

DOCUMENT 3 - MINUTES OF A HEARING HELD ON MARCH 11, 2014 FOR A PETITION FROM ATTORNEY MICHAEL MIGLIORI ON BEHALF OF SCOTLAND HEIGHTS REALTY TRUST, MICHAEL CROWE AND GEORGE CHAREST FOR A SPECIAL PERMIT TO BUILD A CLUSTER RESIDENTIAL DEVELOPMENT OF TEN (10) SINGLE-FAMILY HOMES ON SNOW ROAD (WITHIN SCOTLAND HEIGHTS); MAP 589, BLOCK 420, LOT 4

SUBJECT: Document 3- Petition from Attorney Michael Migliori on behalf of Scotland Heights Realty Trust, Michael Crowe and George Charest for a Special Permit to build a cluster residential development of ten (10) single-family homes on Snow Road (within Scotland Heights); Map 589, Block 420, Lot 4

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

City Clerk Linda Koutoulas: Petition has been received from Attorney Michael Migliori on behalf of Scotland Heights Realty Trust, Michael Crowe and George Charest for a Special Permit to build a cluster residential development of ten (10) single-family homes on Snow Road (within Scotland Heights); Map 589, Block 420, Lot 4. Related information submitted showing revised site plan, showing a proposed right of way between lot 3 and lot 4 requested by City Engineer John Pettis. Conditional favorable recommendation has been received from the Planning Board and Planning Director William Pillsbury on the basis of adopting all the proposed conditions and stipulation.

President Michitson: The hearing is now opened.

Good evening Mr. President, members of the Council, my name is Michael Migliori. I'm representing the applicant this evening Scotland Heights Realty Trust. My offices are at 18 Essex Street. Here with me tonight is Mike Crowe, Trustee of Scotland Heights along with the engineer on the project, Thad Berry of ASB Design Group. He'll take you thru some of the engineering aspects of the project. What I'd like to do initially is make a brief presentation then ask Mr. Berry to touch upon some of the engineering matters and then wrap up and summarize. I know you've had a long night already. Hopefully, this project will pay for a few of those gallons that you are going to be on the hook for soon. I'm not sure if the Council itself is aware of or familiar with Mr. Crowe and his partner Mr. Charest. You're probably not terribly aware of them even though they have been building in the city for twenty years. Quietly constructed approximately 90 homes in this particular area where we are extending tonight. They've got a great track record and a great reputation in the city. City departments all enjoy working with them. I hope you'll agree with me, and I know you've had an opportunity to review the plans, being familiar with the site. This final piece out in the Scotland Heights area will be quite an exclamation point to what they've done prior phases of the projects out there. The site consists of a beautiful, almost 19 acre parcel of land with great views; already existing great trails that connect with other lands in the area. Mr. Moore from Conservation and Mr. Pillsbury were extremely excited about their quality of the open space parcel that the city or its designee is going to receive as a result of the special permit. It's a rather substantial parcel, almost 13 acres. The proposed development is located on what would be Snow Road extension. It has been submitted pursuant to Chapter 255, Section 94, the Cluster Development Ordinance. The Cluster Development Ordinance contains a number of requirements that must be met for the project to comply. Some of those that I will quickly go thru them, parcel has to be 15 acres, all the requirements for the cluster development have to be met that are contained in the RH zone. The number of lots can't exceed the number of lots that would be permitted under normal circumstances. The proposed plan shall be in accordance with the Haverhill Master Plan. It should be serviced by public water/sewer. The open space component has to be met. Open space shall be left in a natural state and it's to be conveyed to the city or their designee. There should be a definitive plan, which is the next step in the process along with the performance guarantee requirements. Appropriate lighting and signage. Those are some of the main points of the cluster development ordinance.

The plan before you tonight consists of ten single-family homes that will be three or four bedroom in size; two stories in height. Located on approximately 6 acres on almost 19 acre parcel. The open space will entirely surround the house lots and is approximately 12.85 acres of the parcel or approximately 67% of the entire parcels to be dedicated open space. The underlying zoning is RR, residential rural which, without of the benefit of the cluster development, would of required lots to be 80,000 square foot in size. Now a by right plan was prepared and is part of the package. It depicted the layout of those nine 80,000 square foot lots on the site. The down side of that is obviously that you totally utilize the entire 19 acre parcel for house lots and you're increasing and creating a much larger area of pavement and paved surface. The site itself is adjacent to Scotland Hill Road where some of the trails lead to. As indicated, because it will be open space the public will have access to it from Scotland Hill Road as well. At this point, I am going to ask Mr. Berry to go thru some of the engineering aspects of it and then I'll come back, summarize and be available for questions.

Good evening, my name is Thad Berry from ASB Design Group. Just to give you an overall, where we stand right now. We have actually submitted a Notice of Intent with the Conservation Commission and we have had a peer review focusing on storm water management systems some of the issues you were discussing earlier. We have addressed their comments. We also had some preliminary comments back from John Pettis, City Engineer and we've also incorporated those into the plans that you have on your desk tonight. One of the biggest (inaudible) was providing future access to the abutting property which we have done. As well as reworking the road in order to reduce the amounts of cuts and fills on the site. We were also able to do that. As a result we've decreased the amount of clearing on site by about 18,000 square feet. The site, if you look at the plan here. There are a number of trails that exist on the site. They are actually, when you go out there, they are gravel paths. This area right here, which we are trying to save, it's probably one of the highest points in Haverhill. It is actually, it's a nice piece of land. From us being out there doing the survey and the soil testing, the biggest use we saw of the existing trails and the trails, that connect here, are mountain biking. Not the motorized but the pedal type of mountain biking and hunting. Our project maintains these existing paths. There's one area in here that there is paths but they are not really defined as gravel. You can kind of tell that people have walked there over time. One of the things we are going to be doing with Rob Moore is we are going to be walking that area and flagging specifically where we want to make that path and we are going in there and kind of like clearing out the brush and the debris to make it more visible for someone to know that they can basically come up, loop around and go back down back onto the road. That's something that was part of the Conservation Commission's request and we are going to do that. We also have a crossing here on the roadway that will have signs signifying that you can cross and the path is here so future people will know. The green strip around the development has been increased. We had it 20 feet here and 37 feet here. It's now been revised to 30 feet on both sides. One of the reasons is we wanted to create a bigger buffer zone around a small wetland area so they wouldn't have to walk thru it cause there's an existing path around it that we wanted to utilize that wouldn't require any clearing or cutting. As I spoke before, one of the big concerns was the initial roadway design with cuts and fills, and a result of the redesign we were able to decrease the cutting of the trees by 18,000 square feet but drastically reduce the amounts of cut in earth from say 10 feet to more of the 4 feet area. The site is serviced by sewer and water and will be tapping into the existing infrastructure on Snow Road. That gives a big broad overview of the project. There are 10 single family lots. The lots probably average 20,000 square feet. All of them have 75 square feet of frontage or greater. As you can see in the white, we've really tried to restrict that grading to homes so that even though the property line is here, we've preserved as much of that tree coverage as possible on the lots. If you have a chance to go out there, you'll see that the type of tree canopy is actually, it's really nice.

Attorney Migliori: In summary, all of the house lots exceed the minimums of the RH zoning requirements that are required by the ordinance. The site will be serviced with city water, city sewer, telephone, electric, cable will all be underground. Houses will be serviced with natural gas for heat and air conditioning. Houses will be green meeting energy star requirements and using where ever possible, sustainable products in there construction. The project comes as a result of significant amount of planning to develop a neighborhood that is responsive to the intent of the City's desire for development of this type as well as a program to maximize

open space on the site and reduce environmental impacts of the development on the natural resources of the site while respecting the topography and the resource areas present on the property. At the same time the new development will be sensitive to the density existing in the area and the abutters, while still generating new revenue to the city and fulfilling a demand for a type of new housing not found in some of the more dense areas of the city. We have presented the project to the Planning Board at its February 12th meeting at which time the Planning Board voted and provided the Council with a favorable recommendation. You have all received the minutes from the Planning Board and the comments and the recommendation from Mr. Pillsbury. I won't waste your time and go thru all of those items and those recommendations. Rather, will advise, that we have no objections to any of the city department requests along with the recommendations and requests of the Planning Board and Mr. Pillsbury and agree that they become part of the special permit including the three approved waivers. The waivers slope granite curbing instead of the vertical; four foot sidewalk instead of the five foot sidewalk and sidewalks on both sides in this project; and the 8% grade as opposed to the 7% which was recommended by Mr. Pettis and Mr. Moore as a continuation of what's there now and reducing the impact on removal of material from the site which Mr. Barry touched upon. I am going to end our presentation and await your questions.

President Michitson: Is there anybody else who is in favor that would like to speak? Is there anybody else who is in favor that would like to speak? Is there anyone opposed that would like to speak?

My name is Alma Payson, I live at 35 Tersolo Road in Haverhill. When I bought into this development 12 years ago, we were promised 5 years finished. Here we are 12 years, we are still not finished. The road is, to me, falling apart. Can't walk on the sidewalk in front of my house. The trees that have been planted are now rooting breaking up the sidewalk. Anybody walking at nighttime, tripping, falling. At the end of my driveway, there's been, it's falling about. We can't, we have an underground spring coming up at the end of our mailbox running by our driveway. Ice all the time, can't break it up because the more we chop there goes our driveway. My husband has come to the city. It's not an accepted street. We've talked to the contractor. Yup, okay, we'll come by, we'll see it. My husband falls out in the driveway at the end every time he snow blows because the ice is so thick underneath. He can't see it with the snow. He goes down, neighbors are running to pick him up. I can't sit outside. I have a pool in my yard. Can't sit outside. We have construction trucks coming at 3:30 in the morning, 4:00 o'clock in the morning, 4:30 in the morning, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, we have them at 5 o'clock in the morning. They are coming with attached back hoes to pick trailers, sorry, excuse me, trailers, to pick up back hoes, dumping, letting their back ends of their trucks slam at 3:30, 4:00 in the morning, waking up the neighborhood. We have a person who is very sick, deadly sick, who lives in the development has been going downhill with the noise. She has had to go out, out of bed, chasing a truck out in front of her driveway asking for peace. We are asking for peace and quiet. I've been there 12 years, can't sit out in my pool area because when the trucks come by, they are not covered. Two years ago I landed in the hospital with asthmatic situations from the dirt and the sand that's left in the road from the trucks coming by that are uncovered. We live on a hill. The wind blows. It looks like a sandstorm. My pool looks like a sandstorm. I am not opposing his development. I am not here opposing his development. I want Mr. Crowe to understand that. I love my development. We have been there 12 years. It's a beautiful development. He's done a great job but there's so many things that are going to go unfinished, broken, and unfixed at my expense. How am I going to fix the end of my driveway and part of the road, and part of the road? We are not accepted. The city will not accept us yet because he's not finished. So in the meantime we are stuck with the situation in front of our house when we pull out, the end of our trucks and vehicles are hitting the bottom. I don't know what the answer is. I know he wants to build another development. I am not opposing that. I'm okay with that. But I am not a neighbor that's going to be stuck. The other situation is the trucks are coming up our street all the time. Snow Road is being developed. Keep the trucks down there. Why are they up on our street coming by, not covered, when they can use Snow Road all the time. That's where the development is. Yes, it is at the end of Tersolo Road, that they had to finish the development. But a lot of Snow Road, those trucks were still using our road because it's easier for them to come up, to drop the sand and loom or dig out whatever they are digging out and use our road. It's aggravating all day long during the summer the trucks start. I have not

opened my windows in 10 years during the summer. My house is like a sandpit on the inside because trucks are coming by all day long uncovered. The roads are so bad I'm ending up in hospital with a bronchial infection because it's blowing and I can't sit outside, I want some peace and quiet. I pay high taxes for my house. It is a new development. I'll pay it. That's the choice I made moving there and living there. But I want peace and quiet too. I'm entitled to that with my taxpayer's money. I'm entitled to that and I want it. And I want it now. You want to allow him to do the development, I'm not against it. Let him build it. I don't care. But I want in the meantime my peace and quiet back. I deserve it. I need it. My husband and I are retired. We want to enjoy the summers outside. It's a beautiful area. It's an absolute beautiful area. I want to stay there. I do want to stay there. But we are looking to move because we can't take it anymore and we are entitled to peace and quiet. Please, Council, I'm asking, there has to be some kind of answers for us in that development. It was supposed to be finished in five years, and here we are twelve years, still not finished. Now, another development is going to be coming off that. When do we get peace and quiet? Want to come and live there, I don't think you would. It's a beautiful development, I love it but I want to be able to enjoy my outside all summer long. It's been a lousy winter people. I am looking forward to being by my pool. But not this year again. I am not going to land in a hospital again with bronchial infections. And my grandchildren come, they have to cover their face because of their asthmas. It's not right people. Please help me. Thank you.

President Michitson: Thank you very much. Is there anybody else who is against this proposal that would like to speak?

Pat Giuffrida, 76 Snow Road. I don't really have anything negative to say. I have been there, it will be a year in May. I have probably one of the nicest lots, I think so, anyway. I am right on the corner of where they are proposing to build. I chose that corner so I could have a beautiful and hopefully, and even though it is on a corner, a little bit of privacy and what not. My concern is this, what's called green space that they are doing. One question, is it green space or is it green belt? I've seen it. It's referred to in their notes as green space. When I look it up I find the words written as greenbelt which is where they take those and make walkways and trails and whatever and they actually encourage the public to come to use them. Is it greenbelt?

Attorney Migliori: I think what is getting mixed up in the terminology is open space, which is the land which is going to be given to either the city conservation or some other like entity. The term you are talking about, greenbelt, which was in the paper is a term that signifies the philosophy of trying to connect open spaces so that it remains green and is a belt. So there is also an entity, I believe it's the Essex County Greenbelt Association or something. Those are the terms.

Pat Giuffrida: I guess my problem is the greenbelt. Because that belt, is right in my backyard. It's right where my land, where my property ends. If you look at what he is proposing, everywhere else has a huge buffer zone between where that greenbelt is going to be except for me. Now the people that are buying that property have the choice to choose one of those lots and say I don't mind that people walk in their back yard where they can see them. When I bought back in May, last May, didn't have that choice cause there was no mention of a walkway being put there. There was mention there would be future homes put in there, but no walkway. And again it goes the full length, whatever I am 200 feet of my whole backyard. So now I have a neighbor to my left, the street to my front, the street to my left, so I am in a fishbowl. I am hoping and wondering, I even talked to Mr. Charest today, if there's something that can be done. If they can put fencing, some sort of shrubbery that is deer resistant, something that is going to last all year long, not that goes away in October and comes back in June. Cause I really don't want to see anybody walking back there. I don't want to take my garbage out or put out my laundry or sit there on a Sunday morning and have to get you know fully clothed or whatever to do that because people are walking there with their dogs or whatever and we do, as much as they say it's non-motorized vehicles. Well, not if you live there. There's a lot of four wheelers and dirt bikes and whatever. Because mine is where the street hasn't gone yet, that's where they all go in and come out and I don't mind because I'm sure someday my son is going to want one and he's going, but there just needs to be a buffer for me. Like I said, these other people have a choice to buy those lots with that behind them. I am just

asking before they do it, I would like something where I don't have to see them or hear them. That's my concern. Other than that I give them kudos. I have never met Mr. Crowe in all this time, but Mike I have. George has been wonderful. He's done more than required to help us. I wish them luck on it. I just want a buffer.

President Michitson: Councillor, do you want to speak now or do you want to wait until the hearing is over.

Councillor Daly O'Brien: When the hearing is over.

President Michitson: Is there anybody else who is against this project that would like to speak? We'll now have a five minute rebuttal and hopefully you can address the concerns for both neighbors.

Attorney Migliori: I will certainly try. Let me start with Mrs. Giuffrida's because this arose this afternoon at about 4:19 I got a call about Mrs. Giuffrida's concerns after she had read the paper, saw the words greenbelt and became concerned. I talked to her briefly. My suggestion was this still is being vetted at Conservation and also definitive plan review by the Planning Board. I think it's appropriate for the fencing issue or bushes or whatever to be discussed at Conservation. Conservation is taking a big role in the open space piece. They have been telling us what you can do what you can't do. We don't mind having that discussion. I think the discussion is probably more appropriate with Conservation. That would be my suggestion with respect to that. I told her, I wish I had known about this but we have a meeting, what I thought at that time, I thought was going to be two hours forty-five minutes, it's been a little longer. We are willing to work with her. My suggestion is that we deal with it at Conservation review.

President Michitson: What type of fix could you make?

Attorney Migliori: I don't know because, I don't know if it's as simple as a short fence or short tree line of bushes. It arose at 4:19 this afternoon after two or three months of vetting this project. We are willing to work on it. I don't have any suggestions tonight other than to get Conservation involved because they are the ones that pick every, they tell us what you can plant, what you can't plan, where you can put it. They are the experts in that area. I don't have any objection to dealing with it. I'd like to put it over there. With respect to motorized vehicles, that may be on the site now. We don't own the site, we can't stop any. As soon as it becomes open space and is deeded to the city, or conservation or Essex County, they will have the ability to stop and prevent any motorized vehicle and traffic out there. Dirt bikes or whatever else she has seen. That I think is a simple fix. Whoever ends up with it, be it the city or some other designee, would certainly enforce that. I think we can satisfy Mr. & Mrs. Guiffrida's concerns. With respect to the Payson's. They have been there for twelve years. Mr. Crowe, Mr. Charest have never heard from them. Twelve years. He told me tonight, he said, I'll meet with them. This is all new. This is all news. What you heard tonight is all news to Mr. Crowe. They'll meet with them see what their concerns are. As far as trucks and material. Almost no material comes onto site. Material that is on site is used on site. We don't understand much of what we heard there tonight so it's difficult to respond appropriately. As I as for twelve years, they have never approached the developer. No one was at Planning. Again, had somebody showed up at Planning Board to discuss it or Conservation meetings to discuss it we could have addressed it. But to hear it tonight for the first time I don't have an answer.

President Michitson: So it sounds like you are willing to sit down and try to understand.

Attorney Migliori: Ya, Mr. Crowe said he would go meet with them to see what they are talking about. Absolutely.

President Michitson: Thank you. There's also a fine minute rebuttal in the other direction if you would like to speak.

Alma Payson: Okay, my husband went to George while I was standing with him because we wanted to sell our house and ask George to build a one level house. At that time we spoke to George about the end of the driveway and what was going on with the driveway and he told us "I'll come by and look at it". That was this summer. As far as trucks coming by, they are carrying fill. It's not my imagination. Trucks are there at 3:30 in the morning. They are there at 4:00 o'clock in the morning. They are at 5:00 o'clock in the morning. And if you would like, come on up and talk to the neighbors in the neighborhood. I'm sure they'll verify how we have lived with it all summer long. You don't live there. We do. We deal with it all summer long. And yes, we have spoken to George and all we were told is "yes, we'll come by". It's a constant spring coming up. At the end of our mailbox that comes by our driveway and it's ice and it stays ice because it freezes. My sidewalk in front of my house, you can't walk by it in the night time. People have fallen. My husband came to the city and asked them to please come and fix the end of the road, our driveway, and they came back to my husband and said, "yup we'll look at it" but then they said to him "it's not owned by us, it's the contractor's. It's the contractor's responsibility." Well, we didn't get satisfaction from the first time. You want us to go back a second time? Right now, we've backed off. We don't know where to go. That's why we are here. Coming in front of a Planning Board, never heard of it. I was at work today when I read this article in the paper. That's how we found out of this hearing of this development. We never knew of this development. We even asked this summer when we talked to George. That piece of property at the end of that cul-de-sac, we would like to buy it. Because, could we build a one level house on it. He said he wasn't selling it because the person who owned it, abutted it, didn't want to sell or it was too high of a price. We walked away thinking there was no development going thru. This is the first time today we've heard of a development going in. We never heard of a development. We had no idea. So to get to your question of why we've never been to a Planning Board or a Conservation, we never enough knew there was a development being added onto Snow Road. Again, I am not opposing him going onto Snow Road. I am not saying that. I love our development. Please let me enjoy it. You are not there. You don't live there. We live there and we know what the trucks are doing. We know what time the trucks are coming. We're awake at 3:00 o'clock in the morning, 3:30. They are bringing back hoes. Picking up his back hoes. He's putting them on the truck. We listening to their beepers backing up. You're not. We are. Thank you.

President Michitson: Thank you very much. I 'm sure the Councillors are going to have some questions. I think at this point we will close the hearing and then several of the Councillors will have some questions. The hearing is now closed.

Councillor Daly O'Brien: My first question is, who is responsible for these trucks this woman is describing? Who's responsible for that?

My name is Michael Crowe, I live at 66 Lockwood Lane in Boxford. I am one of the trustees of Scotland Heights Realty Trust. Majority of the truck traffic, the excavator on site, is Davco, which is Jay Davidowicz, who is a local contractor. I personally haven't been aware of complaints of trucks.

Councillor Daly O'Brien: Before you go any further. Anyone who thinks that trucks going in and out of a neighborhood at 3 and 4 o'clock in the morning, is something is something you need to complain about in order for it to be noticed, I am not impressed with that. I am just saying that right up front. The fact that this woman came and is yelling at us because of frustration with this situation is appalling. It's appalling to me. I don't appreciate getting yelled at about something I had no knowledge of either. But it doesn't take a genius to figure out those people worked for you.

Michael Crowe: Absolutely.

Councillor Daly O'Brien: Okay, let's start there. I feel the same way she does. I am not against your project, but I am against bad neighbors and thru that contractor, you've been a really bad neighbor and you owe them. You owe them for that. I don't know how you can fix it and make it up. But I would suggest to you, that

coming up with a plan that satisfies them and satisfies her is probably going to win you a lot more points. Because the yelling thing has taken you down the wrong path. You know what I am saying. It's been a long night. We didn't need a woman yelling at us.

Michael Crowe: I understand. I don't appreciate it or like it either.

Councillor Daly O'Brien: What we have, what we have on our side is the vote. So I think you should put your heads together and decide what you are going to do to satisfy those two people because I'm not pleased with anything that I've heard. As much as I like the project, I think it's a great project. I am glad to have you come. Everybody who has seen you so far has given you accolades. The Planning Director, the department heads, everybody had something good to say. It took a newspaper story to make a difference for them. And they sat here thru all that other stuff because they are that upset. That tells me everything. I don't care what you do but I would suggest my fellow Councillors aren't feeling much different than I am. I'm just the first one to speak.

Michael Crowe: My I respond?

President Michitson: Yes.

Michael Crowe: I have never, and as far as I know, my partner has never condoned or authorized any vehicles to be there at that time in the morning. I don't doubt that they haven't been because I don't believe she came here and made it up. So I wouldn't even begin to suggest that. I certainly, because we pay these people a lot of money, and obviously they are trying to get their day started somewhere else early or whatever. There will be a conversation first thing tomorrow morning with them regarding what the hours, which they are very well aware of, the hours that they are allowed to operate in the City of Haverhill and/or the state of Massachusetts doing that kind of work. You have my promise and guarantee that that will be discussed very thoroughly first thing tomorrow morning with this contractor. There's very few other trucks. There's only I person I need to speak to.

Councillor Daly O'Brien: What about repairing the end of their driveway and the road. That's an ongoing issue.

Michael Crowe: It's been twelve years since I built their house. Under state law in our warrantees, provide one year warrantees, we have been known and I think that's why we haven't had many neighbors complaining about us, have been willing to fix things very often two, three, four years after the fact and we've done that on many places and houses. I do not know what it looks like. I can't really comment to what she's exactly referring to. I would be more than willing to go out there tomorrow morning or tomorrow afternoon or whenever their available and look at it with them.

Councillor Daly O'Brien: Because honestly, if was a road that was accepted by us, we would have to address it. People call us, email us with complaints about things that have to do with the streets of Haverhill and one of the things that all nine of us address ongoing with the City administration. I appreciate that you are willing to do what you need to do. I am just hoping what you are saying is going to satisfy these people.

Michael Crowe: I hope so as well. I can't promise that. But the reality of the road and the town, because of the large project and the looping of the roads, some of the road aren't accepted solely because of the way the extension happened. We would have liked to had some of these roads accepted five years ago. But I can tell you thru the city's review, all of the bonds in their area were released years ago. Fully released; fully in terms of the work we were required and asked to do and have not been asked to go back and do anything else subsequent. We might be, at some point, when the road which is nearing completion now cause we have one last house to finish, on this section of Tersolo Road which loops down into Snow Road, so come spring/summer we would anticipate paving and doing the final bid on that section of Tersolo Road that

connects up to where they live. I also am more than willing to talk to the same contractor about not driving thru the loop and going back out the way they come in which is Snow Road. But I am guessing because we're on Tersolo Road now, it is easier sometimes to continue on Tersolo which brings them past their house.

Councillor Daly O'Brien: Well, I hope you come up with some good ideas to satisfy these people because I think it's going to make a difference, it really is.

Michael Crowe: I am willing to make that attempt.

Councillor Sullivan: Overall, I think the project is very well presented and it's going to make an improvement in the area. Ultimately, I hope. I am concerned about these neighbors. I would have never thought that you would have encountered this type of opposition this evening. I've been up in that area. I've closed homes in that area. They are very nice homes. I am excited about the level of open space you are leaving on this project. I think it's great that the bulk of this area is going to remain open space and accessible to the public. I do have a question. Is this the last phase of your project in this area? Is this the last time there will be development up in this area? Are we done?

Michael Crowe: Is it regarding this phase of our project?

Councillor Sullivan: Do you have any other land in this area that you will be developing in the future?

Michael Crowe: We have no other land. And we didn't and still don't own this piece of land because it's under a purchase and sales agreement to buy it from the landowner who lives on West Lowell Avenue and has the winery down there. So this was never in our original project, part of our project/something to be phased. It was something that was negotiated within the last year to start this and be able to extend this road into their land.

Councillor Sullivan: So you are willing to take a risk. You are already here on this project, but you don't even own the land yet, is that correct?

Michael Crowe: That's correct. That's not uncommon. It's subject to getting approvals to be able to do a subdivision.

Councillor Sullivan: As far as the neighbors are concerned. Once this project is completed, are you then able to make repairs to the remainder of the road that might need to be repaired for whatever reason prior projects, defects, defaults, things that need to be. I know you are talking about that now, is there going to be a real concerted effort to tidy up the entire neighborhood with areas where you had done projects prior to this so that the roads can be made acceptable and perhaps become city roads.

Michael Crowe: Absolutely. I mean it's our intention to have all these road approved by the city and accepted. We've been working with the Planning Board. Bonded. We posted cash bonds, the last 8 to 10 years up there and we have a fairly significant cash balance with the city Treasurer for completion of roads and part of that process before they release is to their satisfaction that the roads are in good shape.

Councillor Sullivan: Is it your plan and intention to do that once this particular piece, this development is completed? Would that occur after that?

Michael Crowe: Yes.

Councillor Sullivan: How long is this development going to take?

Michael Crowe: This phase?

Councillor Sullivan: The 10 houses in the area.

Michael Crowe: If it goes the way we'd like it, within two years.

Councillor Sullivan: And when would it start?

Michael Crowe: Later this summer, presumably. Hopefully we'd be able to rough the road in and start early summer.

Councillor Macek: I just want to start by saying that I reviewed these plans in detail and I actually felt that they were very well done. I've always heard good things about this development company thru our city departments. I believe from what I am hearing tonight, the issues that are being brought up by the neighbors will be looked at and I'm sure resolved in a satisfactory way. But with that being said, I do have some questions on the overall project and I also have a few comments on the issues that were brought up tonight in rebuttal to the project. I am going to start by getting into the project itself before I get into the neighborhood issues. First off and perhaps Mr. Crowe would be the one to answer these, if not Attorney Migliori I don't really care as long as I get some good answers. Snow Road, is it currently paved to the location where the site is, at least coat paved?

Michael Crowe: Yes it is.

Councillor Macek: Okay, and is it paved to the width, are we going to be at 28 feet on this, I believe.

Michael Crowe: That's correct.

Councillor Macek: Is it paved at 28 feet rough?

Michael Crowe: Yes

Councillor Macek: Okay.

Michael Crowe: Snow Road has curbing all the way up and sidewalks.

Councillor Macek: Sidewalks both side and you are going to continue that into the extension?

Michael Crowe: Yes, that's correct.

Councillor Macek: Are you currently or will you be utilizing for this cluster development, a homeowner's association. Will you be establishing one?

Michael Crowe: We are not planning on that.

Councillor Macek: Without a homeowner's association, I have concerns that I would like addressed regarding the retention areas and the common expenses that will be incurred because of the cluster development design.

Michael Crowe: Part of this proposal and work thru Conservation and with the engineer is using the more modern design drainage design, what's the term (talking to the engineer – inaudible) but with that design all the smaller detention basins are contained (tape change). I'll let Thad explain that further.

Thad Berry: One of the design techniques we are using on this particular development is called low end impact development. A term that you hear a lot is they are called rain gardens. They are positioned in critical locations throughout the development, we actually on the re-design have 8 of them. They are on 8 different lots. In each one, is on a lot itself. Once they are done, when you drive by they look like a landscape feature. What we've done is we've designed them to really have a big impact on the small storms the two and ten year storms. Then we have larger areas on the lots as well that basically, capture and treat the water before it is dispersed into the open space. Two of those are also on individual lots. So that that homeowner will be given a operation and maintenance plan for them to follow to keep those functioning. The rain gardens on the lots are fairly simple. The other storm water ones require inspections and some maintenance in spring and fall. Those will all be part of an operation and maintenance plan given to the homeowners at the time of the purchase.

Councillor Macek: So that's your intention. My concern is that, I am looking at both your new plan and your old plan and you're telling me that, cause on the old plan, the first plan that we saw, they definitely didn't all sit individually on the lots. They crossed some boundary lines.

Thad Berry: Yes, one of the comments we got from the Conservation Commission, could we located those so that they were all located on individual lots. So basically when we did the roadway we re-designed and we looked at obviously working to reduce the cuts we were able to put those LID's on each individual lot. We actually increased the number of them from six to eight.

Councillor Macek: The new plan doesn't really have any dimensions or tried to get some off the other plans that you've provided us with. Will any of them be required to be fenced, or are they just swales?

Thad Berry: The rain gardens no because, again, when they are built, when you drive by, they'll have, depending on the homeowner, they may have bark mulch in them with plants or they may have stone with plants depending on what they like. The ones in the rear aren't required because there's not much depth. They are very long and shallow that allows the water to spread out, infiltrate and be treated.

Councillor Macek: That includes the two larger ones you spoke of?

Thad Berry: Ya, the two larger ones. I think they are on lots 2 and 3.

Councillor Macek: And those would be the same design, just larger.

Thad Berry: Same design. They are designed to, there will be trees around them. They are kind of like struck into the sides of the slope. They are designed to kind of blend in. Obviously, when they first begin we are going to plant them with wetland seed mix so after a while it will look more like a natural wetland feature. When ends up being maintained at that point at really just the outlets. Keeping the pipes cleaned at that point.

Councillor Macek: You just hit on my next question. So they are not just natural runoff areas due to topography. They are actually going to have piping bringing water to them.

Thad Berry: Yes, they will be taking stormwater flow from the street and the catch basins directing it to them for what we would call treatment prior to discharge; treatment and pre and post mitigation to reduce to make sure we don't increase the amount of flow going off site.

Councillor Macek: When you say treatment, it's really like natural treatment to the type of rocks and soils that you layer in to the base.

Thad Berry: Ya, it's natural. It's I guess the best way to say it is that the water as it leaves the pipe and meanders thru the wetland we are going to create gets cleaned by the plants and so forth and spreads out, gets some nutrient uptake and then is very slowly released down that slope.

Councillor Macek: Will there be free standing water for a period of time after a rain.

Thad Berry: Probably the biggest time you would see free standing water would be two conditions, thunderstorm when you have real quick rainfall amounts and/or spring, snow and rain. If you have snow and you have a rain storm you'll definitely be able to see water in them. On other storms when the vegetation comes in, the pipe will probably let it out so you probably won't see it. If you stepped in it, your feet would get wet but you probably won't see it. However, on the intensive thunderstorms would occur in the summer and early spring, late winter when we have rain snow I would say yes you would.

Councillor Macek: What would be the expected life expectancy of these before they would need to be rebuilt?

Thad Berry: The rain gardens are quite simple as long as someone is mowing the grass and weeding it, that's really the maintenance. It's forever as long as no one doesn't come back and fill it in. Put fill in it and take it away. The stormwater ones. I've done ones, 58, I've done ones that are still around 25 years. The critical part of the stormwater ones are the outlets. If the pipes are maintained to allow it, which is, I know I am saying it, it's pretty simple to do, but you have to do it. They function forever.

Councillor Macek: Let me just play a little devil's advocate. What if the property owner decides not to do it? What happens?

Thad Berry: The pipes become clogged. And what we have on each one of them, which is what I call the ones that are in the down gradient to be released, we have what we call a vegetated overflow. A natural vegetated overflow. Let's just say, I am not going to clean that pipe. The water will raise and stay in that pond and slowly be released over one is I believe 12 feet long and the other is 28 feet long. The critical part about is that we've some backup for slow release if they don't clean the pipes. We have slow permeable stone release but keep in mind that that would detain the water longer in the pond.

Councillor Macek: That's for output. What about input? You are talking about stormwater input too.

Thad Berry: The input. The catch basins are the ones that will contribute probably all the TSS and the city maintains and cleans the catch basins. I don't know if they have a street sweeping program but the two big things with stormwater flow is cleaning the catch basins on an annual basis. Sometimes if you have a very light winter with a little bit of snow, you can go a year without cleaning. There's no sand on the roads. The other issue is, if you can get away with using less sand obviously, that helps the catch basins as well. They are fitted with four foot sumps.

Councillor Macek: That's once the road would become accepted before the city.

Thad Berry: Before it is accepted, the contractor on the plans, on the operations and maintenance plans that we have to provide, the contractor is responsible especially during the construction phase when there's a lot of truck traffic going on and you might have lawns that aren't seeded or grassed, where you do have a lot of potential for erosion, they are responsible for inspecting and cleaning the catch basins at the time when they say, I'm a contractor, I'm done, we have to do an inspection before we give it to the city. We inspect the catch basins and we inspect the ponds to make sure there is no sediment in those ponds so that when George and Mike go to the city for their acceptance, we've already done our inspections. If there's silt in them, before we hand off whatever, it is clean and ready to go.

Councillor Macek: That's before it becomes a public way.

Thad Berry: Exactly.

Councillor Macek: But not on each house. If for some reason, I know you are hoping for two years, but if for some reason it takes 6 or 12 years, as Tersolo Road has taken, before it is accepted as a public way, there is possibility of an elongated period of time when problems could develop. What about access to the property? Is there going to be a deed easement recorded to allow the city in perpetuity to be able to access onto that property and make corrections?

Attorney Migliori: As part of the order of conditions, they will run in perpetuity. It will be reflected in each individual deed as will the operation and management requirements placed on each homeowner. At any time Conservation feels that a homeowner isn't doing what they had agreed to do, they have enforcement ability and rights to go in and correct.

Councillor Macek: We would then as a community, need to actually take an action against that property. Lien it, and maybe even go after it for their failure to maintain a stormwater drainage area. That's the way you've designed this plan. Rather than have a homeowner's association in which you would have a much bigger pool of people participating. To me, all of this works for the ten houses. And I would think to share it ten ways is a much fairer way than to saddle two houses with this burden and this potential expense on a bi-annual basis.

Attorney Migliori: It's not a burden.

Councillor Macek: Well he says you've got to clean it in the spring, clean it in the fall and you've got to kind of police it on a regular basis. If not, I'm worried we are going to get icing. We are going to get stormwater drainage not properly flowing. We are going to get drainage could be backed up and not be able to handle. This just keeps going.

Attorney Migliori: This is a design that was recommended and endorsed by the Conservation Commission. When you are talking about cleaning these things, there is very little involved in cleaning. You make sure the leaves are not stuck in the pipe, basically. Anybody paying the amount of money they are going to be paying for these homes is, in my opinion, not going to let something as minor as this impact their home.

Councillor Macek: Well I wish I had a crystal ball because nobody knows what's going to happen to somebody's income in any family that would create financial hardships. I am going to move on. Are there going to be any lift stations or pumps involved?

Attorney Migliori: No

Councillor Macek: None whatsoever. The open space. Right now you are considering offering to who first? City?

Attorney Migliori: Whoever wants it. The offer is initially to the city. Conservation or the city may say we are not interested, why don't you offer it to Essex County. I don't know how that actually works. This one because, it's deemed to be such quality open space, maybe the city will retain it. I don't know who makes that call. I just know in the last one a year or so ago down on the river, Conservation decided there was more interest coming from Essex Greenbelt and I think it was because they actually had open space on both sides of us. That's why Essex was involved in that one.

Councillor Macek: Let me go to the map, even the new map. You have somewhat of an orangish type, is that an actual trail that currently exists?

Thad Berry: Yes, those are the trails that exactly exist right now.

Councillor Macek: Let me go over to one of the two neighbor issues. I'm guessing from the way she described her property, that you're probably on Snow's Road where it abuts just as the road cuts up thru. You haven't seen the map. Right on the corner where it cuts up here. It appears as though, and in looking at the aerial topography photo, that it's all wooded right now.

Thad Berry: That's correct.

Councillor Macek: It's deciduous, it's not evergreen, right, or is there some evergreen.

Thad Berry: There's a little bit of both. There's deciduous mostly though. There are some evergreens in a different area but it's deciduous mostly.

Councillor Macek: Would it be reasonable for discussion, and hopefully maybe for a condition to have there be a ten foot no cut buffer along the open space area that's being created around the cluster development.

Thad Berry: I think we already have more than that.

Councillor Macek: I think you do. But just to make sure that it doesn't get levelled.

Thad Berry: That area, just as a note, I think I know, her house is right here. The wetlands are here so we have resource areas on either side. There's really not much we can do in there for cutting and clearing. That was one of the reasons we increased the original in this area from 20 feet we gave it 30 feet and we still have additional clearing on the other side so we have actually increased that 10 feet already.

Councillor Macek: So that wouldn't be a problem because you are probably never going to do it anyway.

Thad Berry: No, the only thing.

Councillor Macek: So the privacy concern really shouldn't be an issue.

Thad Berry: Right. The only thing that we will be doing is that there is an existing path there that really isn't gravel, you could walk it, we are going to clear any brush but the idea there will be no tree clearing. It's going to be done with Rob Moore and Mike Seekamp, the environmentalist. They are going to walk a path, hang flags, we are going to located the flags, and then they are going to use that to cut a five foot path with just brush, no trees.

Councillor Macek: Just cutting brush leaving all trees intact.

Thad Berry: Yes.

Councillor Macek: Just a few more things. I'm guessing that the same group that did Tersolo Road is also the contractor of record for this project. The bond has been fully released.

Mr. Crowe: No the bond has not been fully released. We have ongoing bonds that have been going on for many years. Pieces of them have been fully released.

Councillor Macek: But there is still something left there.

Mr. Crowe: Absolutely, a fairly significant.

Councillor Macek: I thought I heard you say earlier the bonds had been released.

Mr. Crowe: They were released related to where the Payson's house was on Tersolo.

Councillor Macek: Will you be going forward within the 2014-2015. When do you think you are going to ask for this to be a public accepted roadway?

Mr. Crowe: I would think that with the completion of the house that we are working on Tersolo now which is scheduled to sell within the next week to two weeks. That come this spring, we would complete the last of the curbing, sidewalks on a small section of Tersolo and then do final paving and at the point, because we've got most of the final as-builts done in all of the area, we would be looking probably for getting city approval on those pieces. The only piece we wouldn't be at the intersection of Snow Road going into the new project.

Councillor Macek: Have you been handling your snow plowing then? Who's been doing the snow plowing?

Mr. Crowe: We've done a lot of snow plowing. I don't know exactly. I don't know the exact definition of where we plow and haven't. But over the years we've done a lot of plowing.

Councillor Macek: We do have an ordinance regarding construction times just to let you know. The police will enforce it. You don't need to call your contractor. If you call the police, if there is something going on at 5 in the morning, I believe it's a 7am start

Mr. Crowe: That's correct.

Councillor Macek: And I think it goes to 7 at night. But I haven't read it in a while. I think 7am and I am told that's correct, so anything before 7am, call the police. At the proper time I would like to ask my colleagues, on top of going along with all of the conditions, actually probably making the letter from Mr. Pillsbury totally a part because it does have recommendations but it also proposed conditions and stipulations so I think we should actually make the full letter a condition of the approval if it is approved today. Also, I would like to add in that we add that there be a minimum of a 10 foot no cut buffer along the property line where the house lots are on Tersolo Road, on the rear of the houses faced on Tersolo Road.

Councillor Barrett: Councillor Macek took care a lot of my questions. But, I have a questions about in the big basins. Is there any mosquito mitigation plans. If you are going to have standing water in the springtime.

Thad Berry: The water is slowly released. The idea is to detain it and then release it.

Councillor Barrett: But it will be a little swampy at times.

Thad Berry: It will be a little swampy at times. Again, I haven't had anything for mosquito mitigation. No.

Councillor Barrett: The responsibility really speaks to what Mr. Macek said for the maintenance of the drains and the houses in the back, the two big basins. It just seems like, if somebody, you know, becomes a bank owned property, who is going to take care of it. We know the banks aren't hurrying. Also, to speak of the covering of the trucks. I went up there this is weekend and there was dirt on the sides of a lot of the houses, and I was like, is that from the dump. But it must be maybe a little bit of both because it was quite noticeable on the vinyl siding.

Councillor McGonagle: I am in favor of this project. I do share the concerns that have already been put forth. I do prefer not having an association to be honest only because if a couple of the homeowners have significant changes and can't stay then the burden goes from 10 to 8 and so on and so forth. I think, as Attorney Migliori stated, if you pay that kind of money for a home, I would hope that you have the common sense and intelligence to upkeep the systems that go along with the home. So that part doesn't bother me. I am frustrated by the neighbors frustration. I think it's an easy fix for the Giuffreda's and maybe the no cut zone is a good idea. The wetlands are there so they protect part of their situation. Maybe with Rob Moore's guidance, maybe we put this in as one of the conditions that something that could be planted there to carry some height for that distance between the wetlands and maybe close to her property or maybe on her property if she is willing, but at your expense, to make them comfortable. I am not building a winery or some vines, something that would make them comfortable. I think that's easily done. As far as the folks from Tersolo, real easy. As Councillor Macek said, if there are trucks operating up in your neighborhood at those hours, call the police. They won't want to come up there a second time, if they get called. Two, three, in the morning, that's ridiculous. If you get the police, they will come up there and straighten that out. You shouldn't have to put up with that. Hopefully, you said you are going to meet with them and look at that situation. I know it's been 12 years. When that street is going to come around to us again, we are going to make sure that the sidewalks are proper. If you can help them with that situation and maybe come to an agreement. It has been 12 years. Warranty goes so far. Maybe if you could help them, get that straightened out. Definitely, fix that sidewalk. People have been falling out there. We are not going to look favorably upon that when it comes back to us and we do a site review. Those are easy fixes for the magnitude of this and all the good this is going to do. I am going to support it tonight with those recommendations that have been talked about. I think they are doable from your end as well.

Councillor LePage: I can concur with my fellow Councillors. It's been a very long night. It's a very good project it seems. The neighbors, I appreciate the time that they've been here and what they voiced. It seems you listened to them and you are willing to work with them I hope that goes forward. I just have two quick questions. On the new plan, there's a future right of way between lots 3 and 4. I think that was a late edition.

Thad Berry: Yes, it was a request by John Pettis. Just in case the abutting property

Attorney Migliori: There's actually an ordinance. John Pettis considers the parcel that this proposed right of way goes to. He's deemed it a land locked parcel. We discussed it but he's deemed it a land locked parcel and we figured it wasn't worth arguing over. There's an ordinance that says we're to, if roadways are going in, something to the affect. I am sure I am going to butcher this, something to the affect that if you are developing an adjacent property and new roadways going, you're obligated to put in a right of way to access the parcel that's deemed to be land locked in case that owner wants to develop that parcel.

Councillor LePage: Is the owner of that parcel the same owner

Attorney Migliori: No, different owner.

Councillor LePage: So, if they wanted to do or sometime in the future you were looking to acquire that you have this easement here to continue on.

Attorney Migliori: If they wanted to do something with the property that is supposedly land locked, then one thing has been accomplished, there's a right of way, assuming they get all the other approvals that they need, there's a right of way so they have access.

Councillor LePage: Did the size of the lots change that you have to reconfigure this a little bit because of putting in that easement?

Thad Berry: Just slightly.

Councillor LePage: Everything still conforms?

Thad Berry: Oh yes, there was enough room to make everything work.

Councillor LePage: Earlier in the presentation you talked about a peer review with Conservation, and I talked with Rob Moore a little bit. I went up there today and looked at it myself and looked at the area and everything the Councilors have mentioned and the neighbors have mentioned, I noticed. Other than I wasn't there at 3 in the morning and saw trucks leaving or coming in. But to that, the peer review, Rob forwarded to me, that, I think that happened afterwards. Part of the conditions, when we get to this point, if the Council is in favor, is that also a condition, is that part of what normally is going to happen as far as site review passed this point here. What I ask is, that 30 odd points in this peer review happened after their Conservation Commission meeting of January. I am not sure that all of these have been addressed.

Thad Berry: We just submitted all the revised plans, calculations and we responded to all the items. We also met with the reviewer and Conservation Commission prior to making the revisions. A lot of them revolved around the road cuts and the roadway layout. We've basically changed all of that.

Councillor LePage: I think some of them mentioned size of the swales and rain gardens, low impact and (inaudible) in practice. All those things. There was different ones. I didn't know if they were fully addressed in the timeframe from February to this, as you said. There's been a lot of paperwork that's been shuffled. So that's all covered in here also.

Thad Berry: Yes

Councillor Ryan: It's a terrific proposal and I think everyone has made a really good presentation tonight on both sides. I am satisfied that most importantly, the folks that live over there on Tersolo Road, they have some issues that I think need to be addressed. Safe to say, this is going to be resolved and they are going to be happy and we are going to have you over there. So I don't see this gentleman falling down over there again. We want to make sure you'll do that. I know Attorney Migliori has been here many times. A former School Committee member. He follows thru. You'll make sure that you folks are well represented not only as developers but also, you make sure that you get your concerns done. They mentioned all the buildings over there are all dust from your construction. Has there been any thought to hire somebody with a pressure washer to go around and do a nice thing and say to all the neighbors, hey we are going to clean off the dirt in front of your houses. Just an idea. Probably something I would do it I was doing the project. Make everyone happy. When we did the initial ordinance for cluster development, the whole idea was, if we had a big project like this with 20 acres, and they wanted to build 10 houses, everybody would have a two acre lot. The idea was, well look, we'll have all of this open space, part of the cluster development but they will only use a little small area. The way it is being proposed here, I think it goes against the spirit of the whole cluster development idea because you reduced all the lots to 20,000 or less, give or take, square feet. That is going to be a low tax rate when you consider people you have 3 and 4 acre lots. I would have preferred to see you take all of that land and make large lots and make each homeowner, the ten houses, responsible for 2, 3, 4 acres. Maybe some of the land that is adjacent, the woman that spoke earlier that lives on the corner, either give or sell the land to her and say look we'll give you some more land. I think the city is basically going to lose tax revenue. If you give it to the Greenbelt, no one is ever going to show up again. You know, and anyone in this Council that goes around and looks at our current parks. We do very little maintenance. We have a beautiful park, which we are going to have people here next week, right on the Merrimack River, we are using, after a lot of lobbying, a little portion of it, we don't even maintain that. We don't maintain anything. Drive around and look at the condition of the parks in the city. They are not good. Anyone who knows something different, let me know, I will have the exception of Winnekenni, which we have a terrific board that's spending a lot of time out there with a very limited resources to make that a good park. There is only so much you can do as a city. There is only so much money.

You can't maintain all of these green areas. I really think by giving it to the Essex Greenbelt Association you lose control of it. They don't do anything with it. And we really should keep it. We don't know what the future holds for the community. Why give these resources away. I would like to see. I don't want to give this land away to one of those associations. I want to see it stay and no one can ever build on it. It will have a stipulation. Would draw lines. All of that land would be the responsibility of the people who own the houses. It will have a nice lot. You will be able to sell a house with 4 acres in the back. They have plenty of land to run around without having strangers running around in the backyard, driving motor bikes, that's what's coming. People just looking out there. Hey this is a pathway, I can walk around here. Nobody is going to go out there in their right mind and walk there alone. It's not safe. You can't even do that in the parks, walkways with lights, let alone out in the woods, walking around. I wouldn't recommend anyone to do that, anyway in the city or even in Boxford or wherever. You have to be careful out in these walkways. I think it sounds, good. I am going to vote for your project, I think it's a good one. I don't think you have to go that far. I think you should give all that land to the group, not that I agree with Councillor McGonagle, I don't think you want to burden everybody with an association. All that's going to do is give the attorneys lots of work keeping the people fighting, amongst or who is not adhering to the rules and regulations that's what comes out of those. The drainage issue, I think you have really dealt with that correctly. I like it a lot better than these big open swales or open catch basins with chain link fences around it. Whoever came up with that brainstorm, they look terrible and you see them all over the city. I like the natural swales. Only once in a while when you have a monsoon come thru once every couple of years, some even longer than that. The water works its way down to the river slowly but sure and there's a little bit of flooding but nothing to worry about because of the topography of Haverhill.

Mr. Crowe: Can I just respond, one thing about the taxes. As a purchaser of land and developer that I have often made the argument that if I buy a one acre lot to build a house, versus a three acre lot, I pay the same money cause I can build one house and sell one house and that the value is impacted very little and that these houses that we are going to build on a half acres, 20,000 square foot lots will be priced just as much and assessed just as much by the city as the one acre ones that are their neighbors.

Councillor Ryan: I am going to tell you, when the city assesses the lots, house, if you've got a house with 4 acres, and I have a house next to you with half an acre, you are going to pay more money.

Mr. Crowe: They may, and we might be able to sell them for more.

Councillor Ryan: It's a no brainer for the city because we make money for really not doing anything, providing nothing. You own lots of land and we are going to make you pay for it, that's all.

Councillor Barrett: Councillor LePage actually asked my question on the incorporating this material from February 6.

President Michitson: This is a rock solid development. It's going to be lucrative. I think that the concerns of these neighbors, it just makes a lot of sense to take care of those problems. You are a very reputable developer and that's exactly what we expect.

Councillor Macek: I would like to move for passage of the special permit request. I would like to amend it with a few conditions.

Councillor Ryan: I will second it for the purpose for making the motion and then you can add the amendments.

President Michitson: Motion by Councillor Macek seconded by Councillor Ryan.

Councillor Macek: I would like to amend it by adding the letter from our Planning Director dated March 7, 2014, in total so that it includes, 1) at the bottom of the first page, the new plan which is dated 3.5.2014 which shows the new configuration with the 50 foot right of way to the adjacent property. Also in this letter it would be his final recommendation but also all of his conditions and stipulations and also include the various departments that have written letters with their concerns, issues and support, etc. I would like to include that letter. The only other thing, we could vote that separately.

President Michitson: An amendment offered by Councillor Macek seconded by Councillor Ryan. Any discussion?

Councillor McGonagle: I would like to add also that there would be some type of shrubs or something, plants.

Councillor Macek: That will be separate.

Councillor McGonagle: Okay.

President Michitson: Any further discussion? Madame Clerk please call the roll.

Clerk Koutoulas - Councillor Barrett-yes, Councillor Macek-yes, Councillor Ryan-yes, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 8 yeas, 0 nays, 1 absent

President Michitson: That passes.

Councillor Macek: I would like to also condition the special permit that there will be a minimum of 10 foot no cut on the rear lot line of all lots that have houses, on the rear lots of the houses that face onto Tersolo Road.

President Michitson: Amendment motion by Councillor Macek seconded by Councillor Ryan. Any discussion? Madame Clerk please call the roll.

Clerk Koutoulas - Councillor Barrett-yes, Councillor Macek-yes, Councillor Ryan-yes, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 8 yeas, 0 nays, 1 absent

President Michitson: That amendment passes.

Councillor Macek: Move for passage of the special permit as amended.

President Michitson: Motion by Councillor Macek seconded by Councillor Ryan. Any further discussion? Madame Clerk please call the roll.

Clerk Koutoulas - Councillor Barrett-yes, Councillor Macek-yes, Councillor Ryan-yes, Councillor Sullivan-yes, Councillor Daly O'Brien-yes, Councillor McGonagle-yes, Councillor LePage-yes, President Michitson-yes. 8 yeas, 0 nays, 1 absent

President Michitson: That passes.

Respectfully submitted,

Barbara S. Arthur
Administrative Assistant to the City Council

March 20, 2014

REASON FOR VOTE - DOCUMENT #3

**Special Permit – Scotland Heights Realty Trust to build a cluster residential development of 10 Single Family Homes on Snow Road (within Scotland Heights)
Map 589, Block 420, Lot 4**

In granting the special permit, those members voting in favor found that the application fulfills all of the general conditions contained in Chapter 255- 94 and Chapter 255- 80 (as applicable) of the Haverhill Zoning Ordinance.

President Michitson: I voted in favor because it complies with all requirements of Chapters 255-90 and 80 (as applicable).

Councillor Barrett: This project provides adequately for traffic and utilities as another/separate phase of a developments. The projects adds to the tax base as well as provides for open space in the city.

Councillor Macek: I supported the special permit request as I believe the project was beneficial to the city's future growth and will provide quality new housing stock.

Councillor Ryan: I voted in favor in best interest of the city.

Councillor Sullivan: I voted for the Snow Road project because I believe it is in the best interests of the city to support quality single family housing developments, and based on the information presented to Council, this project appears to be of said quality.

Councillor Daly O'Brien: I voted for this special permit because it was positively endorsed by our Planning Director with city departments, it also meets zoning requirements for a cluster development and provided sufficiently for traffic, public safety and utilities.

Councillor McGonagle: I supported the special permit for Snow Road based upon the recommendation from the Economic Director and the positive outcome expected to be achieved.

Councillor LePage: I voted in favor of this special permit application with the included conditions and stipulations due to the proposal meeting the requirements of Chapters 255-80 and 255-94 Cluster residential development.