

**MINUTES OF A CITY COUNCIL SPECIAL PERMIT HEARING HELD ON OCT. 19, 2010 DOC. #55, APPLICATION FOR SPECIAL PERMIT FROM ATTORNEY WILLIAM EARLY FOR OWNERS D&D REALTY TRUST AND CARL & AIDA KHALIL FOR PROPERTY LOCATED ON ORCHARD ST; TO CONSTRUCT 4, 4-UNIT BUILDINGS (16 TOTAL) EACH 3 BEDROOMS.**

**SUBJECT:** Doc. #55 - Application from Attorney William Early for owners D & D Realty Trust and Carl & Aida Khalil for property located on Orchard St.; to construct 4, 4-unit buildings (16 total) each 3 bedrooms.

Present: President Michael J. Hart, Councillor Robert Scatamacchia, Councillor William Ryan, Councillor Young, Councillor David Hall, Councillor Mary Ellen Daly O'Brien, Councillor LePage, Councillor Amirian, and Councillor Macek.

City Clerk Margaret Toomey: Doc.#55 - An application has been received from Attorney William Early for owners D & D Realty Trust and Carl & Aida Khalil for property located on Orchard St; to construct 4, 4-unit buildings (16 total) each 3 bedrooms. A conditional favorable recommendation has been received from the Planning Board and Planning Director.

President Hart: Declared the hearing opened.

Good evening Mr. Chairman and members of the Council. For the record, Attorney William Early, professional address, 66 Emerson St. in Haverhill. I appear this evening on behalf of my clients, D&D Realty Trust, Carl & Aida Khalil, relative to the seeking of a special permit for the construction of four 4 unit buildings on Orchard St. in the City of Haverhill. There's no number. It's un-numbered parcel, undeveloped parcel on Orchard Street. I'm sure as everybody knows, Orchard Street runs perpendicular between Emerson Street and Locust Street. My clients' desire is to construct four buildings each containing four separate condos for a total of sixteen units. As Madame Clerk read into the records, we received a favorable recommendation from the Planning Board. We also appeared several times in front of the zoning Board of Appeals obtaining certain dimensional variances. By way of background, my clients have owned the property on Orchard Street each for approximately ten years. The units will each contain three bedrooms, three baths. It will have a two stall garage underneath. They contain approximately 2,350 square feet of living space and the developers are seeking to market each unit for approximately \$200,000 or thereabouts. I am happy to report this evening we have the engineer who has engineered the plans and the architect who has provided some visual renderings for your visual consideration. I can represent that the subject property each and every one of the Councillors is probably aware that right now it's undeveloped. It's literally a dumping ground. I drive by there on a daily basis to my office on Emerson Street. You can see there are actually people living on the subject property. There's appliances. There's folding chairs. There's lawn chairs there. I think once the construction work were to commence down there certain people would be displaced. I think that the renderings and the visuals that Council is about to see will certainly comport with the architectural integrity of the neighborhood. I would like to call upon (inaudible) to point out some of the engineering facets of the property.

For the record, my name is Robert Maysis from RAM Engineering, 160 Main Street, Haverhill. What we are proposing to do is build four buildings of 4 units each. They will be serviced by both city sewer and water. There is gas on the street also. Between the first row and second row of buildings will be the driveways that will provide for two parking spaces in each unit. There will be a garage so that they will be able to have two units, two cars parked. In between building two and three there will be lawn area and around the outside will be lawn area and landscaped. The drainage will be handled by seepage chambers so that we will be putting the surface water back into the ground so it will percolate into the soil so that it will not increase the runoff from the site and there will not be any taxing of the city's

drainage system in the area. We do meet area requirements, coverage (tape change)..dimensional variances for setbacks that we went to the Board of Appeals that we were granted, 5-0 approvals. We received approval from the Police, Fire, preliminary from the Engineer's until we do the final site plans. At this time, I call on the architect to go over his renderings.

Good evening, Joel Silverwatch, architect. What we've got here in our buildings is three and a half stories a piece where the ground floor plan is the garages. The main floor is the living area. The second floor is two bedrooms and two baths and the third floor is an optional third bedroom with another three quarter bath. It's a fairly standard townhouse arrangement. The rendering as shown here is the common garage areas. You can see here, this is the area that is green space in between those two buildings. Per our previous meeting with the Board of Appeals, they recommended that we add some windows facing the street. This is the street view and we've done that on an updated rendering that we have. Buildings are pretty standard. They are vinyl siding, asphalt shingles, double hung windows with six over six grills in some architectural definition on the edges, some bump outs to make it look like something of quality and some little roof lines over the garage areas. You can kind of see how that third bedroom works on the upper floor with the shed dormer that's really just built into the roof line itself. It's not a full story, to keep the mass of the buildings down so that we can try to maintain the height and stay within the zoning requirements. It's a pretty straight forward project. That's just an overview of the whole project. Just generally showing it three dimensionally. In the back we have some individual staircases that come off the rear of the living areas. If you have any questions later, I'd be glad to answer them.

Attorney Early: That concludes are presentation.

President Hart: Anybody else here speaking in favor of this? (There was no one.)

President Hart: Is there anybody here in opposition to this? (There was no one.)

President Hart: Declared the public hearing closed. What's the Council's wish?

On motion of Councillor Ryan to move for approval. Councillor Daly O'Brien second with discussion.

Councillor Hall: I am definitely going to approve this. All the years that I spent in the downtown area it's been nothing but blight. I can remember 9 Orchard Street, it was most of the time, it was a place for transit, coming in and out. All our problems created in that area. Since we have Cordovan and Forest City, they come down and spend \$70million. The surprise on my tenure on the Council was when DeLuca came in and built those projects on Locust Street. I talked to the Chief the other day about it. They never have any complaints there. There's probably eight or ten units there. It's an area where you think that you might have some problems. When Attorney Early spoke about the conditions down there now, all you have to do is take a look there it looks like a war zone. With something like this going in, the tax dollars it's going to generate, and we are not going to be too much of a low income because they are gong to be \$200,000 and having three bedrooms and three baths, that goes to show me the quality of people that are going to be living there is going to be substantial. I'm just excited about it. It's something that should have been done ten years ago when the Khalil's bought it. I noticed that Emmaus has a place there. I think they have three or four units. I talked to Ms. Murphy and she said that it's just a great area. This will improve this are. It will cut down on the blight that's presently there. We are going to take the undesirables who are hanging around there and we will make them go someplace else.

Councillor Daly O'Brien: I want to talk to the architect. I want to ask some questions. You mentioned that you are going to put windows, can you kind of define where that might be.

Mr. Silverwatch: I have a rendering.

Councillor Daly O'Brien: I see the difference. Much better.

Mr. Silverwatch: (inaudible) the end units are going to have most windows because everything else is the interior, (inaudible) facing the rear. On the recommendation, we also added some trim boards (inaudible).

Councillor Daly O'Brien: You say you are going to do it in vinyl siding. You are going to have the shutters.

Mr. Silverwatch: Trim boards and definitely shutters.

Councillor Daly O'Brien: When we are looking at this we are standing on what street. We are on Orchard St. The last unit is going to be on what street. It's not directly on Locust Street. The sad news is I actually had a pocketbook stolen about five or six years ago and they found it there. I'm happy that you are doing this. Like you alluded to attorney, I've driven by there so many times and thought this has got to get developed. It is a blight. I'm happy to support it tonight. I'm glad that we are going to see this get done. Any idea if you get permitted, when you'll start.

Attorney Early: It will probably be economy driven.

Councillor Macek: Councillor Daly O'Brien is kind of on the same track as far as the curb appeal of the property. I'm wondering if we could also condition the special permit so that you provide ample amount of plantings as you are showing in your rendering. I would rather not just see a grass or a mulch strip there. I'd like to make sure that we have some type of plantings that will also enhance the street side of that property.

Attorney Early: That shouldn't be a problem.

Councillor Macek: Thank you. The only other thing, I guess I'm going to ask you to tell me how you feel, and I want to see this go through, but I don't want to see problems down the road. What I'm concerned about is that I know that the garages under our zoning are parking spaces, but I also know from a practical standpoint that garages don't always stay empty enough to allow for cars to park in them or at least because of other items that show up whether they are RV, motor cycles, that type of thing. The way that I see this being designed, it's almost going to require that everybody that comes home to go into the garage. I don't see any other parking. Can you explain that to me, how you feel comfortable that you can even market these with that kind of parking situation?

Attorney Early: Thank you Councillor Macek. I know this subject was broached at the Board of Appeals. I will turn it over to Mr. Maysis. I am not trying to duck the question.

Mr. Maysis: Your correct. The intent is for people to park within their parking garage. We discussed this with the Fire Department. There will be a fire lane up the middle of the driveways. There will be no parking signs put out in the condo documents. It will be specifically prohibited from parking on the driveway. You have to park within your garage. We do meet the zoning requirements. Two spaces for every one and a half required. On the opposite side of the street there is on street parking on both sides. On the opposite side of the street there are no residences. It's the back end of the Mass. Electric/National Grid property where they have some of their switching equipment. So there is room for people to park temporarily. But for the owners, we are providing them with two spaces and they will be directed to park in those spaces.

Councillor Macek: So it will be actually in the documents that they can not park anywhere except in their garage? Mr. Maysis said that's correct.

Councillor Macek: You are going to mark the pavement for the fire department? Mr. Maysis said the Fire Department has asked us to mark the pavement as a fire lane. Councillor Macek: The whole thirty feet? Mr. Maysis said that's correct.

Councillor Macek: The garage doors will be...you will be providing them with garage door openers, correct? Mr. Maysis said that's correct. That goes without saying.

Councillor Ryan: I'm very pleased to support this. This is another step forward for Haverhill. We have seen some economic development down there. Emmaus put up a couple of buildings. One on the corner of How St. which is a beautiful building and they also built one on Orchard Street. This is going to be another step forward in an area, probably one of the last areas that we need to fill in to complete the visual affects of the downtown area. The Locust Street area, all the buildings were torn down. They are all parking lots. There is a building on the corner of Locust and goes over to Locke Street which needs to be either upgraded. There's a couple of clubs there. Somebody selling antiques. This is a very positive step. I think if this project goes thru, I believe, will be very successful. People living in Boston, these are going to be very affordable. Come out and take the train, never mind taking the car. They can walk. It's only a short walk down to the train station to go into town. These will be marketed very quickly. Very attractive units in the downtown area. They have almost a rural residential look to them in an urban setting. I think they are going to be very popular... I commend you for your investment downtown.

Councillor Amirian: I am very much in favor of in fill projects and this is a perfect example of one that fits that bill. I really think we need to work on increasing our urban density not using up our open space for development but re-utilizing abandoned properties and under-utilized properties that have fallen into decay. This is a great example of that in practice. Just one word of caution. Please don't ask the city for street lights. We are in crisis mode right now. So if you can make sure you provide adequate lighting for your residents that would be appreciated.

Attorney Early: Will do. Thank you.

President Hart: We'll go for a vote in a minute. Just one comment. When you say your construction is economy driven I'm hoping that you are able to get a shovel in the ground before the permit expires. If it's economy driven, it's probably going to be a while before you go into construction, are you going to take some steps to maintain, protect, keep that area, the lots themselves, safe, cleaned up and as in good shape as you can during the interim before you can get financing to go forward with this project?

Attorney Early: That's a valid concern. I know that in the past, we haven't done it recently, but my clients have expended resources to go out and clean the area. The lot on the corner of Locust Street and Orchard Street that was recently cleaned up so to speak. I think if we had gone in there and my clients had dolled the whole place there perhaps we wouldn't get this favorable recommendation. I understand what the concerns of the Council are. So we will give you some assurances that we will go in there and try to do the best we can on the interim basis.

President Hart: I think even that would be helpful for that particular area. I guess we all hope we get to the stage in the economy that you can move forward with a project like this because overall, I think it is a very favorable one. It coincides nicely with what's already been built downtown and what's going on downtown. I think it's a nice step and a good step in the right direction.

Before we take a vote, Councillor Macek you are pretty good at this. The recommendations were that we condition our approval on the request from the Planning Board and all items and the letters from the City departments along with all requirements for special permits. Can you make a motion to that effect?

Councillor Macek: I would like to amend the motion for approval to include all the recommendations of the Planning Director and all other departments. I would also like to include my mention earlier that there be substantial plantings along the street-side.

President Hart: Call the roll please.

City Clerk: Councillor Scatamacchia-yes, Councillor Ryan-yes, Councillor Young-yes, Councillor Hall-yes, Councillor LePage-yes, Councillor Daly O'Brien-yes , Councillor Amirian-yes, Councillor Macek-yes, President Hart-yes. 9 yeas, 0 nays.

President Hart: Madame Clerk please call the roll on the application as amended.

City Clerk: Councillor Scatamacchia-yes, Councillor Ryan-yes, Councillor Young-yes, Councillor Hall-yes, Councillor LePage-yes, Councillor Daly O'Brien-yes , Councillor Amirian-yes, Councillor Macek-yes, President Hart-yes. 9 yeas, 0 nays.

President Hart: It's approved.

Respectfully submitted,

Barbara S. Arthur  
Administrative Assistant to the  
City Council

October 29, 2010

**REASON FOR VOTE - DOCUMENT #55**  
Special Permit to Construct 4, 4 Unit Buildings on Orchard Street

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

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

Councillor Scatamacchia: I voted in favor because it will benefit the area.

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

Councillor Young: I voted in favor of this project because I believe this is a benefit to the neighborhood and the City.

Councillor Hall: This is a blighted area. This project will upgrade the neighborhood and bring in tax income for the City.

Councillor LePage: This project will be a benefit to the City to stabilize the neighborhood and provide affordable housing.

Councillor Daly O'Brien: I voted yes for this project because it is a positive project and will continue the revitalization of this section of Haverhill.

Councillor Amirian: Based on the recommendation of the Board of Appeals and Bill Pillsbury, I found that this project would be beneficial to the economic and social revitalization of downtown Haverhill.

Councillor Macek: I voted in favor of the Orchard Street special permit for 16 units because it will provide additional quality infill housing in the inner City area and is in compliance with planning and development goals for future housing needs.