

MINUTES OF A HEARING HELD ON TUESDAY, SEPTEMBER 29, 2015 REGARDING DOC. #95, A PETITION FOR A SPECIAL PERMIT FOR TWO (2) SINGLE FAMILY DWELLING UNITS IN THE WATERSHED PROTECTION DISTRICT, FROM ATTORNEY ROBERT HARB, FOR OWNER/APPLICANT JOSEPH FRANCIOSA, UNNUMBERED LIBERTY ST & UNNUMBERED CRYSTAL ST. MAP 573, BLOCK 2 LOTS 1, 1-1 AND 1-2. ALSO BEING SHOWN AS LOTS 1, 2, & 3 ON PLAN BOOK 407 PLAN 57 AND PROPOSED LOTS 1A, 2A, & 3A ON SPECIAL PERMIT SITE PLAN

SUBJECT: A petition for a special permit for property in the Watershed Protection District, from Attorney Robert Harb for owner/applicant Joseph Franciosa; to build 2 single-family dwelling units; at unnumbered Liberty St and unnumbered Crystal St.

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

City Clerk Linda Koutoulas: A petition has been received for a Special Permit for applicant Joseph Franciosa requesting to build within the Watershed Protection District; 2 single-family dwelling units at unnumbered Liberty Street and unnumbered Crystal Street. Favorable recommendation from Planning Board and Planning Director William Pillsbury.

President Michitson: I now open the hearing.

My name is Attorney Robert Harb, I am here with the applicant Joseph Franciosa and Phil Christiansen. We are here to ask for your special permit approval for two single family dwellings. It's an allowed use in this zone. It's an SC zone. We are here because we lie within the watershed protection district. You will note from your packages that we did receive positive recommendation from the Planning Board and the Planning Department when we appeared before them recently. You were also given some letters from Conservation, Fire, Health Department, Water and Wastewater. No one was in objection to this petition. The Conservation did have a request and the applicant is willing to abide by some conditions and requests. The property itself is very large. It is already divided into 3 lots with a Form A subdivision. Because they are a Form A subdivision and contiguous, the Planning Department Director said we needed to actually come and request this permit for 2 single families. If the lot was a standalone, we would not need your permission if we met all the requirements of the watershed overlay. But because the three are contiguous, we needed to come before you. Also, the applicant as part of the process and talking to all the city departments, including Conservation that had a hearing on this, is suggesting and it is in our petition that a parcel of land approximately 36.8 acres will be deeded to the city for conservation use and the use of the particular departments. You'll note from the plans we submitted that on the left-hand side of that large lot there's about a 10 foot strip. That is to enable people to access and walk on perhaps trails all thru the land owned by the city once we put the transaction thru. On the right hand side there's quite a bit of access but the city requested that we leave a little area in case someone wanted to walk on the left-hand side and go all the way around the property in the rear. This is an enormous parcel of property. We are about 1,500 feet from Crystal Lake to put two single family houses close to Liberty and Crystal Street and really preserve the rest of the land for conservation purposes and water purposes for the city because it's 1,500 feet from Crystal. I think this is an ideal project. The applicant is not trying to overstep what could be done there. He is willing to donate all that land to the town upon approval. With our petition we did set forth that we meet all the design and operation guidelines of the ordinance. This is in harmony with wetlands protection and the ordinance itself. You can't get any more in harmony than giving almost 37 acres of land to preserve; what we are trying to preserve under the Wetlands Ordinance. It's appropriate to the topography and the area surrounding it. There's not going to have any adverse effect on anyone. The Conservation Commission is in agreement with that. We've had no negative responses from any of the City Departments. We are certainly going to protect the water supply in the area. I will note that at the Planning Board only one neighbor showed up and we were able to satisfy any questions they had concerning the development. They were just concerned about were we going to have just two houses. Yes, because we won't

even own the rest of the land afterwards and there's no way to sub-divide the two single family lots into anything else. They will just remain single family lots. Mr. Christiansen is here should you have any questions about the plan, the layout, the topography. He is in the process for filing a new Form A plan which will divide the property into these 3 lots. You'll notice in the petition I called it New Lot 1, New lot 2. We will be filing that with the Planning Board. That will be a Form A, it won't require full Planning Board hearing. That concludes my presentation. Would ask for your support of the special permit for 2 single families, one on each of the lots with the understanding the condition the rest of the land needs to be deeded to the appropriate city body.

President Michitson: Thank you very much. Is there anyone in favor that would like to speak? Is there anyone in favor that would like to speak? Is there anyone opposed that would like to speak?

Monica Corbett, 369 Crystal Street in Haverhill. I am right next door, but you didn't have a category for me. I'm not in favor and I'm not really opposed.

President Michitson: That's okay. This is close enough.

Monica Corbett: I just would like to have some questions answered perhaps if I had spoken to them before this meeting they would have answered. Previously that land was considered not buildable at all according to the conservation people when that first went into effect. There's a little pond right across the street that connects into the water supply. Nothing's ever been said about that and that's really close. If there was city sewerage there wouldn't be an issue. But I am just concerned about the septic systems that are right there. Right across the street from that little pond that goes into our drinking water. Other than that, no problem. I was that neighbor that was at the Planning Board.

President Michitson: Thank you very much. Attorney Harb, why don't you answer Ms. Corbett's question.

Attorney Harb: I am going to ask Mr. Christiansen to answer that because Ms. Corbett did raise the same question at the Planning Board. I believe Mr. Christiansen can point out to you on the plan where that pond is. Show you the plan where the pond is. Show you the drainage and how it flows across the street to nearer to where our property is, which we did at the Planning Board hearing. I will turn this presentation over to Mr. Christiansen. He can show you. You all have these maps. I had talked at the Planning Board about the septic system.

President Michitson: Ms. Corbett you are welcome to come up and take a closer look if that would be helpful.

Phil Christiansen: On the sheet that is a before you here, you'll see the septic systems are shown as well as the houses. The pond she mentioned is over in this area. We had to locate this intermittent stream in order to establish how far we were from that stream into the property.

President Michitson: Can I interrupt you just for a second, I really would like for her to be able to see your presentation.

Phil Christiansen: Sure, the pond is over in this location. There is a stream that runs under the road right here. We located this at Mr. Moore's direction. This is approximately 200 feet from that location. You can see the septic system is even farther than that. That complies with all conservation restrictions, River's act, Water Department requirements and what not. We will not have any effect at all on that little pond that she is mentioning.

President Michitson: Yet, you may go back and this will be your rebuttal.

Monica Corbett: I'm sure they, the city will (inaudible) the requirements that are required. But that's all underground water, all of that is underground water in that whole lot. I don't know if everybody is aware of

the fact that okay, this is there and that's there and that's so far away. The underground aquaphors are all right there. I just hope the people involved understand that. I'm no expert on that, I'm just bringing it up.

President Michitson: Thank you very much.

Phil Christiansen: One of the things in designing septic systems, the Board of Health requires that you do test pits, determine where the water level is in the ground referred to here as underground water. Septic system has to be 4 feet above that. What we've done is to do the test pits. We know where the water table is. The septic systems as shown on that plan are 4 feet or higher above that ground water level. That meets Board of Health rules and regulations.

President Michitson: Thank you very much. Just to wrap up is there anyone else who is against this proposal that would like to speak? With that, I now close the hearing. Council, what is your wish?

Councillor Macek: Move for approval but I have a question.

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

Councillor Macek: If I could speak to the engineer please. On the lot 2A there is a 10 feet of frontage on Liberty Street for lot 3A. In looking at the lot 2A frontage you have 211 feet. To me I'm saying you need 200. There's an extra 11 feet technically. For ease of access, I'm wondering if there would be any problem in taking an additional 10 feet so the city can access or conservation can access with larger vehicles if need be on that side unless there's some other way to get into certain areas. I am just not sure how wet it is where it is wet but 10 feet to me is a small access.

Phil Christiansen: We had put 10 feet because that was what was requested by Conservation. We can widen it to, would you like 20?

Councillor Macek: I'd like 20, it's really on the undisturbed side where the house is, where the septic is. If you could modify just that line. I wouldn't even mind if you wanted to bring it back on an angle to the back point. Just start with 10 so that they could get past this narrow section in the beginning.

Phil Christiansen: That would be fine.

Councillor Macek: If you could do that, it might prove to be prudent in the future at some point and it may never matter.

Phil Christiansen: Will do it on approval not required plan.

Councillor Macek: Okay. Great, thank you very much.

Councillor Barrett: I just had a question on the test pit. Was it done during this drought? Does that have any effect on your levels?

Phil Christiansen: No. Water table is determined by physical character of the soil. You look for oxidation lines or reduction lines in the soil caused by the presence of water. Oxidation you see basically rust stains in the soil, reduction you see white blotches in the soil. One of the things the state did in '96 was to change how you determine water table. You read the soils rather than look for the water. In all cases, I found that line is always higher than where you actually see water.

Councillor Barrett: All right. Thank you.

Councillor Sullivan: I just want to comment that I had an opportunity to review all this material and I think the proposal is a great proposal and I do intend to support this proposal. I want to thank you for donating all that

land to the City of Haverhill and help us protect our conservation area and our watershed. This is just the type of housing we need here in Haverhill. It will generate good property tax revenue. I do plan to support this tonight.

Councillor McGonagle: I too intend to support it. I just want to say anytime that our Conservation folks, especially Rob Moore, goes out and approves a project, I can sleep good at night because he is tremendous at what he does or has proven to be that way over and over again. I feel the way this is set up and the distance from the wetlands and the generous amount of land that you are giving the city makes this a wonderful project. I intend to support it. Thank you.

President Michitson: And there are no further questions, would somebody like to make an amendment to the motion?

Councillor Macek: I would like to move for passage of the application subject to the modification of a 20 foot instead of 10 foot access to lot 3A on a map to be provided at a future date to our Planning Director.

President Michitson: That's a new motion by Councillor Macek and seconded by Councillor Barrett. Madame Clerk please call the roll.

Clerk Koutoulas: Councillor Scatamacchia-yes, 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. 9 Yeas, 0 Nays

President Michitson: That passes.

Respectfully submitted,

Barbara S. Arthur, Administrative Assistant
Haverhill City Council

October 6, 2015

Application from Joseph Franciosa, for a Special Permit , Watershed Protection District, Chapter 255, section 19, to build 2 single family dwellings on unnumbered Liberty Street and unnumbered Crystal St.

REASON FOR VOTE

President Michitson: I voted for the special permit because it met city requirements.

Councillor Scatamacchia: I voted in favor of the special permit because it does not affect the watershed and donation of land.

Councillor Barrett: The approved plan will allow limited development on land and give the city a buffer zone for the watershed. It will not have a negative impact on the area.

Councillor Macek: I voted for the special permit because the proposal was compliant with regulations and will add quality housing to the area without any negative impact.

Councillor Ryan: I voted for the special permit because it is good for the city.

Councillor Sullivan: I voted in favor of the special permit because the applicant provided a compelling case to approve, has the support of all city departments, and will donate over 36 acres of conservation land to the city which will allow us to better protect the Crystal Lake watershed area.

Councillor Daly O'Brien: I voted for this special permit because it met specifications of Conservation. It will bring additional tax revenues and conforms with the City Master Plan.

Councillor McGonagle: I voted in favor of the special permit based upon the recommendation of the Economic Planning Director and the positive effect the land grant will provide for our open space concerns and water supply protection initiatives.

Councillor LePage: I voted in favor of the Special Permit application as it satisfies the requirements of the Watershed Protection District (Chapter 255, section 19G).