

Doc.# 93 - MINUTES OF A HEARING HELD ON SEPT. 22, 2009 FOR AN APPLICATION FROM ATTORNEY JAMES WALDRON FOR BARBARA SKOFIELD, TRUSTEE OF DPS REALTY TRUST APPLYING FOR MODIFICATION OF A SPECIAL PERMIT GRANTED FOR 22-36 WASHINGTON ST. ON APRIL 25, 2005 TO GARRISON REALTY TRUST, DOC. 157/2004, REQUESTING THAT THE REQUIREMENT FOR ONE AFFORDABLE UNIT BE ELIMINATED.

SUBJECT: Document 93- Application from Attorney James Waldron for Barbara Skofield, Trustee of DPS Realty Trust applying for modification of a special permit granted for 22-36 Washington St., April 25, 2004, to Garrison Realty Trust, Doc. 157/2004, requesting that the requirement for one affordable unit be eliminated.

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

City Clerk Margaret Toomey: An application has been received from Attorney James Waldron for Barbara Skofield Trustee of DPS Realty Trust applying for modification of a Special Permit which was granted for 22-36 Washington Street. The permit was granted by the Council on April 25, 2005 to Garrison Realty Trust, Doc. 157/2004. They are requesting that the requirement for one affordable unit be eliminated. A favorable recommendation has been received from the Planning Board and the Planning Director.

President Michael Hart: Opened the hearing.

Attorney James Waldron represented the applicant. "You had a very similar request before the Council about three months ago for the condominiums up near the country club. This is the same issue. You have a report from the Planning Director and the Planning Board. The Planning Director recommended approval of this request. The Planning Board voted it unanimously. The crux of the matter is when the ordinance was passed it was a rising value on condominiums and it was a feeling by the Council that middle income people were left out. So your Council passed an affordable housing ordinance that said that ten percent of any multifamily developments had to be affordable. In this particular case, it's one unit. The process is that once the permit from the Council is in place, you need to hire a firm to market the affordable housing and insure that it remains affordable, advertise it, interview the people to make sure that the right people comply. I don't know how many we have had. Maybe a couple of dozen, who went through very well when the ordinance was first passed. At this point, the market has really solved the problem because the affordability of the unit is set by Community Action. As a matter of fact they pay, and I didn't know this until I was at the Planning Board, they pay Community Action over four thousand dollars for that service. We've done that and if you see the letter in your file from Community Action has attempted to market the property for well over a year and have had no interest at all. What happens is you have somebody who is paying the mortgage and taxes on a unit and they can't sell it because it has to be done to an affordable person. As a matter of fact, I've enclosed a copy of a purchase and sale agreement that shows that this property is for sale for \$168,000. It is affordable. It just could not be affordable for the next twenty years. But no one is going to pay \$179,000 for the unit when they can go out and get it for \$168,000 and not have a restriction on the deed. We would ask for your passage. I am sure you are going to have some more of these although the Planning Director has indicated for some time he is not happy with the ordinance due to these problems it needs to be tweaked around and fixed. That's probably what will happen so you won't have to have people keep coming back for these".

President Hart: Is there anyone else speaking in favor of the application? There was no one. Is there anyone here in opposition? There was no one. The hearing was closed.

On motion of Councillor Hall to move for approval.

President Hart: If there's no discussion call the role.

Clerk Toomey: Councillor Scatamacchia-yes, Councillor Ryan-yes, Councillor Macek-yes, Councillor Daly O'Brien-yes, Councillor Hall-yes, Councillor McGonagle-yes, Councillor Donahue-yes, Councillor Quimby-yes, President Hart-yes. 9 yeas, 0 nays.

President Hart: Application is approved.

Respectfully submitted,

Barbara S. Arthur
Administrative Assistant

October 6, 2009

**REASON FOR VOTES - DOCUMENT 93
SPECIAL PERMIT MODIFICATION OF PERMIT GRANTED
APRIL 25, 2005 TO MODIFY DOC. 157/2004**

President Hart: The modification was warranted due to the change in economic conditions.

Councillor Scatamacchia: I voted in favor to remove the deed restriction on the affordable unit to allow the sale of the condo.

Councillor Ryan: The request was in the best interest of the City of Haverhill.

Councillor Macek: I supported the request for modification due to the current market conditions, that data presented and the Planning Board recommendations.

Councillor Daly O'Brien: I voted for this special permit modification because it benefits the City by encouraging the sale of the property adding it to our tax base.

Councillor Hall: I voted in favor due to the economy and to remove the restrictions to allow for the sale of the condo.

Councillor McGonagle: I voted to approve the modification based on the recommendation from our Planning Director and understand that the sale price is actually lower than the original low income price.

Councillor Donahue: I voted for the modification because I agreed with the presentation and recommendation from our Planning Director.

Councillor Quimby: I voted in favor because I agreed with the reason for change as stated by Attorney Waldron.