

**MINUTES OF A CITY COUNCIL SPECIAL PERMIT HEARING HELD ON FEBRUARY 26, 2013, DOC. #25, A PETITION FROM ATTORNEY MICHAEL MIGLIORI FOR APPLICANT MIAMI STUART REALTY, LLC AND OWNER PAM REALTY TRUST REQUESTING SPECIAL PERMIT TO CONSTRUCT A 60 UNIT HOTEL IN THE CH ZONE ON PROPERTY LOCATED ON AMESBURY ROAD, (ROUTE 110) ASSESSOR'S MAP 459, BLOCK 1, LOT 1**

**SUBJECT:** DOC. #25 - Petition from Attorney Michael Migliori for applicant Miami Stuart Realty LLC and owner PAM Realty Trust requesting special permit to construct a 60 unit hotel in the CH zone on property located on Amesbury Road (Route 110), Assessor's Map 459, Block 1, Lot 1

Present: President Robert H. Scatamacchia, Councillor Michael Hart, Councillor William H. Ryan, Councillor Michael McGonagle, Councillor William J. Macek., Councillor Colin LePage, Councillor Mary Ellen Daly O'Brien and Councillor Thomas Sullivan.

Absent: Councillor John Michitson

City Clerk Margaret Toomey: A petition has been received from Attorney Michael Migliori requesting a special permit for applicant Miami Stuart Realty, LLC and owner PAM Realty to construct a 60 unit hotel in the CH zone on property located on Amesbury Road (Route 110), Assessor's Map 459, Block 1, Lot 1. A favorable conditional recommendation has been received from the Planning Director and related reports from various departments.

President Scatamacchia: Opened the hearing.

Good evening President Scatamacchia and members of the Council. My name is Michael Migliori, I'm representing Miami Stuart LLC. My offices are located at 18 Essex Street here in Haverhill. Also here this evening is Mr. King Weinstein, Haverhill native and principal of Miami Stuart Realty and Mr. Stephen Stapinski, Project Engineer. Both of them will be available for any of your questions this evening. I, personally, am very excited to be here this evening to be involved in a great project for the City of Haverhill. Miami Stuart as you are aware is planning to construct a hotel in the eastern part of the City. Even though the land is in the commercial highway zone, the project does require a special permit from the Council for the hotel use and location within the watershed district. The proposed Lexington Hotel will be constructed at the intersection of Amesbury Road, route 110, and interstate 495. The site, I'm sure you're all familiar with, is adjacent to the Dunkin Donuts and the Mobil gas station on currently a vacant parcel of land that sits to the west and rear of those two structures. It's located, as I have indicated, in the commercial highway zone. It's located near Northern Essex Community College, Haverhill Crossings assisted living facility, which we believe will be a benefit to the hotel as well. The hotel will be the first hotel constructed in the city in over twenty-five years. It will be located only a mile from the downtown area. Very close to Northern Essex Community College and a short commute to the beaches in Salisbury and New Hampshire. It will be a hotel, part of the Lexington Collection of hotels. The Lexington Collection of hotels is part of Advantage Hospitality group of hotels. You may be surprised to know that, as I was, Advantage is the eighth largest hotel company in the world with over a thousand hotel properties. The Lexington Hotel is considered a three to four star hotel brand that offers rewards program, reservation programs. Haverhill Lexington is designed to service both the business and vacation traveler. The hotel will initially consist of 60 rooms being expandable up to 120 rooms. It will be located on a parcel that is 3.65 acres of land. It will have direct access to route 110 Amesbury Road from two driveways. It will be visible from 495. We will have appropriate signage in place and the building itself will be visible from 495. The current plans before you show 60 parking spaces provided for the guest rooms, one per room. There is an additional 18 spaces that are provided for a mix of employees or guests utilizing the facility and meeting rooms at the property. There's also ample site on the property to accommodate for buses or for tractor trailers. We would expect that in the fall season a number of tour buses would be utilizing the facility on their way to look at leaves in this part of the country. It is

anticipated that there will be 12 full time employees once the hotel has been constructed with a significant number of part-time employees. The parking lot itself will contain substantial and appropriate on-lot lighting. The building, which we have a larger rendering, of over there. I know you have a smaller version. It's an attractive 3 story property equipped with an elevator. The hotel itself will contain a self-service business center for its guests. Each of the individual rooms will have internet capability. There will be copy machine, fax machine, postage, priority mail supplies, delivery services available to all the guests at the hotel. There will be 1,100 square foot meeting area off the lobby area which can be further sub-divided by way of curtain wall into meeting and function rooms to be used by guests and the community as well. The facility will contain a dedicated breakfast area for its guests. A fitness room equipped with commercial grade exercise equipment. There will be coin operated laundry areas as well as vending areas within the hotel. The rooms themselves will be equipped with a mixture of king, queen size beds. There will be a desk and work area in each room. Lounge chairs, flat screen TV's along with a number of other amenities. Irons, ironing boards, microwaves, counters with cabinets, cook tops, refrigerators are all going to be standard in each room. Bathrooms and other counter tops will be made of granite. They will contain shower/tub combinations or stand-alone showers. Floors in the hotel will be wood laminate. Carpet in the other areas along with ceramic in the bathroom facilities. In the area where the hotel is being located there is currently adequate gas, electric, telephone, cable services within Amesbury Road that will service the hotel. The hotel will be serviced by the municipal water supply from Amesbury Road, there's a main out there, and municipal sanitary sewer will be extended by the developer, to the site, from a lift station near route 110, on Elliott Street which was installed as part of the Haverhill Crossings Assisted Living facility project not too long ago. Sewer extension will be designed to service the existing commercial properties in the area as well as future office buildings and either a restaurant or hotel expansion on the abutting parcel that you can see on the plan I handed out tonight as well which is lot 1B. The hotel itself fully complies with the Haverhill zoning by-law regarding setbacks, density, access, parking, landscaping, as well as the Haverhill Conservation Commission regulations concerning setbacks from wetland from the building and site, developed areas. In addition, the special permit for the proposed hotel development will require additional permits from the Haverhill Conservation Commission, which we are prepared to embark on as soon as next week; with regard to the wetland buffer development we are going to need permits from the Mass. Department of Transportation for access to Amesbury Road. The building inspector's office, obviously, for a building permit. The project itself represents an investment of over \$4.5 million dollars in the community. It's projected that the hotel will generate permit fees, room tax revenue to the city and real estate tax revenue alone should be projected in the vicinity of \$800,000 in new revenue over a ten year period. The hotel will be further impetus for additional development in that area and at that intersection. There will be a generator of substantial temporary construction jobs and will result in 12 full time permanent positions along with along with a number of part-time employee positions. If things go well, it's anticipated that we'd like to begin construction this summer with occupancy slated for the fall of 2013 as well. At this point, I would like to have Mr. Stapinski speak to some of the engineering issues involved with the project and then I would the opportunity to discuss with you comments from the various department heads. Unless there is any objection, I would like to ask Mr. Stapinski to speak to the project for a while.

My name is Steve Stapinski from Merrimack Engineering. Attorney Migliori has already explained that the site does have adequate municipal water available to it. We are going to be designing a sewer main that would come down route 110 under 495 and service the commercial uses as well as the hotel in the area. I know a lot of the current businesses have had issues with the septic systems in the past and they don't have public rest facilities available and have been limited in expansion. This will certainly help them as they will participate with, I have spoken with most of the people there, they are going to participate in the sewer construction benefit. The issue that I would like to speak about this evening is the watershed and the site design that we put forth in the documents that the Council has. Essentially, the portions of the area were used as part of an auto salvage yard right behind the Mobil Station and that use is now discontinued and it will be forever when this development goes forward. There may be some need

for cleanup. Whatever cleanup is necessary, it will be done as part of this project. Then the entire site will be designed in complete accordance with the watershed regulations. No more than 10% of the site can be impervious and if it is, the water needs to be re-charged into the grounds. We have a storm drainage collection that we will put forth to the Conservation Commission that will collect the water and then discharge it into subsurface drainage chambers that would then allow the water to be purified; a storm septic unit to clean the water before it's discharged actually and then it would enter the ground and eventually make its way into the wetland in the rear of the site. The intent would be to fully comply with the watershed by-law. The Conservation Commission as you know has its own set of regulations that are very very extensive and they do a very good job here in Haverhill in terms of enforcing them along with the full time agent that you have. One of the things that we did this evening is pass out a revised plan with a revised date and that is in response to the comments by the conservation agent and the commission regarding the setbacks of the pavement to the wetland and the setback of the building to the wetland. If you look at tonight's plan and you look at the old plan it doesn't look like a big change but it's a small change, a few feet here and a few feet there. We wanted to give the Council the plan tonight so that we could show that in fact we can accommodate the comments the commission in our plans. So we did revise the site plan to put it in compliance with their comments. We'll also be applying for a curb cut permit from the Commonwealth of Massachusetts DOT. They'll also be involved with reviewing the drainage and the other improvements in the area as well as permitting of the sanitary sewer extension and utility connections in the road. Again, everything that we've shown on the plan is compliance with their requirements in terms of the location of the sewers, the drains, the water and the curb cuts in and out of the development. I would be happy to answer any questions the Council might have.

Attorney Migliori: Unless you have any questions right now, I would like to go thru the department letters. We had a general meeting about three or four weeks with most of the department heads on a Tuesday morning. I would be remiss if I didn't comment on how professional and how helpful they all were throughout this process and provided us with a lot of feedback to the initial plans. I will start with the Health Department, Health Inspector Godin in his letter of February 22<sup>nd</sup> had three comments regarding the project. One, two and three of the list of four there and I will read them: #1 It is presumed that the applicant will meet the environmental performance standard as outlined in City of Haverhill zoning Chapter 255, section 86; #2 Final site construction plans must show compliance with the site excavation and grading requirements as per zoning 255-19D21; #3 The facility is to be serviced by municipal water and sewer. Miami Stuart has no objection to including those requirements in the special permit decision tonight. The highlight, I think of Mr. Godin's comments are very important to point out, he states that the proposed extension of the sanitary sewer would be an asset to this commercial as well to the watershed protection district in general. This department has no objection to the granting of a special permit at this time. Next up, I'll deal with the Fire Department, letter dated February 19<sup>th</sup> stated that the department had five comments. Those are the five bullets if you have the report in front of you. You can refer to those five bullets. Again, the applicant Miami Stuart has reviewed these comments and agrees that all of the requests are appropriate and can certainly be made part of the special permit. Conservation Department in a letter dated February 21 2013, Mr. Moore, the Conservation Agent, reported that the Conservation Commission has no objections to the proposal to construct the hotel project. However, it did note two concerns that should be addressed during the project design. You just heard from Mr. Stapinski with respect to one of those, #1 bullet on the Conservation Agent's letter dealt with the parking and hotel footprints do not meet the 35 no disturbance and the 75 foot no build buffering wetlands within the city's drinking water supply watersheds. As soon as we were made aware of that, the plans were redrafted. The plan I submitted to you tonight does now in fact address that concern. We got out ahead of that as soon as we were made aware of that. The second one, the ground water and soils on this lot should be evaluated for possible contamination associated with the abutting gas station and tow lot usage. With respect to this concern, it's certainly our intention to proceed with a full conservation review and environmental review just as soon as the special permit has been granted. We will be dealing with both of those issues head on to find out what's there. As many of you know, certainly any lender or any financing connected with this

project would be requiring an environmental study of this site. We've always been aware of that and are prepared to go forward as soon as possible. The next comments, Water/Wastewater Department, the Water/Wastewater Department responded with comments in a letter dated February 22, 2013. The summation of the comments resulted in those divisions stating that they conditionally did not object to the special permit for the proposed use. Prior to that summary there are a number of comments, most of which we were aware of and had anticipated doing such as the 21E site report. We have addressed the stormwater recharge and the watershed report that had been submitted, as Mr. Stapinski alluded to, we do comply with that 10% requirement that is set out in the water/wastewater comment letter. As noted earlier, by eliminating the auto salvage area, by creating a stormwater replacement system, by removing any contaminated soil and installing municipal sewer to replace the commercial septic systems is an enormous benefit to the city and to the watershed area. What we do have a problem with some of the comments coming from water and wastewater is potentially committing significant resources in the way of consultants and analyst that may not be needed. We can't just give carte blanche agreement to those requests contained in their comments. What we do feel is appropriate is what Mr. Pillsbury, the Economic Development and Planning Director has recommended in his letter of February 22, 2013. That recommendation if you don't have the letter in front of you, is as follows: Approve the special permit for lots 1A and 1B only. Approve the watershed special permit for lot 1A and lot 1B only and with the following conditions: that all technical engineering requirements of the watershed ordinance receive final written approval of the Water/Wastewater Department, Conservation, City Engineer and Building Inspector at the site plan stage prior to approval of the foundation permit. To us, that's a far more logical way of addressing some of the issues, justifiably raised by water/wastewater. But we think it's an important way to address it. I would also like to point out Mr. Pillsbury's comment in his letter about the project, he states "I believe this is an excellent development opportunity for the city which will generate significant new jobs and new commercial tax base. As Economic and Development Planning Director, I strongly urge the City Council to approve the special permit request with the conditions proposed below". The conditions proposed were his recommendation which I just read to you a moment earlier. There was one very late department review that came in this afternoon from Mr. Osborne, I'll read that in case you haven't seen it. I didn't see it until about 5. "The proposed hotel project will require approval from the City Council by means of a special permit for the hotel use in accordance with the City of Haverhill's zoning Chapter 255 table of use. Also the proposed project is located in the watershed protection district which requires an additional special permit for the commercial use", which is the reason we are here and the reason we have requested those two special permits. There is nothing out of the ordinary in Mr. Osborne's comments as well. At this time I will stop there and think we are ready to respond to any questions or comments.

President Scatamacchia: Why don't we close the hearing first Attorney Migliori. See if there is anyone else who wants to speak in favor of the project. Is there anyone else who wants to speak in favor? Is there anyone opposed who wants to speak?

My name is Steve Eddy, I live at 298 Amesbury Road. Fifteen years ago we made an agreement with Stapinski to tie us into the pump station at Haverhill Crossing which we paid \$15,000 in escrow to his lawyer. As of date, it still hasn't been done. What I am asking from the Council, I am all for this project, but I would hope that you would have him give me an 8 inch lateral to my property so I can finally tie into this sewer.

President Scatamacchia: Is there anyone else who wants to speak in favor? Anyone who wants to speak in opposition? Anyone who wants to speak in opposition? Then I will declare the hearing closed.

Councillor LePage: Just a couple of quick questions Attorney Migliori. One of them was you said the hotel was set up to be possibly expandable from 60 to 120 rooms.

Attorney Migliori: Correct.

Councillor LePage: How is that?

Attorney Migliori: The expansion, when you look at the plan, the parcel designated as lot 1B is where it's proposed that either the hotel would be expanded or a restaurant be constructed on that lot. Right now we are not sure which direction things will go in. That's where either one of those proposals would end up.

Councillor LePage: Thank you.

Councillor Macek: Attorney Migliori, I agree that the recommendations which we do have from Bill Pillsbury appear to cover the ground as necessary. But you in your comments you also mentioned a few other department suggestions/requirements, conditions that are not covered if we only use those two. And then you bring up that we can't really use a blanket statement that say conditions, requirements and requests from all city department heads relative to the special permit be made a necessary condition. So, Fire Department conditions can be added in.

Attorney Migliori: We don't have any objection to that.

Councillor Macek: Right, because you mentioned that you didn't have any objection to that. But you added them but they are not included here in the recommendation from our Planning Director and the Building Inspector letter which you said you had no problem with. They are somewhat implied, but they are not made part as a condition unless we address them.

Attorney Migliori: I think part of that reason is because there are so many requirements that are going to be dictated to us by local, state or federal codes and regulations. There is no wiggle room. That's why we can review what the Fire Department wants and say yes, we don't have any objection to that. We know we have to do those things.

Councillor Macek: But it's all code. Nobody is looking for anything beyond state code or regulations. Is that what you are saying?

Attorney Migliori: I'm not sure I understand.

Councillor Macek: That in any of their letters of recommendation, to add this or do this. They are only stating the obvious.

Attorney Migliori: I think they are stating at a minimum, because we still have a lot of work to shake out all the final details. It's inevitable once we get into final design, plan stage, something is going to come up that nobody thought of and it's going to need to be addressed by one department or multi departments.

Councillor Macek: But as you said, we do have enough structure in the codes it will be taken care of according to the rules.

Attorney Migliori: Absolutely.

Councillor Macek: One other question. I see on the plan at least a couple of sewer pump stations. How many are there going to be?

Attorney Migliori: Just one, is that the one down on the lower left? To the left of the Dunkin Donuts property is the proposed sewer pump station.

Councillor Macek: Just that one?

Attorney Migliori: Yes.

Councillor Macek: Okay, at the far end it says two pump stations at Haverhill Crossing. There will be one new pump station added to the left of the Dunkin Donuts.

Attorney Migliori: And then there's the existing one at Haverhill Crossing.

Councillor Macek: Now, what is the expected life span of those?

Attorney Migliori: I have no idea.

Steve Stapinski: The life span is a function really of as long as the city maintains them or the property owner maintains them. There is no 20 years or 50 fifty years. Because they are inspected monthly either by the city, they do monthly inspections and annual renewals of some of the equipment in the stations and if the property owner owns it and maintains it, then that same state of maintenance is undertaken.

Councillor Macek: In this case, what is the anticipation? Will it be maintained by the property owner or will it be handed over to the city?

Steve Stapinski: That was one of the discussions at the Tuesday meeting that Attorney Migliori referred to. The city departments have indicated that they would like to possibly have the city take the station over. The reason is that it would give them the opportunity to extend sewer all the way down to East Meadow River where it crosses 110 beyond Whittier birthplace. It would also more immediately give them the opportunity to service Alice and Margery and the streets that are up on the hill which currently are not sewered. They are looking at maybe taking it over after it is installed. On the other hand, we are feeling that maybe we want to maintain for some amount of time ourselves in order to control what happens there as well.

Councillor Macek: The approximate cost of construction of that particular station?

Steve Stapinski: Like \$125,000 plus the force main is possibly exactly the same. So it's about a quarter of a million dollars in infrastructure. One thing that the pump station will be designed for is servicing the area all the way down to the East Meadow River and also all of Margery. That's all going to be taken into account and the Haverhill Crossing station was designed to handle all of those areas as well as all of this commercial area as well as additional land that is next to Haverhill Crossings. So that pump station has the capacity, the force main does, and the Pear Tree Village pump station which is where is all ends up going, that was designed to handle this whole watershed as well. It was a lot of fore thought by the city in what they required the stations be designed to handle, size wise.

Councillor Macek: If you maintain it, if the developer keeps it, then you would also keep a right to charge for tying in. Is that correct?

Steve Stapinski: That's only going to be for the commercial users in the area because they have all indicated they want to tie in right away. They all have issues that they need to deal with.

Councillor Macek: But the expansion of the private residential service that the city (inaudible)

Steve Stapinski: (inaudible) then the city could accept the station and tie into it themselves and take over the maintenance at that point.

Councillor Macek: Would the city be able to tie in without your consent?

Steve Stapinski: We've already said to the city that they can take it over as a public lift station. We are going to design it to their standards anyway.

Councillor Macek: There would be no additional cost for the city to utilize that even if you maintain it for the commercial tie ins?

Steve Stapinski: If the city decides to extend and tie in the residential, they will take over the station. The ownership and maintenance of it just like they have other stations.

Councillor Macek: Would that be subsequent to you having the commercial businesses in the area tie in?

Steve Stapinski: Yes, it would be subsequent.

Councillor Macek: That would be the condition, that it would be subsequent or after a certain period of time?

Steve Stapinski: Haverhill Wastewater has a two year, I don't know how to put this. They have a two year experience time. They don't take over stations for two years. They let them run and operate for 24 months as a minimum. Then, at that point, if they are going to accept them, they'll accept them some time after that. They make the developer maintain it for two years so you have to hire a company to come in and do all the maintenance and the checking every month. And then after 24 months they'll entertain taking it over. We are not asking them to take it over it. We are going to design it to their full standards and when they want, whenever they want it, they can take it at that point.

Councillor McGonagle: Steve, before you sit down, I have a question also to this gentleman who spoke in favor also of this project going forward. What is that about?

Steve Stapinski: When the Haverhill Crossing pump station was installed there was an agreement to allow Mr. Eddy to connect in his house to the pump station. I think either he could do it or we would do it and there was supposed to be an easement and rights granted and those rights were never granted by him to the contract and the time I think it was Ramey Inc. who put that in, Steve Ramey. At this point there's still no easement to go in and put that installation in, although he can do it himself if he would like.

Councillor McGonagle: So there is potential to get that taken care of.

Steve Stapinski: Sure, he can connect in. There is an agreement to allow that house to be connected into that station.

Councillor McGonagle: One other thing, maybe you can answer this too. In the comments from Paul Jessel there was a statement about where the sewer lines had to be located out on the shoulder closer to the property, that's something that you'll review and be able to accommodate?

Steve Stapinski: Ya, we show the gravity sewer in the shoulder of the roadway, and he's asked that it go into the center line of the roadway. It may not be possible to do that. That's something we have to meet with Mass Highway about and if they approve it then of course we would do it, then if not, and I

explained this to Paul that there are some issues with other utilities we might not be able to do it and he said fine after you meet with Mass Highway let me know. So that would be the type of interaction that would have with him and the city engineer.

Councillor McGonagle: One last thing for Attorney Migliori, you said some of the things you are just not going to carte blanche go and accept it is that because of the expense. Can you be a little more specific? Is that because we are asking for certain reviews by certain companies?

Attorney Migliori: Yes, that's part of it. Some of the analysis, some of the requests for consultants, at this point in time we don't think it's necessary. I think a lot will be shaken out when we get thru the conservation process. If water/wastewater still think there's a need for a consultant, someone else to do an analysis, then fine. We will agree to it. My only concern is incorporating all of these comments into the decision and then making them specific part of the decision so that down the road there is no wiggle room. Even though we find out we don't need an analysis, somebody might want to spend the money on an analysis somewhere else. If there's a need, we'll do it. Just a couple of items we are not sure there is a need to commit to it yet. I think everybody is covered in the recommendation and comments put forth by Mr. Pillsbury. I think that is a better way to handle something like this. We still have a lot of work to do between conservation and more detailed plans.

Councillor McGonagle: So if we decide this is going to go further we are going to pass this, we would have to be careful to not say we are going to pass it with all these conditions.

Attorney Migliori: I think Mr. Pillsbury's recommendation is the recommendation that I would certainly request that you adopt.

Councillor Sullivan: Attorney Migliori thank you for your presentation and Stephen for being with us tonight. I am a resident of that part of town and I've had a neighbor or two ask me about this proposal they seem to be pretty much excited about the prospect of a hotel coming but they are concerned about the quality of the hotel and the operation. You indicated it is a three or four star type hotel. (inaudible) usually doesn't imply full service hotel. Will there be a restaurant as part of the initial hotel. Will there be food in this hotel?

Attorney Migliori: At this point the initial hotel building will not have a restaurant. It will have a facility for, as you see in so many hotels these days, breakfast restaurant for lack of a better description. As part of going forward, depending on the success, there's the ability to construct perhaps another 60 rooms and a restaurant. Down the road, hopefully all of that can come to fruition. Right now, this phase, as far as your dining experience, it's going to be breakfast and what you bring to your room, I guess.

Councillor Sullivan: What about the exterior of the building? What is it going to be made of? Is this a brick building, a stone building? What is the look of this building? We don't have a design yet that shows the actual look.

Steve Stapinski: The plan calls for a combination of stucco and a siding that would be hearty plank or vinyl siding. The stucco is sort of like the stucco on the columns sort of speak. You will see the front of the building as several columns. It's a combination of New England and maybe some southern architecture really. Lexington has a certain requirement for some of the southern elements. But this is actually taking place in the northern so we more of the colonial siding on it. That's how it will be.

Councillor Daly O'Brien: Again, thank you for your presentation. I noticed that Mr. Pillsbury wanted to say something and I wondered if we could recognize him. I think that he might have something that could be very valuable.

Mr. Pillsbury: I think by way of clarification, what I try to do in my comment, and you probably can see that, is to try and synthesize a lot of what we were getting from the Water and Wastewater Department and the other departments as well. I'm very pleased to hear Attorney Migliori say they are not precluding the idea that there may be the need to do some additional review. I think that is what I wanted to hear. I am glad to hear that. I envision in my comments I think the problem we have today, and I think Steve would agree, is that we don't have any detailed engineering. We haven't gone thru the details. We are at the special permit stage. As we move forward now together, assuming that the Council will proceed positively this evening, then that gives the authority to the departments to review and analyze the information that they are given and then make those determinations and I think we do that together. I think the sense that I have from Attorney Migliori and the developer that they want to work cooperatively with us on that item. I think it is probably the best way to proceed tonight with the approval of the special permit for the use, we are asking for two special permits. One is for the use of lot 1A and 1B only, because there is another lot in the configuration out there that we don't want to include, which is not on that plan you handed out tonight, I assume Steve; and then the watershed special permit for lots 1A and 1B with the condition. That would be my, hopefully, valuable (inaudible)

Councillor Daly O'Brien: I have a question for you. The recommendations that are made by water/wastewater that seem to be what the wording that they are trying to have not included tonight?

Mr. Pillsbury: Right. I think it deals with the issue of the peer review, having it peer reviewed by an outside consultant.

Councillor Daly O'Brien: Should we exclude those?

Mr. Pillsbury: I would not exclude that. I think by incorporating; the peer review requirement is envisioned in the watershed technical engineering review requirements. I think if the Council were to condition as such as I've written to say the condition is to achieve compliance with all the technical engineering requirements of the ordinance, that gives them the option to receive the information, which they haven't yet, study it, and make a determination as to whether there's additional work needed.

Councillor Daly O'Brien: I just want to make sure we are doing the right thing. I really believe in this project. I think it's really going to change that section of Haverhill. I can envision other changes in a positive way because of this hotel. I want this to succeed. That's my only question for you Bill. My concern Mr. Migliori is if 110 has to be opened up, that really bothers me because we have a problem in Haverhill with our pavement being torn up. It doesn't matter how new the street is, we all see it. Other projects come along, the street is not even a year old and we have something opened up to tie in somebody, for a good reason. I am not saying it's not for a good reason, it is consistently a problem, and this is a state road. I am not going to be looking for someone from Boston to fly in and fill that in for me. We lived thru the debacle of the first time they tried to do 125, South Main Street, and the state didn't complete the task and we ended up having to temporarily pave that road and live with a bunch of problems. That being said, what worries me is tearing up that section of 110.

Attorney Migliori: That worries us too. I've never seen an infrared patch that works; as much as they say we are going to infrared patch it, it just doesn't seem to work.

Councillor Daly O'Brien: Do you think it's because we get cold in the winter and really hot in the summer. Nobody gets past that technicality of that cold and hot.

Attorney Migliori: Your concerns are our concerns and that's why initially we showed the lines being in the shoulder. That's ideally we think where they should be. We have to work again with Mass Department of Transportation and the utility companies out there.

Councillor Daly O'Brien: I know that. I'm just letting you know that I am watching. I am going to be very very disappointed if that road is a mess for five years. I will be very disappointed and you will know how disappointed I am because there's just no need of that. It happens time and time again. The other thing that disappoints me, I wish we had had some type of rendering just to give us an idea what the building was going to look like. It always bothers me. Again, I remember the Emmaus house problem. Now I get to see it. That does make a difference. (inaudible) It means a lot to know that visually there's going to be a certain look there. Am I correct in understanding that the Mobil Station is going away?

Attorney Migliori: No. It's not. Part of the rear that's used as a salvage/tow yard is going away and going to be cleaned up.

Councillor Daly O'Brien: So the Mobil Station will still be in the front and will be going around it to get to this.

Attorney Migliori: Yes.

Councillor Daly O'Brien: I wondered how that was going to be. Again, I can't say enough how much I want this to go forward for it to be another positive project in Haverhill. I am hoping that my instincts (tape change) over there in that area. I think it will be good for Haverhill and good for people who are travelling here whether they are going to Northern Essex College or visiting family, weddings and all kinds of things that can happen, that where people need to have lodgings. I am hoping it all works out. Don't disappoint me.

Councillor Ryan: I also am very excited about the project. It's a project that's been expected for as long as I can remember for that region and no one seemed to be able to finally put it together but we now have a development team, I think, is all local. The attorney, Steve Stapinski, and King Weinstein are all Haverhill folks that grew up here, including Mike Migliori. I think it's good for the neighborhood. People who go thru one project after another. They know they are going to be back here again next year and the year after. They are going to follow thru on their projects as they've done over and over again. That's why they are back here again because they have a good reputation. I know they will do their best to try and make this project work. There's a lot of money involved. Everything that people mentioned. It's extremely expensive to build these hotels and to do all the infrastructure that's leading up to it. I know they are up to it and I'm very confident. For those that really don't understand, first of all you have to have an idea and you go to the City Council. You have to have a two thirds vote before you can really start to lay out the plan. It's just a preliminary plan. There's a long ways to go. To get a definitive plan they need to go thru extensive hearings with the Conservation Commission and the Planning Board and that's going to take a lot of work before it's finally done. Every neighbor, every one that's concerned will have an opportunity to sit in in these hearings to learn where the sewer pipes are going to go, what size it will be. The height of each room, where the door is located, every aspect of the project will be aired at these hearings. Tonight, it's just a concept and that's where the City Council fits in. That the City Council looks and says this looks like a good idea. It fits in a location that makes sense, has always been touted as a place to build a hotel. It probably could be even better but things don't stack up always the way we'd like them. We'd like to see somebody come along initially and propose a development that is perfect but we have to start with a gas station and then a Dunkin Donuts, maybe another gas station and then something that goes in and fails and a house burns down, on and on. You get to a point where somebody is trying to make something significant happen in that neighborhood and it's not that easy. They have to fit it into all these pieces. Obviously, they want to make the hotel attractive so it has to be in conjunction

with the people who abut it. It's a very difficult job and I commend the team who is doing it. I will make a motion anytime you like Mr. President to move these two special permits.

Councillor Hart: I just wanted to put in my comments here too. The type of special permit we are dealing with tonight is limited in its purpose and I do think you have covered the purposes of what we are looking at which has a lot to do with the wetlands a lot seems to overlap with conservation. Nevertheless, it is a special permit and we do get to get a good look at it. At this stage of the project, obviously, there is only so much you can provide to us. I think overall, you've done a good job with that. I do think when we get around to moving on this, we could go very well with the recommendations from Mr. Pillsbury and add those to the special permit at that time. I just think it's a very very positive sign that we are seeing this type of a development coming to Haverhill at this particular time. We are coming out of a recession, hopefully, coming out of a recession. There hasn't been a lot of development. Probably one of the most positive signs that a community like Haverhill could exhibit would be a development like this. A third major hotel in the city. That's a sign of growth, that's a sign of everything being positive for the city which is what we want to see. The location is ideal. It's a different location from where the other hotels are situated. It's right off the highway. It's near the college. It's just an ideal spot. It's not in an area where they will be of concern to people with residences for that matter. I think it's a well thought out plan. I think it's an ideal spot. I think it's a great concept. I certainly am going to vote for it.

Councillor Ryan: I will make a motion Mr. President, maybe the clerk needs to. What order the motions would be made is determined by you Mr. President. Could we have the Clerk read what the first permit would be? I can make a motion based on her words.

Clerk Toomey: That would be to include the comments made by Mr. Pillsbury in his letter of Feb 22, 2013.

Councillor Hart: Put the motion on the floor to pass the order and then amend it.

Councillor Ryan: We will do that. We will make a motion to pass the special permits.

President Scatamacchia: Motion by Councillor Ryan with a second from Councillor McGonagle. Our expert is here, why don't we ask him.

William Pillsbury: Mr. President, if I could frame the motion as follows: First vote, to approve the special permit for lots 1A & 1B for use as a hotel.

President Scatamacchia: Motion made by Councillor Ryan and seconded by Councillor Macek.

William Pillsbury: And the second is dealing with the watershed special permit. To approve the watershed special permit for lots 1A & 1B only and with the following conditions: The technical engineering requirements of the watershed ordinance receive final written approval of the Water/wastewater Department, Conservation, City Engineer, and Building Inspector at the site plan stage prior to approval of a foundation permit.

President Scatamacchia: Second motion was made by Councillor Ryan and seconded by Councillor Daly O'Brien. Isn't that something that would customarily be done anyway? The departments made recommendations to the developer that they comply. They are not recommendations, they are just telling them what they have to do.

William Pillsbury: I think in a lot of cases there's a blanket statement usually that the Council would incorporate the conditions raised by the other city departments. In this particular case, I think it is

appropriate to incorporate those comments as well with the noted exception that the attorney has made. There would be nothing improper about adding the other city departments such as the Fire Department and those that you brought up Councillor Macek.

President Scatamacchia: We have two motions on the floor. Madame Clerk would you call the roll on the first one.

City Clerk Toomey: Motion to approve the special permit for lots 1A & 1B. Councillor Hart – yes, Councillor Ryan – yes, Councillor McGonagle – yes, Councillor Macek – yes, Councillor LePage – yes, Councillor Daly O’Brien – yes, Councillor Sullivan – yes, President Scatamacchia – yes. 8 yeas, 0 nays, 1 absent.

President Scatamacchia: That passes. And the second one.

City Clerk Toomey: To approve the watershed special permit for lots 1A & 1B with the conditions as outlined by the Economic Development Director in his letter of Feb 22, 2013. Councillor Hart – yes, Councillor Ryan – yes, Councillor McGonagle – yes, Councillor Macek – yes, Councillor LePage – yes, Councillor Daly O’Brien – yes, Councillor Sullivan – yes, President Scatamacchia – yes. 8 yeas, 0 nays, 1 absent.

President Scatamacchia: That passes. We wish the developers luck. As my colleagues stated earlier, it will certainly be a boom to the city. As Councilor Hart specifically mentioned, for something like this to come forward with the economy that we are in the middle of or seem to be getting out of, it’s certainly a good sign. Thank you.

Respectfully submitted,

Barbara S. Arthur  
Administrative Assistant  
Haverhill City Council

March 14, 2013

**REASON FOR VOTE - DOCUMENT #25**  
**Special Permit to construct 60 Unit Hotel on Property Located on Amesbury Road, Route 110,**  
**Assessor's Map 459, Block 1, Lot 1**

**In granting the special permit, those members voting in favor found that the application fulfills all of the general conditions contained in Chapter 255 of the Haverhill Zoning Ordinance.**

President Scatamacchia: I voted in favor because it will an asset to the area and the city.

Vice President Hart: The special permit application complied with all of the requirements necessary to build a hotel in a CH Zone.

Councillor Ryan: I voted in favor because this is a good plan for a City hotel.

Councillor McGonagle: I voted in favor of the Lexington project based upon the positive recommendation from our Economic Development and Planning Director and the projected benefit the Hotel will have on the local economy.

Councillor Macek: I voted to support the special permits for the Lexington Collection Hotel because I believe the request was reasonable and will be a positive addition to the City in many ways...jobs, sewer improvement to the area, services and revenue to mention a few.

Councillor LePage: I voted yes on the special permit because I believe it will not adversely affect the watershed and it will provide economic opportunity for the City.

Councillor Daly O'Brien: I voted yes for this special permit because the project will benefit the City. It is a positive project that may be a catalyst for more revitalization and will add to our tax base.

Councillor Sullivan: I voted for the special permit because based on the presentation made at Council by the developer and his representatives, and considering the overall favorable recommendations of the various departments that will be working with the developer during the permitting process, I believe the construction of a new hotel in this area of our City is a positive development that could lead to further economic growth in that neck of the woods.