

**DOC. 32– SUMMARY MINUTES OF A SPECIAL PERMIT HYBRID HEARING HELD ON APRIL 6, 2021 FOR PETITION FROM ATTORNEY MICHAEL MIGLIORI FOR APPLICANT/OWNER DSF WATER STREET LLC FOR MODIFICATION OF A PRE-EXISTING SPECIAL PERMIT/PROJECT BUILT IN 1970 FOR PROPERTY LOCATED IN THE WATERFRONT DISTRICT SUB-ZONE D, AT 1 WATER STREET; ASSESSOR’S MAP 200, BLOCK 4, LOT 2 TO CONVERT EXISTING COMMERCIAL AREA ON FIRST FLOOR INTO 8 RESIDENTIAL UNITS FROM A TOTAL OF 164 TO 172**

SUBJECT: Document 32 - Special Permit hybrid hearing for petition from Attorney Michael Migliori for applicant/owner DSF Water Street LLC for modification of a pre-existing Special Permit/project built in 1970 for property located in the Waterfront District Sub-Zone D, at 1 Water Street; Assessor’s Map 200, Block 4, Lot 2 to convert existing commercial area on first floor into 8 residential units from a total of 164 to 172

Present: President Melinda Barrett, Councillor Colin LePage, Councillor Joseph Bevilacqua, Councillor John Michitson, Councillor Thomas Sullivan, Councillor Timothy Jordan, Councillor Mary Ellen Daly O’Brien, and Councillor William Macek

Absent: Councillor Michael McGonagle

City Clerk Linda Koutoulas: Document 32 - Petition from Attorney Michael Migliori for applicant/owner DSF Water Street LLC for modification of a pre-existing Special Permit/project built in 1970 for property located in the Waterfront District Sub-Zone D, at 1 Water Street; Assessor’s Map 200, Block 4, Lot 2 to convert existing commercial area on first floor into 8 residential units from a total of 164 to 172. There is an unfavorable recommendation from William Pillsbury, Economic Development and Planning Director.

**President Barrett announced that a phone number will scroll for people to call into the City Council office to voice their opinion.**

Council President Barrett opened the hearing.

Attorney Migliori stated he was attending the hearing remotely with Yuriedy Medina, DSF representative. He wanted to clarify that in 2019 the Council approved a request to modify the existing Special Permit to allow 3 additional units from 164 to 167 units but did not allow the conversion of commercial units that the owner had requested. Today they are seeking to increase the apartment units from 167 to 172 (5 additional units) and reduce the commercial units by 5. One commercial unit would be used as a rental office. He is aware of the Planning Director’s opposition to the request but does not believe this building is not part of the downtown. Back in 2019 the City Council suggested that they come back to Council if they were not able to find appropriate tenants. The building was sold, and the new owners have put in \$500,000 in upgrades/improvements in the past 2 years. Attorney Migliori showed exhibits/photos of converted areas – community room converted to fitness area, hallways, doors, lighting, and numbering. The commercial space would be on the first floor, far right side. The parking set aside for commercial units would no longer be needed and would be used by the tenants. They have had difficulty finding commercial tenants. No one spoke in favor of the request. Ms. Ann Marie Putnam spoke strongly in opposition to the request and handed out a photo of an aunt who passed away in her apartment in January 2020.

President Barrett closed the hearing.

On motion of Councillor LePage with second from Councillor Daly O’Brien to approve the modification to the pre-existing Special Permit.

Councillors spoke about why they felt this property needed to remain commercial on the first floor and that efforts had not been made to adequately advertise the space; provide for additional parking for commercial

and/or tenants; be creative in advertising/outreach. They agreed with Planning Director Pillsbury's unfavorable recommendation dated April 2, 2021.

Councillor Sullivan emphasized the need for additional apartments and felt that commercial tenants would not be coming to this property. Councillor Daly O'Brien added that Home Health VNA moved from the building due to lack of parking.

On motion of Councillor Daly O'Brien with second from Councillor Jordan to amend the motion to reduce commercial space from 6 units to 1 unit.

Clerk Koutoulas: Councillor LePage-yes, Councillor Bevilacqua-no, Councillor Michitson-no, Councillor Sullivan-yes, Councillor Jordan-yes, Councillor Daly O'Brien-yes, Councillor Macek-yes, President Barrett-yes. 6 yeas, 2 nays, 1 absent.

President Barrett: Amendment passed.

President Barrett asked the clerk to call the roll on the main motion.

Clerk Koutoulas: Councillor LePage-no, Councillor Bevilacqua-no, Councillor Michitson-no, Councillor Sullivan-yes, Councillor Jordan-no, Councillor Daly O'Brien-yes, Councillor Macek-no, President Barrett-no. 2 yeas, 6 nays, 1 absent.

President Barrett: Motion failed.

Respectfully submitted,

*Barbara S. Arthur*

Barbara S. Arthur  
Administrative Assistant  
Haverhill City Council

April 14, 2021

## **REASON FOR VOTE - DOCUMENT 32**

### **1 Water Street**

#### **Hybrid Special Permit – April 6, 2021**

President Barrett: I voted against granting the Special Permit to allow conversion of commercial space to residential for multiple reasons: Inadequate parking at 1 Water Street that already exists would not be alleviated. The change in use from commercial to residential would not be in keeping with the City's Master Plan as noted in the letter of April 2, 2021 from the Economic Development and Planning Director.

Councillor LePage: I voted not in favor of this Special Permit modification as it is inconsistent with the City's Master Plan as noted in the letter of April 2, 2021 from the Economic Development and Planning Director.

Councillor Bevilacqua: The proposal was in violation and did not support the goals of the Master Plan or zoning to maintain street level commercial and was opposed by the City Economic Development and Planning Director for that reason.

Councillor Michitson: I voted against the request due to lack of parking.

Councillor Sullivan: I voted in support of the request because I believe there is currently a need for more residential housing as opposed to more commercial space in the downtown district, and because I believe the City Council has the ability to make exceptions to the Master Plan and Zoning Ordinances when a proposal makes sense given current circumstances and conditions, as well as given the history of this uniquely situated property.

Councillor Jordan: I voted against the Special Permit at 1 Water St. for a few reasons. The fact that Economic Development Director Bill Pillsbury strongly opposed removing the requirement that the first floor remain commercial carried a lot of weight with me. I felt that the Council did compromise two years ago by allowing the non-street facing commercial units to be converted to residential two years ago. Also, I feel that allowing this request would not be consistent with the stated goals in the city's new Master Plan.

Councillor Daly O'Brien: I voted yes for this special permit modification request because it would add to the residential property available for housing and the city requires additional residential space.

Councillor Macek: My vote against the request was based upon the City's Planning Director's request that we deny the property owner's request for residential conversion of commercial space and his stated reasons in support of the denial. Additionally, there was no strategic plan to improve or satisfy parking issue that exist and would only be worsened if the additional residential units were permitted.