

**MINUTES OF A CITY COUNCIL SPECIAL PERMIT HEARING HELD ON APRIL 24, 2012, DOC. #71/2011, APPLICATION FROM ATTORNEY JAMES WALDRON FOR APPLICANT MICHAEL LEFEVRE REQUESTING SPECIAL PERMIT TO BUILD MULTI-FAMILY HOUSING, 9 RESIDENTIAL CONDO UNITS FOR PROPERTY ON RIVER ST; ASSESSOR'S MAP 534, BLOCK 4, LOT 19.**

**SUBJECT:** DOC. #71/2011- Application from Attorney James Waldron for applicant Michael Lefevre requesting special permit to build multi-family housing, 9 residential condo units on River St., Map 534, Block 4, Lot 19.

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

City Clerk Margaret Toomey: A hearing will be held on Document #71/2011 – An application has been received for a special permit from Attorney Waldron for applicant Michael Lefevre to build multi-family housing, 9 residential condo units for property on River Street; Assessor's Map 534, Block 4, Lot 9. A conditional favorable recommendation has been received from the Planning Board and the Planning Director.

President Michitson: Opened the hearing.

Attorney James Waldron: My name is James Waldron. I am an attorney at 70 Bailey Boulevard, mostly part-time now. I represent the applicant in this matter. This is an application for a special permit to construct five units of multi-family housing. I will explain a little later on why it says nine on the bulletin that went out, on River Street which is about opposite Bank Road. The property is currently vacant. It has an assessment of \$37,900.00. and we are about to ask you to allow us to make a substantial improvement. The history of this is, it's probably one of the oldest special permits that's kicked around. We filed this back well over a year ago and we filed it for eleven units. That was with parking underneath. As you can see, it's a small site. That plan was withdrawn. We had a lot of serious questions from the department heads and we just decided the best thing to do was to go on with something else. We filed for nine units and that's why your posting and the agenda says nine units. We had our hearing before the Planning Board for the nine units and there were quite a few questions from the board members as well as concerns that the Planning Director had voiced when I met with him. The plans had not been endorsed by a registered architect which was an oversight. We asked the Planning Board to give us an opportunity to refile. We got together and everybody was of the opinion that this particular problem of nine units also had serious problems. We refilled it with new plans and that's the plan that you have before you, it's five units. That's what we are talking about this evening. I think it was a good choice because as you can see, from the correspondence from the Planning Director and the Planning Board and the City department that that was received at a much higher level than the other two. That's why we are here this evening. We took all the matters into consideration that the Planning Board had at that time. As I said, we made a decision to redesign the project, a request of five unit development and file the appropriate plans. That addresses the reason for the nine units on the publication. The Planning Board has made a unanimous recommendation to the Council with the approval of the five units. The Planning Director, Mr. Pillsbury, has also recommended approval. Those recommendations were sent to you by the Planning Director and I would ask that they be incorporated by reference. It saves going through a litany of what this board needs. I ask that you would do that. It should also be noted that the zoning that covers permits for multi-family housing has had a provision for years that if the applicant is given a special permit that at that time must go back to the Planning Board for the site plan approval. I am aware that the reason for that was that there's a much larger engineering expense involved in the site with the drainage and the retaining walls

and all that. If you don't have a permit, you don't have to expend that money. If you notice from the material that was sent to the City Council, the City Engineer has agreed that the proper time to do the drainage and those retaining walls is at the Planning Board when they have a definitive plan. It's advertised as a full public hearing and it seems to work very well. So you don't have to spend an awful lot of money to find out which way you are going. The code specifies the conditions under which the Council must consider the application. Those conditions are outlined, as I stated, by Mr. Pillsbury in his report to the Council and I would ask that that be incorporated by reference. In conclusion, we feel that we have met the conditions for the Council to approve this application. The construction of new housing on a vacant site will substantially increase the tax revenue. As I say, it is assessed for \$37,900.00 and with five units it would be assessed for about \$225,000.00 a unit. They are attractive. We did earlier in putting this project together, we did run across some talk about a gateway to the City. We've had quite a discussion with the building inspector and with the planning department over what is a gateway to the City and I went up and took a picture of the plaque that says the various service clubs and when they meet, and I said this is a gateway. Some of the plans are labeled gateway. My point is, I think, gateway to the City. New construction on that site just as you come off of 495 certainly would be helpful. It's a basically residential area. There's already condominiums there. This would complement what's already there and fill in an empty spot on the street. Of course with the economy the way it is and building the way it is, anything that would produce added employment is also a plus for the City. Based upon that we would like you to read the Planning Board meeting; if you have any questions, we are here to answer them. Following this hearing, there is also a public hearing on discontinuance for Naples Road and it is tied directly into this. I will address that when that particular hearing is called. Thank you.

President Michitson: Is there anyone else that would like to speak in favor? (Asked three times. There was no one.) Is there anyone opposed that would like to speak? (Asked three times. There was no one.)

Attorney Waldron: I would like to state for the record. We have had many public hearings and we've never had any opposition on this particular matter.

President Michitson: We are going to close the hearing. Council, what is your wish?

Councillor Macek: Move the application be granted with conditions.

President Michitson: There's a motion on the table from Councillor Macek, seconded by Councillor McGonagle. Discussion.

Councillor Macek: I would like to have the proposed conditions and stipulations along with the recommendation on the April 20, 2012 letter from William Pillsbury, Jr., Economic Development and Planning Director added in as conditions of the special permit.

President Michitson: As an amendment?

Councillor Macek: As an amendment.

President Michitson: There's an amendment by Councillor Macek, seconded by Councillor Scatamacchia. Any further discussion on the amendment? Madame Clerk please call the roll on the amendment.

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

President Michitson: The amendment passes, now the original motion with the amendment. There are some Councillors that would like to speak on this.

Councillor McGonagle: I intend to support this tonight and I think one of the key aspects for me was dropping the number of units in this parcel to a more manageable five units. Very impressed that not only that we have two car spaces per unit, but also the two additional ones. Hopefully, down in that congested area, or close enough to the congested areas that there won't be any jockeying for on street parking. I think that was well thought out and well planned. I concur with the Planning Director and I will support this tonight.

Councillor Ryan: Jim, looks like a very good project. Are they actually going to start within a reasonable amount of time to actually build this? Is all the financing and everything in place to get this thing going?

Attorney Waldron: He says yes, he's ready to go.

Councillor Ryan: When do you think we'll start actually?

Michael Lefevre: I am Michael Lefevre, the contractor/developer. My address, 3 Sandpiper Lane, Seabrook, NH. It's been over a year now. We've had to change our plans considerably concerning the project itself. At this point, if the project is approved, we have to go back and now do the engineering, re-engineer it, I should say, get a definitive plan and get that approved. As fast as the wheels can turn, we can start construction. We can't do much. We still have to go through Conservation. We can only begin when everybody says go. As far as financing, we use Haverhill Bank. We have other projects going and we have already approached them and we feel there won't be a problem getting financing.

Councillor Ryan: What will they sell for?

Michael Lefevre: The market right now, no one wants to sit on properties. I would start at probably \$219,900. The interior units maybe a little less. The average price should be about \$210,000.

Councillor Ryan: They will have a view of the river.

Michael Lefevre: Yes. Access to the highway. I'm sure you know the area. It's a nice location.

Councillor Ryan: The units, how big will they be?

Michael Lefevre: They are 1,500 square foot plus. Three bedrooms, two baths, underground parking.

Councillor Ryan: They are not going to be rented. You are actually going to sell them.

Michael Lefevre: Yes. They are for sale, not for rent.

President Michitson: If there are no further questions, Madame Clerk, please call the roll on the amended document.

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

President Michitson: That passes.

Respectfully submitted,

Barbara S. Arthur  
Administrative Assistant  
Haverhill City Council

May 1, 2012

**REASON FOR VOTE - DOCUMENT #71/2011**  
**Special Permit to Build 5 Residential Condo Units on River Street**  
**Map 534, Block 4, Lot 19**

**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 Michitson: I voted in favor because the proposal meets City requirements.

Councillor Scatamacchia: I voted in favor because it meets the zoning ordinance requirements.

Councillor Hart: I voted in favor because it met all statutory requirements.

Councillor Ryan: I voted in favor because the project is in the best interest of the City of Haverhill.

Councillor Amirian: Based on the recommendations of the Economic Development Director and Planning Board, I believe that the proposed development is in the best interest of the City and does not adversely affect any abutters.

Councillor McGonagle: I voted in favor of the River Street special permit based upon the favorable recommendation of the Planning Board and the Economic and Planning Director.

Councillor Macek: I voted to grant the Special Permit as I believe the project will be a positive addition to the housing stock for the City and in keeping with our zoning and Mast Plan ideals.

Councillor LePage: I voted in favor of the Special Permit because I believe it complies with all zoning requirements.

Councillor Daly O'Brien: I voted yes for this permit because it will be a positive project for the City and could be a catalyst for further development in that area and adds to the tax base.