

MINUTES OF A HEARING HELD ON TUESDAY, NOVEMBER 15, 2011 REGARDING DOCUMENT #88-B//07, A PETITION FROM STEPHEN STAPINSKI FOR D&D REALTY TRUST REQUESTING A SPECIAL PERMIT – WATERSHED PROTECTION DISTRICT FOR ERIN WAY SUBDIVISION OFF BRANDY BROW ROAD: 462-203-12.

SUBJECT: Document #88-B/07 – A petition from Stephen Stapinski for D&D Realty Trust requesting special permit – Watershed Protection District for Erin Way Subdivision off Brandy Brow Road: 462-203-12.

Present: Council President Michael J. Hart, Vice President Robert Scatamacchia, Councillor William H. Ryan, Councillor Michael Young, Councillor David E. Hall, Councillor Colin LePage, Councillor Mary Ellen Daly O'Brien, Councillor Sven A. Amirian and Councillor William J. Macek.

City Clerk Toomey: Document 88-B of 2007, A petition has been received from Stephen Stapinski for D&D Realty Trust requesting a special permit, Watershed Protection District for Erin Way Subdivision off Brandy Brow Road. There is a related recommendation to approve with conditions from William Pillsbury, Economic Development and Planning Director.

President Hart: I'm going to open the hearing on this one. There are three separate special permits. You can basically say we've covered this. You don't have to go thru the full presentation. I don't think we need it. I know you were talking about all three at one time, but we only had the first one in front of us when we just voted.

Attorney Borenstein: I think it only made sense to discuss them as a group. I understood they were going to be addressed separately. I can do the whole presentation over again. I think it might be sharper on the second run. Everything we said before applies again to this and I believe the recommendation is exactly the same for this application. We'd ask the Council to denote the same style motion for this application.

Councillor Macek: Move for passage with the same conditions.

President Hart: Wait a second I have hearing. Anybody else wish to speak in favor? There was no one. Anybody in opposition? There was no one. Close the hearing.

Councillor Macek: Move for passage with the same conditions as the previous item. Second by Councillor Daly O'Brien.

President Hart: You are making a motion to pass the special permit with all the same language as contained in the first so we don't have to do any amendments. It's just all the same language contained in the first. (See Document 88/07 for complete text.)

Councillor Macek – right.

President Hart: Second by Councillor Daly O'Brien. Do we have any discussion on this? We can call the roll.

Clerk Toomey: 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: That passes.

Respectfully submitted,

Barbara S. Arthur
Administrative Assistant to the City Council

November 29, 2011

PETITION FROM STEPHEN STAPINSKI FOR D&D REALTY TRUST REQUESTING A SPECIAL PERMIT – WATERSHED PROTECTION DISTRICT FOR ERIN WAY SUB-DIVISION OFF BRANDY BROW ROAD: 462-203-12

REASON FOR VOTE

In granting the Special Permit, those members voting in favor found that the application fulfills all of the general conditions contained in Chapter 255-19, Watershed Protection Overlay District, of the Haverhill Zoning Ordinance.

President Hart: I voted in favor because the applicant satisfied all statutory requirements for a special permit.

Councillor Scatamacchia: I voted in favor because of the benefit to the City and the applicant complied with all the requirements.

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

Councillor Young: I voted in favor because the applicant complied with all requirements as stated in Chapter 255-19, Watershed Protection Overlay District.

Councillor Hall: I voted in favor because the applicant complied with all requirements of the City departments.

Councillor LePage: I voted yes on this special permit because I believe it will not adversely affect the quality or quantity of an existing or potential water supply.

Councillor Daly O'Brien: I voted yes for this permit because they met the requirements of the City departments and it will enhance a section of the community.

Councillor Amirian: Based on the recommendation of Economic Development and Planning Director, Bill Pillsbury and our other department heads, I agreed that the proposed development will not pose a threat to our drinking water supply and it was in the best interest of the City.

Councillor Macek: I voted in favor of the permits as I believe that any and all concerns that may have existed were addressed through the attached conditions.