

Gary S. Sackrider
 Attorney at Law
 6 Harris Street
 Newburyport, Massachusetts 01950

Hearing 8.2.1
 January 31
 2012

Tel: 978-352-2741
 Email: sackrider@verizon.net

December 6, 2011

Michael J. Hart, President
 Haverhill City Council
 4 Summer Street
 Haverhill, Massachusetts 01830

RE: Special Permit Modification for 68-74 River Street

Dear Mr. President and Members of the City Council:

I represent Ken Stoll of White Cedar, LLC. In 2005, the Haverhill City Council granted a special permit on the application of River Rock Realty Trust for use changes at 68-74 River Street in Haverhill, Massachusetts. (See Certificate of Decision attached.) The original application called for the creation of 10 residential units and a parking deck. The work on the primary structure is almost totally complete. However, it has recently been determined that the construction of the parking deck is not economically feasible.

White Cedar, LLC (or its nominee) has a written agreement to purchase 68-74 River Street, (Assessor's Map 501, Block 227, Lots 2 & 3) with certain contingencies. White Cedar, LLC (or its nominee) also has a written agreement with contingencies to purchase from the City of Haverhill a near by vacant lot (Assessor's Map 500, Block 228, Lot 6) consisting of 6,295 square feet. Title for both parcels is intended to be taken in the name of SFRE, LLC, if all of the contingencies can be worked out. The primary contingency is to obtain approval from the Haverhill City Council to modify its 2005 decision so as to allow:

- (a) the applicant to modify the 2005 parking conditions so that the parking deck will not be constructed and instead, the land upon which the garage was to be located and the off-site land located approximately 600 feet away at 210-218 Washington Street will be substituted to meet the parking requirements and
- (b) the modified special permit is to be granted in the name of SFRE, LLC.

The 2005 plan and approval called for 15 spaces of off street parking. The proposed modification would provide 21 spaces of off street parking.

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For your review, I am attaching a copy of a plan prepared by Robert M. Grasso of Engineering Land Services, L.C. showing the off site parking on 210-218 Washington Street, as well as at 68-74 River Street.

The property at 68-74 River Street borders the Merrimack River and both properties are located within the CG zoning district. The existing structure is a 4 story, brick building consisting of 10 residential units.

We believe that the proposed changes will not be detrimental to the public good nor derogate from the intent and purposes of the zoning by-laws for several reasons:

- (a) The total number of off street parking spaces would be 21;
- (b) A city owned property (on Washington Street) would be returned to productive use and added to the tax base.
- (c) This currently vacant building would no longer be an attraction for vandals or trespassers who might use it for illegal purposes;
- (d) The neighborhood's view of the river from River Street would be open and not obstructed by a parking deck; and
- (e) There will be fewer water drainage issues to address.

We request that you grant this modification of your 2005 decision and allow SFRE, LLC to proceed to convert these essentially unused properties into productive properties. This would serve the best interests of the community as a whole.

Yours truly,



Gary S. Sackrider

IN CITY COUNCIL: January 3 2012
VOTED: that COUNCIL HEARING BE HELD
JANUARY 31 2012

Attest:

City Clerk

27
24
76



2006010900244 Bk:25268 Pg:509
01/09/2006 11:49:00 OTHER Pg 1/27

RECEIVED

2005 SEP 28 A 11:04

CITY OF HAVERHILL
MASSACHUSETTS

CITY CLERKS OFFICE
HAVERHILL, MASS.

CERTIFICATION OF DECISION

I, the City Clerk of the City of Haverhill, hereby certify that the City Council NOTICE OF DECISION on the application of:

River Rock Realty Trust Alan Aulson "River Rock Condominiums"

APPLICANT & OWNER (IF DIFFERENT)

for a special permit to: Build condos - convert 4 comm units to residential

at: 68-74 River st -Assessors Map 501, Block 227, Lots 2 & 3 has been filed with this

STREET NAME and NUMBER

office on: September 28 2005 and that
DATE OF FILING

(1) Twenty (20) days have elapsed from the date the Decision was filed and no appeal notice to the District or Superior Court has been received by this office.

(2) If an appeal had been taken, notice has been received that said appeal has been dismissed or denied.

(3) The application was denied.

As a condition of the Special Permit becoming effective, the applicant must record this NOTICE OF DECISION and CERTIFICATION OF DECISION at the Registry of Deeds as required and in compliance with Chapter 40A of the M.G.L. and to file evidence with the City Clerk attesting that said NOTICE OF DECISION and CERTIFICATION OF DECISION have been duly recorded as cited above.

Upon receipt by the City Clerk of evidence that the NOTICE OF DECISION AND CERTIFICATION OF DECISION of the City Council has been duly recorded and indexed in the Grantor Index under the name of the Owner of Record (registered land to be noted on the Owner's Certificate of Title) and the Essex County South District Registry of Deeds, such evidence will be placed on file in the office of the City Clerk.

A fee of ten dollars (\$10.00) has been paid by the applicant and a copy of this Certification will be kept on file with the City Clerk.

December 27 2005
Date

M. G. Thomas
City Clerk

#3

NO ENV.

RECEIVED



2005 MAY 31 P 2:10

CITY OF HAVERHILL
BOARD OF APPEALS FOR ZONES
CITY HALL - 4 SUMMER STREET

CITY CLERKS OFFICE
HAVERHILL, MASS.



NOTICE OF DECISION

YOU ARE HEREBY NOTIFIED OF THE DECISION OF THE BOARD OF APPEALS ON THE APPLICATION OF:
RIVER ROCK REALTY TRUST

APPLICANT AND (OWNER IF DIFFERENT)

68-74 RIVER STREET 501 227 02 & 03
SITE LOCATION AND ASSESSOR'S MAP, BLOCK, PARCEL NUMBER (S)

Which was filed with the Board on March 31, 2005
As signified by the City Clerk's date stamp.

The BOARD, as authorized by §15, Chapter 40A of the M.G.L. held a PUBLIC HEARING on:
May 18, 2005

DATE OF HEARING (CONTINUANCE IF APPLICABLE)

The BOARD'S DECISION by vote to GRANT/DENY said application is as follows:
RECORD OF PROCEEDINGS: SEE BELOW MOTION*: DOUGLAS

STIPULATION (S):

SECOND: KISSEL

VOTE ON MOTION WITH/WITHOUT STIPULATIONS:

BOARD	YES	NO	ABSTAIN	ABSENT	NOT SITTING
CHAIRPERSON MCGUIRE	/				
MEMBER SMITH				/	
MEMBER PISTONE, SR.	/				
MEMBER SWARTZ	/				
MEMBER DOUGLAS	/				
ASSOC. MEMBER KISSEL	/				
ASSOC. MEMBER SCALESE					

THE BOARD CITES THE FOLLOWING AS REASON (S) FOR ITS DECISION:

Applicant seeks to construct parking deck to provide for adequate on-site parking for units in conformance with §255 - 41. Parking deck of adequate size cannot meet side yard setback requirement, 4' where 20' required in CG Zone. The ZBA voted 5-0 to grant the petition. The ZBA found the provisions of §255-75 C. (1) through (5) were met. There was no opposition to this petition.

KENNETH A. STOLL
SFRE, LLC AND WHITE CEDAR, LLC
PO BOX 181
SWAMPSCOTT, MA. 01907

Tel: 781-595-0100
Email: impactproperty@comcast.net

December 20, 2011

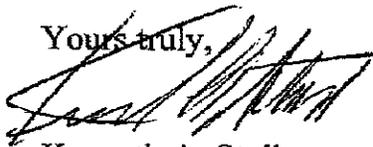
Michael J. Hart, President
Haverhill City Council
4 Summer Street
Haverhill, Massachusetts 01830

RE: Special Permit Modification for 68-74 River Street

Dear Mr. President and Board Members:

In regards to the above noted modification I hear by waive the sixty-five day hearing requirement.

Yours truly,



Kenneth A. Stoll