

Hearing April 10 2012

Bradford Unlimited Corp.
Stephen Defeo, President
P.O. Box 5415
Bradford, MA 01835

Hearing April 10, 2012

January 18, 2012

Mr. John A. Michitson, President
Haverhill City Council
4 Summer Street, Room 204
Haverhill, MA 01830

Subject: Application for Special Permit for Cluster Residential Development &
Application for Waiver of Affordable Housing Component
Off Rosemont Street (Assessor's Map 636, Block 1, Lot 10 & a Portion of Map 651,
Block 610, Lot 18)

Dear Mr. Michitson and Members of the City Council,

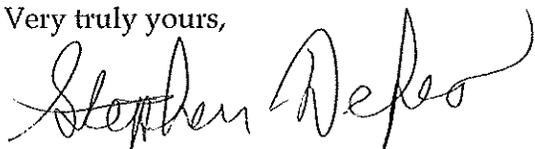
I respectfully submit this letter of application for a Special Permit for a Cluster Residential Development & for a Waiver of the Affordable Housing Component for said Cluster Development for land designated by the Assessor's office as Map 636, Block 1, Lot 10 and a portion of Map 651, Block 610, Lot 18, located off Rosemont Street, Haverhill, MA as owned by the Estate of Joseph G. Duffy.

The project consists of 6 new residential single-family house lots. All of the house lots and buildings thereon will be for sale. The parcels to be developed have a total area of 15.5 acres. Of the 15.5 acres, 12.0 acres will be used for the roadway and house lots and 3.5 acres will remain as open space.

The City Council is currently reviewing a proposed Zoning Ordinance amendment that would allow the requirements for affordable housing to be waived by application to the City Council. Should the Ordinance amendment be approved by the City Council, we believe that this proposed Cluster Residential Development qualifies for such a waiver because there exist general and/or site specific economic conditions which make the imposition of these requirements overly burdensome and not in the best interests of the City.

The attached plans and documents have been prepared in support of these Applications.

Very truly yours,



Stephen Defeo
President

Enclosures

cc: Gordon Duffy, Co-Executor
Stephen Duffy, Co-Executor
Attorney Robert Harb
Williams & Sparages, LLC

Exhibit A Legal Description

Parcel I

That Certain parcel of land located off Rosemont Street, Haverhill, Essex County, Massachusetts designated as Lot 10 within Block 1 on Map 636 of the City of Haverhill Assessor's Maps.

Lot 10 being the same property conveyed to Joseph G. Duffy by deed recorded with the Essex South Registry of Deeds in Book 24461, Page 59.

Lot 10 is also shown as Lot A on a plan recorded with the Essex South Registry of Deeds in Plan Book 431 Plan 70. A copy of this plan is attached hereto.

Parcel II

That Certain parcel of land located at Spinnaker Circle, Rear, Haverhill, Essex County, Massachusetts designated as a portion of Lot 18 within Block 610 on Map 651 of the City of Haverhill Assessor's Maps.

The portion of Lot 18 described above being a portion of the same property conveyed to Joseph G. Duffy, Trustee, Pilgrim Realty Trust, by deed recorded with the Essex South Registry of Deeds in Book 11279, Page 36.

The portion of Lot 18 described above is also shown as Lot 10C on a plan recorded with the Essex South Registry of Deeds in Plan Book 431 Plan 70. A copy of this plan is attached hereto.

Exhibit B
Compliance with Zoning
Cluster Residential Development
off Rosemont Street

The City of Haverhill Zoning Ordinance, Chapter 255, contains the requirements for a Cluster residential development in section 255-94, 255-90, 255-91, 255-76, and 255-97. We have transcribed these sections below in italics and have provided a summary of how this project conforms to each section of the ordinance. In addition, please note that we are requesting a waiver from the requirements of Zoning Ordinance 255-97 under a proposed Zoning Ordinance amendment currently being considered by the City Council, which states that any new residential development requiring a special permit from the City Council is required to make available 10 percent or more of the units for persons of low and moderate income.

255-79. Affordable housing. [Added 6-27-2000 by Doc. 79-J]

A. Statement of purpose and definition of "affordable."

1. In order to meet the needs of the community for housing serving all incomes and until such time as 10% of the housing stock of the City of Haverhill determined to be available to households with incomes of 80% or less median income of the Lawrence-Haverhill Primary Metropolitan Statistical Area (PMSA), any new residential development requiring a special permit from either the City Council or the Board of Appeals is required to make available 10% or more of the units for such persons of low- and moderate-income, or make cash contribution to be designated housing entity (as described in Subsection I).

The City Council is currently reviewing a proposed Zoning Ordinance amendment that would allow the requirements for affordable housing to be waived by application to the City Council. Such applications would only be granted for reasons of general and/or site specific economic conditions which make the imposition of these requirements overly burdensome and not in the best interests of the City. Should the Ordinance amendment be approved by the City Council, we believe that this proposed Cluster Residential Development qualifies for such a waiver because there exist general and/or site specific economic conditions which make the imposition of these requirements overly burdensome and not in the best interests of the City.

255-88. Cluster residential development. [Amended 8-8- 72 by Doc 197; 8-14-73 by Doc. 188; 6-6-78; by Doc. 103-C; 6-19-79 by Doc. 94-C]

A. A cluster residential development is a division of land into lots for use as single -family building sites where said lots are arranged into one or more groups having area and yard measurements less than the minimum required in the Table of Dimensional and Density Regulations. These clusters or groups shall be separated adjacent property and other groups of lots within the development by intervening open space land.

The attached plans show the proposed project. The project consists of 6 lots and a total of 3.47 acres of open space. The project will be served by public water and sewer. A new, 362 foot long cul-de-sac off Rosemont Street will provide frontage for the lots. The proposed road will be designed in accordance the design standards of the Haverhill Subdivision regulations. The proposed stormwater management system drainage system is shown schematically on the site plans. The final design will be designed to meet all required stormwater management standards.

B. Cluster residential developments may be allowed in those districts specified in Table 1: Table of Use and Parking Regulations by special permit subject to dimensional requirements less than the minimum required for the development of an individual lot in the some district, provided that the following conditions are met. (See also 255-96.)

The project site is in an RL zone, which allows for a cluster subdivision.

(1) The tract of single or consolidated ownership at the time of application shall be at least fifteen (15) acres.

The parcel consists of 15.5 acres.

(2) Each individual lot shall be subject to all requirements for a one-family detached dwelling in any RH District.

The lots all have frontage in excess of the requirements of the RH zone and the area is in excess of the requirements of that zone.

(3) The number of lots over the tract of land in any one zoning district shall not exceed the number of lots permitted under normal application of the area regulations of the district in which the tract of land is located, except that a ten percent (10%) unit density bonus may be granted; however, in the event that a density bonus is granted, open space land shall be at least thirty percent (30%) of the total land tract. [Amended 6-10-1992 by Doe. 52-C]

The normal application of the area regulations would allow 14 lots to be built on this property as shown on the plan entitled, "Site Plan in Haverhill, MA Showing Cluster Subdivision – Yield Plan, dated January 10, 2012, Sheet 2 of 2, prepared by Williams & Sparages LLC." The proposed cluster subdivision plan calls for only 6 lots with no bonus densities requested as on the plan entitled, "Site Plan in Haverhill, MA Showing Cluster Subdivision, dated January 10, 2012, Sheet 1 of 2, prepared by Williams & Sparages LLC."

(4) The proposed plan shall be in accordance with the Haverhill Master Plan as last revised.

The plan complies with current zoning and Planning Board regulations and therefore complies with the Master Plan.

(5) The development shall be served by both public water and sewerage systems.

The proposed development will be served by both public water and sewerage systems.

(6) The area of open space land when added to the area of building lots shall at least equal the area that would have been required to develop the same number of dwelling units with in a conventional, nonclustered subdivision in the zoning district. Open space land shall be at least fifty percent (50%) nonwetlands or land with a slope of five percent (5%) or greater.

The project conforms to this requirement. The area of lots and roadway is approximately 12.0 acres and the area of open space is approximately 3.5 acres. When added together these areas equal the full acreage of the subject parcel. The open space area is approximately 55% non-wetlands and land with a slope of 5% or greater.

(7) Open space land separating groups of lots within the development shall be left in a natural state or developed for open space recreational purposes only, such as a tot lot,

park playground, playfield , golf course, conservation area, etc. Open space land which separates the development from adjacent property not of the development shall be left in a natural state and shall not be developed for any purpose.

The proposed open space parcel is proposed to be left in its natural state.

(8) Such open space land shall simultaneously, with the Planning Board's approval of the definitive sub-division plan, either be conveyed to the City and accepted by it for park or open space use; or be conveyed to a nonprofit organization, the principal purpose of which the conservation of open space; or to be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the Plot. If such a corporation or trust is utilized, ownership thereof shall pass with conveyed to the city, a restriction enforceable by the city shall be recorded, provided that such land shall be kept in an open or natural state and not to be built for residential use or developed for accessory uses such as parking or roadway. Such open space land shall have suitable access to a street.

Access is provided to the open space as shown on the attached plans. The applicant prefers to convey the open space to either the City or a non-profit organization acceptable to the City. The documents needed to convey or restrict the property can be developed during the definitive plan process.

(9) The plan and the roadway and respective utility improvements in the tract shall be subject to the definitive plan and performance guaranty requirements of the Rules and Regulations Governing the Subdivision of Land in the City of Haverhill, Massachusetts.

The applicant will prepare a definitive plan in accordance with 255-90 D. after securing the special permit for a cluster subdivision. The Planning Board is the approving authority for the definitive plan process. The performance guarantees will be included as part of that approval process.

(10) The services of a consultant to act as a Clerk of the Works, directly responsible to the City Engineer, shall be required for all cluster residential developments to assure that proper construction practices are implemented according to any standards or procedures set forth by the City Council as a condition of the issuance of the required special perm it and according to the subdivision plans and specifications approved by the Planning Board. Said Clerk shall be selected and reimbursed as outlined in 255-92.1. [Added 10-14-1980 by Doe. 170-C]

The applicant understands and agrees to this requirement.

(11) The developer shall install street identification signs on all rights-of-way and drives within the development. Said signs shall be in place upon completion of final paving of each respective way or drive. [Added 9-25-84 by Doe. 147-C]

The applicant understands and agrees to this requirement.

(12) The developer shall install street lighting on all rights- of-way and drives within the development. The lighting shall be in place prior to paving of each respective way or drive. [Added 9-25-84 by Doe. 147-C]

The applicant understands and agrees to this requirement.

255-90. Procedure to obtain a special permit for the construction of multifamily dwelling units, cluster residential developments, residential subdivisions in Watershed Protection Overlay District or planned unit developments. [Amended 8-8-1972 by Doc. 1971

A. Application for permit.

(1) An application for a special permit when required by this chapter to construct multifamily dwelling units, cluster residential developments, residential subdivisions in the Watershed Protection Overlay District or planned unit developments shall be submitted to the City Clerk's with a complete set of plans as stipulated by 255-91. The City Clerk shall refer the application and plans to the City Council who shall refer the application and plans to the Planning Board for its review. The official date of filing shall be the date recorded by the City Clerk upon receipt of the executed forms. [Amended 6-6-1978 by Doc. 103-C; 6-27-2000 by Doc. 79-H]

The application was filed according to the Requirements for Special Permit-City of Haverhill as issued by the City Clerk's Office.

(2) A filing fee in an amount equal to \$250 or \$5 per dwelling unit, whichever is greater, and any additional fee necessary to cover advertising and notice costs for both the Planning Board and City Council public hearings, as determined by the City Clerk, shall accompany the application and shall cover the costs for advertising both the City Council and Planning Board public hearings and processing of the petition. [Added 5-24-1983 by Doe. 69-B; amended 4-26-1988 by Doe. 77-E]

The applicant has included a filing fee of \$250.00 with the special permit application for the cluster subdivision.

(3) The City Council shall refer all requests for such permit to the Conservation Commission for a review and recommendation before the City Council shall vote on the request. Any application permit under this section shall be accompanied by a report from the Conservation Commission setting forth a record of its action on and any recommendations as to the subject matter of the application. No such application shall be considered complete without such report. [Added 6-27-2000 by Doe. 79-KI]

The wetland resources shown on the plan were established by a professional wetland scientist and located by an actual field survey. Leading up to the filing of this special permit, Williams and Sparages LLC walked the property with Robert E. Moore, Jr., the Environmental Health Technician, for the City of Haverhill. The purpose of this walk was to evaluate open space access to Little River and to identify appropriate access points to the open space from Rosemont Street and the proposed roadway.

As shown on the site plan, there is direct access to Little River through a large upland portion of the open space. In addition, the applicant has agreed to provide access easements through proposed Lots 4 and 5 to allow additional access along the river and to the existing trail system located to the south of the development. We look forward to working with the Conservation Commission on this project.

B. Upon receipt of said application, the Planning Board shall hold a public hearing on the matter and make recommendations and shall send copies thereof to the Council and to the applicant within 35 days of receipt; provided however, that failure of the Planning Board to make recommendations within 35 days of receipt by the Planning Board of the application shall be deemed lack of opposition thereto. City Council shall hold, upon receipt of said application, a public hearing on the matter within 65 days after filing of the application with

the City Clerk. Both the Planning Board and the City Council shall cause notice of the time and place of their respective public hearings by publication, posting and mailings to all parties in interest, as provided for in 255-92 of this chapter. [Amended 6-6- 1978 by Doe. 103-C

The applicant's representative shall be present for the public hearing.

C. The City Council shall act within ninety (90) days following a public hearing for which notice has been given, as provided in 255-92. Failure by the Council to take final action upon an application a special permit within ninety (90) days following the date of public hearing shall be deemed to be a grant of the permit applied for. Special permits issued by the Council shall require a two-thirds vote of its membership. [Amended 6-6-1978 by Doe. 103-C]

The applicant's representative shall be present for the public hearing.

D. Upon approval of said special permit by the City Council, the applicant shall submit a definitive plan to the Planning Board as specified in the Rules and Regulations Governing the Subdivision of Land in the City of Haverhill, Massachusetts. (See also 255-63, Other approvals required) [Amended 3- 13-1979 by Doe. 299-C]

If approved, the applicant will prepare and submit a definitive plan to the Planning Board.

E. Special permits granted under this section shall lapse within one (1) year, and including such time required to pursue or await the determination of an appeal referred to in 255-80, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except good cause. [Added 6-6-78 by Doe. 103-C].

The applicant acknowledges this statement.

255-91. Preliminary plan requirements for cluster residential development, multifamily dwellings or planned unit development. [Amended 6-10-1992 by Doe. 52-C] A complete set of plans shall be submitted in accordance with 255- 76C.1 and C.2.

C. I. [Added 6-10-1992 by Doe. 52-CI All applications a special permit before the City Council shall be accompanied by a reproducible original and eighteen (18) copies of the following described certified site plan prepared by a registered professional engineer and registered land surveyor. The certified sire plan shall show the following (1) The perimeter dimensions of the lot; Assessors Map, lot and block numbers.

The perimeter dimensions of the lot are shown on the attached plans. The assessor's reference is shown on the site plan.

(2) All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.

The proposed site improvements are shown on the Site plans. All buildings shown conform to the setback requirements of the zoning district.

(3) Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).

The proposed roadway meets the planning board requirements of 28 feet wide. Separate parking areas are not proposed because it is a single family home project. Each single family home will have a driveway with suitable off-street parking.

(4) All facilities sewage, refuse and other waste disposal and for surface water drainage.

A proposed sewer is shown on the attached plans. It is anticipated that refuse disposal will be provided by the City. The proposed stormwater management system drainage system is shown schematically on the site plans. The final design will be designed to meet all required stormwater management standards during the definitive plan approval process.

(5) All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract.

The information is shown on the submitted plans and will be detailed on the definitive plan set.

(6) Existing major natural features, including streams, wetlands and all trees six inches or larger in caliper (caliper is girth of the tree at approximately waist height).

Wetland resource areas are shown. Trees over 6 inches are not shown because it would be an overwhelming task to locate so many trees on such a large parcel.

(7) Zoning, scale and North arrow (minimum scale of one inch equals 100 feet).

The Zoning information is on the site plan. The North Arrow is on the plans and the scale provided is 1 inch equals 50 feet.

(8) Total site area in square footage and acres and area to be set aside as public open space, if appropriate.

The total site area is equal to approximately 15.5 acres. The area of open space is equal to approximately 3.47 acres. This information is summarized on the site plan.

(9) Percentage of lot coverage (including the percentage of the lot covered by buildings) and percentage of open space, if appropriate.

The percentage of lot coverage is not applicable in this case since we are proposing small single family homes. The percentage of open space is equal to approximately 22.4%.

(10) The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type: number of one-bedroom units; two-bedroom units, etc. If appropriate.

The density provided is 0.39 units per acre if calculated on the total parcel area and 0.50 units per acre if calculated excluding the open space. Commercial space is not proposed. We propose a total of 6 single family homes containing three to four bedrooms each.

(11) Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the applicant).

A locus map is shown on the site plan.

(12) Developer's (or his representative's) name, address and phone number.

Developer:

Bradford Unlimited Corp., Stephen Defeo, President
PO Box 5415
Bradford, MA 01835
TEL: (978)375-6118

Engineers & Surveyors of Record:

Williams & Sparages LLC
191 South Main Street, Suite 103
Middleton, MA 01949
TEL: (978) 539-8088

Legal Counsel:

Robert D. Harb, Cirome & Harb LLP
17 West Street
Haverhill, MA 01830
TEL: (978) 373-5611

(13) Any other -information which may include traffic, school, utilities and impact studies deemed necessary by a two-thirds vote of the City Council as the Special Permit Granting Authority (SPGA) in order to adequately evaluate the scope and potential impacts of the proposed projects.

This information is not included with this special permit application, but can be provided as requested by the City Council.

C.2. [Added 6-10-1992 by Doe. 52-C; amended 6-27-2000 by Doe. 79-H] The City Council shall require all petitions for special permits for cluster residential development, multifamily dwellings, residential developments in the Watershed Protection Overlay District or planned unit development to meet the certified site plan requirements of Subsection C.1 above, and attached to said plan shall be exterior facade elevation Plans and interior unit Plans prepared by a registered architect. The architectural plans shall show the following:

(1) Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).

Attached are sketches of buildings that may be built on site. The height of the buildings will not exceed 35 feet. Since it is a residential subdivision, individual lots may be sold to others. In these cases, the building may not look like the attached sketches.

(2) Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed: either one bedroom, two bedrooms Or more.) The area in square feet of each typical unit should be indicated.

Floor plans for each building are attached. The plans provided are not stamped by an architect since it not required for this type of residential construction.

Exhibit C
Architectural Sketches

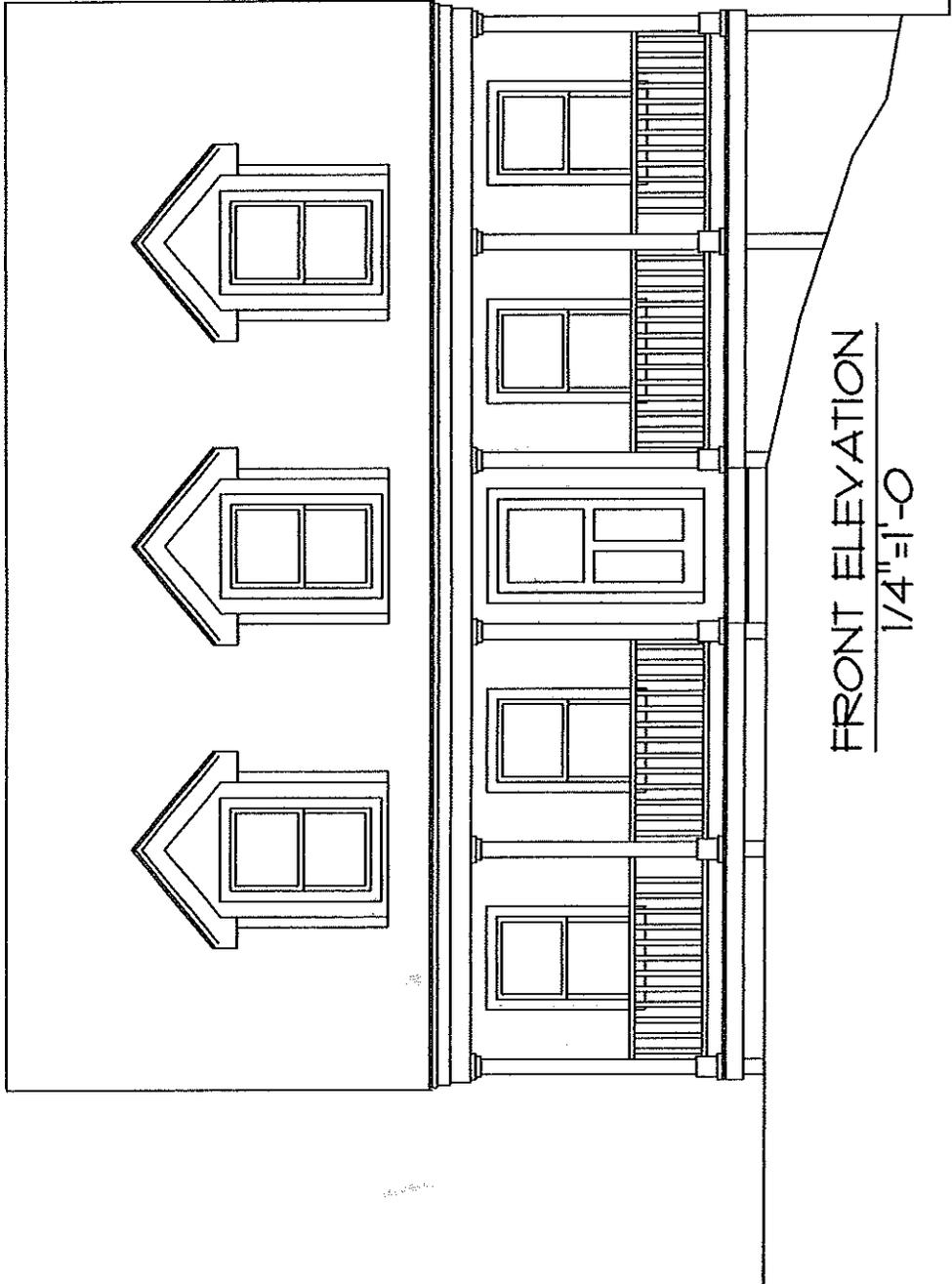
Option 1 - "Garage Under" Scenario

Option 2 - "Attached Garage" Scenario

OPTION 1

DRAWN BY:
MARTHA MACINNIS
58 REGENT AVE.
BRADFORD, MA 01835
(978)374-8719

PROPOSED NEW CONSTRUCTION
BRADFORD UNLIMITED CORP.



FRONT ELEVATION
1/4" = 1'-0"

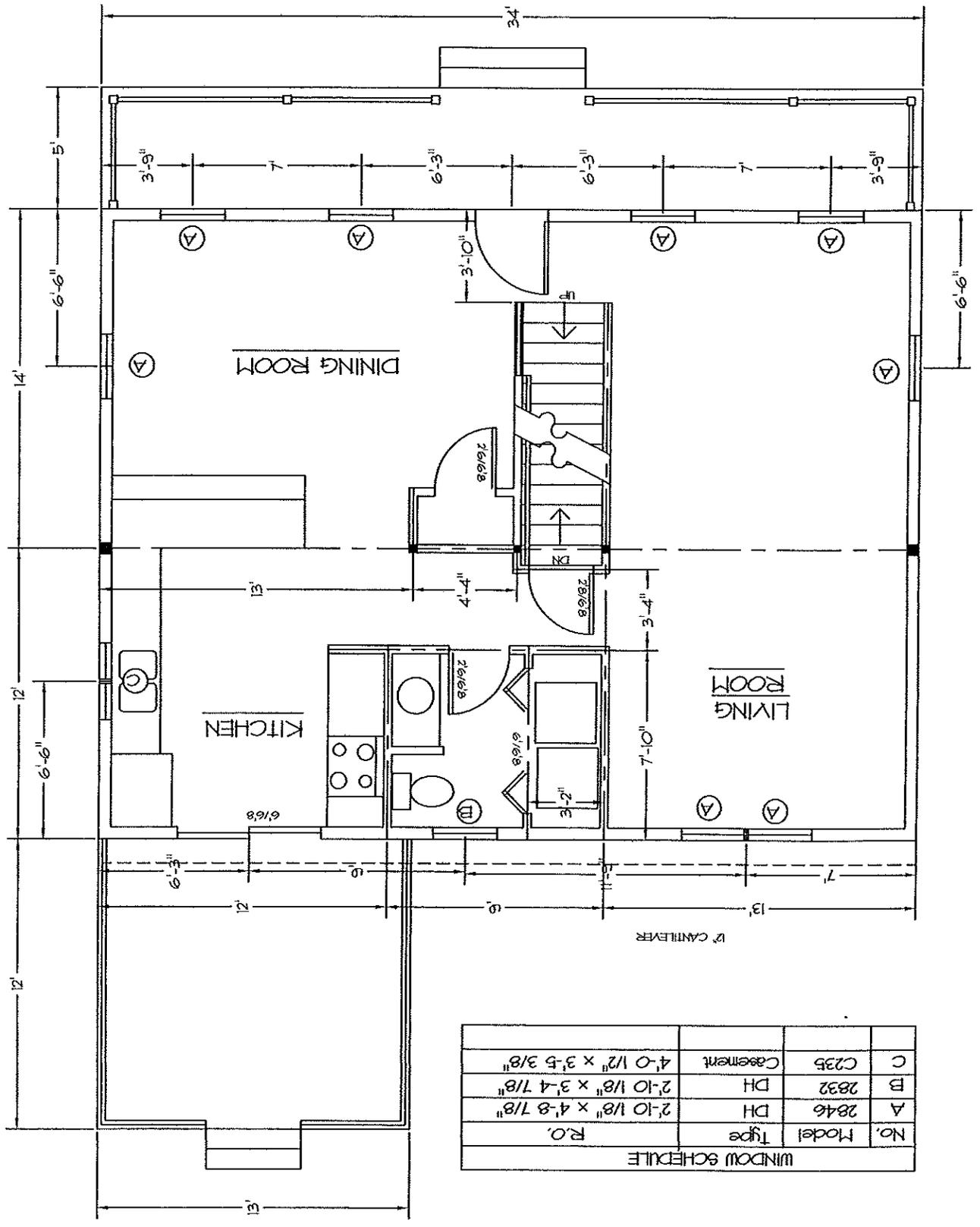
OPTION 1

DRAWN BY:
 MARTHA MACINNIS
 58 REGENT AVE.
 BRADFORD, MA. 01835
 (978)374-8719

PROPOSED NEW CONSTRUCTION
 BRADFORD UNLIMITED CORP.

2

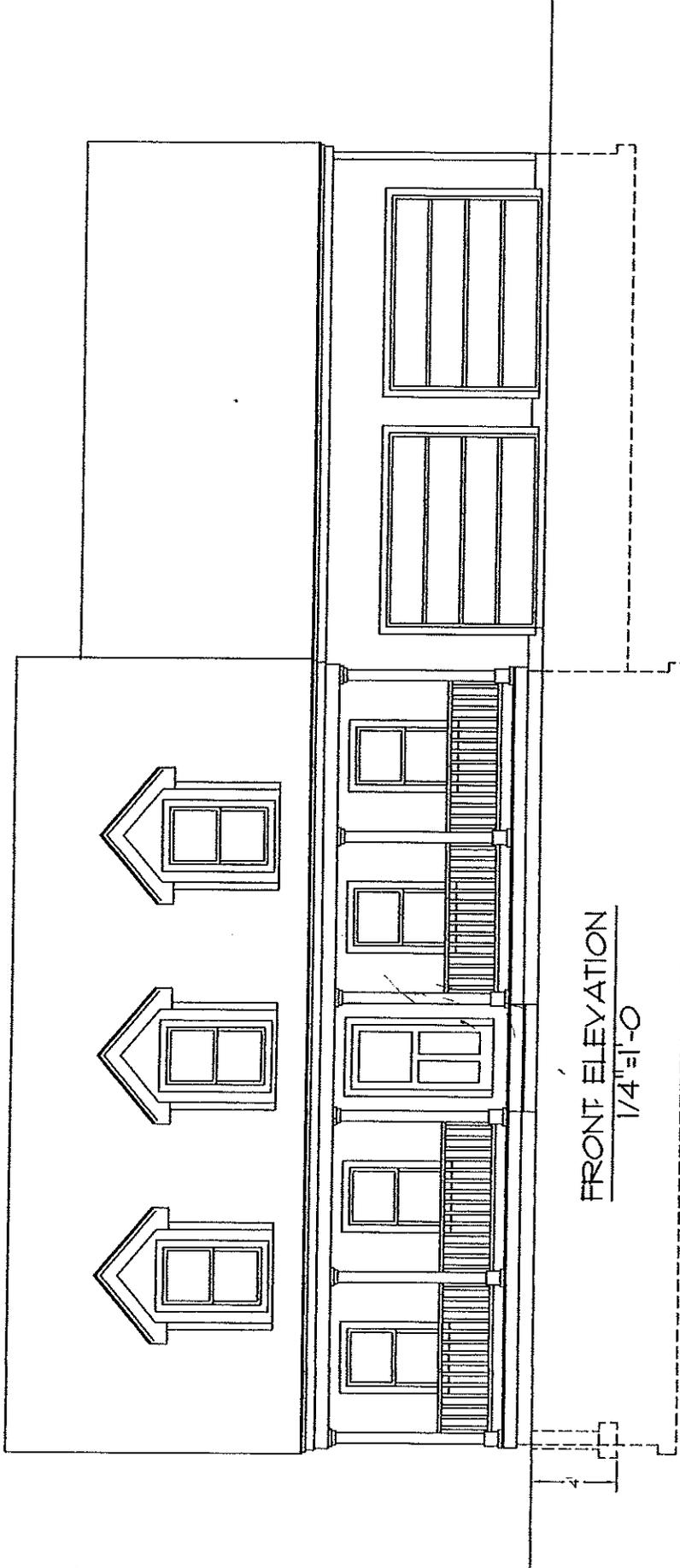
FIRST FLOOR PLAN 1/4"=1'-0"



WINDOW SCHEDULE

No.	Model	Type	R.O.
A	2846	DH	2'-10 1/8" x 4'-8 7/8"
B	2832	DH	2'-10 1/8" x 3'-4 7/8"
C	C235	Casement	4'-0 1/2" x 3'-5 3/8"

OPTION 2



SEPT. 7, 2010

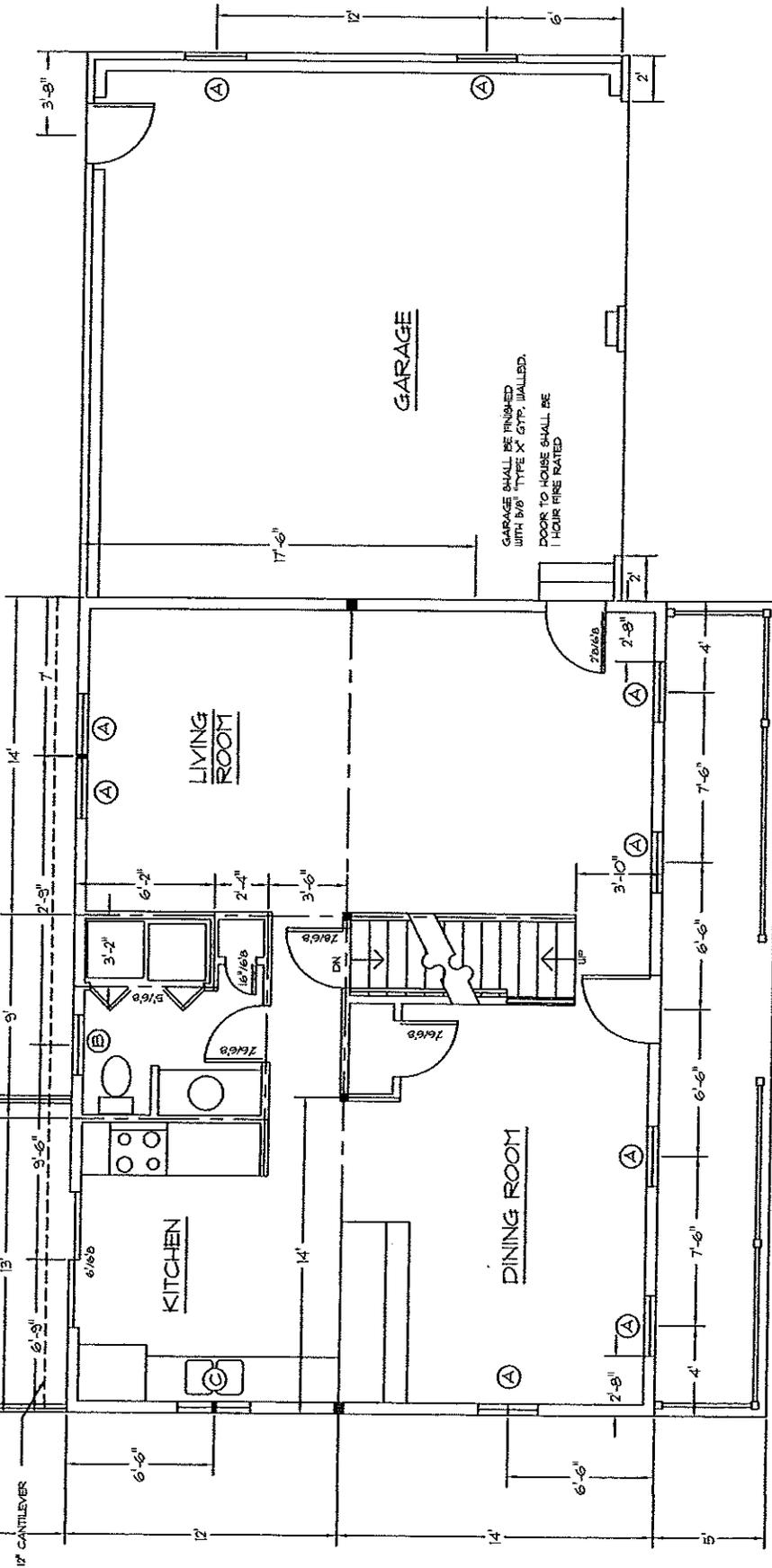
4

PROPOSED NEW CONSTRUCTION
14 CANNON HILL
GROVELAND, MA,
BRADFORD UNLIMITED CORP.

DRAWN BY:
MARTHA MACINNIS
58 REGENT AVE.
BRADFORD, MA. 01835
(978)374-8719

OPTION 2

BRACED WALL PANEL CONSTRUCTION SHALL BE IN ACCORDANCE WITH METHOD THREE, SEVENTH EDITION, MASS BUILDING CODE FOR ONE AND TWO FAMILY DWELLINGS.
 CONTIGUOUS WOOD STRUCTURAL PANEL SUECTION SHALL BE PROVIDED AND PANEL LENGTHS SHALL BE IN ACCORDANCE WITH TABLE 6B02.0.5.
 ALL PANELS SHALL BE INSTALLED IN ACCORDANCE WITH TABLE 6B02.3.0.



GARAGE SHALL BE FINISHED WITH 5/8" TYPE 'X' GYP. WALLS. DOORS TO HOUSE SHALL BE 1 HOUR FIRE RATED.

WINDOW SCHEDULE		
No.	Model	Type
A	2846	DH
B	2832	DH
C	C235	Caseament

FIRST FLOOR PLAN
 1/4" = 1'-0"

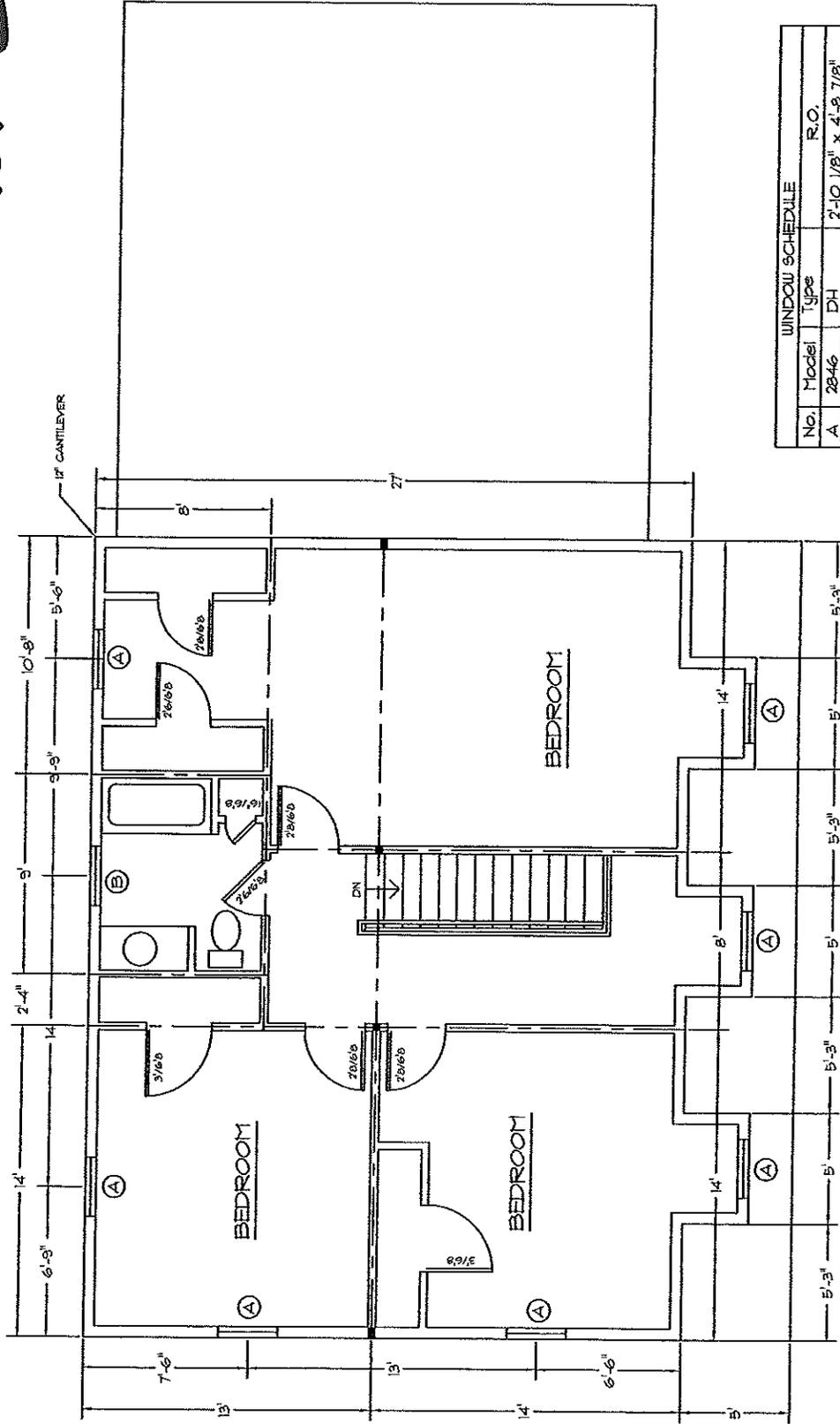
DRAWN BY:
 MARTHA MACINNIS
 58 REGENT AVE.
 BRADFORD, MA. 01835
 (978) 374-8719

PROPOSED NEW CONSTRUCTION
 14 CANNON HILL
 GROVELAND, MA.
 BRADFORD UNLIMITED CORP.

SEPT. 7, 2010

2

OPTION 2



WINDOW SCHEDULE			
No.	Model	Type	R.O.
A	2846	DH	2'-10" 1/8" x 4'-8" 7/8"
B	2852	DH	2'-10" 1/8" x 3'-4" 7/8"
C	C225	Casement	4'-0" 1/2" x 3'-5" 3/8"

SECOND FLOOR PLAN
1/4" = 1'-0"

DRAWN BY:
MARTHA MACINNIS
58 REGENT AVE.
BRADFORD, MA. 01835
(978)374-8719

PROPOSED NEW CONSTRUCTION
14 CANNON HILL
GROVELAND, MA,
BRADFORD UNLIMITED CORP.

SEP 17, 2010

3

Exhibit D

Copy of Check for Filing Fee

BRADFORD UNLIMITED CORP.

P.O. BOX 5415
BRADFORD, MASSACHUSETTS 01835
(978) 375-6118

6635

DATE

1/18/12

53-7005-2113

PAY TO THE ORDER OF

City of Haverhill
Five Hundred & fifty 4/5/00

\$ 250.00

DOLLARS



BRADFORD UNLIMITED CORP.



Haverhill Bank
Just One Bank

FOR

Rosemont/Silings

Stephen Phelps

⑆006635⑆ ⑆211370053⑆ 11990007⑆

MP

Exhibit E

Owner Authorization Letter

Estate of Joseph G. Duffy
69 Walker Road
Atkinson, NH 03811

January 18, 2012

Haverhill City Council
4 Summer Street
Haverhill, MA 01830

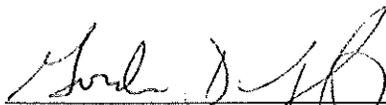
Attn: Haverhill City Clerk

Re: Consent and Approval of Owner

Special Permit Application/Petition of Bradford Unlimited Corp.
For A Cluster Residential Development and
Application For Waiver of Affordable Housing
Rosemont Street

We, Gordon Duffy and Stephen Duffy, Co-Executors of the Estate of Joseph G. Duffy, owners of the land located on Rosemont Street, Haverhill, MA described in the above referenced Application/Petition, hereby give our consent and approval to Bradford Unlimited, Corp. to file said Applications/Petitions and to do all things necessary to obtain said Special Permit and Waiver of Affordable Housing for the same.

Respectfully submitted,



Gordon Duffy, Co-Executor



Stephen Duffy, Co-Executor