mr. Moore requires us as well to reference all of that management plan. They actually become part of the condominium documents. We can incorporate all of those issues. As you all probably know, it's still needs to go thru the definitive plan process. It's not over. There are more constraints ahead.

Councillor Daly O'Brien: With that said, and I appreciate the spirit of compromise. I really do. I think that is a wonderful compromise. Would we be looking at 3, 3, 4? Would that be the

Inaudible –

Councillor Daly O'Brien: 2, 4, 4

Attorney Migliori: The four across from other would look better than

Councillor Daly O'Brien: What I am looking for with that is the additional parking space to be available.

Attorney Migliori: The plans before you show 12. When we agreed to go to 11, this building that has the 5 units, was going to go 4, 4, 3. So we were going to pick up some additional 3 spaces there. Now the plan would be 4, 4, 2 over here. We would be able to pick up additional parking on that side of the project as well. Because 2 units are going away, I don't know if it can be reconfigured so that there is even more parking because we certainly look for it.

Councillor Daly O'Brien: I noticed you have a guest parking area if you will to the north, to the left hand side there. Maybe you would want to do something on both ends, aesthetically would that be better? I don't know. I really really appreciate your spirit of compromise. I think our other comments added on there about the privacy fence, making sure that the snow removal is done the way it should be and I think it could be a go.

Councillor Scatamacchia: You are talking about one extra unit. You are compromising to 10. You are talking about one unit to make a project economically feasible. If this project doesn't go we are going to lose \$12,000 in back taxes. The revenue generated from the new project. We are going to lose any of the benefits that Mr. Pettis had incorporated into the special permit if the project doesn't work. You are not talking about 10 or 20 units. You are talking about one extra unit. Preferably, I'd like to see it go at 11. That's what I would like to see. With all due respect to Mr. Ahern, he is doing it for himself. I have absolutely no problem doing that. I think to make it work, to make the entire city receive all of the benefits that this project is going to generate, where it is only one unit, I would like to see it go at 11. You are talking about one unit.

Councillor Macek: I think that we also have to remember if we allow this project to go forward, whether it be 9, 10 or 11 units, we are creating a project that is going to outlive all of us in this room. If it's a bad project and it doesn't have adequate parking. If it becomes a project that either can't resell the values are going to go down. If it's overcrowded and the density is so high that people in the whole neighborhood have their property values affected because it is well known as a bad project that has problem people living in it or where a lot of disturbances occur. If it becomes a project that owners don't want to live there it becomes a rental project if they can't sell it and then you'll have all rental people in there. Those are the problems that we need to worry about tonight as much as we need to whether or not the developer here tonight is proposing cleaning the site, paying back taxes and all that stuff. I just want to point out that we just passed a project for Water Street for Franzone. His third time in. He came in with the best project on the third time in. It was a couple of years in between projects. Had we not had those delays we wouldn't have seen what I believe is the best project presented yet. With all due respect, I think this can be a good project. But if it doesn't have adequate parking. If it's not compatible to good family living, it's going to turn into a rental ghetto. That's the last thing I want to see. With that in mind I still think 9 is the right number. I don't know how the neighbors feel. Maybe you can poll them with a show of hands whether they would go along with 10 if that's the difference on the financial scales that tips in the wrong way if they want to believe that. If not, I am going to stick with the neighbors. If they like 9, I'm sticking with 9. If they will go to 10, then I will propose 10. Would you mind polling the neighbors?

President Michitson: We'd like to do a quick poll on 9. How about 10, would you go for 10?

Councillor Macek: My first motion would be to downsize the special permit request to 9 units and that those units be built as three 3 unit buildings with a minimum of 2 parking spaces to either side of the buildings. I believe that on the wetlands side there should be 4 on the upper side and 2 on the gate side for parking and that the snow storage on that side also be expanded to allow for additional snow.

Councillor Barrett: I'll second that.

President Michitson: We do have a comment from Councillor LePage.

Councillor LePage: I just want to clarify it takes 6 votes, correct?

President Michitson: That is correct.

Councillor Ryan: I would like to amend the motion to go to 10 units.

Councillor Daly O'Brien: Second

President Michitson: Let's address the amendment. Let's move forward on the amendment to 10 units.

Councillor LePage: I understand the neighbors and I understand the developer. I understand that we've gone from 13 down to 10. I think the developer's worked in the best interests that I think that the neighbors are going to hear. I'll go to what Councilor Scatamacchia was talking one unit now. I would prefer 9 but I would prefer that something actually happens. If the developer says that it will not happen at 9 and they have come in prepared, I am going to believe that they have done their work. They have gone from 13, so if we talk about profit, down to 12, down to 11 and now here to 10. I think they kind of realized what our bottom line would be, and I think they have gotten there. I favor 9 for the neighbors, I live in the neighborhood and I appreciate it, but at the same time nothing happens. We are talking about the folks that are trying to sell the property and everything else happens in that neighborhood. I just want to clarify that. I would prefer 9 but I may vote for 10.

Councillor Macek: Could I just clarify in that motion at 10 that it be two buildings of 3. One building of 4 and the building of 4 be on the side of the wetlands and there still be a minimum of 2 additional parking spaces on either side of each building.

Councillor Ryan: That's not part of my motion.

Councillor Macek: That was part of the original motion but when it went to 10 you have a 4 unit building I wanted to place that building where I believe it is best suited.

Attorney Migliori: Could I comment on that? Again, we supposedly have experts called the Planning Department and the Planning Board. That's all they do. We are going thru the definitive plan stage. To tie their hands now before it gets to them and the Planning Board says that configuration doesn't make any sense but, we've got to live with it but we don't like it. That to me just doesn't make any sense. You've got to defer to them. Otherwise take them out of the process. And it should end tonight.

Councillor Macek: Response Mr. President

President Michitson: Yes

Councillor Macek: In all due respect to Attorney Migliori I am using their design. I am just taking a unit off of the buildings that already placed

Attorney Migliori: I don't have the benefit of having everything in front of me but I am just concerned about the minutia of moving these buildings.

Councillor Macek: They can always come back. Once the special permit is granted if you find that we have given you something that is restrictive to the point that you can't go forward just come back. We will be reasonable.

Attorney Migliori: Okay. Thank you.

President Michitson: Just a clarification.

Councillor Ryan: You are basically saying that the same footprint will be used.

Councillor Macek: I am just trying to also make sure there isn't parking all down front for the two units that they originally proposed which is still going to be 3 I hope. That they have it reasonably accessible to the 3 buildings.

President Michitson: That's consistent with the motion. Madame Clerk, please call the roll.

Clerk Koutoulas: Councillor Scatamacchia-yes, Councillor Barrett-no, Councillor Macek-no, Councillor Ryan-yes, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 7 yeas, 2 nays

Councillor Ryan: Move the main motion.

Councillor Macek: No, Mr. President I'd like to add a few more amendments to the special permit prior to moving the former motion.

President Michitson: Hold on one second. You both didn't use the right approach here. Councillor Ryan first.

Councillor Ryan: Let me just move the motion as amended.

Councillor Macek: Mr. President prior to that vote I would request that I be able to add a couple of additional conditions. (tape change) I would like to add that along the Bradstreet Avenue side and down the Cross Road side to the rear that there be a 8 foot privacy fence and that the siren gate be non-traversable by

foot. That it be made of a substance or material that would not allow for people to go thru or over the gate. That would be my first motion.

Councillor Barrett: Second

President Michitson: Madame Clerk, please call the roll.

Clerk Koutoulas: Councillor Scatamacchia-yes, Councillor Barrett-yes, Councillor Macek-yes, Councillor Ryan-yes, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 9 yeas, 0 nays

Attorney Migliori: Is it safe to assume Council President as long as the Fire Department agrees with the gate be

Councillor Macek: Of course

Attorney Migliori: Okay, thank you

Councillor Macek: That either the homeowner association documents and/or condo documents show a restriction against any snow storage at any time in any of the parking spaces as designated in the original plan.

Councillor Daly O'Brien: Second

President Michitson: Madame Clerk, please call the roll.

Clerk Koutoulas: Councillor Scatamacchia-no, Councillor Barrett-yes, Councillor Macek-yes, Councillor Ryan-no, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 7 yeas, 2 nays

Councillor Macek: Just one final thing. I think this is strictly for safety reasons I am going to add this. That the homeowner association documents and/or condo documents require that the Bradstreet gate be properly cleared of snow after each storm for passage of emergency vehicles.

Councillor Barrett: Second

President Michitson: Madame Clerk, please call the roll.

Clerk Koutoulas: Councillor Scatamacchia-yes, Councillor Barrett-yes, Councillor Macek-yes, Councillor Ryan-yes, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 9 yeas, 0 nays

Councillor Ryan: Move the vote as amended.

Councillor Daly O'Brien: Second

President Michitson: Madame Clerk, please call the roll.

Clerk Koutoulas: Councillor Scatamacchia-yes, Councillor Barrett-no, Councillor Macek-no, Councillor Ryan-yes, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 7 yeas, 2 nays

President Michitson: That passes.

Respectfully submitted,

Barbara S. Arthur
Administrative Assistant
Haverhill City Council

August 24, 2015

REASON FOR VOTE - DOCUMENT #56
Special Permit – 2 Cross Rd - 10 Condominium Units

In granting the special permit, those members voting in favor found that the application fulfills all of the general conditions contained in Chapter 255- 76 (as applicable) of the Haverhill Zoning Ordinance.

President Michitson: I voted in favor because it complies with all requirements and the reasonable compromise with abutters.

Councillor Scatamacchia: I voted in favor because of the petitioner's cleanup/mitigation of soil and it will improve the neighborhood.

Councillor Barrett: I voted no because I feel the development will negatively impact the character of the adjoining district. High density housing in a very small parcel in an neighborhood of single families and duplexes. Section E. (4) The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals or welfare and will be in conformity with the goals and policies of the Master Plan. The development does not adequately address water drainage to protect from flooding the neighbors. Section C. (4) All facilities for sewage, refuse and other waste disposal and for surface water drainage.

Councillor Macek: I did not support the Special Permit request as I felt the requested density was excessive and would not lend itself to the creation of a quality new condo development for the City and for future owners.

Councillor Ryan: This proposed project is good for the neighborhood and the city.

Councillor Sullivan: I voted in support of the special permit because I believe this project will improve the neighborhood and will provide more housing in a desirable area of the city.

Councillor Daly O'Brien: I voted yes for the special permit because it is a positive project for that area of the city. It provides sufficiently for utilities, public safety, traffic and it's a terrific re-utilization of a rundown property.

Councillor McGonagle: I supported the special permit based upon favorable recommendation from Planning Director and all corresponding city department heads.

Councillor LePage: I voted in favor of this special permit application, with the proposed conditions and stipulations conferred by city department and the Council (10 living units) as it provides sufficiently for traffic, public safety and other utility considerations.