

DOCUMENT 101/2014 – MINUTES OF PETITION FROM ATTORNEY ROBERT HARB, ON FEBRUARY 24, 2015, REPRESENTING CONTINENTAL WINGATE DEVELOPMENT COMPANY, REQUESTING A SPECIAL PERMIT TO CONSTRUCT A NEW 2-STORY BUILDING FOR CONGREGATE CARE HOUSING AT UN-NUMBERED NORTH AVENUE; ASSESSOR’S MAP 630, BLOCK 2, LOT 1-1A, WHICH WILL HOUSE A TOTAL OF 90 UNITS; ASSISTED LIVING UNITS CONSISTING OF 26 ONE-BEDROOM AND 20 STUDIO UNITS; SUPPORTIVE INDEPENDENT LIVING UNITS CONSISTING OF 17 ONE-BEDROOM AND 3 TWO-BEDROOM UNITS; AND MEMORY CARE UNITS CONSISTING OF 20 STUDIO AND 4 COMPANION UNITS.

SUBJECT: Doc.#101/2014 - Petition from Attorney Robert Harb, representing Continental Wingate Development Company, requesting a special permit to construct a new 2-story building for congregate care housing at un-numbered North Avenue, Assessor’s Map 630, Block 2, Lot 1-1A, which will house a total of 90 units; assisted living units consisting of 26 one bedroom and 20 studio units; supportive independent living units consisting of 17 one-bedroom and 3 two-bedroom units; and memory care units consisting of 20 studio and 4 companion units.

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

City Clerk Linda Koutoulas: Document 101/2014 - A petition has been received from Attorney Robert Harb, representing Continental Wingate Development Company, requesting a special permit to construct a new 2-story building for congregate care housing at un-numbered North Avenue, Assessor’s Map 630, Block 2, Lot 1-1A, which will house a total of 90 units; assisted living units consisting of 26 one bedroom and 20 studio units; supportive independent living units consisting of 17 one-bedroom and 3 two-bedroom units; and memory care units consisting of 20 studio and 4 companion units. This is continued from February 10, 2015.

President Michitson: Attorney Harb before you speak, let me just talk about a couple of the ground rules. I had said that those who are opposed were going to have an opportunity to speak at the last meeting. Because of medical issue, we were unable to continue the meeting. I am going to allow representatives from those against to speak. If you have any changes at all from your proposal, we’d like to hear those as well. That’s how I’d like to run the meeting tonight.

Attorney Harb: We do have changes, Mr. Michitson. But I would just ask a question. I believe that, and first I want to thank the Council for their help and concern during the issue I had two weeks ago. Especially Councilor Daly O’Brien who, those of you that have heard me speak of her efforts, I said she didn’t leave my side and I personally thanked her. I really appreciate that, that’s why I’m here tonight, I guess. I thank you but I understood that the rebuttal of the neighbors would be only concerning traffic mitigation because the hearing’s been closed. We are only talking about the traffic mitigation.

President Michitson: I did not make that stipulation.

Attorney Harb: I thought you had.

President Michitson: We’ll try to hold it down. We are not looking for 30 minute speeches but to get to the point so that they can make their case.

Attorney Harb: Well, first of all, the Council should have the document that I submitted in regards to the last thing I did two weeks ago, in talking to Councillor LePage he asked the question about would the applicant be willing to put two more speed signs in on Concord Street and he asked how did we get our petition? The Council should have copies of detailed analysis on how we obtained the signatures on our

petition. For the record, yes, the applicant is willing to put two more speed signs on Concord Street where the city may indicate where they would like them. I will talk about those speed signs about a new item that came up today with the Traffic & Safety Committee of the city. First I wanted to tell you, yes, we'll do those new traffic signs. I am not sure that the Councillors, I just received today a follow up letter from the City Engineer, cause if you recall two weeks ago, Councillor Barrett asked would we extend the sidewalk, we said we would. The City Engineer felt he should respond to that and the speed signs as the City Engineer. I have extra copies if the Councillors didn't receive it. He is in favor of all the mitigation including the 1,200 new feet of sidewalk and the 4 radar detection, those speed signs. He commented that he is still in favor as the City Engineer. Lastly, I understand today there was a follow up meeting with the City of Haverhill Traffic & Safety Committee of which some of the Councillors may have been present. At that meeting they discussed the mitigation that we talked about including the 4 signs, 4 new traffic speed signs and they did have some concerns. I want to tell you what they were and some conditions I am advised, I wasn't personally there but Mr. Feldman of Wingate was. I am advised that the Traffic & Safety Committee voiced support for the mitigation measures but they did have some conditions that the applicant is willing to abide by. The first condition I believe, was they asked the existing entrance to Wingate, could we make it a one way and if deliveries, ambulances, whatever had to come in that, they would have to loop around the opposite way around the building and then come out the new entrance. They are willing to make that entrance a one way. Secondly, they asked, on the 4 traffic speed signs, could they be constant power and not just solar. So it's both, constant power meaning somebody is going to run a line to electricity I guess to it, and then have the solar power as back up. They are willing to do that. Last time we told you it would be solar driven. The city asked and the Traffic & Safety Committee asked, could we work with the city to make sure we use the same manufacturer for the other signs that the city has, I couldn't tell you who that is, but they are willing to work with the City Engineer and Traffic & Safety and make those signs consistent with the same manufacturer where the city is buying traffic signs and speed signs. I did read the paper while I was out about Councillors recommending that the city buy more of those. It would be the same manufacturer probably similar warranty and then it would be constant power in addition to solar power. Those are the additional mitigation measures from the last presentation before we had to stop the presentation. We did agree to the 2 new signs. All 4 signs will be constant power. All signs will be the same manufacturer that the city requests. Because of the concern about that existing driveway, it will be one way only going in, not out, going in. All exits will be up the street on North Ave., I'll call that south, near Main Street. Those are the matters that have come up regarding traffic mitigation and things that the applicant is willing to provide in addition to all the requirements of the city departments they meet. As I said last time, all the city departments Planning, every department is in favor of this. We'd ask that with all these conditions and improvements that they've agreed to do that you approve the petition subject to all those improvements. Thank you.

President Michitson: Thank you very much. Councillor LePage did you want to wait until after some of the residents have been able to speak or did you have a question now?

Councillor LePage: I can wait. I was going to go to where we were at the last moment. I can wait on that. When we get to that point I'd like to speak to Attorney Harb first on the petition and where the signatures came from.

Councillor Macek: I just have a clarifying question so that I am clear on what Attorney Harb just stated about the one way traffic which I never had an appetite for nor interest in. I do remember it being brought up. So, the traffic will enter at the present facility where they enter?

Attorney Harb: No, we had said the new facility and the nursing home, all traffic will enter at the new entrance. But we did tell you we needed to make deliveries and occasionally maybe an ambulance or something at the old location. The Traffic & Safety Committee is fine with that but they suggested that minimum deliveries and any ambulance etc. be a one way in. So, if a delivery truck came in, Traffic & Safety committee said we'd like them to go around the buildings and come out the new entrance and exit. The only cars going in across from Concord Street will be safety vehicles and deliveries, that's it. Everybody else will enter and exit at the new location. There will be no exit across.

Councillor Macek: And exit, so why are you calling it one way?

Attorney Harb: No, one-way going into the existing driveway. They don't want people coming out of the existing driveway across from where you live on Concord Street. That's only an entrance.

Councillor Macek: So that's only an entrance but it's not for the new facility that is being proposed.

Attorney Harb: No.

Councillor Macek: It's only for the current used facility.

Attorney Harb: No not even that Councillor Macek. It's only for deliveries and maybe an emergency vehicle.

Councillor Macek: So people coming to the current facility will also use the new driveway for the new facility?

Attorney Harb: Yes.

Councillor Macek: Does your traffic survey and the impact study done with this consideration?

Attorney Harb: My knowledge it was that all the entrance would be for the old facility. The new entrance, yes.

Councillor Macek: Okay. Thank you.

President Michitson: Thank you, who would like to speak?

Councillor LePage: Excuse me Mr. President, if I may, this will be very brief. I waited two weeks. Attorney Harb, I appreciate the information concerning the petition that you gave us, all the signatures and the explanation of it. Looking at it, the first item, you have door to door visits. Says that you knocked on approximately 13 doors, 10 of them did not open, 1 signed the petition, 1 was against the petition. Number 2, phone calls to neighbors, made 3 phone calls to neighbors, 2 met with me in person, one was in support. Second person indicated support for the project but later did not support the project. Number 5, Wingate at Haverhill lobby, petition with the receptionist for supporters to sign and then 11, neighborhood meeting we had at Wingate on Thursday 1/29/15. Now you've had numerous meetings prior to this when we started this back in the fall of last year. Says invitations went out to all the abutters about 80 people and only 6 people attended. So to go with the signatures that you have here, my quick count that I did two weeks ago, there are 671 signatures here. From the addresses that I saw, there is only 3 from North Ave. The one that we received previously from the folks in the neighborhood, there is approximately 235 signatures. As I counted thru that I found about 123 directs, 29 I'd say in the neighborhood, I'd say 152 neighbors. Frankly, there's 152 people who are against this project that are immediately impacted by this versus 3 who are not. Not to be as they say, the NIMBY, but it doesn't seem that the neighborhood is looking to have this project here. Seems pretty clear.

Attorney Harb: Well as you can see Councillor LePage, we did not, like probably some of the neighbors did, we didn't go on every door knocking every door. This was done by the director of the nursing home with the time that she had to try to see what the attitude of the people that they do contact was. We didn't want to bother everybody all the way let's say down to Main Street, Kenoza Street. They didn't have the time to do that to be honest. Are they probably on a piece of paper more names against than those for, possibly, but I still have to ask this question. What was the reason against is there any valid evidence to prove that reason is legitimate? The only reasons and maybe tonight they will have different reasons. It was school and the traffic. We have done everything that anyone, anyone has asked us to do for the traffic and the school including the School Superintendent short of saying we don't want the project.

Councillor LePage: I appreciate the effort. Again it seems that it might not be the right location for this kind of a facility. I am just showing you what I see quickly as numbers.

Attorney Harb: I understand. I can't argue with numbers but I can argue with facts. Those are numbers. When the question comes up about, is this the right location? I mean the zoning allows it with a special permit. Not a variance, hardships don't have to be proved. I think if the applicant sincerely thought that there was a harm to the neighborhood, I don't believe this applicant would ask you to put the project there. The question is we addressed from the first meeting with the neighbors, whatever the concern they wanted. To be honest with you, no matter what we do, as you said, NIMBY, I can't make the neighbors happy. It would be wonderful if I could do everything that they wish.

Councillor LePage: It is perceived that Wingate is not a good neighbor in the neighborhood?

Attorney Harb: Well, they've never had any complaints from them presently existing that I know of as the nursing home. Maybe one gentleman asked can the people that are doing the pickup of the trash change the time? They've been there for a number of years and they are not a danger or a situation causing with the neighborhood. We have tried to be good friends. That second meeting that you mentioned that only 6 people attended, as you can see, we asked almost 100 people to come and we wanted to show them all these new traffic mitigations and we did to those that showed up. We are trying to work with the neighbors. Although we invited 80 something, only 6 felt like they wanted to come. We are trying.

Councillor LePage: I think more than that showed up here tonight.

President Michitson: Thank you very much Councillor.

Attorney Harb: Thank you Mr. President

My name is Ronald MacLeod, live at 162 North Ave. I believe most of you probably remember me from the last meeting. I've sent several emails recently regarding this same situation. I'd like to since Attorney Harb brought it, I'd like to reference his or Wingate's response how the petition of support, was handled. How it was obtained. Specifically number 11 which he was just talking about in the neighborhood meeting. This council, several Councillors up here, Councillor O'Brien, Councillor Sullivan, Councillor Scatamacchia, on December 2nd you told Wingate's representatives to work with this neighborhood. They failed to do so and you told them they failed to do so previously. It was an epic failure I believe Councillor Daly O'Brien said. You told them to go back, work with us, or they would fail. Almost 2 months passed from December 2nd to January 29th before they held a neighborhood meeting. This neighborhood meeting was not to work with us. This neighborhood meeting which some of us did attend, was to inform us of what they were going to do. Not to ask us what our concerns were or to see where we might be able to work things out. This was strictly to tell us what they were going to do for traffic. In my opinion, that isn't working with the neighborhood. That isn't working with us, that isn't you know, listening to our concerns. They stated the only concern they ever heard from us was in regards to traffic. I stood here December 2nd and questioned the EMS response. The number of calls that it was going to generate. For some reason, nobody has addressed that issue. I don't know whether they don't think it's important or what the issue is with that. But nobody wants to address that issue. That is an extremely important issue right now. I mean, in the emails, I hope you all read those emails, but in those emails, in 15 weeks there were over 49 calls to the current assisted living complex, Haverhill Crossings, that the Fire Department had to respond to. To build another assisted living in the same district as the current assisted living complex, there's only gonna further burden this department. If you read the email that I put out to you, the number of personnel in the fire department has decreased while the population has increased. Doesn't anybody see a problem with that? I mean we have the second highest rate in the area for overdose deaths. You listen to the police, they don't have the personnel. Why is that? Something is wrong here. Build, build, build, add, add, add. Population goes up but city services go down. This complex right here is going to affect us. Next, I'd like to address an article that I just read in the paper in regards to an issue that's going to come up later in this meeting in regards to a used car lot that could happen on East Broadway.

President Michitson: Why is that important?

Ronald MacLeod: I'd like to address that because the Chief of Police DeNaro stated his concern was quality of life. This will be a small business in that area. It will be a small business. However, Chief DeNaro according to Attorney Harb, had no comment in regards to Wingate. A 90 unit complex in a residential neighborhood. How is it that he has no comment on a 90 unit complex in a residential neighborhood, but when a small businessman wants to start a business, he does have a comment and thinks it will affect the quality of life. Does he not think our quality of life will be effected by 90 units? Something is wrong here Councillors. Something is drastically wrong. Things are not put into perspective for some reason. There's not one person that is against this project that doesn't believe assisted living is needed in Haverhill. We've told you that. But this is not the area for it. There are plenty of other spaces in Haverhill to have an assisted living complex. Wingate wants it here, it doesn't belong here. There answer is it's for a continuum of care so that people can go from the congregate care housing into the nursing home. Why is it if it was on the other side of Haverhill, they wouldn't be guaranteed a room in the nursing home? There's no reason that couldn't happen. That could be a continuum of care. To put this in this neighborhood is completely wrong. The neighbors have told you their concerns. We've got up here and for some reason Wingate's representatives only want to hear the traffic side. They did their traffic report back on the February 10th meeting, Councillor Daly O'Brien stated she hoped that it was enough. Well what if it's not enough? Do we get to come back to the Councillors and say this wasn't enough. Somebody's been killed in that in that area because of what they've done. Because of the additional traffic. You look at their traffic report and they are only adding approximately 2% in traffic. That sounds like a small number, but when you add the report they are adding approximately 248 cars a day. Which one of you Councillors up here wants 248 more cars going by your homes? Where you children have to walk to school. Anyone of you? But you're all you know, some of you are willing to say, it's okay because it's only 1 or 2% increase in the area. We have Councilor Daly O'Brien stating that because of the development in Plaistow that North Ave. is a horror show. That she never uses and she repeated I never use it because of this reason. But yet they are willing to add more traffic to it. Does that make sense to anybody? Come on Councillors, it's time for everybody to look at reality. Because it's not being looked at right now. I'd also like to address Attorney Harb's comments February 10th in regards to the sidewalks. They've stated that a couple of Councillors asked about the sidewalks why they were being placed on the west side of North Ave. and not the east side where the children walk because the schools are on the east side of North Ave. Attorney Harb's comment was, and I quote him "because of the topography and slope of all houses on the east side, it is such that it is prohibitive for any sidewalk". However, later during this hearing of February 10th Councillor Barrett asked if the sidewalk could be continued from the current Wingate nursing home to West Gile. Councilors, you all know where the entrance to Wingate is, you all know the entrance goes up a hill, you all know it's a steep slope on both sides of that driveway, yet Wingate is willing to put sidewalks there. It's not prohibitive there. I just found these pictures today that were taken back in the fall when we originally started this fight. I haven't had a chance to make copies. If the Councillors could just pass them around. It shows the east side of North Ave. This is the east side of North Ave. where Attorney Harb will have you believe that the slope is prohibitive for sidewalks. To make a comment like that is either a lie or it's a smoke and mirrors show for you councilors because he doesn't think any of you are aware of the area. Plain and simple as you can see from the pictures. This is flat land on the east side. There may be a small section towards Concord Street that has a slight slope but nothing compared to where they have agreed to put a sidewalk on the west side. Basically this whole project has been based on them telling you that's it's great for the neighbors. It's great for this, it's great for that. Councillor LePage just pointed out how many neighbors he counted on a petition that were against and how many were on their petition in support of it. You need to listen to these residents. It's going to affect our quality of life. It's going to affect emergency services. It's going to reduce the value of our homes for the abutters whether anybody believes it or not. Councillor Ryan mentioned it last meeting. It will affect them. The abutters that it does effect, can we come to this council and to the city and say you approved this. You approved this, can we get the difference in our property value from the city? Of course we can't. You're gonna vote, if you vote to do this, you are going to decrease our property value for what, some tax dollars. That's it. You're gonna get some tax dollars. Bottom line Councillors, the mitigation measures that they have proposed are not adequate. A flashing

speed limit sign with radar only works if you have the police to back it up. Council McGonagle stated that these signs work well in Groveland and Plaistow and other places that have them. Why is that? Because anybody that has had a driver's license and has driven thru Groveland knows that you're gonna get a ticket if you go over the speed limit. Not in Haverhill, it doesn't happen. Does not happen. I challenge anyone of you Councillors to sit at the Walnut Square School during the noontime when the flashing 20 mile and hour speed limit sign goes off and see how many cars are actually doing 20 miles an hour. It doesn't happen. It just doesn't happen. These mitigation members do not work, this project does not belong in this neighborhood. It's time for the Councillors to understand that and to vote no. A vote no is not a vote against senior citizens and it is not a vote against assisted living. It is plainly and simply telling Wingate find another area because it doesn't belong here. Thank you.

President Michitson: Thank you very much.

Hi good evening, my name is Patricia Barson, my husband and I live at 134 North Avenue for 35 years. I've taught in the Haverhill School system for 35 years and most recently at Northern Essex Community College. My priorities were the education of my students and even more importantly, their safety. Having lived on this part of North Ave. for 35 years, I can tell you first hand that this street is extremely busy at any hour of the day or night. At a minimum, it's treacherous. In addition, emergency vehicles fly by this area on a constant basis. I am here tonight to enlighten and attempt to persuade city council to oppose the Wingate proposal especially those that have supported it in the past. The addition to Wingate would in turn compromise the safety of the neighborhood and especially the children living here. I realize that you see this as a means to generate tax revenue and jobs for the city. However, in my estimation you need to weigh the options here and decide which is more important in the long run. Try putting yourselves in our shoes, would you want this done to your neighborhood? Some of you have asked to place campaign signs on our lawn. Why not stop by for a visit and see and hear for yourself exactly what my neighbors and I witness on a daily basis. Years ago an ordinance was passed to prohibit trucks over a certain weight from driving from Walnut Square to the intersection of North Ave and Marsh Ave. My husband and I addressed this issue with former Councillor Mike Bresnahan, I believe he's back there tonight, who is instrumental in this matter. We requested the signage due to safety issues for our children as well as the other children in our neighborhood. The signs are still there, however, the ordinance has not been enforced in close to a decade which leads me to my next statement. Wingate's suggestion, installing rectangular rapid flash beacon lights in conjunction with radar speed signs seems as futile as the signage about the truck ordinance that was passed over a decade ago. And again with the lack of police, again, there's my point. These proposals will not decrease the amount of traffic in this neighborhood. However, it will increase the congestion in the area; in addition, there were very few sidewalks in this area. Further, the intersection of North Ave and Concord Street where the proposed addition is to be built, has no sidewalks. I realize that the city and Wingate are proposing to add sidewalks however this still does not alleviate the amount of traffic that passes thru the neighborhood on a daily basis. During the morning and afternoon commute times, the traffic patterns are even worse. Since many residents of New Hampshire use North Ave to access 495. In addition, during commute times once traffic gets backed up on North Ave commuters use side streets such as Concord, Crosby, Oxford, Winona, etc. as short cuts to access 495 more quickly. This already impacts the safety of all the children that even walk to school or wait for their buses in this neighborhood. Several Councillors live in close proximity to this area and they would also be impacted by Wingate's proposal and recognize the impact that it would have on this neighborhood. I don't believe anyone is opposed to a rest home or an assisted living facility. As a matter of fact, my parents and my in-laws resided in these facilities. So I do understand the need for places like this. However, the problem as the gentleman before me, the problem is the location of Wingate's proposed site. The area is just not conducive to this facility. Mr. President, as you know, your wife lived in this neighborhood for many years. I'm sure that she and her daughter Chelsea remember just how treacherous North Ave was when they lived across the street from us. You might want to ask them about this matter maybe they can influence your decision as bad as it was then, it's far worse now than ever before. Unfortunately, I cannot cast my opposing vote for this proposal. However, you, our elected officials can and should vote this down. I want to personally thank the three Councillors who opposed this proposal in the beginning. Further, my husband and I are among the 232 people that signed the petition to stop Wingate's plan. It's truly a shame that our collective signatures are not sufficient enough to bring this

proposal to an abrupt halt. Once again, I firmly believe that Wingate's proposal would make matters far worse in our neighborhood. Would compromise the safety of the children and would be reflected in the resale value of our homes. Please process what has been shared with you from those of us who live and breathe what occurs and will continue to occur in this neighborhood. Wingate's proposal would only exacerbate this matter. Please let's work toward a common goal, the safety of our children and our neighborhood. Thank you for your time and your understanding.

President Michitson: Thank you very much for your respectful tone as well. That was much appreciated. As I said at the last meeting, I was going to allow one more speaker on behalf of the neighborhood.

Mr. President, members of the Council, my name is Mike Bresnahan. I live at 104 Winona Ave. I need to state on thing. The Wingate, I have a personal experience with the Wingate. My father-in-law was there during a rehab situation and it's a great facility. There are people who feel it is not, I understand that, but they generally take care of their patients pretty well. As a personal experience, my father-in-law, they did that for us. But in that time that my father-in-law was there, my two sister-in-laws and my wife visited him on a daily basis. So that traffic does increase by patient volume being increased by expanding this facility. That being said, I just want to hit a few points that were brought up by Attorney Harb, which are very good points but to look at the letters from department heads, to say that they are in favor is kind of however the way you want to look at the letter. Because it shows no objections, may not consistently mean that they are in favor. As you have those letters and you know the criteria that the department heads have to answer this questionnaire whether it shows no objections, they can't come out and say 100% that they are in favor. Economic Development Director, Bill Pillsbury, he was in favor because of the tax issue and the increased revenue, stimulus in the economy but his were with conditions. It wasn't a blanket statement that he was in favor. Rob Moore from our Conservation Department said that the applicant is actively working to address the issues of his first letter, his second letter and their subsequent meetings. That's true. They are going to have to actively work thru this whole process from what they've started with the City Council moving thru the Planning Department, the Planning Board, so actively working is what they need to do to have this pass beyond the City Council Special Permit if it is granted this evening. That's kind of a statement that they have to do anyways so it's not such a large plus in their pocket. The traffic consultant indicated during his presentation the last time and directly related to the traffic conditions that the traffic study was completed to meet state and industry standards which they have to do. But I just want to remind you that, Lafayette Square, Bradford Square, the issues we faced during that whole changeover in this city were done to industry standards and state standard. You know how the city is unhappy with those locations. Though they meet traffic standards that's how they have to do their jobs but they are not always in the best interests of how the citizens work thru those situations. Now with the mitigation to the traffic that they presented, I cross Marsh Ave from Winona one side to the other side, there's a crosswalk there. I've lived on Winona Ave for 12 years. On 4 separate occasions, I personally have almost been run down in the crosswalk. Once by myself, one with my 2 daughters, 2 times with my wife while we were walking. The blinking lights, after a certain amount of time, those radar lights which they have up in Plaistow, they become white noise to where people know there is no police to enforce that issue, they won't slow down. It almost seems to be that you see what your speed is how you can slow down, how you can get thru it. I think that is in concept, is a good idea, in reality it just does not work, as proven in Plaistow because they have law enforcement to handle that Main Street area and they also have issues with those. Kind of addressing that, I'm looking at this and what you could do on that property in general without a special permit. The development that could be done is nowhere near 90 units. If you had a developer coming in front of you this evening to try to put 90 units just to build 90 units for the city, you wouldn't pass it. But the Wingate is presenting convalescent living, which we need, but I think the facility that was built in 1972 was passed. In the 90's that facility was added onto. I think the time has come to have that facility understand that they have maximized their use for the neighborhood so that the encroachment on the neighbors safety, and I'm just trying to address the traffic, does not continue to compound itself. Councillor Daly O'Brien is 100% right in some of her past statements. The upper Main Street area is insanity. Not thru faults of Massachusetts and Haverhill, there were some developments that were done in the 70's and the other change but beyond that is what has caused the ramifications of upper Main Street. Not so much issues that were passed within Massachusetts boundaries. This is something you have control of. That you can control what traffic is happening on North Ave and the safety of the

neighbors residents and generally make a decision that helps the City of Haverhill. I would like to make one suggestion at this, while you are going thru your due process and your due diligence as you do, if there is any Councillor that wants a stipulation on this permit, be it size, be it design of the building, be they architectural structures that are consistent with the building that you vote and put those stipulations on here. Because if this passes, and it move beyond you, from that point forward your controls are gone. It's up to the Planning Department and they're here. I think you need to really stipulate this to what you want to see as an outcome if it moves beyond you, if it passes here this evening. Thank you very much for your time.

President Michitson: Thank you very much. Now I would like to go to Councillor McGonagle.

Councillor McGonagle: Thank you Mr. President and thank you all the speakers that have come and all the people in support and against. We take this very seriously. A serious situation. I live in that neighborhood as well as some of the other Councillors do. Kids have gone to Whittier School and we know the traffic. We travel those roads. On the downside, I think there's been a lot of misinformation that has been given to the homeowners in that area. And I will tell you right away that Mr. MacLeod's letter to this council today was inaccurate. The EMS numbers for Haverhill Crossing since March of 2012 to yesterday are about 297 trips and maybe Mr. MacLeod you don't understand but I think you were a fire-fighter at one time. Haverhill dispatches for Trinity ambulance so when we dispatch an ambulance to Haverhill Crossing it counts as a trip. I think that's where your numbers came from.

President Michitson: Thank you very much for. You are out of order. Councillor McGonagle has the floor.

Councillor McGonagle: I may not understand but I got my information from the Chief of Police who is in charge of this. You can make your faces and disrespect me as much as you want sir. I am just telling you what he told me. So the actual EMS trips from that facility from March of 2012 to yesterday, there were 40 emergency trips. All I am telling you they are not the big bad boogey man. When the Chief was asked if this would adversely affect, the Chief of the Fire Department, the Chief of Police, they both came back and said it will have a minimal impact on our emergency management services. That being said, there are a lot of neighbors in this area that have true concerns. I feel for them. I am one of them. I respect the speakers that came here tonight again. I feel that the traffic mitigation that Attorney Harb has managed to get for us is good, but I don't think it's going to really help that situation enough. I was hoping for a traffic light. A true traffic light that might be at Concord Street, be a 3-way traffic signal that would slow down the flow of traffic from New Hampshire thru our streets. I think with something like that, that would be the only way, the only way, to really affect change in that area. To slow down the flow of traffic. Make people go out and around 125 the way 125 was designed to be and I do feel for the neighbors of all the smaller streets. When North Ave is backed up the neighborhoods get, the diversion comes thru the neighborhoods and traffic finds its way over to Concord or anyway around Brookline to get out to somewhere else. As far as how this will affect your property values, it's hard to say. You can't say one way or the other at this point. That's an unknown. A lot of the things that came out thru the neighborhood group were worse possible scenarios. But they are scenarios. At this point, I am not going to be able to support this tonight. Without true mitigation, with a concern with what's happening in that neighborhood, I don't think I can vote for a special permit for this project tonight. I will leave you with that.

Councillor Ryan: I don't want to go over the same issues because this has gone on quite lengthy tonight. Generally, the focus has been on traffic. As far as I'm concerned, that's an important issue. I think the number of cars. It's a horror show out there. Anyone who lives in the area, having a few more cars coming in and out is not good but I think there has to be more than that. I think the whole idea of the size of the facility and the number, although it may not be, anyone who mentioned the number of ambulances, fire trucks, dumpster removals, clanging the dumpsters, we all know. All of that is going to increase. They admitted it's going to go up to, I think they have 240 beds and they are going to reduce it to 225 and add 97. In the area of 323, it's about a third more than you have now so everything that is going on there, add a third to it. I would say it would be a third more employees, a third more kitchen help, laundry help,

receptionists, nurses, everyone that goes on. It's going to impact everybody that lives in that neighborhood. I think one of my colleagues brought up we have supported the expansion of that facility over the years. It's come to the point where it's as big as it should ever get. It should not get any bigger than this. There is land in the back. Could it be developed? The neighbors and somebody might want to go in with something that's more in line with what the current neighborhood is. If you want to get something approved out there. I don't think it would be this type of facility. One of the issues that wasn't really raised. We received a number of emails today, at least I did today and I was going to ask Attorney Harb if he could answer a question. Bob, we had a lot of concerns about the developers. The company, their track record in building facilities like this. Can you tell me, will it be a local company that will build it? Mass union or non-union or anything about the construction of the facility?

Attorney Harb: Councillor Ryan from what I understand, if this project is approved, the project goes out for bids. Bids from non-union companies and union companies. That is the procedure that normally I am told Wingate follows. They put the project out for bid and they weigh all the bids. They don't limit anyone that can make a bid and they review all the bids.

Councillor Ryan: The developers have a number of facilities I understand.

Attorney Harb: They do and the last one they built, from what I understand, they put it out to bid and solicited bids from everybody. Not just one. They don't say I am only using this builder.

Councillor Ryan: Which state was that in?

Attorney Harb: Massachusetts

Councillor Ryan: Was that a union, non-union?

Attorney Harb: It turned out that the bidder was a non-union. The winning bid was a non-union bid. But it went out to bid to unions and non-unions.

Councillor Ryan: The reason that I raise that Bob is that we got a number of emails today, as least I did, I'm not sure my colleagues got the same emails. It was pointed out the track record of the company and the facilities that they built was really not that great. I don't have any facts or anything and that's why I wanted to present it publicly to you to give a chance to rebut any of those concerns.

Attorney Harb: The applicant, I did not believe that at this hearing that was an issue for the applicant to start a debate with the people that are sending you those emails. I understand they also sent the emails to the president and vice president of the company. They have put together a public relations statement denying some of those allegations but we are here tonight to talk just about the special permit. I appreciate you asking the question, I think we answered your specific question. For the sake of everybody's reputation, not to turn this into that kind of a debate. I'd ask that maybe we can just put that aside. The applicant does not limit who he takes bids from and they haven't made any decisions and contracts of any nature on this particular project. It will go out to bid. That's what I've been advised.

Councillor Ryan: Wrapping up, I've been opposed to this from the very beginning for those reasons that I stated at the previous hearings and I am not against the concept. I think it's a wonderful facility. I visit a family member there on a regular basis and I have been there many many times to visit people. I think it's a good facility at least my own personal experience. I don't live there, but from at least what I can see, it seems to be clean and well run. I want to say that the people that are managing it and the employees are doing a great job there as far as I'm concerned. I think this concept is a good one. Do I want to (tape change) make all their numbers work. It is a good concept. We want that stuff in Haverhill. We have been very proactive in supporting assisted living, nursing homes and elder care, veterans housing. You name it Haverhill has supported it. People from the homeless, we have probably the most extensive homeless shelter units in this entire region. There is no area that Haverhill has not stepped up to fulfill its needs or it's people. We do believe there is a need for this kind of care. I don't want the proponents to say

we don't live Haverhill, they are not for anything. Just not a good location. I understand the numbers here. They have one. To add a third is probably good investment because most of the infrastructure is already there. All they have to add is the bedrooms, couple of washing machines, a stove in the kitchen and they would be able to service the 97 additional people. I think at this point, I've said no all along, I am still going to do it for those reasons that I have stated and would hope that my colleagues will join with me. Thank you.

Councillor Daly O'Brien: First of all, I want to say that the tone of some of the emails we received, to me, I found really insulting. I think that it's a freedom to be able to express yourself but I think the use of bolding and exclamation points and also as some of the other Councillors have said, the interpretation of what I may be thinking or the emotionalization of what I have said really made it difficult for me to remain unbiased. Very very difficult because we hadn't said what we thought yet and the implication was that we were solid in the fact that we were for it. That is blatantly untrue. And a few things else are untrue. I am not for the project to grow tax revenues. I don't know where that ever came from. I never said it and I never thought it. It is true that I don't use Concord Street or North Ave to go to Plaistow. That is true but that's because I did grow up in that neighborhood and my family attended Whittier School. I am not too far from it because I live in the Highlands and it would be absolutely very very easy for me to scoot up Concord Street and go North Ave., but I don't and that is the truth. Another thing that is true is that I do believe in assisted living. I think there is a real need for assisted living. So, yes, I do believe in that and I have said that from the beginning. I believe in that. It's not true that I did vote to continue the hearing because I was for the project. And I think that upsets me more than anything else. To have my name associated with that, that the reason I did it was because I was for the project and that was not true. I did it because I am a Councillor with experience. And I am very prudent and I don't want to expose my city to something that is not done correctly. In order to do things correctly, and not expose my city to future litigation, you have to allow the petitioner to do the right thing. That's what we allowed them to do. It was clear from the get-go they had not engaged the neighborhood the way they should of. They did not present the project the way it should be and we were appalled when we had that first meeting. In order to keep the city from being exposed to something because we make an emotional decision instead of making a prudent and wise decision we allowed them to go back and work with you. That's why I voted for it. It was an allowance. It was a prudent decision and most of us felt because of our experience we didn't want to expose the city to doing something that wasn't correct. That being said, the bottom line with this whole project from the get-go was where it's really located. As much as I love assisted and I would love to see another one in Haverhill, that area and what is now the Wingate and was the Kenoza Manor started out as a rest home in a residential neighborhood as many places did. I know because I have been exposed to it. I have been in this continuum of care since I was 16 years old. Before that when I was a Girl Scout, we used to go and visit those rest homes. I know all about these rest homes. There was one up where near I lived on Cushing Ave. There was one down near the current hospital is, it was called the Scotts rest home. This was a rest home that got converted to a nursing home in a neighborhood that probably, if you wanted to build a nursing home in that neighborhood it was never pass muster. It would never get off the ground. We could not put a nursing home there now if we wanted to and that's why I'm not for this project there. It doesn't belong there. The reason the home is there now, unfortunately, is because it was something else before. I don't want anyone who wrote me a rude email to think you swayed me. What you did is you made my decision so much harder. It was hard for me to keep the right path. It was abusive. It was abusive. Thank you Mr. President.

Councillor Scatamacchia: I think the neighbors have to be aware of something. Sooner or later, something is going to go there. I think they have to be aware it's the best use of what's going to go there. I am going to give you an example. When I first moved to where my home is, where I moved I guess 34 years ago, I was maybe 2/300 yards away from Bradford College which was at the time a four year school. There were maybe 400 students there. It was very peaceful. My kids used to go and play on the soccer field. It was really a tremendous neighborhood. All of a sudden, one day, Bradford College closed. It was closed for one year and two years and three years and it started getting run down. It was a real mess. A developer bought it and he promised all kinds of things that were going to be done there. It was bought by a religious school. The school was a fantastic neighbor. The developer it turned out to be not so good. I think for whoever, how would you like to have something like that happen in your neighborhood? You

ought to come over to my neighborhood and see what to Bradford College and to my neighborhood where there's traffic. A rundown area and a condo project that will probably be never finished. So, please, don't give me that story that my neighborhood was never affected by any development that's there. I guess my point is, maybe this could be the best development that's going to be over in that neighborhood. Obviously, I'm no math major, but it obviously doesn't look like this is going to pass tonight. But sooner or later there's going to be something there. Whether or not this is the best project for what's going to be there, I don't know, we won't know until they put something there. It could another project. It could be a condo project, but sooner or later that Wingate project, whether it's Wingate condos, Wingate single family homes, Wingate whatever. There's going to be something there. I don't know what the answer is. I guess this isn't going to pass tonight as far as I can see. Another thing, I think Councillor Daly O'Brien hit it on the head when she said we are getting emails. I got an email from some union representative who was telling us how bad Wingate was. We heard stories from an employee from someplace that had a complaint against Wingate. Then we got another complaint from another employee from another facility that Wingate had. Not one name was mentioned. I think if those were legitimate complaints somebody should sign their names to them. I don't know what the emails were about other than it should be a union project. I am certainly not against unions. I have no problem with unions. I think if we are going to be realistic and I think we are going to send emails out telling us how bad a particular company is, sign your name. Thank you Mr. President.

Councillor Macek: I would just like to state for the record my observations and my opinion as to what's being proposed here. I've looked at all the, they've done a large presentation for us without question and they have covered a lot of ground and given us a lot to review and think about. But I also can count and it appears as though the votes aren't there tonight. So I am going to somewhat curtail my remarks. I would just like to mention that I think that the traffic mitigation, while I think it was reviewed and I don't like what's being recommended. I have a large concern as a resident on Concord Street, and I use Concord Street and North Avenue multiple times a day usually. I know what the traffic impact is various times of the day. I see it. I don't think what's being proposed is a solution in any way to the problems that currently exist. I also think that it wouldn't be up to Wingate to be the ultimate solution. I think the mitigation is not sufficient to even address a small increase in traffic which would be brought by the facility. I have a large concern over conservation not being addressed. I believe if I look at letters, that the opinion of the Conservation Department was originally on October 27th that they did not support the project. On October 14th just a couple of weeks later, they had met and there was a reversal from the Conservation Department wasn't, it was for discussion and outlines of plans. Again I say that was November 14th. Here we are at the end of February and I don't believe there's been any definitive new plans filed or any real efforts, correct me if I'm wrong, but I don't think we've received those plans and I've seen nothing from the Conservation Department saying that the issues that were discussed, they are conceptual. They're just saying they will be worked on down the road. I don't feel comfortable voting for a project with conceptual, we hope we can get it worked out, but we are not sure promises. There's an issue over forced main that I am not even going to get into. I see a problem potentially there if the city is going to have to take that over. I also see just an overall negative impact on the neighborhood. Adjacent property values without question will be impacted in a negative way. Quality of life for the whole area I believe will be impacted at least from time to time in a negative way. There will be visual impairment, traffic impairment. The operation of the facility itself will be an impairment to the quality of life in the neighborhood. It's a density issue. You already have a fairly large facility there and you are looking to almost double the size in a RM residential single family home area of the city and I don't feel comfortable adding to the current situation anymore. It was also addressed, and I spoke earlier at the hearing, at another time previously that I think that this is not a nursing home, it's not congregate care, it's a nursing facility, it's a senior facility. We are already doing our part in that neighborhood of the city. I would love to see Wingate find another piece of land in Haverhill. I'd welcome it if it were properly suited in coming to the city. I support the concept I just don't support the location that they've chosen at this time. Thank you.

Councillor Sullivan: I want to concur with a lot of remarks my fellow Councillors have made this evening, particularly Councillor Daly O'Brien's remarks. I think she really did an outstanding job of relaying my feelings about the reaction we had towards our decision at that first meeting to allow a

continuation of this hearing. To just label us as being automatically in the pocket or in favor of the project was just flat wrong. We had an obligation to try to improve the neighborhood, traffic safety in the neighborhood and we thought perhaps they could work together with the developer to do that. Apparently, that hasn't worked. At the end of the day my decision is going to be against this project because I believe the size and scope of the project is just too big. Just too big for the neighborhood and I don't think the traffic mitigation measures are enough to justify that type of development in the area. However, having said that, as this proposal may go down, it doesn't mean we are off the hook to not make traffic mitigation improvements to that area. If nothing else it becomes our burden as a city to take some measures to improve traffic in that area. My focus from here on end after tonight will be to make sure that some of these improvements take place. They will be paid for by either the city or the state. They will not be paid for by a private developer which would have been a wonderful thing but it's not going to happen. It doesn't mean we are off the hook. I would remind my fellow Councillors and the Mayor that we have an obligation to address traffic mitigation in this area. We have an obligation to improve traffic safety in front of Whittier school that the superintendent admitted that he has not the funds to make these improvements that's why he was supporting this project because the developer would have made these improvements. Well these improvements will now have to be made by us and I hope everyone up here will urge the Mayor to make this area a focus so we can improve traffic in this area. Thank you Mr. President.

President Michitson: This project would provide a valuable service to the city. The assisted living function is needed. It may end up being, down the road, the best possible use of this land. I guess only time will tell. But what it came down to for me, really was the traffic situation. It's very clear to me that the whole area needs a complete overall. I have coordinated with the Mayor on this. There is a plan that's just getting started that's very similar to what is being planned for the Broadway area. It requires that scope of an effort which is way beyond what we could ever expect of this one proposer to solve. That's going to take a lot of major changes. So the city is looking into that. The state, they are going to have to be key decision makers. It's a long way off. We need to get funding and so forth. The wheels have started turning Councillor Sullivan. You made a very good point there. With that I'm going to be seeking a motion.

Councillor Macek: Move for passage.

President Michitson: Motion by Councillor Macek seconded by Councillor McGonagle. With no more discussion, Madame Clerk, please call the roll.

City Clerk Linda Koutoulas: Councillor Scatamacchia-no, Councillor Barrett-no, Councillor Macek-no, Councillor Ryan-no, Councillor Sullivan-no, Councillor Daly O'Brien-no, Councillor McGonagle-no, Councillor LePage-no, President Michitson-no, 0 yeas, 9 nays

President Michitson: That does not pass.

Respectfully submitted,

Barbara S. Arthur
Administrative Assistant
Haverhill City Council

March 5, 2015

REASON FOR VOTE - DOCUMENT #101/2014
Special Permit for Congregate Care Housing
Unnumbered North Ave, Map 630, Bl. 2, Lot 1-1A
February 24, 2015

President Michitson: I voted against the special permit because major traffic and safety improvements, beyond the scope of Wingate project, needed before any further development takes place.

Councillor Scatamacchia: I voted against the special permit because the traffic mitigation was not sufficient.

Councillor Barrett: My reason for voting no was the size and scope of the project would negatively impact an already problem traffic area.

Councillor Macek: I did not support the Wingate Special Permit Application as their proposal did not adequately address traffic and safety concerns. Also, Wingate did not present a satisfactory conservation proposal that was finalized and therefore there was no surety that the conservation measures necessary for compliance could be accomplished on the parcel, nor was there an approved plan to prevent any negative impact upon abutter's property from water runoff. And, due to the magnitude of the Wingate proposal it would have negatively impacted the property values and quality of life in the strictly single family residential zoning district where Wingate proposed their 90 unit project.

Councillor Ryan: I voted against the project because it is not good for the neighborhood/city.

Councillor Sullivan: I vote against the special permit for Wingate as I believe the traffic mitigation measures proposed by the applicant were not enough to improve pedestrian and traffic safety to support a 90 unit assisted living facility in an already dense residential neighborhood.

Councillor Daly O'Brien: I did not vote for this permit because the size of this project is too big for the area, and the amount of traffic congestion already present in this area of the city. I believe this project did not provide sufficiently for traffic and public safety.

Councillor McGonagle: I voted against the special permit because the project would not enhance (benefit) the existing neighborhood causing potential quality of life issues, and would add additional traffic concerns to an already congested area.

Councillor LePage: My reason for vote, per Chapter 255-80, Section E; In granting a special permit, the Board and Council, with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following general conditions to be fulfilled: I did not according to (4):

"I did not vote in favor of this special permit as I believe the requested use will impair the integrity or character of the district or adjoining zones."