

MINUTES OF A CITY COUNCIL SPECIAL PERMIT HEARING HELD ON APRIL 21, 2009, DOC. #25, APPLICATION FROM MICHAEL MARONEY/MARONEY CONSTRUCTION CO REQUESTING TO BUILD A CLUSTER RESIDENTIAL DEVELOPMENT AT 890 NO BROADWAY, ASSESSOR'S MAP 575, BLOCK 2, LOT 8 - TO BUILD 50 SINGLE FAMILY HOMES ON 13 ACRES.

SUBJECT: Doc. #25 - Application from Michael Maroney/Maroney Construction Company for a Special Permit for Cluster Residential Development at 890 No. Broadway, Assessor's Map 575, Bl. 2, Lot 8 to build 50 single family homes on 13 acres.

Present: President Michael J. Hart, Councillor Robert Scatamacchia, Councillor William Ryan, Councillor Mary Ellen Daly O'Brien, Councillor David Hall, Councillor Michael McGonagle, Councillor James Donahue, and Councillor Kenneth Quimby. Councillor William Macek was absent.

City Clerk Margaret Toomey: Doc.#25 - An application has been received from Michael Maroney / Maroney Construction Company for a cluster residential development at 890 No. Broadway, Assessor's Map 575, Bl. 2, Lot 8 to build 50 single family homes on 13 acres. A favorable recommendation with conditions has been received from the Planning Board and Planning Director.

President Hart: Declared the hearing opened.

Attorney John Cleary and I represent the applicant, Michael Maroney who is the trustee of Premiere Realty Trust. Mr. Maroney is also the President of Maroney Construction Company which is the principal and the controlling entity of the trust. The applicant is asking the City Council to approve a Special Permit for the construction of a 50 unit cluster residential development at 890 North Broadway, which is the present location of the Crystal Springs Golf Course located at the intersection of North Broadway and Lake Street. The property contains approximately 137 acres of land located in a rural residential district which under Ch. 255, Sec. 80 of the City code allows for cluster residential developments by Special Permit only through the City Council. The housing consists of single family homes of moderate size with approximately 1600 to 2000 sq. ft. of living space located on house lots of approximately 7500 sq. ft. The total area that the housing will be located on is approximately 13 acres of the 137 acre parcel of land. Most of the remaining land, about 124 acres will continue to be used as an 18 hole public golf course and will be restricted by a recorded perpetual covenant to open space recreational purposes only as required under Ch. 255 Section 94 of the City Code. The other remaining land of approximately 2 acres is a 50 foot strip of land that abuts Crystal Lake. The applicant will donate that land to the City of Haverhill so that they City owns and controls that portion of the lake shoreline. In addition, the applicant will grant the City of Haverhill a walking trail easement so that present and future walking trails can link from the City owned property that abuts Crystal Lake to the City owned Tattersall farm property that is located adjacent to the golf course on the northeasterly side of No. Broadway. Because there are no public sewer lines in this section of the City, the applicant is going to install a sewer line of approximately one mile in length running from Broadway, Rte. 97, up Lake Street to the property. The sewer line will be serviced by a pump lift station on Lake St. adjacent to the property which will be designed to accommodate those residents in this area who desire to link their

properties to a public sewer line. In addition, the applicant will install a water booster pumping station on No. Broadway located at the present entrance to the golf course. The purpose of this pumping station is to enhance the water pressure on that water line for the residents who live north of the golf course entrance.

Mr. Maroney is present tonight to answer questions along with the surveyor of the project Albert Trudelle of SEC Associates, Inc.; the civil design engineer James Hanley of Civil Design Consultants Inc.; traffic study engineering consultant James Winn and the environmental engineering consultant Michael Seacamp of Seacamp Environmental Consulting Inc. Mr. Trudelle will present details of the cluster development layout plan. Mr. Hanley will present an overview of the roadway and utility design plan. Mr. Winn will present the results of the traffic impact and access report.

Terry Trudelle from SEC and Associates. I represent Mr. Maroney/Maroney Construction. I am a licensed land surveyor in the state of Massachusetts. We started off by processing and doing a conceptual layout of the proposed residential development in providing a yield plan. A yield plan is a layout using the existing zoning for the project, the property. The physical property is located partially in the SC zone, special conservation, and also the RR zone which is rural residential. We prepared a plan showing that we could conventionally do a residential subdivision on the site for fifty one lots. The SC zone is required to have a minimum of two acres and two-hundred feet of frontage. The RR zone would be 80,000 sq. foot lots and also two-hundred feet of frontage. Those plans were presented to the Planning Department and the building department for review. They were accepted. At that time, we started with the residential cluster development sub-division plan. At that time we had to take into consideration the existing eighteen hole golf course and we came up with a design that would impact the golf course with minor revisions on the site. With the proposed site being 50 residential lots for the cluster, we would have 16 lots on a small 590 foot long cul-de-sac and also 34 lots on a 2, 400 cul-de-sac that would pass by the existing golf club which would be renovated. As far as the impact on the Crystal Springs Golf Course, there would be some minor adjustments. We would move approximately three tee boxes and one green and realign maybe one fairway, just a minor realignment and would be able to get all those lots on the site with just those minor revisions on the site. Those lots, the 50 cluster subdivision lots would be 7,500 sq. feet with 75 feet of frontage. We would provide a deeded right of way, approximately 50 feet wide, along Crystal Lake. That would be deeded to the town. That would connect existing properties that are owned by the city along Crystal Lake. We submitted site line plans for both of the accesses off No. Broadway as required by the city showing that we get 500 feet of site distance on both of the proposed accesses along No. Broadway. Those were reviewed by the city and approved.

Jim Hanley with Civil Design Consultants, here on behalf of Maroney Construction. I am a registered professional engineer in the state of Massachusetts. I have been involved with the design of the project for the last six months or so. I would like to provide a brief presentation summarizing the existing site conditions as well as the proposed development including the vertical alignment of the proposed roadways, storm water drainage facilities and utilities. The site plan that is up right now is the existing conditions plan. The site is located at the existing Crystal Springs Golf Course located on No. Broadway. The project site fronts along Lake St. and No. Broadway, supports an eighteen hole golf course, club house and maintenance facility. Crystal Lake borders the site directly to the west. A ridge line runs north to south along the 8th hole and continues down toward Lake St. If you look at the plan, there's a dark line which is actually a zoning line that distinguishes the RR and the SC zoning district. That's actually a ridge line developed by the existing topography that's out there. Everything to the west of that flows toward Crystal Lake, everything to the east of that flows toward the existing irrigation pond. All of the proposed improvements relative to the residential cluster development will be on the east side away from Crystal Lake. The site generally drains from the north at a high elevation of approximately 212 which is the right side of the plan that you are looking at to the south at a low

elevation of approximately 160 which is the left side where the existing irrigation pond is adjacent to Lake St with slopes ranging approximately 1 to 8%. Cover types on site, obviously we have existing impervious surface located around the clubhouse area, parking areas, roof top areas, grass and dense wood and there's also a series of wetlands throughout the property. The proposed project consists of the construction of 2,400 foot roadway which is called front nine drive which is on the far right side and supports 34 single family residential cluster lots as well as the proposed clubhouse and maintenance building as well as a separate 590 foot roadway which is back nine drive which is located closer to the intersection of Lake St. and No. Broadway, as well as all the associated infrastructure including parking areas, driveways, sidewalks, landscaping drainage facilities and utilities. The typical roadway cross-section consists of two twelve foot wide traffic lanes with sloped granite curbing. Four foot planting strip and a five foot sidewalk are proposed on one side of the proposed roadway. Roadway side slopes are a maximum of three horizontal to one vertical. The main entrance will be comprised of two fourteen foot wide access aisles separated by an eight foot landscaped aisle. It's kind of a corridor approach entering the main access which the main road that will lead you to the clubhouse facilities. Proposed electric, telephone and cable service will be provided underground. The front nine drive will access Broadway at the existing golf course driveway location and continue west parallel with the property line through the existing clubhouse and along the existing driveway and parking area locations. Approximately 1,000 ft. in the roadway turns toward the south toward Lake St. and is located then between the eighth and ninth holes and continues for another 1,400 ft. to the proposed cul-de-sac. The proposed roadway has been designed to minimize earthwork activities, comply with the local regulations and maintain existing drainage patterns. Center line grades range from one percent to seven percent front nine drive. The average cut and fill along the proposed center line is with approximately twelve inches of existing grade. We made a real effort to try and minimize the impact of the proposed roadway on the existing site. To further reduce the impact the proposed development, some of the lots, on the bottom side of the plan, will be equipped with walkout basements if conditions allow. That will further allow less earthwork around the proposed lots. Back nine drive is located along No. Broadway, about 650 ft. north of the intersection of Lake St. and is located between the 12th and 13th holes. The roadway is approximately 590 ft. in length and has grades of one percent. The roadway was design to minimize earthwork activities and comply with the local regulations and maintain existing drainage patterns. The developed portion of the site drains through one of three locations the first of one which is an existing culvert located along No. Broadway across from Parsonage Hill Road, fairly close to the existing intersection and main entrance to the existing golf course. This culvert drains approximately 12 acres of area and discharges to the closed drainage system on Parsonage Hill Rd. The second location is another culvert located adjacent to the existing irrigation pond and across from 609 Lake St. That's the far left hand side of the plan. This culvert receives flow after detention from the existing irrigation ponds from approximately 61 acres of the golf course. That one design point essentially drains the majority of the developed portion of the golf course. In addition, flow is received from the existing wetland area and series of roadside swales located along both sides of Lake St. The culvert discharges across Lake St. through a series of existing swales and wetlands and eventually ends up at the existing water body down at the base of Lake St. The final discharge point is an existing swale located further to the south of the Lake St. culvert. This swale drains approximately 29 acres of the golf course and discharges to the existing wetland down gradient of Crystal Lake which eventually combines with the discharge from the last culvert just talked about. Since we got involved with the design we have made several site visits during relatively minor rainfall events just to try and get a sense for how the site drains. There is an existing culvert (inaudible) ...and discharges the existing irrigation pond. During relatively rainfall events we have been out there and the culvert appears to be undersized and results in surcharge conditions. We were out there in the beginning of March, there's probably an inch and a half of rain over a two or three day period standing over the culvert you can't see it. It's already surcharging under a minor rainfall event with maybe six, twelve inches of free board before it actually over tops the roadway. This flow contributes to the degraded condition and significantly decreases the useful life of the existing pavement in the vicinity of that culvert. If conditions allow, the size of this culvert maybe

increased to eliminate overtopping of the roadway. On site storm water improvements include a series of storm water management facilities including detention basins, wet ponds, water quality swales placed throughout the site to negate the impact of proposed development on peak discharge and storm water quality. It is our design intent to design and locate the proposed facilities to provide a benefit to the existing golf course and residential community by providing additional water surface features. The proposed system will be design to meet the local wetland bylaw as well as the DEP storm water management standards. Hydrant flow tests were performed in December of 2008 of City of Haverhill DPW personnel at two separate locations along the frontage of the property. Results of these tests indicated a potential need for a water booster pump station to provide adequate pressure and flow for front nine drive. This information was submitted to the city and was determined that a booster pump should be provided to sufficient pressure and flow for the proposed development as well as the surrounding neighborhoods. We will work with the city throughout the definitive design process to prepare a water booster pump station design to meet the city standards. On site sanitary sewer service will be provided by an eight inch PVC gravity sewer system. You can see the plan. It's a dark blue line in the proposed roadways as well as cross country and ends adjacent to Lake St and the irrigation pond. The gravity sewer system will drain to a proposed pump station to be located adjacent to the existing irrigation pond. The proposed development is anticipated to generate an average daily flow of approximately fifteen gallons per minute. The city has asked that the proposed pump station and portions of the proposed gravity sewer system be designed to accommodate an average daily flow of 125 gallons per minute or over eight times the flow anticipated to be produced by the proposed development. This is an attempt to accommodate the potential for future flow from the surrounding area including Parsonage Hill Road. South of the pump station, approximately 4900 ft or six inch force main, will be provided from the proposed pump station along Lake St. to an existing sanitary sewer manhole located at the intersection of Heritage Farm Lane and Broadway (inaudible)...Including the proposed gravity sewer servicing back nine drive which is the smaller road (change in tape). During the definitive design process we will prepare a pump station design to meet the city design standards. The proposed improvement and benefits to the surrounding neighborhood from an engineering perspective. First, if conditions allow, improvements will be made to the Lake St. drainage system to try to reduce or eliminate the surcharge conditions that exist and contribute to the conditions of the degraded roadway. Second, a water booster pump station will be included in the design to improve the existing the water pressure and flow to the surrounding neighborhood. Third, the sanitary sewer system including gravity lines, booster pumps and force mains will be sized to receive potential future flows from the surrounding areas.

Jim Winn, Project Manager with Greenman Peterson, also a registered professional engineer in Massachusetts. GPI had prepared a traffic study which was dated Feb. 10. The project includes the development of fifty single family residential homes. As part of the existing conditions within our traffic study we did traffic counts along No. Broadway in January and these counts were adjusted upwards to reflect an average month condition. Based on those counts on No. Broadway adjacent to the site there are about 3,700 cars during the typical week day condition. We researched the local accident data that was provided to us by the Haverhill Police Dept. We found over the past three years there was one accident at the site driveway. It was a vehicle that hit a deer. Kind of unavoidable. That was the only accident recorded in that time period. As part of our study we looked at travel speeds the vehicle speeds along that roadway. The posted speed limit along is 35MPH. What we found was that the average travel speed was around 40 which is slightly higher than that posted speed limit. The reason we did this speed study, not only to determine what the speeds are out there, but also to make sure that the site distance from the proposed driveway are adequate to meet state requirements for safe access and egress from the driveway. What we found, generally a straight, flat alignment of No. Broadway. Minimum and desirable site distances are met and exceed for both proposed site driveways. That brings us to future conditions. In our traffic study what we did was we checked out traffic volumes five years consistent with state and local requirements for traffic study. What we found based on historical traffic data, over the past couple

of years, traffic volume has slightly decreased. Hopefully, this trend doesn't continue. Part of our traffic study we were conservative worse can scenario, we actually increased traffic over the next five years. We contacted the city to see if there were any background development projects or roadway improvements that we should include in our study. What we found is that there is a four lot subdivision on Vale St. which we included as part of our general background growth. There is no any indication of any planned roadway improvements in the area. For trip generation, because we did our counts in January we used the ITE trip generation (IT is the Institute of Transportation Engineers) manual, so we generated for a fully operational golf facility and then we added to that the proposed fifty lot residential subdivision. What fifty homes generate. In the morning, there is about ten vehicles that would be entering, this separated between the two driveways, ten vehicles entering with 28 vehicles exiting. During the PM peak hour between the two driveways, 31 vehicles entering and 19 exiting. We used these volumes to look at the operation of a site driveway and these future 2014 conditions and what we found is the operation along No. Broadway is a level surface F, it's a grade from A to F, No. Broadway operating the level surface A and turn the other site driveways are level surface B which are acceptable for operations for the driveway. Vehicle queues exiting the driveway are less than one vehicle. Most of the time when you are out there, there will be no one waiting to turn out of the driveway. There is little impact as part of this project on the local roadway network. The adequate site lines do exist from the proposed side driveways. We recommend that these site lines be maintained which was described earlier being shown on plans and exceed 500 ft. The existing driveway now is kind of narrowed. As part of this project that driveway will be modified and will meet standards.

Attorney Cleary stated the Planning Board at its March 11th meeting voted to submit a favorable recommendation to the Council for approval of this special permit with the condition that the special permit include the recommendations submitted by separate letters from various city departments that viewed the preliminary plan. That applicant is agreeable to all the recommendations that have been submitted on those letters. In its letter of recommendation the Planning Board also noted that it appear the applicant has in general satisfied the conditions required under code Ch. 255, section 80 which the Council must find in order to approve this application. The applicant believes it has demonstrated that these conditions have been satisfied and the conditions are: that the requested use is permitted in the zoning district, that the 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 conform to the goals and policies of the master plan. That it provides for the convenience and safety of vehicular and pedestrian traffic within the site in relation to the adjacent streets. That it provides for adequate off street loading and unloading of service vehicles. It preserves the historical buildings and uses. It provides for adequate methods of sewerage and other waste disposal and adequate methods of storm water and drainage. And that it is essential or desirable to the public convenience or welfare. It will provide a general benefit to the city as a whole. This project is going to bring public sewer service to this section of Haverhill at no cost to the city. It's going to substantially improve the water delivery system to the residents of upper No. Broadway. It's going to help generate one time construction permit fees to the city as the houses are built. Recurring real estate tax revenue once the houses are completed. It's going to provide employment opportunities through the continued operation of the public golf course and restaurant. It's going to allow the city to increase the ownership of the shoreline at Crystal Lake. It's going to also give the city more walking trails for its public residents to use. Most importantly, for those who desire to preserve the rural section of this city, it's going to restrict 126 acres of land from further development and guarantee that it remains open space and used recreational purposes. Taken as a whole, this project is going to be a benefit to the City of Haverhill and if not necessary, essential, it's going to be convenient for the public. I ask the Council to approve the Special Permit.

President Hart: Is there anyone else in the audience who wishes to speak in favor? There was no one. Is there any one who is opposed to this, that would like to speak.

My name is Eva Ballentine and I live at 1178 No. Broadway. It's hard to make a decision whether it's opposed or for. I just have some considerations that I'd like you to take into Councillors with regards to this project. It was mentioned that there was going to be a pumping station to assist No. Broadway, is that correct, and that would go all the way up to or just in that one area because I live further North.

President Hart asked how far does it go up, someone come to the microphone to answer the question as to how far it goes up. Ms. Ballentine said the reason why I bring this up is because I have no water pressure right now. Response by (?) what we showed on the special permit set of plans that we submitted to you is a potential booster pump at the intersection of front nine drive and No. Broadway. Since then the city came back and asked us to size that booster pump if we were in this general location right here. They asked us to size that to increase the water pressure of the neighborhood. That's as far as it went in scope right now. What we are waiting for is some existing information of the existing system that the city has. That information will then allow us to then design the booster pump. We are working with the city to design a pump that they are happy with and we are waiting for information from them. The exact spot that it's going to improve, I can't tell you right now because we just don't have that level of design done.

President Hart: Just for your information. From here it goes to a definitive plan process where a lot of these specifics are worked out. We are more involved with a conceptual aspect of the whole thing. The exact specifics of things like that would probably be worked out with the Planning Board in the definitive plan.

Ms. Ballentine, that's why I am bringing it up. I am not saying that it shouldn't. If you are going to do fifty more homes and I can barely take a shower under normal conditions. But there is a dramatic difference when I'm off peak. If I decide to take a shower on Saturday afternoon, I have all the water pressure I need. If I decide to do it at the end of the day or early morning before I go to work, I have no water pressure and laundry is a consideration as well on weekends. That's right now without fifty more homes. That is something that has to be taken into consideration. The other areas of considerations to be taken into, I understand all the wires are going to be underground. Does the wiring on No. Broadway going to be affected to take into consideration additional homes? Are we going to have larger poles on the road, which is a very rural road right now with more destruction of trees, old growth trees, to accommodate larger wires? Both telephone, electric and cable and that's something that has to be taken into consideration. Are we going to destroy the rest of No. Broadway as we continue to develop that area. My final consideration, most of our new construction has been geared towards one and two bedroom houses or apartments. I have done some studies as to the population, school age children in some of our new construction that was suppose to be just for singles. You are looking at about a third are having school age children. So I think that yes, a third of fifty homes would be the equivalent of a classroom. I think that as you go forward, you might also consider not just this particular development, but future developments. Think of the impact, a classroom here, a classroom there and now we are starting to increase our classroom sizes with our present population. I've done some research that other communities and other areas also ask developers to pitch in for schools. Because in that particular area, there is no walking distance you're talking about busing as well. It's more than just traffic, more than just water. I am not exactly sure that I am for it, but I am not saying that it shouldn't be done. I think you have to look at these things.

President Hart: Is there anyone else who wishes to speak?

My name is Gail D'Arrigo. I am a resident at 609 Lake Street. I am just curious. I have met with the gentleman on a couple of occasions regarding the runoff from the existing pond that is now located on the golf course. It's on a regular basis is fine. During the spring, what was witnessed was a minor runoff. Given a couple of inches of rain, the water is a literal water flow completely over the road. Not just a

runoff that gets heightened. At my area, right at the end of my driveway, becomes a river. It doesn't just become a trickling stream and it is wearing away the road on either sides. I would appreciate to have a little bit more information as to what kind of arrangement they are going to make to correct this issue. As it is, it's a pretty big sizable outlets from this pond and the runoff pipe is twelve inches and there are four large. The plans that I had seen at our initial meeting was that there was going to be another lake at the end of the intersection of No. Broadway and Lake St. The runoff from that was going to be running down Lake St. also. I don't know if that's been changed. I know where I am could not take any more water. I have a spring that runs on the other side. I have water issues on both sides of my street and they all land right in front of my house. In the spring I have a flood, in the beginning of the winter I have an ice skating rink. I have a major water issue there already without any more water being added. I also have a concern with the traffic that goes down Lake St. Because we are the cut through between Broadway and No. Broadway, we see an enormous amount of traffic on the early morning and the late afternoon. As it is, we see more traffic during the summer months. I did hear there was a survey done in January, but I would like to know what the traffic is in June, July and August. Lake St. has a very steep hill that becomes treacherous in the winter so people avoid it, so you are going to get a much more swayed traffic situation in the winter. I have a question about that and how that is going to be addressed. Are we going to have a regulated light, red light, green light, at the end of either street on No. Broadway, Broadway. As it is now, you can't get off Lake St. to Broadway. I think this traffic situation has got to be addressed on Lake St. That's another question I have. I would appreciate the Council looking into the issues and understanding that I have concerns as my property has been mentioned.

President Hart: They are going to have an opportunity for rebuttal and I hope they address these questions that are coming before when their opportunity for rebuttal comes. Anybody else wish to speak (3 times). Rebuttal from the developer.

Mike Maroney, developer for the project. I live at 423 East Broadway. To answer a couple of questions. As far as the electric, tree clearing. There won't be any required tree clearing for electric. We spoke to the electric company. There is ample power on No. Broadway to support these developments already. As far as school age children. Can I tell you there is not going to be any children, no. We are certainly not advertising for that. It's on a small lot, it's on a golf course. There will be restrictions on the lots. There's no pools, no swing sets. It's not kid friendly in respect that you put your kids out there and if you were playing golf hopefully parents would not send their kids out back when people are playing golf. It tends not to be a development for children but I won't sit here and tell you that there won't be any. As far as the traffic. I will let Jim Winn discuss that in a minute. Drainage, we discussed it earlier. I don't know if anybody picked up on it. We discussed it earlier. I will let Jim Hanley discuss that again.

President Hart: I think there were two questions. One was water pressure, is it going to be any worse than it is now or is it going to be better than it is now for people beyond this development. And the questions concerning the ponding that's there right now and how it affects Lake St. and what's going to happen with that and the traffic.

Jim Hanley said as far as will the water flow and pressure be any worse due to the development, it will not. It will be better. The magnitude of the improvement we don't have quantified at this point and that's what I was trying to say before. We are waiting for information about the existing system. How it's modeled. The pressures flow. The sizes of pipes. Once we get that information we can input the pump that is being required by the Water Dept. and then at that point we will have more quantifiable numbers to provide to you. As far as the existing culvert goes, that was one of the main points I was trying to make as far as the potential improvements from a drainage perspective. Again, we were out there the first week in March, very little rainfall. Couldn't see the pipe if I stood on the high side of pipe was actually under water with six to twelve inches of clearance before it would get up over the roadway, if that, it was probably less. The intent is to try to address that and increase the diameter of the pipe. How

we would address that is best case scenario, we can increase the size of the pipe and discharge more water down the swale and that would eliminate the potential for the water to go up and over the roadway. We have to look into that to see what would happen if that water were to go down the roadway to the existing water body that's at the base of Lake St. Typically, a wetland of the size and nature that you have at Lake St. should have the capacity for a little bit more water. We are just not there yet. We are well aware of it. We met the abutter out on site. We walked through some of her problems. We are going to try and address it as we move forward to the definitive process.

Jim Winn, the first comment I will discuss is about the counts in January which the comment was absolutely correct. As I mentioned, we did do adjustments. What we found based on these type of roadways, that volumes in January are about 11.6% below average conditions. So what we did as part of our traffic study is, for adding conditions we bump those up 11.6% and then we grew out for the five years. So we absolutely did realize that counts in January are lower than average conditions be bump those up accordingly. The other comment that we talked a little about, the impact on Lake St. particularly the intersections of Lake and Broadway and Lake and No. Broadway, just to mention some of the volumes for directional in the morning there's about 30 cars that are entering the site and about 30 cars exiting. Our projection based on counts we did in the area roadway network, the majority of the cars will head south on No. Broadway, probably about 80%, 20% will go north. That cuts down that 30%. Of those cars, once you get to that intersection of No. Broadway and Lake you are going to have some people that will go down Lake. Some people that head down to the four way stop and head towards the school or the highway using Monument St. The volumes will definitely drop down so those 30 cars entering and exiting during that peak they definitely bump down. I know one of the concerns of obviously one car is more than one car there is today. The City was actually looking at some improvements and GPI was kind of helping out with Lake St. and Broadway. I know some counts are being done in trying to see if signals are warranted and type of work that could be done to improve that situation. A project isn't going to change if that intersection meets, warrants or needs turn lanes. Those improvements were really going to be needed independent of this project.

President Hart: Any rebuttal from the audience.

Eva Ballentine - What I am talking about in terms of the schools is that we have to take that into consideration whether this is a golfing community or not. It has a lot of open space. It's a nice neighborhood. If I was a single parent I would still be interested in going there even though it's only a two bedroom. You can still be a single parent and have a couple of kids going. Nice neighborhoods are not always easy to find. There's playgrounds in the schools. My concern is that we have to start looking at that when we do developments whether it's one bedroom, two bedrooms, four bedrooms, five bedrooms. You don't know who's going to be coming in. Who's interested and who is going to be attracted to a particular development and have school age children and we have a lot of issues with our schools today.

My name is William Copeland, Eve is my wife. We live at 11787 No. Broadway. She says she is unsure whether she wants it or not. I'm sure I don't. We bought our house in this neighborhood because it was rural. We have farm animals.

President Hart stated we are in the rebuttal now, you are really supposed to be just addressing what was spoken before from the developers. You had your opportunity to come up and give this talk before. Now we are in rebuttal. I am just trying to stay focused on it. I am going to allow you briefly to state your main concerns at this time. It should have been brought forward when I asked three times does anyone want to speak, go ahead. Mr. Ballentine said my main concern addresses the entire issue. They want to change the zoning to cluster. That's going to allow anyone else to do cluster housing next door to me. That's going to affect the entire neighborhood. I don't want my neighborhood to change. That's my

bottom line and this changes the entire neighborhood forever. I don't want cluster housing to be allowed anywhere else. I don't know whether this cluster housing is just restricted to this piece of property or whether it changes the entire neighborhood.

President Hart: Declared the public hearing closed. What's the Council's wish?
On motion of Councillor Hall to move for approval.

Councillor Hall stated to the traffic officer, my big issue is traffic. When the lady from 609 Lake Street made some remarks in regards to Broadway and Lake St. This has been an ongoing problem for fifteen or twenty years and it's progressively getting worse. When I hear these traffic counts they really don't mean much to me. I was a policeman for forty years. What I am interested in when you made a remark about no accidents on No. Broadway, you didn't take it upon yourself to come upon Lake St. and Broadway and find out the stats in regards to how many accidents occurred there. I don't know if it's proper. I don't want the developer to go to the expense of taking the full burden of putting a traffic signal there. Right now there is a flashing yellow and red light depending on which way you're coming. I know it's a traffic and safety issue, that a stationery traffic light has to be put in there. I am hoping, I don't know if it's feasible or not, that maybe the contractor could work something out with the City and hopefully, put in some kind of a traffic signal there where the power is already there. The intersection has already been addressed as far as the architect is concerned. The traffic study is there. I was hoping you could give us some consideration about installing a traffic light there. I would never bring this up unless I knew how serious this was. I like your numbers. I respect you for what you are doing. I am at the little store there on the corner. I see it every day. It's terrifying. Sometimes you can't get out. My second issue is 609 Lake St. I know completely what she is saying and it's going to get worse before it gets better. I you go up there when the real spring is there, and if you go east to west on Lake St. you will know what I am talking about down there. You need a boat, you need a canoe or something. I don't think the neighborhood is asking for an awful lot out of this project. I think they are excellent neighbors. I think you are going to have a quality project. I know Mr. Maroney is a quality builder and I find no fault with him. I think it's incumbent upon the Council to make sure that when this thing goes, this are my two concerns.

President Hart: Does anyone want to respond to his concerns in terms of what can be done, what would be done.

Mr. Maroney said as far as the 609 Lake St. we have met out there with her. We are concerned. We are going to deal with it, but we can't say we are going to change the drainage pipe in the street it crosses over which takes this water. We have to deal with the Dept. of Public Works and work with them. Our intention is yes, we will change the pipe at our cost. We know what needs to be done but I can't just say here we are going to do it without the Dept. of Public Works telling us it's okay or the engineering dept. Under their guidelines we'll do it. And we recognize what the issue is. The excess of flow, there's not enough pipe underneath Lake St. to take the water that's coming to that pipe. So when it gets over the top of the pipe, it runs across Lake St. It can be addressed and we are willing to do that. I can't do that without the engineering dept's blessing and how we are going to do it. Councillor Hall remarked, I am sure the City of Haverhill will be more that willing to let you go ahead. Mr. Maroney said I think they would too. That's why we met with her. We know what the problem is. We know what the solution is. Mr. Maroney added just to let you know, no excess water is coming off this site. There is no water coming off this site of the golf course onto Lake St. It is all being controlled within the site under the drainage. The traffic light. We have gone from a half mile sewer to a mile of sewer. To be honest with you, as far as a light on Lake St. and Broadway, we are probably getting pushed to the end of how much we can spend to get to this development. Councillor Hall said I am going to vote for this project. I am going to support it because I know what a quality builder you are.

Councillor McGonagle stated I heard you talk about sidewalks but through the plans I couldn't see. What are you planning? Jim Hanley replied it you look at the plans we provided with the application, starting with sheet 10 which is a proposed center line profile and grading plan sidewalks are illustrated. Councillor McGonagle asked on both back nine and front, and the reply was correct. We are proposing sidewalks on one side of each of the proposed roadways. (inaudible) Councillor McGonagle said nothing on No. Broadway, and the response was no. Councillor McGonagle said I know the letter from Atty. Cleary states there is a request for sidewalk access roadway and cul-de-sac length waivers for this project. If we could, and I know at this point we are asking for a lot of give-ins or throw-backs if possible, but I would like to see because of the added traffic and just the traffic on that road currently, if we could put a sidewalk connecting those two areas so if there are families in that area there is a way to walk from housing project to housing project without being in the roadway. Answer, one of the challenges that comes to mind, just knowing the project as we do, along No. Broadway from the existing access drive to the proposed roadway almost toward Lake St, that entire length is an existing wetland almost on the edge of the pavement. It's very close to the edge of payment so it would be more impact within the buffer zone and the grading gets kind of tight there. We might have some wetland issues based on knowing where the wetlands are located there. Something we could look at. Councillor McGonagle added going back to 609 Lake St. you are going to try to put a bigger culvert to take that water basically, that is if the downstream flow area can handle that. That's just a bigger size. Mr. Mahoney said right now there's a 12 inch pipe out there. If you look at the side of the irrigation pond there are four 12 inch pipes that feed into that one 12 inch pipe. It's a situation that just doesn't work very well. Ideally, we'll be able to rip that out of there and replace it with a 24 or 30 inch pipe. Councillor McGonagle replied, I fully understand Mr. Maroney, you didn't cause that water there and that would be something as a good neighbor if that is able to happen and the city would allow that.

Councillor Quimby said I have some issues. I would like to keep this as open space. I am not going to be able to support this. I am sorry. It's dear to my heart. When I was campaigning in that area, the neighbors said to keep open space, don't do any more development. I have to keep my word to the people in the Ayers Village area.

Councillor Ryan said I think this is a well thought out project. It's going to be a real asset to the community and to the neighborhood. Mr. Maroney is a class developer. I think anyone who has witnessed any or his work in Haverhill, he does everything that he is told to do or he volunteers to do. He's not a person that walks away. That's why I have full confidence that this will be a very good project and a real asset to the community at large. I think you will see many Haverhill people relocating there because it's going to be a good opportunity. These are all two bedroom. These are nice small two bedroom houses. This is the preliminary phase. It goes to the Planning Board, they send it over to us. If we give them the special permit tonight then it goes back to the Planning Board for a definitive plan and that's when any neighborhoods, should express their concerns about drainage and all the other issues. I wanted to ask the engineer a question. Can you explain the sewerage aspect of it? Where is the sewerage going and where's the pump that you are going to have located. Response - once it leaves the project we have a proposed pump station where the irrigation pond is right now. That's where we are proposing it. From there it goes down Lake St. all the way back up and back down to Broadway and takes a left and ties into an existing gravity system at Heritage Farm. Councillor Ryan said part of Lake St. at Broadway, I believe we as a Council approved that, to be done. So now people, the entire length of Lake St, or do you come out after, how far down Lake St. from Broadway. Response - where that irrigation pond is, I guess 2,000 ft. Councillor Ryan, what about people on the other end of Lake St that are up closer to Broadway, will they be able to access this. Response - They will have access to the pump station and the pump station and our gravity line will be sized to handle additional flow. So they'll have the ability to tie in. Councillor Ryan - There are some other developments along Lake St., I'm not sure, there are a couple of little cul-de-sacs running off it. Response - yes there are. Councillor Ryan - People on No. Broadway who live in the area of the golf course, how far away will they be and will it be

practical for them as a group or for the city to get involved and maybe find some way to bring those folks into the sewerage system. Response - we actually sat down two weeks ago with some of the city departments and a handful of the abutters specific to Parsonage Hill Road. They are going to be about 800 ft. away. We are going to size our gravity lines and our pump station so that in the future if the city and the abutters can somehow move a project forward, the infrastructure will be in place to receive the flow that they would contribute. Councillor Ryan...I look forward to supporting and voting for the motion that is before us.

Councillor Daly O'Brien stated I hope to take to heart the comments that have been made by the people tonight that have taken time out of their busy schedules to come down here to speak. I think they are talking about a few issues that probably can be worked out once you have all the information you need. (change in tape) ..be connected somehow by a path, a sidewalk, something that connects those two streets so they don't have to go out on Broadway if the Broadway sidewalk is impossible. If being out on No. Broadway where the sidewalk is impossible, find some way to connect the two neighborhoods, I think that's going to make for a nicer, cohesiveness and it will keep any walkers off of Broadway. The identity of a country road is without a sidewalk, I am not really looking for a sideway on No. Broadway as much as I am looking for those neighborhoods to be married, if there's a way.

Mr. Maroney said the problem on No. Broadway is not only is it a wetland, it runs the whole length, it's a drainage swale for No. Broadway. We will take a serious look at that. In the play of golf it becomes a hazard for the people walking.

President Hart, before we vote on that I just want to make a couple of comments on the overall project. I think the project is very well thought out. Not overly aggressive and I think there is a good reason for the minimum opposition that we saw tonight. It really wasn't real opposition. In most cases it was legitimate concern for issues, some issues not really the fault of the developer, but making the developer aware of these issues so the developer will do everything they can. Mr. Maroney, being the type of builder that he is, he has credibility with the Council for good reason. He's been a builder in the city for many, many years. His reputation is very good. A project like this, we could have had people in front of the mike all night coming up with more and more things that they were opposed to with this. The project overall is good with this 2,000 ft of sewer lines that's being brought up that will ultimately help the entire neighborhood. An enhancement of water pressure, these are really things that will benefit the people who are there right now not hurt the people who are there right now. The concept of the cluster development, that's the most perfect thing for a golf course. First of all, cluster development is not a special thing that is being allowed here. It is allowed in this zone if it's appropriate. By appropriate, cluster development preserves open space. It allows houses to be built a little bit closer together so that the open space stays there, so it stays country. It's a good thing, not a bad thing. Additionally, the city benefits from land being donated to preserve our drinking reservoir up there. The hiking trails that are going to go in. The improvement of a recreational resource in the City of Haverhill, we are very fortunate to have so many of these resources, golf courses. I can only imagine that it's going to be improved and become more of an attraction to the city. If this all works out, nobody guarantees, it would increase property values in the area, it won't hurt them for sure. I am going to support it.

On motion of Councillor Daly O'Brien to condition the special permit to include the Planning Director's letter dated April 7, 2009, specifically: 1)letter from the water/waste water dept.,2)letter from the fire department, 3)letter from conservation, 4) letter from the city engineer, 5)letter from the building dept.,6)any additional comments conditions deemed necessary by the City Council, 7)an umbrella condition that the project comply with all the requirements of zoning code 255-94. Further, that the developer comply with all of the additional requirements of the City's subdivision regulations for water and sewer and drainage improvements as contained within those regulations and further detailed in the

above listed and attached letters from the departments. These items shall be reflected in the definitive plan to be filed with the Planning Board.

President Hart: Madame Clerk please call the roll on the amendment.

City Clerk: Councillor Scatamacchia-yes, Councillor Ryan-yes, Councillor Daly O'Brien-yes, Councillor Hall-yes, Councillor McGonagle-yes, Councillor Donahue-yes, Councillor Quimby-no, President Hart-yes. 7 yeas, 1 nay, 1 absent.

President Hart: The amendment passes. Please call the vote on the motion as amended.

City Clerk: Councillor Scatamacchia-yes, Councillor Ryan-yes, Councillor Daly O'Brien-yes, Councillor Hall-yes, Councillor McGonagle-yes, Councillor Donahue-yes, Councillor Quimby-no, President Hart-yes. 7 yeas, 1 nay, 1 absent.

President Hart: The special permit is allowed.

Respectfully submitted,

Barbara S. Arthur

Administrative Assistant

April 30, 2009

REASON FOR VOTE - DOCUMENT #25
Special Permit to Build Cluster Residential Development at 890 North Broadway

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 of the Haverhill Zoning Ordinance.

President Hart: I voted in favor because it complied with all statutory requirements for a special permit.

Councillor Scatamacchia: I voted in favor because of the reputation of the builder. It is a good project with improvements to infrastructure and it met the zoning requirements.

Councillor Ryan: I voted in favor because this project is good for the neighborhood and the City.

Councillor Daly O'Brien: I voted yes for this permit because of the strong and significant commitment to open space which allows the city to control open space around Crystal Lake (a source of drinking water). The project will also improve water and sewerage services in that section of the City.

Councillor Hall: I voted for the Special Permit because it was a well thought out development with no impact on the public schools and will increase the home values for the neighborhood.

Councillor McGonagle: I voted in favor because the Special Permit was recommended by the Planning Board and met all city requirements.

Councillor Donahue: I voted in favor because it is a well thought out project that will benefit the city in the long run.

Councillor Quimby: I voted against the special permit because it does not protect open space.