



City of Haverhill
City Council Minutes

Tuesday, June 19, 2018 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, Room 202
4 Summer Street

Present – President Michitson, Councillors Sullivan, Bevilacqua, Barrett, LePage, Jordan, Macek, Daly O’Brien, and McGonagle.
City Clerk – Linda L. Koutoulas

1. Opening Prayer
2. Pledge of Allegiance
3. Approval of Minutes of Prior Meeting
The minutes were approved
4. Assignment of the minutes review for the next Meeting
Councillor Bevilacqua was assigned the minutes
5. Communications from the Mayor
6. Communications and Reports from City Officers and Employees
7. Utility Hearing(s) and Related Order(s)

8. Hearings and Related Orders

Hearing was held on Document 59/59B, communication from John Pettis City Engineer requesting Council adopt revisions to the Floodplain District Ordinance; Chapter 255, Article V–18 and submits related Ordinance Relating to Zoning–Floodplain District. Mr. Doug Gove, Associate Vice President, AECOM, spoke on behalf on John Pettis. He informed that the city had done a lot of work with the flood plain protection system, the floodwall downtown and they achieved accreditation with FEMA for the floodwall. Seeking adoption of new flood map panel for downtown which gives city credit for having this levee system accredited. It also includes new section of floodwall on the west end that now protects 70 Washington Street. Paula O’Brien spoke in favor. No one was opposed.

Hearing closed. Placed on file

Yeas 9, Nays 0

59

ORDERED: MUNICIPAL ORDINANCE CHAPTER 255
An Ordinance Relating To Zoning- Floodplain District

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Article V, as amended, be further amended in §255-18 to be as follows:

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the City of Haverhill designated as Zones A and AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex Country FIRM that are wholly or partially within the City of Haverhill are Panel numbers (see document for complete text)

Favor able recommendation from Planning Board and Planning Director to approve the zoning amendment as presented.

PASSED

Yeas 9, Nays 0

59B

Hearing was held on Document 52/52B, petition from Attorney Michael Migliori representing applicant Ralph L Buzzell, Inc owner of the 24-acre parcel on East Broadway; Assessor’s parcel No. 461-3-16 (the “Premises”) on Assessor’s Tax Maps requesting a Proposed Zoning Amendment to City Zoning Ordinance to establish a new Article XV.A “Senior Housing Overlay District” (SHOD) and if the proposed overlay district is adopted the Developer intends to promptly seek a special permit from Council to develop a 30 unit (plus 55) development on the Premises.

President Michitson opened the meeting setting the following ground rules: only address zoning. Attorney Mark Babrowski is representing the city. The proponent will have 15 minutes then he will ask those in favor to speak. Each speaker will have up to 3 minutes, 10 speakers on each side, limit repetition. The opposition will be given 15 minutes, those against will have 3 minutes each, 10 speakers and limit repetition. There will be a rebuttal – proponent 5 minutes and opposition 5 minutes. The hearing will be closed. He will move onto questions/comments from City Councillors. Councillors will be limited to 3 minutes each. President Michitson asked Attorney Babrowski to give a brief overview addressing the following questions: 1) Who authored the ordinance? 2) Whose document is it now? 3) Does overlay only pertain to East Broadway? 4) What would another use of this overlay development be?

Attorney Mark Babrowski, City’s zoning advisor, gave an overview of the proposed zoning amendment. The ordinance only pertains to Assessor’s parcel numbers 461-3-16. The ordinance was authored by the developer. He informed that the proposed zoning amendment, referred to as spot zoning by some, would withstand scrutiny by the Attorney General’s office. Attorney Michael Migliori reviewed the specifics of the proposed zoning ordinance. Mr. Larry Smith, Managing Director and developer informed that the original plans called for 34 units with duplex configuration and he changed it to 30 detached single family homes based on input from the neighbors. The land is a gravel pit. He is repairing land, not taking away open space. This would be for age restricted housing. The proposed ordinance is site specific. There would be 40% open space, 60’ between properties, 200’ conservation buffer, offering site easements. Those who spoke in favor: Bob DeCelle, representing Mr. Buzzell, Michael Cashman, Attorney Paul Magliocchetti, Mal Kimball, Vinny Grassi, John Buzzell, Felicia Elias, Edward Lardiere, Gene O’Neil and Chris Malvers. Planning Director William Pillsbury answered questions.

Don Cox, Old Wild Farm, abutter, gave an overview of why his family and neighbors are opposed. He read

into the record a petition with 166 signatures asking to be represented on the Master Plan Committee seeking to maintain rural space. He cited issues of concern being density, setback buffer, should require city sewer in line with cluster development laws; should adhere to subdivision rules and follow underlying zoning. This would have an impact on his farm. Those who spoke against: Bill Ryan, Eric Smith, Tom MacMillan, Kevin McCarthy, Jim Parker, Mike Maroney, Laura Scholten, Jim Kenny, Eva Valentine and Alan Porter.

There was a rebuttal from both sides.

Hearing Closed Yeas 9, Nays 0 52

Doc 52-B

MUNICIPAL ORDINANCE

CHAPTER

New Provisions to the Zoning Ordinance to Create a “Senior Housing Overlay District (WSHOD)”

Item 1. Add the following new Article XV.A SENIOR HOUSING OVERLAY DISTRICT (WSHOD)

Sec. 255-153.1 Purpose. The purpose of this Article is:

1. To create innovative land plans to promote age-restricted dwelling units consistent with the City’s [Housing] Plan.
2. To provide an alternative land use not presently available in the City.
3. To provide incentives for the redevelopment of existing blighted or environmentally degraded sites.

Sec. 255-153.2. Overlay District. The SHOD shall be an overlay district superimposed on the underlying zoning districts. The initial SHOD shall consist of the 24 acres located off East Broadway identified as Assessor’s Parcel No. 461-3-16 and shown on the plan entitled “Former Buzzell Gravel Pit, East Broadway”, dated April 3, 2018 prepared by Meridian Engineering, Inc. and filed with the City Clerk.

(see document for complete text)

Related communication from area residents- Letter from City Clerk with petition from abutters (for and against) and certified abutter list; Favorable recommendation from Planning Board and Planning Director to approve the zoning amendment with proposed modification/additions/amendments to be contained in any action adopted by the City Council. Also comments from City Departments.

On motion of Councillor Sullivan to approve ordinance with discussion and second by Councillor Daly O’Brien. Councillors offered their comments about the zoning ordinance. Mr. Smith informed that he would be willing to lower units to 27.

Councillor Barrett made a motion to amend the document to reflect no more than 27 total units or 1.2 buildable uplands, whichever is less with second by Councillor Daly O’Brien.

On the question of passage the yeas and nays were as follows:

- Yeas,-Councillors Sullivan, Barrett, LePage, Daly O’Brien and McGonagle 5
- Nays, Councillors Bevilacqua, Jordan, Macek and President Michitson 4

Amendment Passed

On motion of Councillor Barrett to amend the document to include Planning Board recommendation and all other city department comments with second by Councillor Daly O’Brien

Amendment Passed Yeas 9, Nays 0

Vote on the main motion with amendments

On the question of passage the yeas and nays were as follows:

- Yeas,-Councillors Sullivan, Barrett, LePage, Daly O’Brien and McGonagle 5
- Nays, Councillors Bevilacqua, Jordan, Macek and President Michitson 4

NOT PASSED 52B

9. Public Participation- Requests under Council Rule 28

10. Appointments:

Confirming Appointments :

Non-Confirming Appointments:

Scott Wood, 93 Lawrence St. to Stadium Commission; appointment to expire Dec 31, 2019

PLACED ON FILE Yeas 9, Nays 0 17H

11. Petitions:

Applications:

Communication from Mikel Shilling of American Battle Monuments Commission requesting permission to use/reproduce photos of soldiers in “Haverhill in World War II”; with Haverhill owning the copyright

GRANTED Yeas 9, Nays 0 83

Applications/Handicap Parking Sign:

John Connor, 31 4th Ave, *Renewal*

GRANTED Yeas 9, Nays 0 22F

Jean Easter, 52 High St, *Renewal*

GRANTED Yeas 9, Nays 0 22G

Annual License Renewals

Drainlayer License for 2018

Charles Zaher – *renewal*

GRANTED Yeas 9, Nays 0 10R

Pool Tables:

Kelly’s Restaurant, 75 South Main st, Joyce Moriarty - 2 tables, *renewal*

GRANTED Yeas 9, Nays 0 72C

Sunday Pool:

Kelly’s Restaurant, 75 South Main st, Joyce Moriarty - 2 tables, *renewal*

GRANTED Yeas 9, Nays 0 6R

Buy & Sell Second Hand Articles:

GRANTED Yeas 9, Nays 0 78

Work it Again Tools, 551 River st, Salvatore DeNaro – <i>new</i>		
GRANTED	Yeas 9, Nays 0	78B
Common Ground Thrift Store, 8 White st, Paul Fitzgibbons - <i>renewal</i>		
GRANTED	Yeas 9, Nays 0	79
Buy & Sell Second Hand Clothing:		
Common Ground Thrift Store, 8 White st, Paul Fitzgibbons - <i>renewal</i>		
GRANTED	Yeas 9, Nays 0	
Limousine/Livery License		
White Castle Transportation, 18 Christian cir, 1 vehicle – <i>Renewal</i>		
GRANTED	Yeas 9, Nays 0	80
Driscoll Funeral Home and Cremation Services, 309 S Main st, 3 vehicles – <i>Renewal</i>		
GRANTED	Yeas 9, Nays 0	80B
<i>Applications have received police approval</i>		

12. Motions and Orders

ORDERED: That the sum of \$178,576.00 be transferred from Salary Reserve Account to the Fire Department – Salaries Account in order to fund retroactive pay increases per contract award

PASSED Yeas 8, Nays 1 (Macek) 81

ORDERED: That the City transfer \$24,950 from Capital Budget to Capital Account – Trinity Stadium

PASSED Yeas 9, Nays 0 81B

13. Ordinances (File 10 days)

MUNICIPAL ORDINANCE CHAPTER 240
An Ordinance Relating to Vehicles and Traffic

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240-108, Article XVI. Parking Fees, Rates and Terms is hereby amended as follows:

By deleting the figure “0.50” under the heading “Hourly Rate” on the Central Business District Parking Fees, Rates and Terms chart, and, by inserting the figure and words “\$1.00 for on-street and off-street parking” in place thereof.”

PLACED ON FILE for at least 10 days Yeas 8, Nays 0, Abstain 1(Bevilacqua) 82

MUNICIPAL ORDINANCE CHAPTER 240
An Ordinance Relating to Vehicles and Traffic

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240-108, Article XVI. Parking Fees, Rates and Terms is hereby amended as follows:

By deleting the figures and words “8.00 a.m. to 6:00 p.m.”, “8.00 a.m. to 8:00 p.m.” “3.00 p.m. to 8:00 p.m.”, under the heading “Hours of Operation” on the Central Business District Parking Fees, Rates and Terms chart, and, by inserting the figures and words “10.00 a.m. to 8: p.m.” in place thereof.”

PLACED ON FILE for at least 10 days Yeas 8, Nays 0, Abstain 1(Bevilacqua) 82B

MUNICIPAL ORDINANCE CHAPTER 240
An Ordinance Relating to Vehicles and Traffic

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240-108, Article XVI. Parking Fees, Rates and Terms is hereby amended as follows:

By deleting the figure “\$15.00****” under the heading “Monthly Rate” on the Central Business District Parking Fees, Rates and Terms chart, and, by inserting the figure “\$20.00” in place thereof; also, by deleting the footnote “****Parking Permits may be obtained for an annual fee of \$150 per year.”

PLACED ON FILE for at least 10 days Yeas 8, Nays 0, Abstain 1(Bevilacqua) 82C

14. Monthly Reports

Abatement report from Assessor Christine Webb, for month of May 2018

PLACED ON FILE Yeas 9, Nays 0 19F

15. Communications from Councillors

Communication from Councillor Macek requests that the intersection of Lake St and West Lowell Ave be reviewed in total for improved safety installation of Stop or Yield signs especially for traffic heading East on West Lowell Ave in the vicinity of 9 Lake St

COUNCILLOR MACEK INFORMED THAT THERE HAD BEEN 3 ACCIDENTS IN A SHORT PERIOD OF TIME IN THIS AREA

REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 63R

16. Unfinished Business of preceding Meetings

Be it Ordained by the City Council of the City of Haverhill that Chapter 120, of the Code of the City of Haverhill, as amended, being as is hereby further amended by inserting the following

“§120-17. STRETCH ENERGY CODE

(A) Definitions

International Energy Conservation Code (IECC) – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United State for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Stand.

Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of the buildings built to this code.

(B) Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

(C) Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated (see document for complete text)

PASSED

Yeas 9, Nays 0

IJJ

17. Resolutions And Proclamations

Proclamation – Myasthenia Gravis Awareness Month – June 2018

ADOPTED

Yeas 9, Nays 0

39M

18. Council Committee Reports and Announcements

19. Documents Referred To Committee Study

Meeting adjourned at 10:24 o'clock P.M.

Yeas 9, Nays 0

Attest: Linda Koutoulas
City Clerk