



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, November 13, 2012 at 7:00 PM
City Council Chambers, Room 202

1. APPROVAL OF RECORDS OF THE PREVIOUS MEETING

2. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

3. COMMUNICATIONS FROM THE MAYOR

3.1. Communication from Mayor Fiorentini reestablishing the Development and Industrial Commission and appointing five non-confirming appointments to this Commission:

- William Pillsbury
- James DiBurro
- Kharis Goodridge
- John Michitson
- Sally Cerasuolo-O'Rorke

Attachment

4. UTILITY HEARING(S) AND RELATED ORDER(S)

4.1. Document 98, Petition for Joint Pole Location from Verizon New England & Mass Electric Co (North Andover) for Meadow Lane

4.1.1. Document 98B, Order grant Joint Pole Location to Verizon New England Inc and Mass Electric Co for Meadow Lane Attachment

4.1.2. Request related from Robert Grassia, Right of Way Manager, on behalf of Verizon Engineering Department, formally requesting to withdraw Verizon petition #738 Meadow Lane without prejudice for the placement of 1 pole Attachment

5. APPOINTMENTS

5.1. Confirming Appointments:

NO SCHEDULE

5.2. Non-Confirming Appointments:

5.2.1. Charles Kozlowski: *Mayor's Downtown Master Committee* Attachment

5.3. Resignations:

NO SCHEDULE

6. PETITIONS

6.1. Petitions:

6.1.1. Petition for Joint Pole Location from Verizon New England & Mass Electric Co (North Andover) for South Prospect Street **Hearing Dec 4th** Attachment

6.1.2. Petition for Joint Pole Location from Verizon New England & Mass Electric Co (North Andover) for Middlesex st **Hearing Dec 4th** Attachment



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6.2. Applications:

- 6.2.1. Application from Paul Abare for Hawker Peddler License for 403 River st for Sunday through Saturday, Nov 20th through Dec 24th from 7 am to 9:30 pm to sell Christmas trees, wreaths, kissing balls, and decorations **Pending HPD Approval** Attachment
- 6.2.2. Application from Milton Russell for Hawker Peddler License for 24 Summer st. Haverhill Elks, Nov 24th through Dec 24th, Saturday & Sunday from 9 am to 6 pm, and Monday through Friday, 4 pm to 8 pm to sell Christmas trees & wreaths Attachment
- 6.2.3. Application from Tony Forte for Handicap Parking Sign at 197 River st Attachment

6.3. Annual License Renewals:

NO SCHEDULE

7. HEARINGS AND RELATED ORDERS

7.1. Document 101, Tax Classification Hearing from Board of Assessors for fiscal year 2013

- 7.1.1. Document 101-B, *Order*: That the residential factor for fiscal year 2013 be adopted as: Attachment
- 7.1.2. Document 101-C, *Order*: That the City shall adopt a commercial exemption Attachment
- 7.1.3. Document 101-D, *Order*: That the City shall adopt a residential exemption Attachment
- 7.1.4. Document 101-E, *Order*: That the City shall select an open space discount factor Attachment
- 7.1.5. Document 101-F, *Order*: That the City Council of the City of Haverhill hereby accepts the provisions of the Massachusetts General Laws, Chapter 59, Section 5, Clauses 17E and 41D with respect to Permanent acceptance of the annual C.P.I. index increase to the tax exemptions for the elderly. Attachment
- 7.1.6. Document 101-G, *Order*: That the City Council accepts 100% of C.P.I. (Consumer Price Index) increase reported by the State for F.Y. 2013 Exemptions. The 2013 C.P.I. amount is 2.65% Attachment



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8. MOTIONS AND ORDERS

- 8.1. Loan order for \$6,061,000 for the purposes of financing improvements to the Merrimack River floodwall, the Little River conduit and the pump station in Washington Square
File 10 Days [Attachment](#)
- 8.1.1. Related document "Authority to File" [Attachment](#)
- 8.2. Transfer \$164,300 from Capital Projects account to several Capital accounts for Capital Repairs [Attachment](#)
- 8.3. Transfer the sum of \$2,800 from Budget Reserve account to Personnel Salaries for office floater [Attachment](#)

9. UNFINISHED BUSINESS OF PRECEDING MEETINGS

- 9.1. [Document 21-L](#), Ordinance re: Parking, 15 Varnum st – Delete Handicap Parking
Filed Oct 24 2012 [Attachment](#)
- 9.2. [Document 22-F](#), Ordinance re: Parking, Limited Parking on South Pleasant st; north side, from South Main st westerly for 225 feet; on south side, from South Main st westerly for 140'
Time Limited: 1 Hour Hours/Days: 8 am to 5 pm
Filed Oct 24 2012 [Attachment](#)
- 9.3. [Document 99](#), Ordinance re: Vehicles & Traffic; Amend Chapter 240, section 88, Schedule E: City Parking Lots; Herbert H Goecke, Jr Parking Deck: with revision to Central Business District Parking Map dated 8/17/11
Filed Oct 24 2012 [Attachment](#)
- 9.4. [Document 99-B](#), Ordinance re: Vehicles & Traffic; Amend Chapter 240, section 88, Schedule E: City Parking Lots; Essex and Locust Streets Parking Lot: with revision to Central Business District Parking Map dated 8/17/11
Filed Oct 24 2012 [Attachment](#)
- 9.5. [Document 99-C](#), Ordinance re: Vehicles & Traffic; Amend Chapter 240, section 21 with revision to service zone in front of 70 Washington st, for only 15 minutes vehicle parking without loading or unloading
Filed Oct 24 2012 [Attachment](#)
- 9.6. [Document 99-D](#), Amend Chapter 240-59. Designation of snow emergency routes, parking restrictions
Filed Nov 2 2012 [Attachment](#)
- 9.7. [Document 99-E](#), re: Central Business District Parking Commission Amend Chapter 11-72 Powers, duties & responsibilities generally
Filed Nov 2 2012 [Attachment](#)



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, November 13, 2012 at 7:00 PM
City Council Chambers, Room 202

10. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES

10.1. Monthly Reports:

10.1.1. Abatement Report from Board of Assessors for month of October 2012 [Attachment](#)

10.2. Communications from Councillors:

10.2.1. Communication from Councillor McGonagle requesting to introduce Colleen McKenna of Haverhill Community Violence Coalition to speak about an upcoming event [Attachment](#)

10.2.2. Request for Reconsideration from Councillor Ryan regarding a vote taken at City Council Meeting on October 30, 2012 regarding Document 87, Hearing requested for further deliberation and consideration per: Land Court Remand Order of August 29, 2012: John Giordano v. Haverhill City Council Docket No. 11 MISC 453400; *Document 100/2010; Special Permit to Build a single family residence Within 500' of a Water Supply at 90 Amesbury rd; Assessor's Map 465, Block 3, Lot 2A—2A – Denied by City Council on August 23, 2011* [Attachment](#)

10.2.2.1. Document 87, Hearing requested for further deliberation and consideration per: Land Court Remand Order of August 29, 2012: John Giordano v. Haverhill City Council Docket No. 11 MISC 453400; *Document 100/2010; Special Permit to Build a single family residence Within 500' of a Water Supply at 90 Amesbury rd; Assessor's Map 465, Block 3, Lot 2A—2A – Denied by City Council on August 23, 2011—Further Denied by City Council on October 30, 2012* **Denied Oct 30 2012** [Attachment](#)

10.3. Communications from City Officers and Employees:

NO SCHEDULE

11. RESOLUTIONS AND PROCLAMATIONS

NO SCHEDULE

12. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

12.1. Council Committee Reports:

NO SCHEDULE

12.2. Documents referred to Committee Study [Attachment](#)

13. ADJOURN



JAMES J. FIORENTINI
MAYOR

CITY OF HAVERHILL
MASSACHUSETTS

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

November 5, 2012

City Council President Robert Scatamacchia
& Members of the City Council

RE: Development and Industrial Commission

Dear Mr. President and City Council Members:

Article 17 of the City Code provides for the establishment of what is called a "Development and Industrial Commission." This section of the City Code was established in 1954 and evidently amended in 1963 and in 1981. The Development and Industrial Commission has been defunct for many, many years and we do not have any records as to the last time it met or who was appointed to it.

The purpose of the Development and Industrial Commission as mentioned in the City Code is "for the promotion and development of industrial resources of the City." The ordinance establishing it goes on to say that the Commission "may advertise and distribute books and pamphlets setting forth possibilities within the City."

I would like to reestablish the Commission as a means of promoting and developing existing business parcels within the City. Ultimately, I will ask the Council to amend the ordinance to bring it up to date with modern technology. For example, industrial parks are now called "business parks". A better means of promoting our business parks is with the internet rather than to "distribute books and pamphlets".

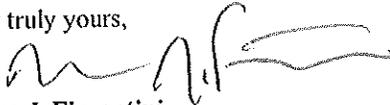
To set up the committee, I am appointing several people who, over the years, have expressed an interest in assisting the City in promoting business development. So far as we can determine, these appointments do not require Council approval but I would ask that you place them on file and send me the names of any other persons you believe would be suited for this commission.

I am appointing the following people to this commission:

- William Pillsbury, Econ. Development and Planning Director
- James DiBurro of 625 Boxford Road, Bradford
- Kharis Goodridge of 13 Twin Brooks Circle, Bradford
- John Michitson, City Councilor, of 119 Kenoza St.
- Sally Cerasuolo-O'Rorke of 400 Chadwick Road, Bradford

These appointments do not require confirmation and take effect immediately.

Very truly yours,


James J. Fiorentini
Mayor

JJF/lk

CC: William Pillsbury
Kharis Goodridge
James DiBurro
John Michitson
Sally Cerasuolo-O'Rorke

Article XVII. DEVELOPMENT AND INDUSTRIAL COMMISSION

§ 11-84. Establishment; composition.

§ 11-85. Duties; books and pamphlets.

§ 11-86. Industrial Director.

§ 11-87. Quarterly reports.

[Adopted as part of Ch. 2 of the 1963 City Code (Ch. 2, Art. XVIII, of the 1980 Code)]

§ 11-84. Establishment; composition.

The Haverhill Industrial Council is hereby established under the provisions of Chapter 297 of the Acts of the year 1954, consisting of 10 members, to be appointed by the Mayor for the promotion and development of industrial resources of the City. The Council is authorized to promulgate rules and regulations respecting its organization and its conduct in all matters which properly come before it.

§ 11-85. Duties; books and pamphlets.

The Council shall conduct researches into industrial conditions and shall seek to coordinate the activities of unofficial bodies organized for such purpose. For this purpose it may advertise and distribute books and pamphlets setting forth possibilities within the City.

§ 11-86. Industrial Director.

There is established the office of Industrial Director, who shall be appointed by the Mayor on the basis of special qualifications to carry out the purposes of the Council. He shall receive such compensation as may be determined by ordinance and shall report to the Mayor directly.

§ 11-87. Quarterly reports.

[Added 12-29-1981 by Doc. 233]A quarterly progress report of the Industrial, Commercial and Economic Development Corporation (ICEDC) and of the Industrial Development Financing Authority (IDFA) *Editor's Note: See also Ch. 6, Authorities, Art. 1, Industrial Development Financing Authority.* shall be filed with the City Council on the first Tuesday of each January, April, July and October.

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4.1
Hearing November 13
MUNICIPALITY
2012

98

Mass. Form 559
9-81

PETITION FOR JOINT OR IDENTICAL POLE LOCATION

Dracut, Mass.,

09/13/2012

To the City Council
of Haverhill, Massachusetts.

VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) and MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER) request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:-

MEADOW LANE – Place one (1) Pole

Locations approximately as shown on Plans attached

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-Verizon PLAN NO. 738 Dated 09-13-2012.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space at a suitable point on each of said poles for the limited purpose of attaching one-way low voltage fire and pole signaling wires for public safety purposes only.

VERIZON NEW ENGLAND INC.
(Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH)

By *Robert E. Gussner*
Manager/Right of Way

MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER)

By *James [Signature]*
Distribution Engineering

IN CITY COUNCIL: October 23 2012
VOTED: that COUNCIL HEARING BE HELD NOVEMBER 13 2012

Attest:

City Clerk

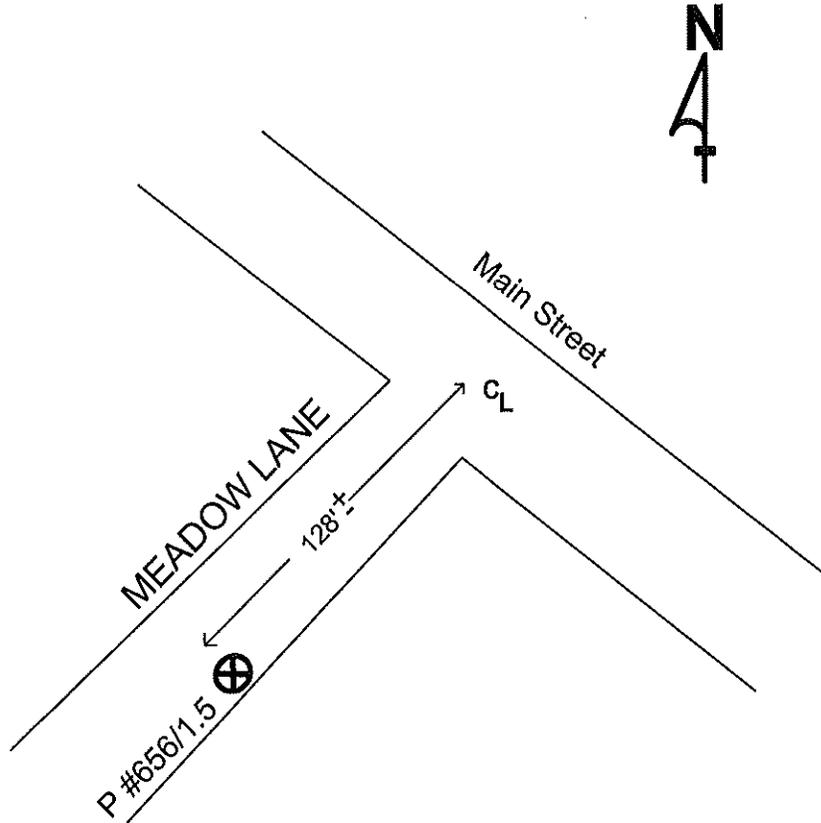
PETITION PLAN

MUNICIPALITY



Pet.#738
Date: September 13, 2012

Municipality: **Haverhill, Massachusetts**
Verizon New England Inc. and Massachusetts Electric Company
Showing: **Proposed Joint Pole Location**



Prepared By SC

DISTANCES SHOWN ARE APPROXIMATE

Checked By *oh p... [signature]*
Order # 9ADW48

LEGEND

- | | |
|--|---|
|  - Proposed Verizon Pole Location |  - Proposed Joint Pole Location |
|  - Verizon Pole Location to be Abandoned |  - Existing Joint Pole to Remain |
|  - Verizon Co. Pole to Remain |  - Present Joint Pole Location to be Abandoned |
|  - Existing Verizon Manhole | |
|  - Proposed Verizon Manhole Location | |

FORM MASS. 560
8-1-73

ORDER FOR JOINT OR IDENTICAL POLE LOCATION

By the City Council
of the City of Haverhill, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

That VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH) and MASSACHUSETTS ELECTRIC COMPANY be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said companies dated the 13th day of September, 2012.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-VERIZON PLAN NO 738, dated 09/13/2012 filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH) not to exceed 20 wires and 5 cables and by said MASSACHUSETTS ELECTRIC COMPANY such cables, wires and fixtures as are necessary in its business and all of said wires and cables shall be placed at a height to conform to the National Electric Safety Code.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:-

MEADOW LANE – Place one (1) Pole

Locations approximately as shown on Plans attached

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Haverhill, Massachusetts held on the _____ day of _____ 2012.

City Clerk

For Hearing November 13 2012

FORM MASS. 560

8-1-73

ORDER FOR JOINT OR IDENTICAL POLE LOCATION

By the City Council
of the City of Haverhill, Massachusetts.

Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH) and MASSACHUSETTS ELECTRIC COMPANY be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said companies dated the 13th day of September, 2012.

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Locations approximately as shown on Plans attached

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I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Haverhill, Massachusetts held on the _____ day of _____ 2012.

City Clerk

FORM MASS. 560
8-1-73

ORDER FOR JOINT OR IDENTICAL POLE LOCATION

By the City Council
of the City of Haverhill, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

That VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH) and MASSACHUSETTS ELECTRIC COMPANY be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said companies dated the 13th day of September, 2012.

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Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-VERIZON PLAN NO 738, dated 09/13/2012 filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH) not to exceed 20 wires and 5 cables and by said MASSACHUSETTS ELECTRIC COMPANY such cables, wires and fixtures as are necessary in its business and all of said wires and cables shall be placed at a height to conform to the National Electric Safety Code.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:-

MEADOW LANE – Place one (1) Pole

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I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Haverhill, Massachusetts held on the _____ day of _____ 2012.

City Clerk

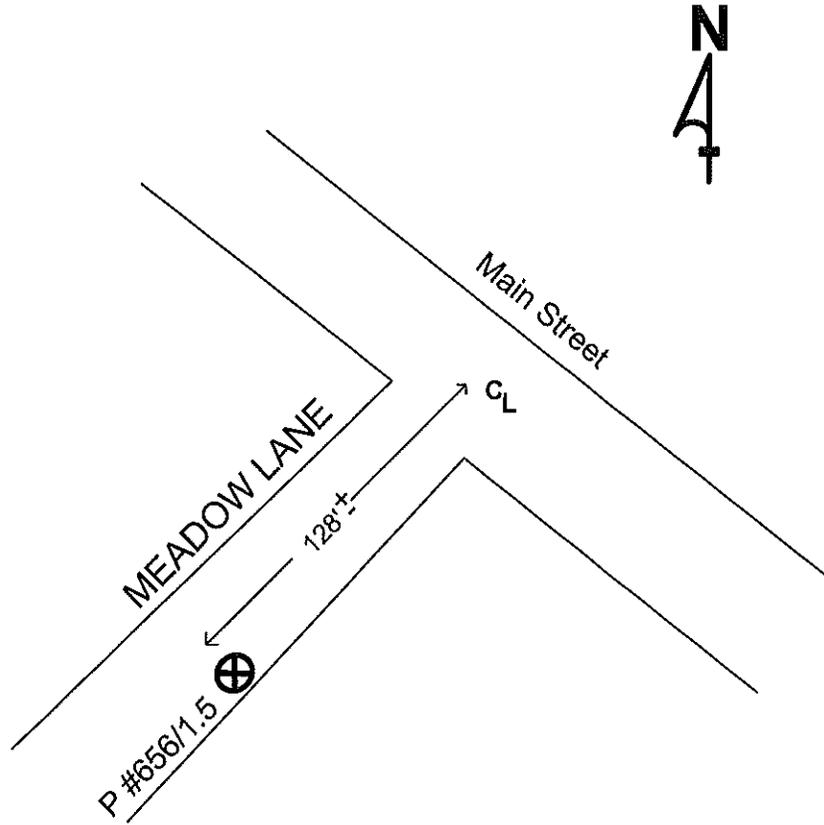
PETITION PLAN

MUNICIPALITY



Pet.#738
Date: September 13, 2012

Municipality: **Haverhill, Massachusetts**
Verizon New England Inc. and Massachusetts Electric Company
Showing: **Proposed Joint Pole Location**



Prepared By SC

DISTANCES SHOWN ARE APPROXIMATE

Checked By *of per Sae*
Order # 9ADW48

LEGEND

- | | | | |
|--|---|---|---|
|  | - Proposed Verizon Pole Location |  | - Proposed Joint Pole Location |
|  | - Verizon Pole Location to be Abandoned |  | - Existing Joint Pole to Remain |
|  | - Verizon Co. Pole to Remain |  | - Present Joint Pole Location to be Abandoned |
|  | - Existing Verizon Manhole | | |
|  | - Proposed Verizon Manhole Location | | |

VERIZON
Right of Way Department
20 Shattuck Road
Andover, MA 01810

October 26, 2012

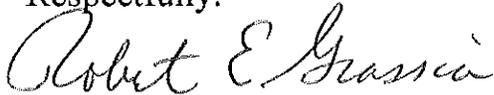
City of Haverhill
Haverhill City Council
4 Summer Street
Haverhill, MA 01830

Dear City Council,

Please accept this correspondence as a formal request from the Verizon Engineering Department, located at 20 Shattuck Road, Andover, MA 01810 to withdraw the Verizon petition #738 Meadow Lane without prejudice for the placement of one (1) Pole.

If there is any question on this request please contact me at my office 978-837-6255.

Respectfully:



Robert E. Grassia
Right of Way Manager
Verizon New England, Inc.
robert.e.grassia@verizon.com



JAMES J. FIORENTINI
MAYOR

CITY OF HAVERHILL
MASSACHUSETTS

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

November 2, 2012

City Council President Robert Scatamacchia
& Members of the City Council

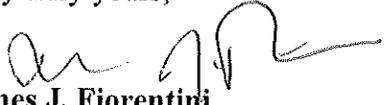
RE: Mayor's Downtown Master Committee

Dear Council President & Members of the City Council:

I hereby appoint Charles Kozlowski of 659 Kenoza St. to the Mayor's Downtown Master Committee.

This is a non-confirming appointment which takes effect immediately.

Very truly yours,


James J. Fiorentini
Mayor

JJF/lk

Cc: William Pillsbury
Charles Kozlowski

Hearing 6.1.1
December 4
2012
MUNICIPALITY

PETITION FOR JOINT OR IDENTICAL POLE LOCATION

Dracut, Mass.,

06/08/2012

To the City Council
of Haverhill, Massachusetts.

VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) and MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER) request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:-

SOUTH PROSPECT STREET – Place one (1) Pole

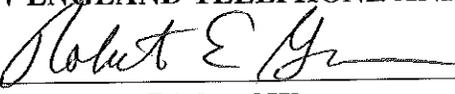
Locations approximately as shown on Plans attached

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-Verizon PLAN NO. 709 Dated 06-08-2012.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space at a suitable point on each of said poles for the limited purpose of attaching one-way low voltage fire and pole signaling wires for public safety purposes only.

VERIZON NEW ENGLAND INC.
(Formerly known as **NEW ENGLAND TELEPHONE AND TELEGRAPH**)

By 
Manager/Right of Way

MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER)

By 
Distribution Engineering

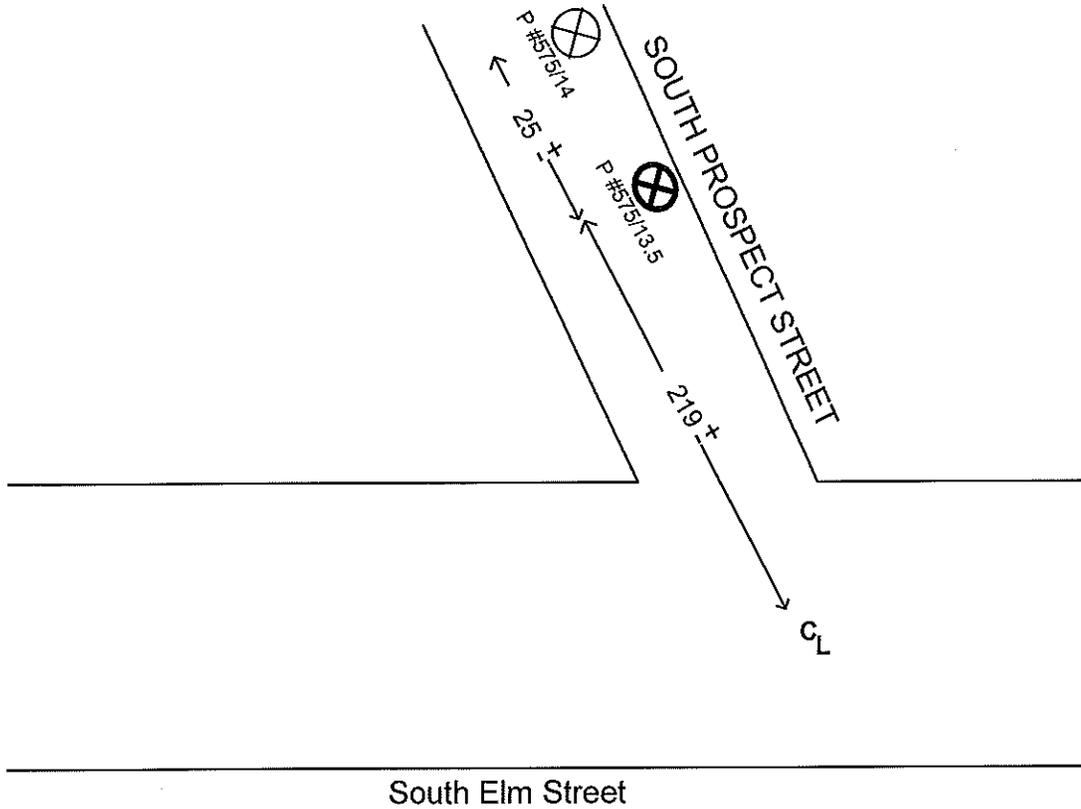
PETITION PLAN

MUNICIPALITY



Pet. #709
Date: June 8, 2012

Municipality: Haverhill, Massachusetts
Verizon New England Inc. and Massachusetts Electric Company
Showing: **Proposed Joint Pole Location**



Prepared By SC/lg

DISTANCES SHOWN ARE APPROXIMATE

Checked By
Order 7AA4T8

LEGEND



- Proposed Verizon Pole Location



- Verizon Pole Location to be Abandoned



- Verizon Co. Pole to Remain



- Existing Joint Pole to Remain



- Proposed JO Pole



- Present Joint Pole Location to be Abandoned

TO THE CITY OF HAVERHILL

PLEASE RETURN SIGNED ORDER FORMS AND BILLS PROMPTLY

To Whom It May Concern:

Attached is a petition for the following:

SOUTH PROSPECT STREET -Place one (1) Pole

A Public Hearing **WILL BE NECESSARY.**

If any further information is required, please contact:

Mr. Robert E. Grassia, Manager/Right of Way
Verizon
28 Diana Lane
Dracut, MA 01826

Telephone: 978-275-1294

Hearing ^{6.1.2} December 4
2012
MUNICIPALITY

PETITION FOR JOINT OR IDENTICAL POLE LOCATION

Dracut, Mass.,

06/08/2012

To the City Council
of Haverhill, Massachusetts.

VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) and MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER) request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:-

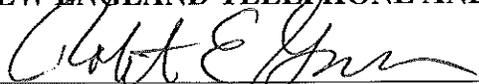
MIDDLESEX STREET – Remove one (1) Pole
Place one (1) Pole
Locations approximately as shown on Plans attached

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-Verizon PLAN NO. 708 Dated 06-08-2012.

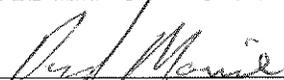
Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space at a suitable point on each of said poles for the limited purpose of attaching one-way low voltage fire and pole signaling wires for public safety purposes only.

VERIZON NEW ENGLAND INC.
(Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH)

By 
Manager/Right of Way

MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER)

By 
Distribution Engineering



PETITION PLAN

MUNICIPALITY

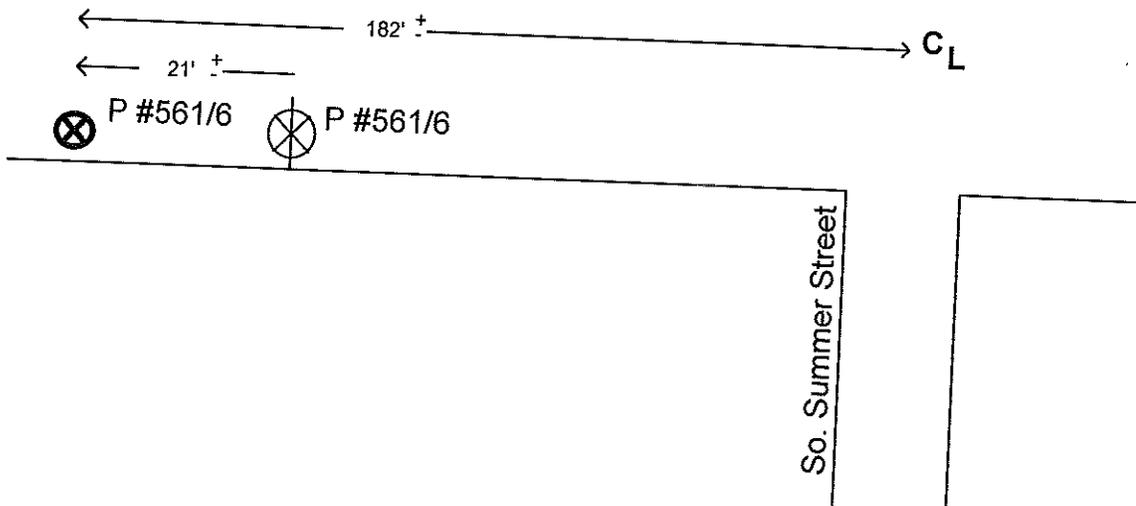
Pet. #708
Date: June 8, 2011

Municipality: Haverhill, Massachusetts
Verizon New England Inc. and Massachusetts Electric Company
Showing: **Proposed Joint Pole Location**



ROMA
REST

MIDDLESEX STREET



Prepared By SC/lg

DISTANCES SHOWN ARE APPROXIMATE

Checked By
Order 7AA4T8

LEGEND



- Proposed Verizon Pole Location



- Verizon Pole Location to be Abandoned



- Verizon Co. Pole to Remain



- Existing Joint Pole to Remain



- Proposed JO Pole



- Present Joint Pole Location to be Abandoned

Date NOV 6 2012

The undersigned respectfully asks to receive a license to conduct business in the City of Haverhill as a:

Hawker or Peddler

Christmas trees, wreaths, kissing bells decorations

Kind of Merchandise to be Sold

Sunday - Saturday

403 River St

NOV 30 thru DEC 24

Location

7 AM - 9:30 PM

New - Fixed Location

New - Mobile Cart

Renewal - Fixed Location

Renewal - Mobile Cart

Sunday - Saturday

7 AM - 9:30 PM

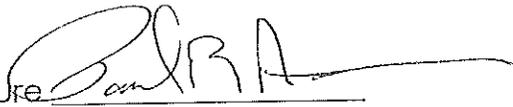
NOV 20

Date and Time of Operation

thru Dec 24

Name Paul ABAREZ

Residence 403 River St
Haverhill Ma 01832

Signature 

Fee \$ 200.00

Bond on File

See Back for Phone Number/Date of Birth/Social Security #

Police Chief

Approved ____ Denied ____

Health Department

Approved ____ Denied ____

Wire Inspector

Approved ____ Denied ____

Recreation Director (Stadium Only)

Approved ____ Denied ____

OCT 23 2012

Date _____

The undersigned respectfully asks to receive a license to conduct business in the City of Haverhill as a:

- Hawker or Peddler
- Employee of a Hawker or Peddler

Christmas trees & wreaths
 Kind of Merchandise to be Sold

24 Summer St - Haverhill EIKS
 Location

- New - Fixed Location
- Renewal - Fixed Location
- New - Mobile Cart
- Renewal - Mobile Cart

NOV 24 2012 to Dec 24 2012 Monday-FRI 4-8 PM
SAT-SUN 9 AM-6 PM
 Date and Time of Operation

Name MICHAEL RUSSELL

Residence 15 3RD ST
KINGSTON NH 03848

Signature [Signature]

Fee \$200.00

Bond on File

See Back for Phone Number/Date of Birth/Social Security #

[Signature]
Police Chief

Approved Denied _____

Health Department

Approved _____ Denied _____

Wire Inspector

Approved _____ Denied _____

Recreation Director (Stadium Only)

Approved _____ Denied _____

CITY OF HAVERHILL
APPLICATION FOR HANDICAP PARKING SIGN

*NEW
*RENEWAL

DATE OF REQUEST 4-3-12 DATE OF APPROVAL

NAME: TONY FORTE

ADDRESS: 197 RIVER ST HAVERHILL

TELEPHONE #: 978-373-0735

VEHICLE TYPE: Olds '88

PLATE #: 411XGT

Do you currently have off street parking at your residence? Yes No

If yes, why is there a need for a handicap parking sign? When tenant is in driveway I have to park on street also if my car is in driveway + my son picks me up he is handicapped + needs to park there. I am 93 years

Did you have a handicap parking sign at a previous address? Yes No Old + the restaurant across the street uses many spaces

If yes, location?
 Tony M. Forte
Applicant Signature

Thank you.

- Please include a copy of your current handicap placard or handicap registration, along with this application.

Approve Denied

 Reason for denial

Al R. P. [Signature]
Chief of Police Signature

Approve Denied

 Reason for denial

City Council Approval

Please allow for a minimum of thirty (30) days for sign placement upon approval of City Council.

*ORDINANCE WILL EXPIRE 24 MONTHS FROM DATE OF APPROVAL.

MAIL OR DELIVER COMPLETED APPLICATION TO CHIEF OF POLICE, 40 BAILEY BLVD.



TAX 7.1
 Classification Hearing
 November 13 2012

CITY OF HAVERHILL

ASSESSORS OFFICE – ROOM 115
 Phone: 978-374-2316 Fax: 978-374-2319
 Assessors@cityofhaverhill.com

October 26, 2012

TO: Margaret Toomey
 City Clerk

FROM: Stephen C. Gullo, MAA
 Tax Assessor

SUBJECT: Communication for the Board of Assessors for a Classification Hearing FY 2013

The Tax Classification Hearing for Fiscal Year 2013 will be held on Tuesday, November 13, 2012 in the Haverhill City Council Chambers at 7:00 P.M.

IN CITY COUNCIL: October 30 2012
 VOTED: that COUNCIL HEARING BE HELD NOVEMBER 13 2012
 Attest:

City Clerk



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED:

That the residential factor for fiscal year 2013
be adopted as:



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED: That the City shall adopt a commercial exemption



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED: That the City shall adopt a residential exemption



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED: That the City shall select an open space discount factor

DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED:

That the City Council of the City of Haverhill hereby accepts the provisions of the Massachusetts General Laws, Chapter 59, Section 5, Clauses 17E and 41D with respect to Permanent acceptance of the annual C.P.I. index increase to the tax exemptions for the elderly.



101-G



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED:

That the City Council accept 100% of C.P.I. (Consumer Price Index) increase reported by the State for F.Y. 2013 Exemptions. The 2013 C.P.I. amount is 2.65%



JAMES J. FIORENTINI
MAYOR

CITY OF HAVERHILL
MASSACHUSETTS

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

November 7, 2012

City Council President Robert Scatamacchia
And Members of the Haverhill City Council

RE: Loan Order

Mr. President and members of the City Council:

Attached is a loan order for \$6,061,000 for the purposes of financing improvements to the Merrimack River floodwall, the Little River conduit and the pump station in Washington Square.

The City Council will recall that we have spoken about this on many occasions. We are required by the Army Corps of Engineers and FEMA to make improvements to the floodwall, the conduit and the pump station. This allows the City to remain in the National Flood Insurance Program. Without this designation, buildings in the flood zone will have to purchase expensive flood insurance.

Haverhill's flood control elements must be brought up to a satisfactory condition in order to stay within the ACOE's **REHABILITATION AND INSPECTION PROGRAM (RIP)**". This project will accomplish this objective. RIP allows the USACOE to restore Haverhill flood control system in the event of future storm damage.

As the Council knows, our long-term vision is to have a board walk run along the river. Accordingly, the improvements to the floodwall have been designed so that eventually a boardwalk could be placed on the floodwall. We have applied for both a federal and state grant to help us pay for this but we would be required, under the terms of either grant, to have authorization to pay for the entire program and, if we are successful with the grant, the federal or state government would reimburse us. I am attaching a funding schedule from Mr. Benevento, our Finance Director, indicating the yearly payments on the loan order.

I am also attaching a document entitled "Authority to File". This document allows us to apply to the state revolving loan fund in order to be able to finance this project. Under the state revolving loan program, we are allowed to finance this at approximately 2% per year.

This document must be placed on file for two weeks after which time I recommend approval.

Thank you in advance, for your consideration.

Very truly yours,



James J. Fiorentini, Mayor

JJF/lk
Encl.



Document
CITY OF HAVERHILL
In Municipal Council

B.1.
B.1.1

Ordered:

That \$6,061,000 is appropriated for the purpose of financing the cost of engineering services and construction related to flood control improvements including improvements to the Merrimack River floodwall, Little River conduit and the Marginal Pump Station including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78 ("Chapter 29C"); that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$6,061,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and secured by local system revenues as defined in section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust (the "Trust"); and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

File 10 DAYS

adv:
File 10 days



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED:

AUTHORITY TO FILE

Whereas, the City of Haverhill, after thorough investigation, has determined that the work activity consisting of engineering services and construction related to flood control improvements including improvements to the Merrimack River floodwall, Little River conduit and the Marginal Pump Station is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (the "MassDEP") and the Massachusetts Water Pollution Abatement Trust (the "Trust") of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Haverhill as follows:

1. That the Mayor is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.



Document

CITY OF HAVERHILL

In Municipal Council

Ordered:

That the sum of \$164,300 be transferred from the Capital Projects account to the following Capital Accounts:

DPW Backup Generator	\$35,000
DPW Tree Removal	\$50,000
DPW Emergency Flashing Lights	\$1,500
DPW Sidewalk Repair	\$25,000
Recreation Playgrounds	\$3,000
Recreation Infield Restorations	\$5,000
City Hall Repairs	\$35,000
Fire Roof Repairs Water St.	\$4,800
Fire Floor Repairs 16 th Ave.	\$5,000



JAMES J. FIORENTINI
MAYOR
November 7, 2012

CITY OF HAVERHILL
MASSACHUSETTS

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

City Council President Robert Scatamacchia
& Members of the City Council

RE: Transfer Order

Dear Council President and Members of the City Council:

Enclosed, please find a transfer order for various capital projects.

We currently have \$292,000 in the Capital budget. I am seeking to transfer \$164,300 from this line item for the following projects:

DPW	Backup generator for DPW Building	\$35,000
DPW	Tree Removal	\$50,000
DPW	Emergency Flashing lights	\$1,500
DPW	Sidewalk Repair throughout the City	\$25,000
Recreation	Playground resurfacing – 12 th Ave.	\$3,000
Recreation	Infield Clay and Restoration- Riverside	\$5,000
Mayor's Office	City Hall Repairs	\$35,000
Fire	Roof repairs – Water St. Station	\$4,800
Fire	Floor repair – 16 th Ave. – Eval.	\$5,000
Total:		\$164,300

This leaves a balance of \$127,700 in this account.

Information concerning these projects is attached.

I recommend approval.

Very truly yours,


James J. Fiorentini, Mayor

JJF/lk

Encl.



Haverhill

Department of Public Works
500 Primrose Street
Haverhill, MA 01830
Phone: 978-374-2360
Fax: 978-374-2362
www.ci.haverhill.ma.us

Michael K. Stankovich
Director of Public Works
mstankovich@cityofhaverhill.com

Date: October 31, 2012
To: Mayor James J. Fiorentini
From: Michael K. Stankovich, Director of Public Works
Re: Capital Needs Listing - 2012

Relative to the improved free cash position of the City, per your request here are DPW's capital needs (non-water/wastewater):

- Backup generator for DPW building - \$ 35K See next page for background info
- Removal of a backlog of 135 dead/dangerous trees - \$ 169,000
Mayer Tree Service is the City low bidder for this work – 40 trees @ average cost of \$ 1250.00/tree = \$ 50,000.00
- Barricades with flashing lights - 10 safety barrels with flashers @ 150.00 per barrel = \$ 1,500.00 New England barricade
- Sidewalk Repairs – low bidder is J. Marchese @ \$ 60.00/sq.yd.
\$ 25,000 = ~ 800 linear feet of sidewalk

Background:

As you are aware the Highway Dept. facility on Primrose Street has lost electrical power on three different occasions over the past two years. The electrical power was lost due to severe snow and ice storms which have occurred in the area. The duration of electrical power outages have ranged from one day to three and half days. During that time, the facility did not have any heat, lights, telephone, or computer access.

We consulted with the City's on-call electrical contractor, Ronald Seaboyer, Inc., to determine our back up power requirements. I mentioned to him that we are looking for a robust backup system that would provide backup power for all of our needs; lighting, heating, telephones, and fleet services requirements, and not just a partial solution. This is especially important during the winter months as the lack of heat could result in damaged pipes and the building being severely damaged. As the frequency of severe storms seems to be increasing, we envision a system that would last from 20 - 30 years and would provide for all of the facility's backup power needs.



Haverhill

Department of Public Works
500 Primrose Street
Haverhill, MA 01830
Phone: 978-374-2360
Fax: 978-374-2362
www.ci.haverhill.ma.us

Michael K. Stankovich
Director of Public Works
mstankovich@cityofhaverhill.com

Seaboyer recommended a generator sized from 85-100 KW, and that it be three-phased to handle all of our electrical loads (Highway/Admin/Fleet Services/Fire Dept. maint facility).

Backup Generator:

I recently invited a representative from Kohler generators to look at our situation and offer input on this aspect of the project. They have provided us with a generator bid specification sheet and a "ball park" purchase price for a properly sized generator. The purchase price is approximately \$ 29,500.00. Plus, we estimate there will be about \$ 10k to \$ 15k worth of electrical wiring work that will need to be done to enable the Highway facility to hook up to a new backup generator.

Recommendation:

Just like the Police and Fire Department buildings, it is crucial that the Highway facility have electrical power at all times. To realize this goal, we recommend issuing a public bid for furnishing and installation of an out-door diesel fueled generator set, rated 100KW, 125 KVA, 3 phase, 60 HZ100KV.

Make / Model	FM Generator	Lightning Power Electric Industries	R. A. Mitchell Co.	Kraft Power	Power Products	Authorized Services of NE
	MTU-DS00100D6S	Tradewinds TP100	Kohler 100RE0ZJF	Koher 100RE0ZJF Kohler KSS-DCTA-400- S	Kohler 100RE0ZJF	Generac / SD100 Generac / HTS040W- 3GNNNAN
Description	100 KW Diesel Generator	Thompson 870-400	100KW Diesel GenSet	Diesel Generator 400 AMP Auto Transfer Switch	100KW Generator	100 kw Diesel Generator 400 Amp
Lead Time	10 wks	90 - 150 days	65 days	7 - 9 wks	12 wks	8 - 10 wks
Cost	\$ 31,300.00	\$ 39,908.00	\$ 37,697.50	\$ 25,627.00	\$ 24,623.00	\$ 30,470.00



Haverhill

Human Services –Director Vincent R Ouellette
Phone: 978-374-2388 ext 28 Fax: 978-5212626
vouellette@cityofhaverhill.com

Nov 7 2012

Capital Request

Mayor .

I am submitting a request for the following appropriations:

\$5000 for clay restoration for softball, baseball, fields for Riverside Park

\$3000 for the installation of safety surface at 12th Ave playground tot lot

Sincerely

Vin Ouellette

Director of Recreation



JAMES J. FIORENTINI
MAYOR

CITY OF HAVERHILL
MASSACHUSETTS

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

DATE: November 8, 2012
TO: Mr. President and City Council Members
FROM: David S. Van Dam, Chief of Staff *DSVD*
RE: City Hall Repairs

Mr. President and City Council Members:

In the Council packet for the next Council meeting, there is a request for a transfer of \$35,000 for capital repairs.

As part of this request, I have submitted a proposal for materials and labor to repair and replace a 30 foot soffit in the front of City Hall that has been in disrepair for many years. The cost of that repair is \$8,510.00.

I am also requesting \$26,490.00 to assist in the repair of the exterior concrete retaining wall in the main parking lot at City Hall that has been in need of repair for a long time. I am also looking to continue interior improvements in some of the offices by replacing the decade's old carpeting.

J-n-R GUTTERS, INC.

Free Estimates

Fully Insured

38 Lancaster Street Haverhill, MA 01830
Siding* Decks* Gutters* Replacement Windows
ALL TYPES OF HOME IMPROVEMENT
(978)-372-4088

Andover, MA: (978) 475-3723
Natick, MA: (508) 653-2200
Woburn, MA: (781) 937-4212
Boston, MA: (617) 423-3559
Toll Free Ma: (800) 552-0030

Nashua, NH: (603) 595-2272
Portsmouth, NH: (603) 433-1811
Manchester, NH: (603) 666-5502
Fax Number: (978) 372-0360
Toll Free Nationwide: (800) 966-9238

Wednesday, August 01, 2012

CITY HALL:
STOCK LIST FOR FASCIA, SOFFIT WORK FRONT ENTRY

3 SHEETS PVC 4 X 8 X 1/2"
2 - 1 X 12 X 18 PVC
1 BOX WHITE COIL SIDING NAILS 2 1/2" (STAINLESS STEEL)

MATERIALS \$ LABOR COST FOR REPAIRS WOULD BE \$4,325.00

J-n-R GUTTERS
KEVIN FRANCIS

V.P. OPERATIONS
978-372-4088 office
978-372-0360 fax
978-771-7182 cell



J-n-R GUTTERS, INC.

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Portsmouth, NH: (603) 433-1811
Manchester, NH: (603) 666-5502
Fax Number: (978) 372-0360
Toll Free Nationwide: (800) 966-9238

Wednesday, August 01, 2012

**CITY HALL:
STOCK LIST FOR ROOF FRONT ENTRY**

- 1 ROLL 50' X 100' RUBBER
- 1 ROLL 12" X 50' UN CURED EPDM FLASHING
- 1BOX 2" SCREWS
- 1 BOX 3" PLATES
- 2 - 5 GALON PAILS BONDING ADHESIVE
- 1 GALON OF PRIMER
- 30 FEET TERMINATION BAR
- 1 ROLL 10' X 100' ROLL 6" COVER TAPE
- 6 SHEETS 1/2" ISO ISULATION BOARD

MATERIAL & LABOR COST FOR REPAIRS WOULD BE \$4,185.00

J-n-R GUTTERS
KEVIN FRANCIS

V.P. OPERATIONS
978-372-4088 office
978-372-0360 fax

S & W ROOFING, LLC
For All Your Construction Needs
 PO Box 2645

Concord, NH 03302-2645

Phone: (603) 225-7506 Fax: (603) 225-8912

Email: swroofing@comcast.net

ESTIMATE

Date	Estimate #
10/31/2012	50163

Name / Address
City of Haverhill, MA, Purchasing 4 Summer Street, Room 105 Haverhill, MA 01830 978-420-3606 Attn: Robert DeFusco

Terms	Project
As Agreed	Hose Tower Fire Station, 131 Water Street

Item	Description	Total
Roofing	Emailed to Scott Ziminski at sziminski@haverhillpolice.com Roofing Services in section over Locker Room 1. Remove rubber and wet insulation from area (27' x 12'). 2. Replace any damaged decking. 3. Install new ISO insulation board. 4. Install new roof drain. 5. Install .060 EPDM rubber. 6. Flash roof to side wall. 20-Year Material Warranty 2-Year Labor Guarantee	4,800.00

Please let us know if you have any questions or need additional information.	Total	\$4,800.00
--	--------------	------------

Scott Ziminski

From: Paul M. Millette <PMMillette@sgh.com>
Sent: Tuesday, November 06, 2012 10:42 AM
To: Scott Ziminski
Cc: Greggory G. Cohen
Subject: RE: Haverhill Police Department - Engine 2 Fire Station, 16th Avenue, Haverhill, MA
Attachments: BO12-0002255-GGC.pdf.pdf

Scott,

Attached is our proposal to investigate the concrete slab. As we discussed depending on the life cycle of the building (roof, walls, windows... etc.) the removal and replacement of the concrete slab would be about \$60,000. We will know better once we investigate the condition and evaluate the remedial repair options to the concrete slab, metal deck, structural framing and plumbing. We look forward to working with you on this project, please contact me with any questions.

Paul M. Millette
Senior Project Supervisor

SIMPSON GUMPERTZ & HEGER

781.907.9000 main
781.907.9376 direct
781.424.3970 mobile
781.907.9009 fax
www.sgh.com

From: Scott Ziminski [<mailto:sziminski@haverhillpolice.com>]
Sent: Monday, November 05, 2012 8:33 AM
To: Paul M. Millette
Subject: Haverhill Police Department

Paul,

Good speaking with you this morning. We are looking at having you give us an estimate on structural repair of the bay floor substructure. Sorry for such short notice.

The address is # 50, 16th Avenue, Haverhill, MA. 01830

My contact phone number is (978) 361-6375

Thank you again, Officer Scott A. Ziminski



6 November 2012

Officer Scott A. Ziminski
Haverhill Police Department
40 Bailey Boulevard
Haverhill, MA 01830

Re: Concrete Floor Slab Investigation and Repair Recommendations, Engine 2 Fire Station House, 16th Avenue, Haverhill, MA

Dear Officer Ziminski:

Per your request, this letter presents our proposal to assess water leakage that has resulted in the deterioration of the structural steel framing, and to provide repair recommendations at the Engine 2 Fire Station House, 16th Avenue in Haverhill, Massachusetts.

BACKGROUND

Based on our recent site visit with you, we understand that the structural steel framing and metal deck supporting the first floor of the fire station garage are severely deteriorated as a result of water infiltration. The first floor structure is framed with concrete on metal deck that spans to steel beams, which are supported on steel tube columns. It appears that the first floor structure is not original to the building. You reported that the original building drawings and/or repair drawings may not be available for our use, but you will contact the building department to inquire about their availability. The floor slab measures approximately 40 ft in the east-west direction by 30 ft in the north-south direction.

SCOPE OF WORK

We propose to perform the following tasks to evaluate the source of the leakage problems and to assist you with developing remedial options for the metal deck and steel framing. The following scope of work assumes that existing structural drawings are available.

- Review reports, drawings, specifications, submittals, and construction photos pertaining to the building construction.
- Visit the site to observe and document the existing construction, extent and location of structural deterioration, and identify leakage paths through the concrete floor slab.
- Calculate the load carrying capacity of the floor structure. We will require the weight of the fire trucks that are garaged at this building.
- Prepare a letter report to you within two weeks of completing the field work summarizing our findings about the source of the leakage, extent of structural deterioration, structural limitations for loading, options for reducing water infiltration,

and recommendations for repairs. We will submit both an electronic copy and a hard copy of the report and photos for your use.

- Meet with you at your office or the site to discuss the results of our investigation.

This proposal fee does not include conducting inspections on other building elements. After our site visit, if we find other structural concerns, we will discuss them with you at that time and provide you with a supplemental proposal if appropriate.

STANDARD TERMS AND CONDITIONS

Our fee for the services described above for this project will be a lump-sum fee of \$5,000. If the existing structural drawings are not available, we estimate an additional \$2,500 to field verify existing structural framing sizes and slab thickness and reinforcement.

Our fees for additional services will be computed on an hourly basis as shown on the attached Fee Schedule and Payment Terms. Travel time is charged at full rates from 8:00 a.m. to 6:00 p.m. and at half rates during other periods. Simpson Gumpertz & Heger Inc. (SGH) will bill direct expenses at actual cost plus 10%. Direct expenses are out-of-pocket expenses and include, but are not limited to, subconsultants, travel, outside services, copying, and charges for the use of SGH field and laboratory equipment.

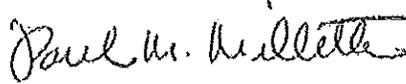
You have the right to terminate our services at any time, subject only to previous commitments we have made to others on your behalf.

This proposal is valid for sixty days. Our proposed agreement consists of this proposal and the enclosed Contract Provisions. If acceptable, please sign and return one copy of this letter.

Sincerely yours,
SIMPSON GUMPERTZ & HEGER INC.



Greggory G. Cohen
Principal
MA License No. 37140



Paul M. Millette
Senior Project Supervisor

Accepted: CITY OF HAVERHILL, MA

Signature: _____

Printed Name: _____

Title: _____

Date: _____

GGC/rlm (110612/BO12-0002255-GGC) 0101C12 CP-2
Encls.

**SIMPSON GUMPERTZ & HEGER INC.
FEE SCHEDULE AND PAYMENT TERMS**

<u>Personnel Category</u>	<u>Hourly Billing Rate (\$ per hour)</u>
Senior Principal	\$275
Principal.....	\$250
Associate Principal.....	\$235
Staff Consultant D.....	\$240
Staff Consultant C.....	\$230
Staff Consultant B.....	\$225
Staff Consultant A.....	\$215
Senior Project Manager B.....	\$210
Senior Project Manager A.....	\$195
Senior Project Supervisor B.....	\$215
Senior Project Supervisor A.....	\$165
Senior Staff II – C.....	\$195
Senior Staff II – B.....	\$180
Senior Staff II – A.....	\$158
Senior Staff I – B.....	\$150
Senior Staff I – A.....	\$140
Staff IV – B.....	\$205
Staff IV – A.....	\$180
Staff III.....	\$158
Staff II – B.....	\$133
Staff II – A.....	\$122
Staff I – A.....	\$115
Technical Aide.....	\$74
Senior Laboratory Technician B.....	\$128
Senior Laboratory Technician A.....	\$98
Laboratory Technician.....	\$85
Senior Graphics Specialist.....	\$190
Graphics Specialist.....	\$90
Senior Project Drafter.....	\$130
Senior Drafter.....	\$119
Drafter.....	\$101
Non-Technical C.....	\$90
Non-Technical B.....	\$82
Non-Technical A.....	\$72

Individuals performing services are billed at the applicable rate(s) stated above. An annual rate adjustment, based upon salary increases, will apply on 1 January each year.

Invoices will be submitted showing labor (hours worked) by labor category and total expenses.

**SIMPSON GUMPERTZ & HEGER INC. (SGH)
CONTRACT PROVISIONS**

- 1. CONTRACT** - These Contract Provisions and the accompanying Proposal and Fee Schedule constitute the entire Agreement of the parties, and supersede all prior negotiations, agreements, and understandings with respect to the subject matter of this Agreement. These Contract Provisions shall take precedence over any inconsistency or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice to proceed, or like document. The parties may only amend this Agreement by a written document duly executed by both parties.
- 2. RIGHT OF ENTRY** - When entry to property is required by the work, the Client agrees to obtain legal right-of-entry on the property.
- 3. DOCUMENTS** - All reports, notes, drawings, specifications, data, calculations, and other documents prepared by SGH are instruments of SGH's service that shall remain SGH's property. The Client agrees not to use SGH-generated documents for marketing purposes or for projects other than the project for which the documents were prepared by SGH without SGH's prior written permission.

Any reuse or disbursement to third parties without such express written permission or project-specific adaptation by SGH will be at the Client's sole risk and without liability to SGH or its subsidiaries, independent professional associates, subconsultants, and subcontractors. Accordingly, the Client shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless SGH from and against any and all costs, expenses, fees, losses, claims, demands, liabilities, suits, actions, and damages whatsoever arising out of or resulting from such unauthorized reuse or disbursement. Any release or project-specific adaptation by SGH will entitle SGH to further compensation at rates to be agreed upon by the Client and SGH.

- 4. DISPOSAL OF SAMPLES** - SGH will discard samples upon completion of the work covered under this Agreement, unless the Client instructs otherwise in writing.
- 5. HAZARDOUS MATERIALS** - The scope of SGH's services for this Agreement does not include any responsibility for detection, remediation, accidental release, or services relating to waste, oil, asbestos, lead, or other hazardous materials, as defined by Federal, State, and local laws or regulations.
- 6. CONSTRUCTION SERVICES** - When construction-phase services are included in the Agreement, SGH will provide personnel to evaluate whether construction is in general accordance with the construction contract, but not to perform detailed observations or inspections of the work.

SGH is not a guarantor or insurer of the contractor's work; the contractor is solely responsible for the accuracy and adequacy of construction and for all other activities performed by the contractor, including the means and methods of construction; supervision of personnel and construction; control of machinery; false work, scaffolding, and other temporary construction aids; safety in, on, and about the job site; and compliance with OSHA and all other applicable regulations. SGH's evaluation of the contractor's performance will not include review or observation of the adequacy of the contractor's safety measures or of safety conditions on the project site nor of Contractor's means or methods of construction.

- 7. STANDARD OF CARE** - SGH and its subsidiaries, independent professional associates, subconsultants, and subcontractors will exercise that degree of care and skill ordinarily practiced under similar circumstances by engineers and architects providing similar services. The Client agrees that services provided by SGH will be rendered without any warranty, express or implied.

SGH shall exercise usual and customary professional care in its efforts to comply with codes, regulations, laws rules, ordinances, and such other requirements in effect as of the date of execution of this Agreement.

The Client agrees that SGH has been engaged to provide technical professional services only, and that SGH does not owe a fiduciary responsibility to the Client.

- 8. OPINION OF PROBABLE COSTS** - When required as part of our work, SGH will furnish opinions of probable cost but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by SGH hereunder will be made on the basis of SGH's experience and qualifications and will represent SGH's judgment as an experienced and qualified design professional. SGH does not have control over the cost of labor, material, equipment, or services furnished by others or over market conditions or contractors' methods of determining prices or performing the work.

- 9. SUSPENSION OF WORK** - The Client may, at any time, by written notice, suspend further work by SGH. The Client shall remain liable for, and shall promptly pay SGH for all services rendered to the date of suspension of services plus suspension charges. Suspension charges shall include the cost of assembling documents, personnel and equipment rescheduling or reassignment, and commitments made to others on the Client's behalf. If after ninety (90) days the Client resumes SGH's work on the Project, SGH and the Client shall renegotiate SGH's fee.

If payment of invoices by the Client is not maintained current, SGH may, upon written notice to the Client, suspend further work until payments are brought current. The Client agrees to indemnify and hold SGH harmless from any claim or liability resulting from such suspension.

- 10. TERMINATION** - The Client or SGH may terminate this Agreement for cause, except only the Client may terminate for convenience. The party initiating termination shall so notify the other party. The Client shall compensate SGH for services performed prior to termination and for prior authorized commitments made by SGH on the Client's behalf.

- 11. CHANGES OR DELAYS** - Unless the accompanying Proposal provides otherwise, the proposed fees constitute SGH's estimate to perform the services required to complete the Project. Required services often are not fully definable in the initial planning; accordingly, developments may dictate a change in the scope of services to be performed. Where this occurs, changes in the Agreement shall be negotiated and an equitable adjustment shall be made. In addition, costs and schedule commitments shall be subject to renegotiation for unreasonable delays caused by the Client's failure to provide specified facilities, direction, or information.

CLIENT: City of Haverhill, Massachusetts

- 12. FORCE MAJEURE** - SGH will not be liable to the Client for delays in performing its Services or for direct or indirect costs resulting from such delays that may result from labor strikes, riots, war, acts of governmental authorities, extraordinary weather conditions or other natural catastrophes, or any other cause beyond the reasonable control or contemplation of either party.

- 13. LIABILITY** - SGH will furnish appropriate insurance certificates for general and professional liability upon request. The Client agrees that SGH's total liability to the Client and the total liability to the Client of SGH's principals, officers, agents, and employees, for any and all injuries, claims, losses, expenses, or damages whatsoever, including attorney's fees, arising out of or in any way related to the Project or this Contract for any cause or causes, including, but not limited to, SGH's negligence, errors, omissions, strict liability, breach of contract, or breach of warranty shall not exceed SGH's total fee under this Agreement or \$50,000, whichever is greater. In no event shall SGH be liable to Client for any indirect, incidental, special or consequential damages whatsoever (including but not limited to lost profits or interruption of business) arising out of or related to the services provided under the Agreement.

- 14. CONFLICTS OF INTEREST** - This assignment may presently or in the future involve parties with potentially adverse interests to those of SGH's existing or future clients ("Affected Parties" or "Affected Party"). Prior to SGH's acceptance of this assignment, SGH will make reasonable attempts to identify any Affected Parties based on information SGH has in its possession from the Client and any Affected Parties and SGH's search of its project and proposal databases. To the extent that SGH identifies a relationship with an Affected Party, SGH will inform the Client as to the identity of such parties. Client agrees to allow SGH to release to any Affected Parties the fact of SGH's engagement by the Client and any other information required to evaluate any potential conflict.

SGH's ability to inform the Client of a relationship with an Affected Party is limited by the thoroughness and accuracy of the information provided to SGH by the Client and any Affected Parties, and by SGH's limitations in reasonably and diligently discovering all relationships with Affected Parties. Regardless of SGH's relationship with an Affected Party, and provided such relationship with an Affected Party does not arise from SGH's willful disregard of a relationship with the Affected Party, SGH shall be entitled to payment for all services rendered to the date of discovery or notice, whichever occurs first, of a relationship between SGH and an Affected Party. SGH does not guarantee that a relationship between the Client and an Affected Party, which may be perceived by the Client as a conflict, will not arise during the course of an assignment or hereafter. SGH disclaims responsibility for such occurrences and to the fullest extent permitted by law, the Client agrees to waive any claim against SGH arising out of any such actual or potential conflict-related occurrences. Subsequent to the date of this Agreement, SGH will not be in a position to guaranty that it can advise the Client of any future Affected Parties or perceived or actual conflict circumstances that may arise, but will endeavor to notify Client of such situations.

- 15. INDEMNIFICATION** - SGH shall, subject to the limitation of liability contained in Section 13, indemnify the Client for any loss or damage caused solely by the professional negligence of SGH in performance of the services under this Agreement.

16. MISCELLANEOUS

Governing Law: The laws of the state in which the Project is located shall govern the validity and interpretation of this Agreement.

Invalid Terms: If any of these Contract Provisions shall be finally determined to be invalid or unenforceable in whole or in part, the remaining provisions hereof shall remain in full force and effect and be binding upon the parties. The parties agree to reform the contract between them to replace any such invalid or unenforceable provision with a valid and enforceable provision that comes as close as possible to the intention of the stricken provision.

SGH Reliance: Unless otherwise specifically indicated in writing, SGH shall be entitled to rely, without liability, on the accuracy and completeness of information provided by the Client, the Client's consultants and contractors, and information from public records, without the need for independent verification.

Copyright Infringement Indemnification: To the fullest extent permitted by law, the Client agrees to defend, indemnify, and hold harmless SGH from any and all claims, damages, suits, causes of action, liabilities or costs, including reasonable attorneys' fees and costs of defense, arising out of or in any way connected with SGH's use of documents or designs prepared by the Client's consultants, that may be asserted against or incurred by SGH.

Certifications: SGH shall not be required to sign any documents, no matter by whom requested, that would result in SGH's having to certify, guaranty, or warrant the existence of conditions that SGH cannot ascertain.

Payment: Invoices will be submitted periodically, and are due and payable upon receipt. Unpaid balances shall be subject to an additional charge at the rate of 1-1/2% per month from the date of invoice if the unpaid balance is not paid within thirty (30) days. The Client shall reimburse SGH for all attorney's fees and costs related to collection of overdue payments.

Litigation: All costs and labor associated with compliance with any subpoena or other official request for documents, for testimony in a court of law (other than in connection with expert witness services), or for any other purpose relating to work performed by SGH, in connection with work performed for the Client, shall be paid by the Client as a direct expense (actual cost plus 10%).

Taxes: Client shall, in addition to the other amounts payable under this Agreement, pay, on a timely basis, all sales, use, value added or other taxes, federal, state or otherwise, however designated (hereinafter "Taxes"), which are levied or imposed by reason of the transactions contemplated by this Agreement or any of the Services, except for taxes on SGH's net income. Client shall promptly pay SGH for any Taxes actually paid by SGH on behalf of Client, or which are required to be collected or paid by SGH. SGH may bill Client separately for such Taxes.



Haverhill

Office of the City Auditor, Room 106
 Phone: 978-374-2306 Fax: 978-373-8476
 cbenevento@cityofhaverhill.com

Compare FY10 to FY11
 Fiscal Years: 2009-2011

	<u>Year To Date-FY09</u>	<u>Year To Date-FY10</u>	<u>Year To Date-FY11</u>		
Sub-total : Public Safety	\$17,323,962.80	\$16,675,358.63	\$16,609,508.38	(\$65,850.25)	-0.39%
Education					
School Department (+)	\$56,596,817.00	\$54,857,257.00	\$53,809,972.94	(\$1,047,284.06)	-1.91%
Whittier Voch. Tech. (+)	\$7,816,350.00	\$7,621,385.00	\$7,139,868.00	(\$481,517.00)	-6.32%
Sub-total : Education	\$64,413,167.00	\$62,478,642.00	\$60,949,840.94	(\$1,528,801.06)	-2.45%
Public Works					
Administration (+)	\$117,579.43	\$115,678.58	\$43,357.67	(\$72,320.91)	-62.52%
Highways (+)	\$1,211,656.54	\$1,004,871.96	\$974,757.99	(\$30,113.97)	-3.00%
Solid Waste & Recycling (+)	\$2,892,329.45	\$2,885,991.35	\$3,022,446.21	\$136,454.86	4.73%
Parking Area (+)	\$19,835.63	\$18,250.00	\$20,324.20	\$2,074.20	11.37%
Street Markings (+)	\$39,265.00	\$44,130.91	\$44,232.93	\$102.02	0.23%
Vehicle Maint. (+)	\$231,676.97	\$226,678.17	\$232,617.19	\$5,939.02	2.62%
Park Department (+)	\$454,568.03	\$371,459.35	\$342,104.23	(\$29,355.12)	-7.90%
Street Lighting (+)	\$661,324.26	\$702,221.96	\$675,238.07	(\$26,983.89)	-3.84%
Snow & Ice Removal (+)	\$2,075,950.16	\$1,132,213.23	\$2,206,725.06	\$1,074,511.83	94.90%
Building Maint. (+)	\$258,517.92	\$240,657.65	\$271,075.07	\$30,417.42	12.64%
Sub-total : Public Works	\$7,962,703.39	\$6,742,153.16	\$7,832,878.62	\$1,090,725.46	16.18%
Human Services					
Citizen Center (+)	\$362,358.94	\$310,103.06	\$324,060.67	\$13,957.61	4.50%
Senior Services (+)	\$94,881.07	\$73,785.84	\$44,367.04	(\$29,418.80)	-39.87%
Recreation (+)	\$23,902.39	\$21,645.59	\$22,176.94	\$531.35	2.45%
Stadium Commission (+)	\$7,966.89	\$9,806.50	\$9,442.88	(\$363.62)	-3.71%
Veterans Services (+)	\$771,000.27	\$805,061.40	\$762,085.21	(\$42,976.19)	-5.34%
Public Library (+)	\$1,253,420.05	\$1,147,385.15	\$1,077,069.07	(\$70,316.08)	-6.13%
Sub-total : Human Services	\$2,513,529.61	\$2,367,787.54	\$2,239,201.81	(\$128,585.73)	-5.43%
Other					
Debt Services (+)	\$9,553,951.02	\$10,276,029.09	\$10,471,867.19	\$195,838.10	1.91%
Group Insurance (+) *	\$18,226,621.59	\$21,548,864.41	\$21,867,096.42	\$318,232.01	1.48%
State Assessments (+)	\$4,476,328.00	\$4,855,795.00	\$5,243,879.00	\$388,084.00	7.99%
Liability Insurance (+)	\$900,122.46	\$669,650.77	\$669,938.55	\$287.78	0.04%
Other (+)	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Transfers to Other Fund (+)	\$1,519,131.00	\$257,368.00	\$0.00	(\$257,368.00)	-100.00%
Pensions (+)	\$9,457,975.43	\$9,838,384.89	\$10,269,954.67	\$431,569.78	4.39%
Other Employee Benefits (+)	\$1,872,188.63	\$2,112,427.28	\$2,201,447.81	\$89,020.53	4.21%
Sub-total : Other	\$46,006,318.13	\$49,558,519.44	\$50,724,183.64	\$1,165,664.20	2.35%
Total: Expenses	\$142,522,393.48	\$141,634,757.85	\$142,228,925.19	\$594,167.34	0.42%

\$2,258,614 of School Health Insurance Charged to Stimulus Funds to offset Chapter 70 reduction (per State) FY 09

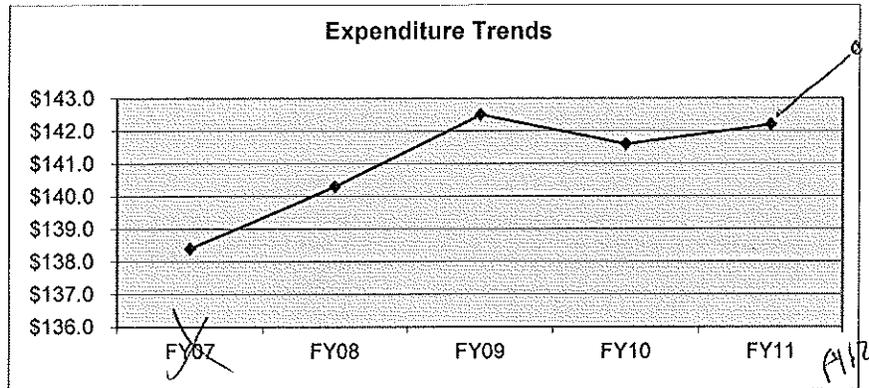
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Haverhill

Office of the City Auditor, Room 106
 Phone: 978-374-2306 Fax: 978-373-8476
 cbenevento@cityofhaverhill.com

General Fund expenditures totaled \$142.2 million this is an overall increase from fiscal year 2010 of \$0.8 million. The changes are listed by department on the table below and highlights that may departments have see multiple years of decreases.



Compare FY10 to FY11
 Fiscal Years: 2009-2011

EXPENSES	Year To Date- FY09	Year To Date- FY10	Year To Date- FY11		
General Government					
City Council (+)	\$137,987.39	\$121,002.65	\$122,220.54	\$1,217.89	1.01%
Mayor (+)	\$206,205.36	\$192,363.89	\$196,913.13	\$4,549.24	2.36%
Auditor/Finance Director (+)	\$257,479.55	\$248,660.11	\$235,525.45	(\$13,134.66)	-5.28%
Treasurer/Collector (+)	\$504,687.32	\$407,781.38	\$391,139.53	(\$16,641.85)	-4.08%
Purchasing (+)	\$158,581.16	\$125,306.14	\$136,839.82	\$11,533.68	9.20%
Law Department (+)	\$249,396.52	\$224,291.42	\$256,629.14	\$32,337.72	14.42%
Human Recourses (+)	\$189,497.27	\$196,613.81	\$237,397.82	\$40,784.01	20.74%
Municipal Information Systems (MIS)	\$497,207.89	\$432,496.00	\$436,119.82	3,623.82	0.84%
City Clerk/Licensing (+)	\$296,824.78	\$293,258.82	\$282,950.48	(\$10,308.34)	-3.52%
Assessing (+)	\$341,020.64	\$287,993.75	\$283,832.51	(\$4,161.24)	-1.44%
Sub-total : General Government	\$2,838,887.88	\$2,529,767.97	\$2,579,568.24	\$49,800.27	1.97%
Community & Economic Development					
Economic Dev. & Planning (+)	\$168,419.49	\$148,131.31	\$148,781.05	649.74	0.44%
Conservation Commission (+)	\$92,407.64	\$54,794.24	\$55,601.47	807.23	1.47%
Building & Zoning (+)	\$214,945.68	\$191,047.77	\$199,815.50	8,767.73	4.59%
Inspection & Health (+)	\$988,051.86	\$888,555.79	\$889,545.54	989.75	0.11%
Sub-total : Community & Economic Dev	\$1,463,824.67	\$1,282,529.11	\$1,293,743.56	11,214.45	0.87%
Public Safety					
Police (+)	\$8,902,503.19	\$8,604,135.15	\$8,623,574.82	\$19,439.67	0.23%
Fire (+)	\$8,413,459.61	\$8,063,223.48	\$7,977,933.56	(\$85,289.92)	-1.06%
Emergency Management (+)	\$8,000.00	\$8,000.00	\$8,000.00	\$0.00	0.00%



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED:

That the sum of \$2,800 be transferred from the Budget Reserve account to Personnel Salaries for office floater



DOCUMENT 21-L

CITY OF HAVERHILL

In Municipal Council Oct 23 2012

ORDERED:

CHAPTER 240

**An Ordinance Relating to Parking
(15 Varnum Street—Delete Handicap Parking)**

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-85 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended, by deleting the following:

LOCATION	REGULATION	HOURS/DAYS
<u>15 Varnum Street</u>		
In front of No. 15 Varnum Street except for 1-24 hour handicap parking space at No. 15	No Parking	24 Hours

APPROVED as to legality:

William D. Cox
City Solicitor

PLACED ON FILE for at least 10 days
Attest:

City Clerk



Haverhill

Economic Development and Planning
Phone: 978-374-2330 Fax: 978-374-2315
wpillsbury@cityofhaverhill.com

October 18, 2012

John A. Michitson, Council President
& City Council Members
City Hall—Room 204
City of Haverhill

RE: 15 Varnum Street—DELETE—Handicap Parking Space

Dear Council President Michitson & Councilors:

As per your request dated October 11, 2012, and as requested by Councilor Michael J. Hart in his request dated October 4, 2012 I am submitting the Municipal Ordinance deleting handicap parking at No. 15 Varnum Street.

Sincerely,

William Pillsbury, Jr.
Economic Development &
Planning Director

WP/lw

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT

ROBERT H. SCATAMACCHIA
VICE PRESIDENT

MICHAEL J. HART
WILLIAM H. RYAN

~~SEAN A. AMIRIAN~~
MICHAEL S. MCGONAGLE

WILLIAM J. MACEK

COLIN F. LEPAGE

MARY ELLEN DALY O'BRIEN

Thomas J. Sullivan



CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

CITY HALL, ROOM 204
4 SUMMER STREET
TELEPHONE: 978-374-2328
FACSIMILE: 978-374-2329
www.ci.haverhill.ma.us
citycncl@cityofhaverhill.com

October 11, 2012

TO: Mr. William Pillsbury, Jr.
Planning Director and Grants Coordinator

RE: **Delete Handicap Ordinance – 15 Varnum Street**

Dear Mr. Pillsbury:

At the City Council meeting held on October 9, 2012 the following item was placed on the agenda by Councillor Hart:

- Doc. #76-O - Request for removal of a handicap parking space at 15 Varnum St.

The Council would appreciate it if you would prepare the necessary ordinance and place it on the next Council agenda. Thank you for your assistance.

Sincerely,

John A. Michitson, President
Haverhill City Council

JAM/bsa

encl.

c: Mayor James J. Fiorentini
City Councillors
Police Officer Edward Watson

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT

ROBERT H. SCATAMACCHIA
VICE PRESIDENT

MICHAEL J. HART
WILLIAM H. RYAN

~~WYNN A. ARRAN~~

MICHAEL S. MCGONAGLE

WILLIAM J. MACEK

COLIN F. LEPAGE

MARY ELLEN DALY O'BRIEN

Thomas J. Sullivan



BACKUP
COPY / 10.2.4

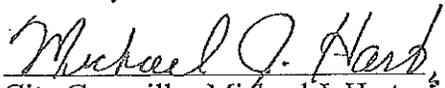
CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

CITY HALL, ROOM 204
4 SUMMER STREET
TELEPHONE: 978-374-2328
FACSIMILE: 978-374-2329
www.ci.haverhill.ma.us
citycncl@cityofhaverhill.com

October 4, 2012

TO: Mr. President and Members of the City Council

Councillor Michael J. Hart requests a discussion regarding the removal of a handicap parking space at 15 Varnum Street as it is no longer needed.


City Councillor Michael J. Hart

Name of Street Location	Regulation	Hours/Days
In front of 9 Varnum Street, except for 1 24-hour handicapped parking space at No. 9 [Added 6-14-1994 by Doc. 54-C]	No parking	24 hours
* In front of 15 Varnum Street, except for 1 24-hour handicapped parking space at No. 15	No parking	24 hours
Victory Avenue [Added 1-21-2003 by Doc. 15]		
Corner of 44 Victory Street and Longview Street, except for 1 24-hour handicapped parking space at No. 44	No parking	24 hours
Vine Street [Added 10-14-2003 by Doc. 15-N]		
In front of 25 Vine Street, except for 1 24-hour handicapped parking space at 25 Vine Street	No parking	24 hours
Wall Street		
Entire length, both sides	No parking	—
Wall Street [Amended 3-24-2009 by Doc. 39-J]		
All as shown on the On-Street Central Business District Parking Map dated 9/19/08, and revised as of 03/10/09, filed in the Office of the City Engineer, Plan 2B/3227, a copy of which is also on file with the City Clerk.		
Walnut Street		
All as shown on the Central Business District Parking Map dated 8/17/11, filed in the office of the City Engineer, Plan 2B/3418, a copy of which is also on file with the City Clerk [Amended 9-6-2011 by Doc. 23-F]		
Warren Street [Added 11-20-1984 by Doc. 38-M]		
From Kenoza Avenue north for 20 feet, west side	No parking	—
From 20 feet north of Kenoza Avenue north for 46 feet, west side, 2 spaces	Time limited: 15 minutes	8:00 a.m. to 5:00 p.m., Mon. through Sat. inclusive, except legal holidays
Washington Avenue [Amended 8-28-2001 by Doc. 8-M; 5-14-2002 by Doc. 44-J; 4-18-2006 by Doc. 29-G; 3-24-2009 by Doc. 39-J]		
All as shown on the Central Business District Parking Map dated 8/17/11, filed in the office of the City Engineer, Plan 2B/3418, a copy of which is also on file with the City Clerk [Amended 9-6-2011 by Doc. 23-F]		
Washington Square [Amended 5-29-2007 by Doc. 14-M; 6-12-2007 by Doc. 29-E; 6-12-2007 by Doc. 29-F; 6-12-2007 by Doc. 29-G; 6-12-2007 by Doc. 29-H; 3-24-2009 by Doc. 39-J]		
All as shown on the Central Business District Parking Map dated 8/17/11, filed in the office of the City Engineer, Plan 2B/3418, a copy of which is also on file with the City Clerk [Amended 9-6-2011 by Doc. 23-F]		

DOCUMENT 22-F

CITY OF HAVERHILL

In Municipal Council October 23 2012

ORDERED:

CHAPTER 240

An Ordinance Relating to Parking

Limited Parking on South Pleasant Street both sides running from South Main Street on the right side (east or west) to a point just before McDonald's entrance/exit and on the left side from So. Main St. up to a point just before the first residential home on the left side of South Pleasant Street.

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Chapter 240, Section 85, Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended by adding the following:

LOCATION**REGULATION****HOURS/DAYS**

South Pleasant St.
(On north side, from South
Main Street westerly for 225
feet; on south side, from
South Main Street
Westerly for 140'

Time Limited: 1 Hour

8:00 a.m. to
5:00 p.m.

APPROVED AS TO LEGALITY:

PLACED ON FILE for at least 10 days

Attest:

City Clerk

City Solicitor
William Cox



Haverhill

Economic Development and Planning
Phone: 978-374-2330 Fax: 978-374-2315
wpillsbury@cityofhaverhill.com

October 15, 2012

John A. Michitson, Council President
& City Council Members
City Hall—Room 204
City of Haverhill

RE: Request Limited parking/one hour parking/from 8:00 a.m. to 5:00 p.m. on both sides of South Pleasant Street

Dear Council President Michitson & Councilors:

As per your request in communication dated 10/11/12, I am submitting a Municipal Ordinance for your review that will establish one hour parking from 8:00 a.m. to 5:00 p.m. on both sides of South Pleasant Street running from South Main Street on the right side (traveling south) to a point just before McDonald's entrance/exit, and on the left side from South Main Street up to a point just before the first residential home on the left side of South Pleasant Street (traveling north).

Sincerely,

William Pillsbury, Jr.
Director of Economic Development
& Planning Department

WB/lw

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT

ROBERT H. SCATAMACCHIA
VICE PRESIDENT

MICHAEL J. HART

WILLIAM H. RYAN

~~XXXXXXXXXXXX~~

MICHAEL S. MCGONAGLE

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CITY OF HAVERHILL

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citycncl@cityofhaverhill.com

October 11, 2012

TO: John Pettis, City Engineer

RE: South Pleasant and South Main Streets Design for Additional Parking

Dear Mr. Pillsbury:

At this week's City Council meeting, Councillor Macek's discussion in regards to creating timed parking on a short section of South Pleasant Street beginning at South Pleasant and South Main was given unanimous support. Councillor Macek's suggestion included a recommendation that you review and redesign, as necessary, the parking spaces on both sides of South Pleasant Street in order to optimize parking.

I understand Councillor Macek has already spoken directly to you and Robert Ward about a number of suggestions that would add some additional parking to that area, including the relocation of a fire hydrant which will allow for the creation of an additional parking space.

The Council also agreed with the concept of timed parking. In general, the proposal suggested one hour parking from 8:00AM to 5:00PM, on both sides of South Pleasant Street running from South Main Street on the right side to a point just before McDonald's entrance/exit, and on the left side from South Main Street up to a point just before the first residential home on the left side of South Pleasant Street. This proposal also received unanimous support from the Council.

I will copy this letter to Mr. Pillsbury in order that he draft the corresponding ordinance(s) to support these proposed changes in coordination of redesign.

Please do not hesitate to contact Councillor Macek with any questions.

Sincerely yours,

John A. Michitson, President
Haverhill City Council

JAM/bsa

c: Mayor James Fiorentini
William Pillsbury, Planning Director
City Councillors

99



DOCUMENT 99

CITY OF HAVERHILL

In Municipal Council October 23 2012

ORDERED:

MUNICIPAL ORDINANCE

CHAPTER 240

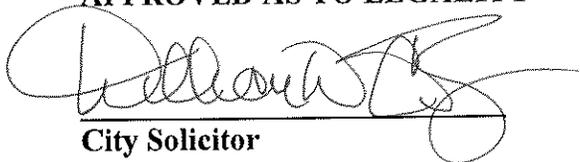
AN ORDINANCE RELATING TO VEHICLES AND TRAFFIC

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, §88, Schedule E: City Parking Lots. as amended, be and is hereby further amended as follows:

Herbert H. Goecke, Jr., Parking Deck:

“By deleting the words and numbers: “as revised on 08/03/2012,” immediately following the words and numbers “Central Business District Parking Map dated 08/17/11”, and, by inserting in place thereof the words and numbers: “as revised on 10/09/2012,”.

APPROVED AS TO LEGALITY


City Solicitor

PLACED ON FILE FOR AT least 10 days
Attest:

City Clerk



JAMES J. FIORENTINI
MAYOR

CITY OF HAVERHILL
MASSACHUSETTS

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

Mr. President and members of the city Council:

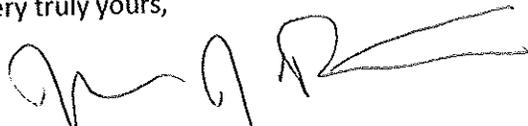
Enclosed are three proposed ordinances concerning changes in downtown parking.

The proposed changes are as follows:

1. We would change 10 or 15 spaces in the lot across the street from Maria's from pay by space to multi use permit or paid by space. All of our data and anecdotal evidence indicates that that lot is now largely empty. We have received a number of requests from employees and residents to add more spaces in the area. I am aware that the some councilors may wish to amend this ordinance to change fewer spaces and we are certainly willing to work with the city council on this.
2. We would take approximately 16 spaces in the lower parking deck on Merrimack Street in the first row of the parking garage and convert those from multiuse to pay by space only. We would move those permit spaces to the east side of the upper deck where our utilization data shows is only about 30% used even on the busiest days. We have received a number of requests from Merrimack Street restaurants asking us to create some more customer only spaces. It was always the intention of the parking plan that the first row be customer spaces. Again, I am aware that some councilors may wish to amend this ordinance and we are certainly open to work with the council on this.
3. We would convert the loading zone on Washington Street to "15 min. or loading zone" in order to accommodate requests from Andino's to accommodate their delivery drivers and their customers who come for quick pizza pickup. Currently the spot is a loading zone but is largely unused. Again, we are open to discussion on this.

These ordinances must be placed on file for ten (10) days after which I recommend approval.

Very truly yours,



James J Fiorentini, Mayor

99-B



DOCUMENT 99-B

CITY OF HAVERHILL

In Municipal Council October 23 2012

ORDERED:

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, §88, Schedule E: City Parking Lots. as amended, be and is hereby further amended as follows:

Essex and Locust Streets Parking Lot:

“By deleting the words and numbers: “as revised on 08/03/2012,” immediately following the words and numbers “Central Business District Parking Map dated 08/17/11”, and, by inserting in place thereof the words and numbers: “as revised on 10/09/2012,”.

APPROVED AS TO LEGALITY

City Solicitor

PLACED ON FILE for at least 10 days

Attest:

City Clerk

99-C



DOCUMENT 99-C

CITY OF HAVERHILL

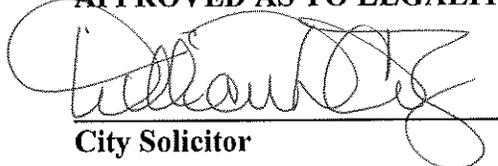
In Municipal Council October 23 2012

ORDERED:

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, as amended, be and is hereby further amended as follows:

By adding the following at the end of Chapter 240, §21: "In the service zone located in front of 70 Washington Street, vehicles may park for no longer than fifteen (15) minutes without loading or unloading."

APPROVED AS TO LEGALITY
City Solicitor

PLACED ON FILE for at least 10 days
Attest:

City Clerk



DOCUMENT 99-D

CITY OF HAVERHILL

In Municipal Council October 30 2012

~~ORDERED~~**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, as amended, is hereby further amended by adding the following:

§ 240-59. Designation of snow emergency routes; parking restrictions.

“C. Whenever such an extreme snow emergency is declared by the Mayor and the Superintendent of Highways, they shall have caused announcement thereof by the use of available news and other media, they may temporarily suspend, in whole or in part, the parking fees, rates and terms as established in §240 - 108 for municipal parking lots, as defined in §240 - 88, Schedule E, or, on streets and ways, as defined in §240 - 85, Schedule B, all of which are included on the Central Business District Parking Map, for any necessary periods of time after the Mayor and Superintendent of Highways have declared, in writing, an extreme snow emergency. Said writing is to be time coded and filed with the Police Department forthwith. Any such temporary suspension of the parking fees, rates and terms shall be prominently posted at all affected locations. The parking fees, rates and terms shall be restored to those fixed by ordinance as soon as the Mayor and Superintendent of Highways deem it is safe to do so.”

APPROVED AS TO LEGALITY

City Solicitor

PLACED ON FILE for at least 10 days

Attest:

 City Clerk

99-E



DOCUMENT 99-E

CITY OF HAVERHILL

In Municipal Council October 30 2012

ORDERED:

MUNICIPAL ORDINANCE

CHAPTER 11

AN ORDINANCE RELATING TO THE
CENTRAL BUSINESS DISTRICT PARKING COMMISSION

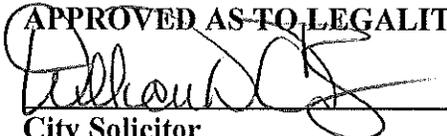
BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 11, §70, as amended, is hereby further amended as follows:

§ 11-72. Powers, duties and responsibilities generally.

by adding the following at the end of subsection B.:

“Notwithstanding any other provisions of this Code, the Commission may specify which parking spaces within any municipal parking lot are classified as either a paid parking or permit parking space, subject to the public hearing requirements in subsection F below, with any changes from the current configuration to be noted on the most recent Central Business District Parking Map. Any such determination shall take effect for a period not to exceed forty-five (45) days upon passage by the Parking Commission and have the same force and effect as if enacted as an ordinance. The Parking Commission shall submit any such changes to the City Council within forty-eight (48) hours of approval. The City Council shall place the changes approved by the Commission on their next regularly scheduled meeting as an Order. If the Council and Mayor approve the Order, the changes shall become permanent, or, if the Council and Mayor does not approve the Order then the changes shall expire at the end of the forty-five (45) day period.”

APPROVED AS TO LEGALITY


 City Solicitor

PLACED ON FILE for at least 10 days

Attest:

 City Clerk

Original

JAMES J. FIORENTINI
MAYOR



CITY OF HAVERHILL
MASSACHUSETTS

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
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October 30, 2012

City Council President John Michitson and
Members of the Haverhill City Council

RE: Parking Amendments

Dear Mr. President and members of the Haverhill City Council:

Enclosed, please find two (2) ordinances which I would respectfully request that you place on file under a suspension of rules for tonight's council meeting.

This would allow these ordinances to come back for action at your November 13th City Council meeting along with several other parking ordinances which are already on file.

Very truly yours,

James J. Fiorentini, Mayor

JJF/lk



CITY OF HAVERHILL
ASSESSORS OFFICE – ROOM 115
Phone: 978-374-2316 Fax: 978-374-2319
Assessors@cityofhaverhill.com

November 1, 2012

TO: MEMBERS OF THE HAVERHILL CITY COUNCIL:

In accordance with Municipal Ordinance, Chapter 7,
entitled "Assessor" as follows:

The Board of Assessors shall file monthly with the
City Council a copy of the report submitted to the
Auditor showing a summary of the above abated
amounts for that month.

Attached herewith is the report for the month of
October as filed in the Assessors Office.

Very truly yours,

Stephen C. Gullo, MAA
Assessor

ASSESSING DEPARTMENT OCTOBER 2012

Day	2012 REAL ESTATE	2012 MVE	2011 MVE	2010 MVE	2009 MVE	2012 BOAT	2011 BOAT	2011 MVE UNCOLLECT	PERSONAL PROP	2006 PERSONAL PROP UNCOL	2011 PERSONAL PROP UNCOL	2005 MVE UNCOL	2008 MVE UNCOL	2007 MVE UNCOL	2003 UNCL. PERS. PROP.	1999 UNCL. PERS. PROP.
1		948.21	156.35													
2																
3																
4																
5																
6																
7																
8																
9		2,323.37	30.77	22.50												
10																
11																
12																
13																
14																
15		1,581.53				10.00										
16																
17																
18																
19																
20																
21		2,470.70	135.10	25.00												
22																
23																
24																
25																
26																
27																
28																
29		3,946.71														
30																
31																
Roundup																
Rec. by Collector																
Totals		11,277.61	337.22	47.50		10.00										

To the Auditor of Accounts:
 This is to certify that abatement as shown above, amounting in the aggregate
 Eleven Thousand Six Hundred Sixty Six & 33/100
 have been duly authorized.

BOARD OF ASSESSORS.

BY

Steph Cull
 Chairman

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT

ROBERT H. SCATAMACCHIA
VICE PRESIDENT

MICHAEL J. HART -Vice President

WILLIAM H. RYAN

~~SVEN A. AMIRIAN~~

MICHAEL S. MCGONAGLE

WILLIAM J. MACEK

COLIN F. LEPAGE

MARY ELLEN DALY O'BRIEN

Thomas J. Sullivan
November 7, 2012



CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

CITY HALL, ROOM 204
4 SUMMER STREET
TELEPHONE: 978-374-2328
FACSIMILE: 978-374-2329
www.ci.haverhill.ma.us
citycncl@cityofhaverhill.com

TO: Mr. President and Members of the City Council

Councillor Michael McGonagle would like to introduce Colleen McKenna of Haverhill Community Violence Coalition to speak about an upcoming event.

Michael McGonagle
City Councillor Michael McGonagle ✓

October 30, 2012

City Clerk Margaret A. Toomey

City Hall

4 Summer St

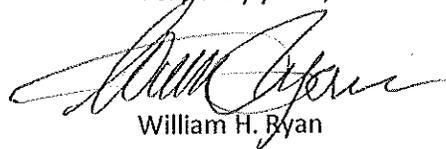
Haverhill, MA 01830

Dear Madam Clerk:

I am writing you regarding the vote taken at the City Council meeting on October 30, 2012 regarding Document 87, A hearing requested for further deliberation and consideration per Land Court Remand Document Order of August 29, 2012: John Giordano v. Haverhill City Council Docket No. 11 MISC 453400; Document 100/2010; Special Permit to Build a single family residence within 500' of a Water Supply at 90 Amesbury Road; Assessor's Map 465, Block 3, Lot 2A – Denied by City Council on August 23, 2011.

Being a Councillor voting with the prevailing side, I hereby move for reconsideration of said vote.

Very truly yours,



William H. Ryan

City Councillor

Reconsideration Doc 87
Giordano - 90 Amesbury rd
300' WATER SUPPLY



CITY OF HAVERHILL
 MASSACHUSETTS
NOTICE OF DECISION

YOU ARE HEREBY NOTIFIED OF THE DECISION OF THE CITY COUNCIL ON THE APPLICATION OF:

JOHN P. GIORDANO
 Applicant and Owner (If Different)

for property located at: 90 AMESBURY RD MAP 465 BL: 3 LOT 2A
 Site location, Assessor's Map, Block, Parcel numbers
 which was filed with the City Clerk on Nov. 2, 2012 as signified by the
 Date

City Clerk's date stamp.

The Council, as authorized by Section 15, Chapter 40A of the M.G.L. held a PUBLIC

HEARING ON: OCT 30, 2012 - REMAND ORDER - Doc. #11 MISC 453400
 Date of Hearing (Continuance if applicable)

The Council voted to ~~GRANT~~/DENY said application

Vote On Special Permit With/~~XXXXXX~~ Conditions

- PRESIDENT SCATAMACCHIA
- COUNCILLOR HART
- COUNCILLOR MICHITSON
- COUNCILLOR RYAN
- COUNCILOR MCGONAGLE
- COUNCILLOR MACEK
- COUNCILLOR LEPAGE
- COUNCILLOR DALY O'BRIEN
- COUNCILLOR SULLIVAN

YES	NO	ABSENT
X		
X		
	X	
	X	
	X	
	X	
	X	
	X	
X		

See attachments for reasons for decision of the City Council.*

An appeal of this Decision shall be made pursuant to Section 17 of Chapter 40A and shall be filed with Superior or District Court within twenty (20) days after the date of filing of the above cited decision with the Office of the City Clerk. Procedual appeals shall be taken in accordance with Section 17 of Chapter 40A.

Nov. 2, 2012
 Date

Robert H. Scatamacchia
 City Council President

*Record of evidence and detailed record of proceedings of the City Council hearing have been filed with the City Clerk and are incorporated herein by reference and considered a part hereof.

CITY COUNCIL

JOHN A. MICHITSON

ROBERT H. SCATAMACCHIA

PRESIDENT

MICHAEL J. HART-Vice President

WILLIAM H. RYAN

~~SVEN A. AMIRIAN~~

MICHAEL S. MCGONAGLE

WILLIAM J. MACEK

COLIN F. LEPAGE

MARY ELLEN DALY O'BRIEN

Thomas J. Sullivan



CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

CITY HALL, ROOM 204

4 SUMMER STREET

TELEPHONE: 978-374-2328

FACSIMILE: 978-374-2329

www.ci.haverhill.ma.us

citycncl@cityofhaverhill.com

DOCUMENT 87 - MINUTES OF A HEARING HELD ON TUESDAY, OCTOBER 30, 2012, FOR FURTHER DELIBERATION AND CONSIDERATION PER LAND COURT REMAND ORDER OF AUGUST 29, 2012: JOHN GIORDANO V. HAVERHILL CITY COUNCIL DOCKET NO. 11 MISC 453400 DOCUMENT 100/2010; SPECIAL PERMIT TO BUILD A SINGLE FAMILY RESIDENCE AT 90 AMESBURY RD. WITHIN 500' OF A WATER SUPPLY; ASSESSOR'S MAP 465, BLOCK 3, LOT 2A DENIED BY CITY COUNCIL ON AUGUST 31, 2011

SUBJECT: Document #87 – Minutes of a hearing held on Tuesday, October 30, 2012, for further deliberation and consideration per land court remand order of August 29, 2012: John Giordano v. Haverhill City Council Docket No. 11 Misc 453400 Document 100/2010; Special Permit to build a single family residence at 90 Amesbury Rd. within 500' of a water supply: Assessor's Map 465, Block 3, Lot 2A denied by City Council on August 31, 2011.

Present: Council President Robert Scatamacchia, Michael Hart, John Michitson, William Ryan, Michael McGonagle, William Macek, Colin LePage, Mary Ellen Daly O' Brien, and Thomas Sullivan.

City Clerk Margaret A. Toomey: **Document 87-** Hearing requested for further deliberation and consideration per Land Court Remand Order of August 29, 2012, John Giordano v.. Haverhill City Council Docket No. 11 MISC 453400; Document 100/2010, Special Permit to build a single family residence within 500' of a water supply at 90 Amesbury Rd; Assessor's Map 465, Block 3, Lot 2A. Denied by City Council on August 23, 2011. There is a related Document 87 a related communication report from Robert Moore Jr. Conservation Commission.

President Scatamacchia: I declare the hearing opened. Is there anyone who wishes to speak in favor of the petition?

Yes Mr. President, my name is James Senior I represent Mr. Giordano. We were here a couple of weeks ago. At that time the hearing was not opened in view of the fact the Conservation Commission had not as yet issued to you a report with recommendations. Since that time last week we went before the Conservation Commission and the Conservation Commission has now issued to you a report with recommendations. I have a couple of documents I would like to submit to the City Council for consideration. Those documents are essentially what I believe you've already seen as addressed to the Conservation Commission. However, we've formally address them to the City Council so that they can become part of your record as well. The crux of those documents is a memorandum regarding our position with respect to a special permit application. This special permit application is under Chapter 255 section 90 of the ordinances and it relates to constructing a building within 500 feet of a water supply, in this case Kenoza Lake. The matter was before you a couple of years ago at which time the petition was denied. We have brought it to court and we are here pursuant to a remand order of the judge. The issue is whether or not the construction of a building as proposed, and you have those plans, would have a

negative or adverse impact upon Kenoza Lake. In this particular case, although it is located within 500 feet of Kenoza Lake, the property is not located within your watershed protection district which is another ordinance that was passed for the purposes of protecting the same water supplies including Kenoza Lake. The subsurface and the surface water drainage is the condition for which the zoning district of the watershed protection district is drawn. It was concluded at the time that that ordinance was passed, that this particular property was not located within the watershed. We have engaged the services of a registered professional engineer, Mark Weiss. The second document that I presented to you this evening, in Mr. Weiss' original report, in the same terms as was given to the Conservation Commission on our first appearance there but addressed to the City Council. Mr. Weiss has done a study in collaboration with a hydro-geologist and he concluded in that report that neither the surface water, and everyone always agreed that the surface water runs in the opposite direction that is relatively easy to determine based upon the topography, nor the groundwater flows in the direction of Kenoza Lake. The Conservation Commission in our first appearance there agreed that neither the surface water nor the ground water under normal conditions does flow in the direction of Kenoza Lake. However, they did raise the question which was presented in their original communication to you as to whether or not what they called assumed drought conditions it would be a difference in the direction in which the ground water would flow. Mr. Weiss then did additional study for their benefit, submitted to them a report as to whether or not ground water during assumed drought conditions, and by the way what that basically meant was if Kenoza Lake is lowered and even if we assume that the groundwater on this site stays at the same level, will the groundwater at this site flow in the direction of Kenoza Lake. The calculations which were performed indicated that, yes, it would in fact for a period of time, flow in that direction. However, we were furnished with twenty year's worth of Kenoza Lake levels from your Water Department, it was analyzed, and based upon your two most severe drought periods during that period of time, the groundwater does not come anywhere near reaching Kenoza Lake. Conservation Commission received that report last week as a result of which they issued to you a report wherein they recommend that the special permit be granted wherein they concluded and accepted the proposition that groundwater containing any contaminants even during drought conditions, would not reach Kenoza Lake. Parenthetically, there was a berm which has been constructed (inaudible) within the roadway in this area, route 113 I think it is, between this property and Kenoza Lake. Quite a number of years ago the city had a berm constructed and I think the reason was because they were concerned that pollutants would be going from the roadway into Kenoza Lake because at that time the roadway and the lake were approximately at the same level; so a large berm was constructed to prevent anything from getting into Kenoza Lake. That does exist, that could be impervious. However, we assume for purposes of all the calculations we could present to the Conservation Commission that it was pervious, and did the calculations, and still the groundwater does not reach Kenoza Lake at this site. Now on the other side of the property, is Tilton swamp. Tilton swamp does receive groundwater from this site and it does receive surface water drainage from this site. As a result of which, in order to construct a building that is proposed, the applicant will have file a Notice of Intent with the Conservation Commission and will have to get an Order of Conditions. At that time Conservation Commission certainly can impose whatever conditions they feel to be appropriate based on their concerns which is the protection of Tilton swamp. Where we are at this point is that you have received the Conservation Commission conclusion which is that the groundwater doesn't reach Kenoza Lake and they have made several suggested conditions for this permit which we would submit to you are not appropriate at least for your permit. The reason we say that is because all of the evidence is the groundwater from this site will not reach Kenoza Lake. Conservation's concerns relate to protecting Tilton swamp and the wetlands there. Those conditions which they suggest are primarily aimed at protecting Tilton swamp, but separate and apart from that, since they have agreed that the groundwater and the surface water does not go to Kenoza Lake, it would inappropriate to be placing conditions on the site under this permit. The groundwater does go to Tilton swamp. The surface water does go to Tilton swamp and a large portion of this site is within Conservation's jurisdiction. It would be appropriate for them to impose certain conditions consistent with Chapter 131 which is the wetland protection law in connection with their Order of Conditions. But we submit that since the water doesn't go in the direction

of Kenoza Lake, conditions are superfluous and not appropriate. For example, one of the conditions that they have suggested to you is that the site, the entire property, not have a septic system. Well, the proposed plan does show two alternate forms of sewerage disposal. One of them would be connecting to the force main, which is what Conservation wants to require. The second is that there is a septic system, which has been designed, and the septic field is beyond the 500 foot boundary of your jurisdiction. Conservation, that septic field, is within their jurisdiction, 100 feet of Tilton swamp wetlands. So it might be appropriate condition for them to place but we submit that it is not appropriate in addition to the reason that our water does not flow to Kenoza Lake, it's not appropriate because the septic field is outside of the 500 foot jurisdiction of the City Council. We therefore submit to you, based on this evidence, that all of the evidence points to the fact that there will not be any negative impact upon Kenoza Lake as a result of the building of a building on this property within the 500 feet and that the special permit should issue and it should issue without conditions. Now I've made reference to Mr. Weiss, he is here, should the City Council have questions regarding his opinion, he is here, happy to lucidate or expand upon anything that is contained in the report that was submitted to Conservation. Again, they have accepted the proposition that neither surface water or groundwater under normal conditions, flows into the direction of Kenoza Lake; and even during the most extended drought conditions, over the past assumed drought conditions, over the past twenty years, no groundwater from this site has reached Kenoza Lake. Therefore we submit that the applicant's petition should be granted. The special permit should issue without conditions.

President Scatamacchia: Is there anyone else who wishes to speak in favor? Is there anyone else who wishes to speak in favor? Is there anyone else who wishes to speak in favor? (There was no one.) Is there anyone else who wishes to speak in opposition?

President Scatamacchia: Excuse me Mr. Davis, we all know who you are, but just for the record, your name.

My name is King Davis. I tell you a little bit more about my motive in the community but I want to start off with a photograph that was presented to me which reflects the picture of the Haverhill Public Library in 1900 which tells the original hospital was planned up in the back corner of Kenoza Lake, in the area where Councillor Sullivan is residing and the hospital was relocated according to the following statement, "the city hospital remained on this location until it became inadequate to serve the community's needs. Moreover concern was expressed due to the proximity of the city's water supply". A new hospital was eventually built, it's the Hale on Buttonwoods Avenue. I appreciate the opportunity to address you and I appreciate the opportunity to speak to those who are watching TV and who have a similar concern that I have relative to this project. In August 23 with a letter, you disapproved a petition that Mr. Giordano for a special permit for the land within 500 feet of Kenoza Lake, our dry water supply and a most attractive entrance to the City of Haverhill from 495. I spoke against the request and will continue to do so for as a life-long resident of the city having been in the real estate business for 56 years, I am adamant that this development should not take place. Kenoza Lake was 200 feet from 90 Amesbury Road, the subject property which is our water supply and also Tilton swamp which is within the watershed with the Merrimack River via snow's brook and (inaudible) is pointed out by Robert Ward Jr. our environmental health technician. I concluded many years ago as a realtor that not all land should be developed. This parcel is one of them. Mr. Giordano purchased this land according to city hall records in 2006 for \$7,500.00 from Frank (inaudible) and it consists of 3.97 acres. I'm sure that you have observed that the land has been filled by Mr. Giordano with, in my judgment, questionable material. I'm sure (inaudible) area is surrounded by wetlands in the subject area. When we have heavy rain covering Amesbury Road it must also run into Kenoza Lake or in or near the subject property. Mr. Giordano has no hardship. He knew it was within 500 feet of Kenoza Lake or he should have known or his attorney should have known the laws of development in the City of Haverhill. It was not long ago that the taxpayer's money was used to connect Crystal Lake and Pentucket Lake to Kenoza Lake. I assume this was done to provide adequate amount of quality water for the future of our citizens. Reportedly another body of water under our control

is Johnson's Pond and I am told that quality of water is polluted. Recently the Mayor proposed a study to determine the feasibility of connecting into the Merrimack River for a source of water for city consumption. Why? I assume he is concerned for the future. One of the concerns of this development at 90 Amesbury Road is the potential, according to our zoning laws, of the maintenance, the allowability of maintenance of four animals. In this particular case by Mr. Giordano, it could be horses and it could be pigs. Well I have in my past maintained two horses and they require a lot of care with the shoveling of a lot of you know what. The proposal for this house sewerage is a septic tank. Well, I have never seen a horse use a septic tank. The caretakers just shovel it out the stall to the rear of the building that houses the animals and let it pollute the surrounding water, in this case, within 200 feet of Kenoza Lake. Tonight you will hear the proposal of some twenty conditions including the use of this parcel of land, which is less than four acres and proposed by the Conservation Commission and also by some of you. Who is going to police the conditions in the next two or three years? And if a violation is found, do you force the owner to take the house and barn down? Let's be realistic. If you grant this permit, even with conditions, it is impossible to oversee hostile violations. For the first time in my knowledge, Mr. Giordano's attorney appeared at the Conservation Commission at the meeting last Tuesday night that a potential problem could exist relative to the flow of water from the 3.9 acres in Kenoza Lake. It is my conclusion after research that Mr. Giordano has been badgering department heads along with a Conservation Commission and the City Solicitor and they have given up. This is not in the best interests of the citizens of Haverhill. It is my opinion, the city administration wants to sweep this likely problem under a rug. Should you agree with me and turn down the application and the judge overrides you, you should then have the foresight and the guts to appeal the judge's decision with the city's legal department and a professional engineer would be in the best interests of the citizens of Haverhill. The city has spent hundreds of hours on parking problems but not many hours to preserve one of our most important assets from being polluted. I represent tonight, many silent voices who have contacted me on this potential problem. I thank you for letting me express my opinion and the opinion of many other people. Thank you.

President Scatamacchia: Is there anyone else who wishes to speak in opposition? Is there anyone else who wishes to speak in opposition? Would you like to respond sir?

Attorney Senior: First of all, I don't recall anything that I've said which could be construed as saying there could be a problem with Kenoza Lake. So I contest that. Secondly, this isn't a matter of guts which was just stated. I think it's a matter of applying the legal principles of the law. Again, there are two agencies in this city which govern this project. One of them is the City Council. The City Council's jurisdiction relates to Kenoza Lake and whether or not the construction of this building would have a negative effect or impact upon Kenoza Lake. The second body is the Conservation Commission. They are charged with the responsibility of protecting Tilton swamp and that's a whole separate jurisdiction. As far as the other Merrimack River or Tilton swamp, your bylaw has definitions as to what a water supply is that is protected by bylaw under which we filed this application. And the only water supply is Kenoza Lake that we are within 500 feet of; and all of the other reservoirs, it's not the rivers, it's not wetlands. The wetlands are under the jurisdiction of the Conservation Commission. I forgot to mention in my original presentation that I understand today you received a letter from the Water Department which is supporting the imposition of conditions of the special permit. I would direct your attention to the fact that even in that letter the focus there is protecting Tilton swamp. What we are asking you to do is properly apply your bylaw. Be fair. There is no evidence that there is going to be any negative impact upon the water supply of Kenoza Lake and not to allow other things like whether or not somebody paid \$75,000.00 or \$7,500.00 just isn't relevant to this concern. The concern is protecting Kenoza Lake. The evidence is that this will have no negative impact on Kenoza Lake and we are not in the watershed which is defined to protect Kenoza Lake and the other water supplies. You have certain definitions and only asking people to apply the law as written. As far as the conditions Conservation Commission has suggested, those may be appropriate under the Order of Conditions. If they impose them to protect Tilton swamp, that's within their jurisdiction. It's just no germane to this particular application. Thank you.

President Scatamacchia: Is there anyone else who wishes to speak in opposition? (There was no one.) I am going to declare the hearing closed. Council, what are your wishes? I know we have some questions.

Councillor Macek: I have a number of things that I would like to go over and also at the appropriate time move to attach to the special permit, prior to its vote. I would like reference to a letter that I just received this afternoon which was just referenced, from Robert Ward, Deputy DPW director. In that he says that there was a "lack of definitive hydrogeological data and it is assumed that the groundwater discharges from the site will be part of the Tilton swamp watershed which will drain to the Little River. The Water Department supports a requirement to confirm the groundwater flow is away from Kenoza Lake. Item 20 of the Conservation Commission's recommends special permit conditions requires the applicant to monitor the groundwater for contaminants." I would like to make sure we include that in the list of conditions as we move forward in our discussions. I would also like to say that that letter says that the Water Department would provide a list of the items that should be utilized. It also says that the proposed household ejector system, which is on the plan, would need to meet Haverhill Wastewater standards. I would like to propose at the appropriate time, as we discussed, at the Conservation Commission and I was at the last two meetings as an observer, that there be no private systems for either water or sewerage. I would like that to not even be an item of discussion. (Inaudible) the disposal system in compliance with Title V as mentioned here. And the other one is, should the special permit be passed, we would have also recorded at the Registry of Deeds. I guess that I would like to speak to Mr. Weiss, if he is available, I have a few questions that are relative to your report but also relative to the conversation that I heard at the Conservation Commission. Your report speaks of the two examples that you found and utilized when the groundwater was flowing toward, from the Tilton swamp side of crossing on the roadway toward the reservoir. In it you stated the rate of .48 feet per day should there have been any contaminants the harmful substance was released at the applicant's building site and if the groundwater flowed toward Kenoza Lake it would be filtered throughout the soil and during the drought periods it would only travel less than one half the distance to the lake and therefore not reach the lake. Those are your words in your report. And then you go on to say "therefore, even if the groundwater flows towards the lake, some of the time there will be no adverse effect on the public water supply as a result of the construction proposed." My next logical conclusion is that if there were some type of contaminant that were flowing during these periods when Tilton swamp was higher and water flowing downhill as we all know it does, as you are saying here, there may be especially in drought conditions where water might be flowing toward Tilton swamp side where the project is proposed to the alternate side where our reservoir sits, my question is, if there were, as you called it, a harmful substance that would flow, you are saying that the drought season would not be long enough. However, what if the next year through similar conditions, we experience another drought season, what happens to that contaminant? Let's say it's half way across the road at the end of the first one, does it just go away? Does it go back to Tilton swamp or back to the developer's property? Or might it be pushed further the next time toward the reservoir and ultimately maybe through two or three seasons that contaminant would land on the reservoir side.

Mr. Weiss: Let me say we did that study under the very worst possible conditions and that is the despill, a release of a harmful substance, took place on the first day that the groundwater at the lake was lower than the groundwater at Tilton's swamp. So that's one (inaudible) that it had to have and it did. The two drought conditions were identified by Mr. D'Aoust (inaudible) pick it out at random and what happened is that say on the first drought period it goes about one hundred feet then the water, and if the water at the lake was higher than Tilton's pond, that would push the water back towards Tilton Pond. It depends just how long the period, that it got pushed back (inaudible) it would get pushed back and forward and pushed back.

Councillor Macek: So there's almost like a tug of war going on between the harmful substance and what's going on underground. Thank you. I do have a number of other things going along with the Conservation

Commission's recommendations that I would like to add to the special permit that I would also like to wait until perhaps my colleagues have other comments to add.

Councillor Ryan: I'm not sure Mr. Weiss if you could answer this question. I just wanted to make the attorney aware that the berm that was constructed, I was involved with that when the late (inaudible) Neckerson was director of our water/wastewater system, was constructed for the purpose of enlarging the water supply at Kenoza Lake. Not to make a barrier to keep contaminants from coming in. It's basically a pile a gravel raised the level of the lake back in the 1980s. And you did refer to route 113, we are talking about route 110, the community that is watching. At some point, probably back before 1900 or maybe 1800, Kenoza Lake, Hale's swamp, were all one body of water. There's been a lot of adjustments. Route 110 is relatively new road that was constructed right through the lake and the swamp. There must have been a little dry area there. The former airport, that's on the other side, Dutton's airport, we all know that everything in the world has been dumped to make that runway and to make that expand. At one point it went all the way to the other side of Newton Road. I believe there was a bridge across there. So it was a very substantial body of water, it's been of course abused over the years. I am very concerned about the further abuse of land around Kenoza Lake and it is, as someone pointed it, it's a primary drinking water. The applicant, Mr. Giordano, and I don't know if it's him, is him, but this project first of all has not been approved yet. There's been people out there with backhoes and bulldozers and dump trucks filling that land in in anticipation of what the building permit or to make sure there's enough solid ground to build a house. Everyone in the city goes by there. I have questions just last week, there were a bunch of pipes there and somebody came along and dumped dump loads of stuff and buried the pipes. Talk about, and I didn't see that happen. One of the residents on Amesbury Road brought that to my attention. I don't think that's a good way for the applicant to be acting. At least for the city, Conservation, City Council and everybody goes through the process and if you are successful and you do get a permit, then you start filling it in and improving the land. There's been lots of activity down there and it's concerned everyone. What is going on? Isn't anybody in the city, when I say the city officials watching this? There's things going on there. I'd like to know if it's you or Mr. Giordano's attorney can tell me what has been going on there with all the fill and everything being brought in over the last several years.

Mr. Weiss: I don't know anything about the fill but I will tell you (inaudible) we put in some pipes in the ground to determine where the groundwater level was so we could tell which direction the groundwater was going. We put in four or five pipes. (inaudible)

Councillor Ryan: Have you concluded that test?

Mr. Weiss: Yes.

Councillor Ryan: Those pipes still in the ground?

Mr. Weiss: Yes we wanted to wait to see what the outcome was and whether or not we are going to be putting in more water pipes.

Councillor Ryan: Well I mean if you don't get approval you (inaudible) pipes there, I guess.

Mr. Weiss: Inaudible

Councillor Ryan: No one really has a clue. There's so much going on that piece of property. Obviously in anticipation of getting a building permit. The height of the land has gone up substantially. It used to be fairly level with the road. Now it's up several feet. That concerns me and it concerns I know, a number of neighbors who live around the Amesbury Road area. What is going on over there? Isn't city officials keeping an eye on that. I assure them that they are. I have spoken with Bob Ward and he has assured me

that he is right on top of it and I have every confidence in him. I think he does a terrific job. Those are concerns, you are asking us to approve something tonight and part of my decision is based on, in this case, a record of what's gone on up this point and that has an impact on the way I am going to vote tonight. With that, I will yield back to you Mr. President.

Councillor LePage: I have a couple of questions. I, too, attended the Conservation Commission meeting this past Thursday. Couple questions I have go back my original questions, or questions that Rob Moore asked back in December of 2010 and John Pettis also. First one being, we are talking about the eastern portion and also there's half of the parcel is on the western portion (inaudible) building on it. It's never been answered if it's buildable to build somewhere else or to build something outside the 500 feet. It keeps being that this is the only location that seems to be, in my opinion, proven that this is the only place that you could build. There's other land parcels, that the applicant owns actually as a portion of the parcel that hasn't been surveyed, given records of the city on that. Also talking with Engineer Pettis, there is a question in December '10 about the hundred year floodplain. Again, looking to see if part of that area is in that. Again, I am not an expert. I am just a member of City Council. I go and I listen to meetings, I read information, gather as much information as I can. Those are two of my things with the conditions that go with what the Conservation Commission says. My understanding of the ordinance is that we look at the report. So if the Conservation Commission meets and they originally had twenty, they've actually revised this list to be twenty and I would think another two should be added to that and they changed some of these things, then I think that's what the Council did, because that's what they are asking for. So them being the experts, being the Conservation Commission, I think that we should have those conditions in because that's what we are asking for in their report. Again, I am not an attorney. I leave that to the attorneys to figure that out. With that again, Councillor Macek mentioned what Deputy DPW director Bob Ward wrote is confirmed that the groundwater flows. Your assertion is that it flows that way. Again we asked the questions, if it moves, and your discussion has been that it moves back and forth, my question would be, when we talk about monitoring wells, if they are on the applicant's property and we are concerned, as a city, what's going to happen to Kenoza. We are also concerned, and the big question before this Council, is Kenoza, and I would suggest that maybe we should have monitoring wells on the other side and if something was to, as you said, go back and forth back and forth then you could see the levels being high because I believe the attorney for the applicant mentioned that between his property and Kenoza Lake and route 110 and there's traffic and there's a lot of different chemicals that are associated with traffic and what could be there. I think that if something were to be shown on that side of the property, my concerns are Kenoza side, you can monitor on that side and you can see what's happening both sides, not just one. I believe Councillor Macek, and I agree with him, I would like to see these conditions in and I would like to see some others added to these.

Councillor Michitson: Couple of questions for you. Who actually pays your fee for this study?

Mr. Weiss: Mr. Giordano.

Councillor Michitson: Second question that I have. It's clear from Mr. Ward's letter that he has not confirmed your results.

Mr. Weiss: I haven't seen his letter. Is that a recent letter?

Councillor Michitson: Yes, let me just read what he states. He states that "the fact that this lot is outside the watershed, Kenoza Lake, and the lack of definitive hydrogeological data, it is assumed that all groundwater discharges from the site will be part of the Tilton swamp watershed which will drain to the Little River" and then it says "the Water Department supports a requirement to confirm the groundwater flow is away from Kenoza Lake," So hadn't he seen your report when he stated this to us? It sounds like

he hasn't confirmed the results of your report. The third point that I have, is that, don't hydrogeological characteristics change over time?

Mr. Weiss: Inaudible...constantly changing.

Councillor Michitson: And they are constantly changing, so; could it be that you know, the results of your study would change over time as well.

Mr. Weiss: As I mentioned before, I did the study on the very worst possible conditions that could take place. Any other conditions, you could say the groundwater wouldn't travel as far as it would under these conditions.

Councillor Michitson: Your conditions had to do with the drought but not necessarily the geological makeup of the land. Right, that could change. You didn't model that which could change over time.

Mr. Weiss: The calculations were based on the type of soil which between the proposed building and (inaudible).. and that I consider geological.

Councillor Michitson: Okay, thank you.

Councillor Macek: Thank you Mr. Weiss. I believe that on, maybe you are the right person. I have a few questions on the map that was provided to us. As was also stated at the Conservation Commission, we've seen multiple maps with different size dwellings and out buildings. Who would like to answer a question about the size of the building, both the primary residence and the out building structure?

John Giordano, the owner of the property, 90 Amesbury Road, and sitting here to answer many of your questions. This hasn't been a project over months, weeks. It's turning into years. I have come before several committees and I would like to just as an opening statement correct what appears to be a deleterious spins or misstatements of facts with regard to this property.

President Scatamacchia: Mr. Giordano, we opened the hearing. We had the hearing opened. You had your chance. I think your attorney did an excellent job of presenting your side of the issue. But Councillor Macek had some specific questions that he wanted to ask. I am not going to reopen the hearing.

John Giordano: Very well, thank you. I am sorry..

Councillor Macek: Mr. Giordano just a few questions, it was brought up by one of my colleagues and I, too, had seen over the years as you said, your ownership of the property that different things have been dumped and spread. I do recall actually walking in that area and seeing some of the dumpings, it contained bituminous or asphalt along with the dirt in there. Could you please let me know if that was plowed into the ground, if not, why was it there to begin with and what happened to it?

John Giordano: (Inaudible)...using the property there was a (inaudible). There was a (inaudible) pipeline, gas pipeline being put in across the street. I had seen a possibility to get some fill and I made some arrangements with the contractor and he put the fill on the property (inaudible)...At that time I was working with Robert Moore and your other departments to find out what type of parameters were necessary, what I had to do and so forth and Mr. Moore had been down there consistently. (Inaudible) we don't want to get (inaudible) any of the wetlands (inaudible). So we go in there near an area that was outside of the curfew for hunting season away from the wetlands. If you look at that area (inaudible) triangular shape that was all staked out 100 feet away from the wetlands. Unfortunately it had a sign out of state and the contractor that was putting the pipeline, was going to level the fill and so forth and grade

the property suddenly the fill that was deposited there disappeared. Subsequently, somebody dumped the rocks there and sand and so forth. It cost me \$3,000.00 to clean it up. During that period, (inaudible) the site of the old Lakeview Restaurant and that site was leveled flat with a parking lot. During the time that I had the contractors come out, it cost a substantial amount of money and they removed the asphalt that was already on the property. I know of no asphalt that was dumped on the property. I had an opportunity to replace some of the (inaudible) leveled it so that it was aesthetically pleasing. Put seed on it. If for no other reason, when I put up a home, with the plans that I had in front of this committee initially, showed a grade up to the house. (Inaudible) with the fill to the house. That was also submitted to the Conservation department, during that time (inaudible) and it showed the grading going up to the house. So I had an opportunity to pick up some fill so we did. The fill that you have seen there, I had an opportunity to pick up some fill from Haverhill happened to be from the Y across the street. All certified fill, they have some hundred loads of fill there because they had to move some of the fill for the construction of the Y. That will all be graded as an elevated section, as you know with a lot of roadway there and if for no other reason I would like to be able to enjoy my own property, which I have. Simultaneously, I was going to 500 foot setback requirement that you have, I have also managed to get an Order of Conditions for landscaping activity from Conservation. I have also, from the report that you have, have gone through the Massachusetts State Species Act as well as the Massachusetts Department of Environmental Protection which has determined that I have a completed application per Notice of Intent for a home so forth as per the plans that you see. There's some problems with Conservation, with fees and so forth, but they the Notice of Intent which they have decided to reject and we went along with them at that time and we filed for determination of (inaudible) after which we went to several hearings and we went to a landscaping plan and so forth. So right now as a matter of fact on the landscaping plan approved by Conservation we have (inaudible) Massachusetts Invasive Species Act as well completion of the Notice of Intent with the Massachusetts Environmental Protection and we have to reactivate plans contingent on what we do here this evening, reactivate the plans and the application, plans (inaudible) I don't know what that procedure would be. But, I have been working right along with the departments before I had ever submitted any applications here. And I thoroughly researched the property prior to acquiring it in determining what the restrictions were and I looked at the regulations. I looked at the law, I looked at the fact that we are not in the watershed district and there was a report that we had written consistent with recommendations based on your department heads with what I should have and one of them was an environmental assessment by wetland services. Then we had the wetlands delineated, had the survey and so forth, all of which was in preparation to comply with Conservation's determination of (inaudible) as well as the Notice of Intent. (Inaudible) which you also have a copy of. I don't know what else I can say. There's been no illegal dumping of fill or any other deleterious event that has occurred from what I consider a major investment on my part on my own property which I intend to be (inaudible). I hope that answers your question that you mentioned (inaudible).

Councillor Macek: That was a very long answer to what actually what I really want to know whether you have any knowledge of any dumping of asphalt material that may have been plowed into the ground.

Mr. Giordano: Absolutely not.

Councillor Macek: Thank you. I would like to also you a couple of questions about what was the proposed dwelling and the outbuilding and the reason I want to preface that by saying the reason I believe this is very important to our decision tonight is because the ordinance that you are here, 255-90, says that "such permit may be granted if the City Council finds that the proposed building does not have an adverse effect on the public water supply". I bring this up and I emphasize it in this hearing tonight because I heard reference that once this permit is given you can do anything you want within an SC zone. I don't believe that this special permit allows you to do that. (tape change) both the size of your dwelling and any other outbuildings and anything other than what we approve tonight on your plan would need to come back and go through this whole procedure over as an additional dwelling or as an additional building

because we are looking only at what you are telling us what you are going to have on that lot. There are other things that would be allowed in an SC zone such as a farm stand and I don't believe you should just as a matter of right be able to go and change your dwelling or your outbuilding to a farm stand without having to go through this procedure to protect our water from start to finish. That's my opinion. That's the way I read this ordinance. Based on that opinion and my concern you have provided us, and the last time you were here I believe I might have asked the question, I know it was asked, you gave us a plan of a 30x100 dwelling and a 30x50 dwelling.

Mr. Giordano: I gave a 30x16, I believe.

Councillor Macek: That's your outbuilding.

Mr. Giordano: That is the outbuilding. It was a plan roughly, for the house 30x100. I asked the question, because I referenced the word battery limits, what else would be done, I said very specifically for the record is that that would be the battery limits and that would be the (inaudible) of the building. The building scope could be smaller but wasn't going to be bigger. That was the maximum size. What I did essentially is I maxed out what I could put on there for a building and meet all of the requirements. The building may be 30x50 but it's not going to be 30x200. That would meet all the requirements.

Councillor Macek: I would want to have that language in the special permit for a single family dwelling not to exceed 30x100.

Mr. Giordano: Ya, I would assume, and I said this to my attorney, that if I put up a bigger building or I dramatically change the scope of instead of 30x100 it was going to be 75x100 or I am going to put in other buildings, that I would have to come before this commission again. If I wanted to put a barn behind my building, and then the setback requirements of Conservation, I would still have to come before this commission.

Councillor Macek: So we are in agreement on that? We are in agreement on my earlier statement that you would (inaudible) do any other construction beyond what is on this proposed plan?

Mr. Giordano: Ya, and I understand the way your ordinance is interpreted that anybody is also put additions onto their home within 500 feet of Kenoza Lake also has to come before this commission.

Councillor Macek: Correct.

Mr. Giordano: I don't have any issue with that. I am aware of that.

Councillor Macek: The outbuilding, are you still proposing that as being the largest that you would build, being 16x30?

Mr. Giordano: Yea, that's what I propose. It's a good size utility building, use it as a workshop or whatever. Everybody has a garage. I've had garages, several homes both out of state. Here in Andover and so forth, I am still waiting to use the garage as a garage. It usually ends up as being overflow or workshop. The car is out in the yard. I'd really like to have some day to have a garage to put a car. It would be nice to have a workshop. (Inaudible) for storage or whatever.

Councillor Macek: So you don't have any, you wouldn't have any problems with a restriction on either large animals or farm animals being kept on the property?

Mr. Giordano: I absolutely would. It's permitted within that zone and my wife and I have had horses for 25/30 years. (Inaudible) I know when I had the horses in Andover and you could call up Everett Penney and (inaudible) the horses died and went to heaven. (Inaudible) I've seen the sloppiness of (inaudible). They are extensively regulated by the Department of Health. In Andover we had (inaudible). Right water and so forth and all this other stuff. They have a manure pile next to your house flies and so forth (inaudible) it either gets spread or taken off site. You have regulations that cover that.

Councillor Macek: We do have regulations that cover that. We are also looking to protect drinking water not just a nuisance.

Mr. Giordano: As we said, the drinking water, and one of the things that was addressed here, was the worst possible conditions. Can you picture, honestly, have a drought at Kenoza Lake and not having a drought in the other areas surrounding Kenoza Lake. In other words, Kenoza Lake is the only area that is going to suffer a drought. The worst possible conditions, if (inaudible) was to say, okay we are going to conclude that the drought only affects Kenoza Lake, it is not going to affect the rest of the world? So, the rest of the area that have high water tables...

Councillor Macek: I believe we are off topic.

Mr. Giordano: No, we are not off topic.

Councillor Macek: I haven't asked you that question.

Mr. Giordano: (Inaudible) you have horses walking around Kenoza Lake all the time. I don't know.

Councillor Macek: Thank you for your answer. Thank you Mr. President.

Councillor Macek: Mr. President I would like to make a number of various motions. I would like to adopt all of the recommendations that were made to us on a recent report from the Conservation Commission. I would also like to make a few changes to those. Perhaps we could adopt them and then address changes should the Council agree with my thought process on the changes.

Councillor Ryan: Call up the main motion. Councillor Daly O'Brien: Second

Councillor Macek: I would like to amend the special permit request by adding all of the conditions as recommended to us by the Conservation Commission. There are twenty items that were brought forward to us.

Councilor Daly O'Brien: Second.

President Scatamacchia: Madame Clerk would you call the roll. You are going to amend?

Councillor Macek: I'm going to ask to maybe amend some of those twenty.

President Scatamacchia: Should we do that now?

Councillor Macek I think we should put it in effect and then we could amend it after. Because, if it doesn't pass, it will stay in its original form.

President Scatamacchia: Madame Clerk would you call the roll.

Clerk Toomey: Councillor Hart-yes, Councillor Michitson-yes, Councillor Ryan-yes, Councillor McGonagle-yes, Councillor Macek-yes, Councillor LePage-yes, Councillor Daly O'Brien-yes, Councillor Sullivan-yes, President Scatamacchia-yes. 9 yeas.

President Scatamacchia: Passes.

Councillor Macek: I am going to move back to our first attachment of these very similar motion, there are only three added to; but the first 17 are pretty much verbatim to what we already attached to this in our first go around with this special permit request. One of the things that the Council supported, I move for the conditions as proposed by Robert Moore, move #5, in the first line, where it says "No septic" and we add the language "or holding tank or tanks" and then it goes on. I could read the whole thing if you prefer. No.5 says "Sanitary sewer service associated with this project shall be connected to the municipal system. No septic system, and right there I would add "or holding tank or tanks" shall be used on the property.

Councillor Daly O'Brien: Second.

President Scatamacchia: What else Councillor Macek.

Councillor Macek: I would (inaudible) along to say #6, which the Conservation Commission, did they delete that Colin? No. 6 says there is supposed to be a deed but I think that is already out. Councillor LePage – yes. I would like to add to the restrictions that "all water services for the property shall be obtained from connections to the Haverhill Municipal water system".

Councillor Daly O'Brien: Second.

President Scatamacchia: Anything else Councillor Macek?

Councillor Macek: Yup, I would also like to add that the dwelling size not exceed 30x100. That the outbuilding not exceed 16x30. No other construction shall be allowed without approval from the City Council and any other permitted SC use including secondary buildings or the keeping of any large animals such as horses, cows, swine, large animals or farm animals, just as horses, cows or swine. I would like to add that this is from Robert Ward's letter dated today, that all of the special permit conditions be recorded at the Registry of Deeds.

Councillor Daly O'Brien: Second.

Councillor Macek: I would yield to Colin LePage because he wants to add another item we discussed the other night.

Councillor LePage: These two are previously in, I'm not sure why they were omitted this version. "All paved travel ways, driveways, walkways and (inaudible) shall be constructed with pervious materials, such as porous pavement, concrete pavement, and (inaudible). The next one was, the applicant shall make any effort to minimize the use of winter sanding, (inaudible) The applicant shall make every to remove winter sand from the pervious paved area.

Councillor Macek: Second.

Councillor LePage: I believe also, one more that I would ask Councillor Macek to help with.

Councillor Macek: We are going to add that at the end. I have one other thing that I would like to add and that would be in #7, it may not be #17, it was #17, it's about pesticides, herbicides, fungicides, could you check that Councillor LePage to see what it's currently at from our original list.

Councillor LePage: Currently it is 16 and we have 15. I'm sorry 15.

Councillor Macek: #15 Attachment B, Where it says pesticides, herbicides and fungicides shall not be used within 100' of any wetland resource area. We initially put a period there and we struck "for the purpose of lawn maintenance". I move that period be inserted and we strike for the purpose of lawn maintenance.

Councillor Daly O'Brien: Second.

Councillor Macek: I would like to add, what we initially also added, and that's language at the very bottom of the conditions, "should any of the conditions be determined to be unenforceable, or illegal in whole or in part, that shall not effect any of the other conditions. The conditions may only be altered or deleted with a six vote approval of the City Council.

Councillor Daly O'Brien: Second.

Councillor Macek: I move all the amendments be adopted.

President Scatamacchia: Would you call the roll on all the amendments.

Clerk Toomey: Councillor Hart-yes, Councillor Michitson-yes, Councillor Ryan-yes, Councillor McGonagle-yes, Councillor Macek-yes, Councillor LePage-yes, Councillor Daly O'Brien-yes, Councillor Sullivan-yes, President Scatamacchia-yes. 9 yeas.

President Scatamacchia: Now the roll call on the special permit.

Clerk Toomey: Councillor Hart-yes, Councillor Michitson-no, Councillor Ryan-no, Councillor McGonagle-no, Councillor Macek-no, Councillor LePage-no, Councillor Daly O'Brien-no, Councillor Sullivan-yes, President Scatamacchia-yes. 6 nays, 3 yeas

President Scatamacchia: Does not pass.

Respectfully submitted,



Barbara S. Arthur
Administrative Assistant to the City Council

November 2, 2012

Remand Order – John Giordano V. Haverhill City Council, Land Court docket No. 11 MISC 453400- Special Permit request to build a single family residence at 90 Amesbury Road within 500' of a Water Supply, Map 462, Block 3, Lot 2A

REASON FOR VOTE

In granting the Special Permit, those members voting in favor found that the application fulfills all of the general conditions contained in 255 of the Haverhill Zoning Ordinances.

President Scatamacchia: I voted for the special permit because I felt all the conditions placed on the project would safeguard the public water supply.

Councillor Hart: In my opinion, I thought the applicant met the requirements of the special permit with the conditions attached to it that were voted for.

Councillor Michitson: The applicant's expert failed to present conclusive evidence that the property in question would not have an adverse effect on the public water supply.

Councillor Ryan: After listening to the testimony, I had many concerns and voted against it because I thought it could have an adverse effect on the public water supply. Subsequently, after learning more about the project and issues, I have moved for reconsideration.

Councillor McGonagle: I voted to deny the special permit based on the evidence presented at last night's meeting as well as the records from previous meetings. I could not conclude that permitting the single family home would not have an adverse impact on the water supply over time. Mr. Giordano's engineer stated (in regard to a question by Councillor Michitson) that the groundwater flow could change over time.

Councillor Macek: My vote was based upon the applicant's expert's failure to present detailed and conclusive evidence that permitting the request would definitely not impact in an way the City's drink water supply located within the protected area as required in the ordinance in question, Chapter 255-90.

Councillor LePage: I voted no on this special permit because I believe it could have an adverse effect on the public water supply.

Councillor Daly O'Brien: I voted no because the applicant was not specific about the type of buildings he would construct, the size of buildings and the use of these buildings. I believe this project could have an adverse effect on the public water supply.

Councillor Sullivan: I voted to approve the special permit with 24 conditions attached based on the evidence presented at last night's meeting. I could not conclude that permitting this single family home would have an adverse impact on the water supply, which is the only criteria we could use to base our decision.

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 October 16 2012
 Hearing

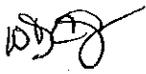
**CITY OF HAVERHILL
 MASSACHUSETTS
 CITY SOLICITOR'S OFFICE**

145 South Main Street
 Bradford, MA 01835
 (978) 373-2360
 FAX: 978/372-0688
 EMAIL: billcoxlaw@aol.com

**WILLIAM D. COX, JR.
 CITY SOLICITOR**

September 6, 2012

TO: John A. Michitson, President and Members of the Haverhill City Council

FROM: William D. Cox, Jr., Esq. 
 City Solicitor

RE: Remand Order - John Giordano v. Haverhill City Council,
 Land Court Docket No. 11 MISC 453400

At your meeting of August 23, 2011 the City Council voted 1 - 8 not to approve the petition of John P. Giordano for a special permit to build within 500 feet of a water supply, as required by the Code of the City of Haverhill § 255-90, on real property located at 90 Amesbury Road across from Kenoza Lake. Mr. Giordano appealed the Council's decision and the matter is currently pending in the Land Court. Mr. Giordano filed a Motion for Summary Judgment requesting that the Court issue an order directing the City Council to issue the permit. The Court heard both parties and denied Mr. Giordano's Motion for Summary Judgment on August 29, 2012. Enclosed is a copy of the Land Court Order.

The Judge has remanded the case back to the City Council for further deliberation and consideration of Mr. Giordano's petition. The Court, citing a procedural defect in the processing of this matter, has ordered that the Council refer the matter to the Conservation Commission for a formal review and recommendation as required by the ordinance - § 255-90. The Court also took notice that Mr. Giordano did not present expert testimony to the Council in the course of your deliberations, however, has presented such evidence in his Land Court appeal.

The Court's instructions for the remand of this matter are that the remand hearing shall be held at a duly-noticed City Council meeting, open to the public, after the City Council has requested and received a review and recommendation on the permit

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PAGE TWO OF TWO - Remand Order - John Giordano v. Haverhill City Council

application from the Conservation Commission. The Order provides that the Council "shall hear from Mr. Giordano's expert, Martin Weiss, and may take additional evidence as it deems necessary." The Council has until November 2, 2012 to complete the process and issue a decision.

It would be my recommendation that Document 100 of 2010, petition from Atty. Migliori for John P. Giordano requesting Special Permit to build a single family residence at 90 Amesbury Road WITHIN 500' OF WATER SUPPLY - Assessors' Map 465, Block 3, Lot 2A, be placed on the agenda for the next City Council meeting on September 18, 2012, that the matter be referred to the Conservation Commission for a review and report as required by the City Code § 255-90 no later than Friday, October 12, 2012 at 11 AM, and that a City Council public hearing be scheduled for October 16, 2012. The applicant and any abutters should be notified and the public hearing advertised, all as previously done.

Finally, where this matter is remanded by the Court to the Council for further hearing and consideration, and, there are several Councillors who were not serving at the time of the original hearings, it is my opinion that the full City Council may act in this remand hearing as it is a separate proceeding from the original hearing. I will be providing copies of the documents and minutes from the previous hearing to each Councillor prior to the October 16, 2012 hearing, which the Council may choose to accept as evidence for the remand hearing.

Please feel free to contact me should you have any questions or concerns in this matter. Thank you.

cc: James J. Fiorentini, Mayor
William Pillsbury, Economic and Planning Director
Robert Moore, Environmental Health Technician

IN CITY COUNCIL: September 18 2012
REFERRED TO CONSERVATION COMMISSION and
VOTED: that HEARING BE HELD OCTOBER 16 2012
Attest:

City Clerk

IN CITY COUNCIL: october 16 2012
POSTPONED TO OCTOBER 30 2012
Attest:

City Clerk

IN CITY COUNCIL: October 30 2012

MOTIONS TO AMEND DOCUMENT AS FOLLOWS:

On Motion of Councillor Macek to amend the special permit by adding the conditions as recommended by the Conservation Commission in a letter dated Oct. 26, 2012. Passed.

On motion of Councillor Macek to further amend by referencing the letter of conditions from Robert Moore, Jr. dated June 28, 2011, item #5, (or item #6 in above letter) to add the words at the end of the sentence "or holding tank or tanks". Also, "all water services for the property shall be obtained from connections to the Haverhill Municipal water system".

Further, the dwelling size not exceed 30x100 and the outbuilding not exceed 16x30. No other construction shall be allowed without approval from the City Council and any other permitted SC use including secondary buildings or the keeping of any large animals such as horses, cows, swine or farm animals.

Reference to June 28, 2011 letter above, item #13, add "All paved travel ways, driveways, walkways, and patios shall be constructed with pervious materials, such as porous pavement, concrete pavers, or like materials." Also, item #14, add, "the applicant shall make every effort to remove winter sand from from the pervious paved areas".

Further, letter dated Oct 26, 2012, #15, strike "for the purpose of lawn maintenance.

All special permit conditions be recorded at the Registry of Deeds.

Also add, "should any of the conditions be determined to be unenforceable, or illegal in whole or in part, that shall not effect any of the other conditions. The conditions may only be altered or deleted with a six vote approval of the City Council". Passed.

Motion to approval² special permit as amended. 3 yeas, 6 nays. and
NOT PASSED

Attest:

City Clerk

Bob Ward
10-30-12



Haverhill

2012 OCT 30

2012 OCT 30 A 11:48

October 30, 2012

Robert E. Ward, Deputy DPW Director
Water/Wastewater Division
Phone: 978-374-2382 Fax: 978-521-4083
rward@haverhillwater.com

To: John A. Michitson, President and Members of the City Council

From: Robert E. Ward *RW*
Deputy DPW Director

RE: Remand Order – John Giordano vs. Haverhill City Council,
90 Amesbury Road, Map 465 Block 3 Lot 2A

In response to City Council's October 19, 2012 memo, the Water and Wastewater Departments respectfully request that the City Council consider the following comments.

1. The Conservation Commission provided a very thorough list of recommended special permit conditions as voted at their October 25, 2012 meeting to protect Kenoza Lake. Many of the conditions are designed to prevent pollutants from entering adjacent water bodies through surface water runoff or infiltrating the groundwater. We support making the preventative measures recommended by the Conservation Commission part of the special permit requirements.
2. This parcel although adjacent to Kenoza Lake is not within the public water supply watershed, but within the 500-foot zone requiring a special permit to build. The fact that this lot is outside the watershed of Kenoza Lake and the lack of definitive hydrogeological data it is assumed that all groundwater discharges from the site will be part of the Tilton Swamp watershed, which will drain to the Little River. The Water Department supports a requirement to confirm the groundwater flow is away from Kenoza Lake. Item #20 of the Conservation Commission's recommended special permit conditions requires the applicant to monitor the groundwater for contaminants. The Water Department can provide a list of contaminants for monitoring. This monitoring should provide results to confirm the recommended preventative measures are protecting the groundwater.
3. The plan shows a proposed household ejector system, however, there is limited detail. This household ejector station shall meet current City of Haverhill wastewater standards. It is also understood that site had a perc test performed for the design of an onsite subsurface disposal system. It is unclear if the applicant is seeking sewer service or installing a subsurface disposal system. If the applicant is not required to connect to City sewer, the onsite disposal system must meet Title V requirements, which includes appropriate setbacks to provide the proper protection for drinking water supplies.
4. Consider requiring the applicant to have the special permit conditions recorded at the Registry of Deeds.

If you have any questions, please call me at (978) 374-2382.

Project ID # 465-3-2A
File#: 100291

cc: Paul Jessel, Collection System Supervisor
John D'Acoust, WTP Supervisor
Rob Moore, Environmental Health Technician

Rob Moore
6-28-11



Haverhill

Economic Development and Planning
Conservation Department
Phone: 978-374-2334 Fax: 978-374-2337
rmoore@cityofhaverhill.com
conservation@cityofhaverhill.com

MEMO TO: President Michael J. Hart, Esq. and Haverhill City Council
FROM: Robert E. Moore, Jr., Environmental Health Technician
DATE: June 28, 2011
RE: Special Permit – Building Within 500' of Kenoza Lake
John Giordano for 90 Amesbury Road – Parcel ID: 465-3-2A
Review #2

I have reviewed the applicant's June 17th communication and its attachments. At this time I wish to clarify some of the points in the applicant's new submittal, as well as provide the Council with updated comments.

The applicant notes that the Notice of Intent filed with the Commission "served to vet the proposal in detail". The Notice filed with the Commission only proposed site preparation and vegetation control activities. The applicant did not propose the construction of a single-family house (or a sewer/septic system) on this lot. The applicant also only filed this Notice under the Massachusetts Wetlands Protection Act. The Commission subsequently deemed this Notice "invalid", as the applicant failed to also apply for approval under the City's wetlands protection ordinance. With an "invalid" Notice and a project that proposes far less than the construction of a house, the applicant recently submitted a lesser application with the Commission to obtain approval for landscaping activities. The Commission's discussion of this application was continued last week to allow the applicant time to submit additional information.

It should also be noted that the Massachusetts Department of Environmental Protection (MassDEP, noted as MA DEQE in the submittal) has not "approved the project". MassDEP's issuance of a file number is merely a perfunctory step acknowledging its receipt of the application and filing fee. The Massachusetts Natural Heritage and Endangered Species Program (noted as MESA in the submittal) has issued a finding that the applicant's site preparation and vegetation control activities "will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species".

In my initial comments, I questioned whether the eastern portion of the lot was reviewed as a building alternative so that the applicant could reap the benefit of developing the lot, while complying with the City's 500' offset to Kenoza Lake. Although it does not appear the applicant has submitted any information relative to this issue, I have walked the area with him. Based on my field observations, it appears that the construction of the house on the eastern portion of the lot would require either relief from the Board of Appeals (front yard setback), or the Conservation Commission (50'-No Build Zone from wetlands), or both. In essence, this would provide the applicant with an opportunity to demonstrate that the development of the proposed western portion is the better alternative in terms of environmental protection. As I previously noted, it appears the western portion of the lot has sufficient area for the project to comply with the City's 25'-No Disturbance and 50'-No Build Zones. Although the focus of this application is Kenoza Lake, the development of the western portion of the lot would likely allow for better protection of Tilton's Swamp.

Rob Moore
6-28-11

During my discussions with the applicant, open space protection was a focal point. With respect to open space, this parcel obviously provides excellent views of Tilton's Swamp. The Essex County Greenbelt Association owns and protects 29+ acres of land immediately to the north and west of this lot. The City owns and protects 5.6+ acres of land immediately to the east. The applicant has noted an interest in donating the eastern portion of his lot to either the City or Greenbelt as useful public open space, linking the City's parcel to the east with the Greenbelt parcel to the north and possibly aiding in a future trail connection to the Isaac Merrill Trail on Kenoza Street.

I previously mentioned zoning land use alternatives. "What are the potential uses of this property if a special permit is issued? Should the permit be conditioned to ensure the future use remains that of a single-family residence?" I'm not aware of any information being submitted to address this matter.

The applicant submitted a significant amount of documentation outlining the legislative history of this special permit ordinance. It seems clear that the ordinance was built on the "protection of the public water supply". While this ordinance has indirect benefits, such as the protection of open space, scenic vistas, and areas of "small town" community aesthetics, there is little in the ordinance to guide the Council in determining whether a project will have an "adverse effect" on our water supplies. Consider the City's watershed protection ordinance, Chapter 255, section 19. This ordinance outlines a more detailed purpose, including definitions and use regulations. In fact, this project would be allowed without the need for Council approval as a "permitted use" under the watershed ordinance, if it were actually within the Kenoza Lake watershed. This brings us to a significant point. Though this lot is a mere 200' from Kenoza Lake, it is not within the lake's watershed. This lot is ultimately within the watershed of the Merrimack River, via Snow's Brook and Little River. The special permit "application" section of the watershed ordinance outlines information requirements for such applications. Most notable is the review of surface and subsurface hydrology. For the applicant's project, we know the surface hydrology; water flows northerly into Tilton's Swamp, not Kenoza Lake. We have no definitive information in the applicant's submittal to detail subsurface hydrology. However, the Water Department's lack of opposition to this project leads me to believe that this is not a significant concern. Does the Council look for the applicant to provide data from a hydrogeologist, akin to the Brandy Brow Road projects? Or, for one house, does the Council conservatively assume groundwater to flow towards the lake and consider conditioning the project.

I offer the following conclusions and recommendations:

- It is my opinion that implementation of the Massachusetts and Haverhill wetlands protection requirements and the Massachusetts Endangered Species Act will sufficiently vet this project to ensure the protection of the City's natural resources.
- It is my opinion that the applicant's plan should graphically show the wetland boundary on the eastern portion of the lot, along with zoning setbacks. If my field observations hold true, my opinion is that a new house on the previously developed western portion of the lot would be more desirable than on the more natural eastern portion of the lot where wetlands and/or zoning setbacks would likely be compromised.
- Should the eastern 1.8 acres remain undisturbed by the project, I would support its being deeded to the Conservation Commission or the Essex County Greenbelt Association as open space.
- I would again request the applicant provide additional information on land use alternatives. It appears that the City's zoning code would allow for the proposed 30'x100' "dwelling" and 30'x16' "building" to be converted into a church without the need for review by Council or the Board of Appeals. Similarly, the buildings could be converted into retail farm stands without the need for further review. There are uses that

Rob Moore
6-28-11

could also be allowed by the Board of Appeals through its special permit process, such as a daycare or kindergarten. The Council should be aware of all the permitted possibilities it would be approving by the granting of this special permit, not just the presumed house that is shown on the current plan.

- Should the Council desire to move on this application this evening, I've attached a number of project conditions for consideration.
- C: Haverhill Conservation Commission (via email)
Site Plan Review Departments (via email)
Attorney Michael Migliori (via email)
John Giordano (via email)

Rob Moore
6-28-11

CONDITIONS:

1. The applicant may construct only one individual single-family dwelling on this lot.
2. The proposed "dwelling" may only be used as a primary residence, with the proposed "building" being only its accessory structure. No other use, permitted or otherwise under the City of Haverhill Zoning Code, shall be allowed.
3. The maximum total coverage of the dwelling, detached building, driveway, and parking areas shall not exceed 8,500 square feet. (Roughly 10% of the western portion of the lot)
4. As the project regulated by this Special Permit allowed controlled encroachment upon the City of Haverhill's 500'-No Construction Zone from Kenoza Lake, the City Council hereby conditions that no future construction for accessory structures shall occur within this Zone, on this property, without the formal approval of the Haverhill City Council.
5. Sanitary sewer service associated with this project shall be connected to the municipal system. No septic systems shall be used.
6. Within 60 days of the granting of this Special Permit, and prior to the commencement of work on this site, the applicant shall deed the eastern portion of the lot (1.8± acres shown as being outside the "area of development" on the applicant's site plan) to the City of Haverhill Conservation Commission or the Essex County Greenbelt Association.
7. As proposed by the applicant, all roof runoff shall be collected from the proposed structures and directed to roof runoff recharge systems to provide groundwater recharge. The systems shall be equipped with overflows for protection during periods of heavy rainfall. The systems used shall meet the design criteria outlined in the MassDEP/MCZM Stormwater Technical Handbook. The systems shall have a volumetric capacity sufficient to contain 1.0" of rain across the proposed roof areas.
8. Prior to the installation of the proposed roof runoff recharge systems, the applicant shall ensure there is a minimum of a 2' separation between the seasonal high groundwater elevation and the bottom of the proposed systems. Should insufficient groundwater separation or poor soil infiltration conditions be found, the applicant shall submit a revised roof runoff recharge system design for the approval of the City Engineer.
9. The roof runoff systems shall be separate from all other drainage systems, including perimeter/foundation drains, associated with this project.
10. Roofing for the proposed buildings shall not be constructed with flat metal materials, such as galvanized metal or copper.
11. The property owner(s) shall maintain the roof runoff recharge systems in accordance with the intent of the maintenance criteria outlined in the Stormwater Technical Handbook, prepared by the Massachusetts Department of Environmental Protection and Office of Coastal Zone Management, to ensure their continued functions.
12. The final locations and discharge points of all proposed perimeter, under, trench, and/or curtain drains shall be subject to the approval of the City Engineer. Every effort shall be made by the applicant to apply such drains in a manner that shall mimic pre-construction groundwater flow patterns.
13. All paved travel ways, driveways, walkways, and patios shall be constructed with pervious materials, such as porous pavement, concrete pavers, or like materials.
14. The applicant shall make every effort to minimize the use of winter sanding. Each spring, the applicant shall make every effort to remove winter sand from the pervious paved areas.
15. The City of Haverhill reserves the right to schedule an annual inspection with the property owner(s) as part of an "Operation and Maintenance" program to inspect any and all components of the drainage systems for proper function and maintenance (i.e. roof runoff recharge systems, pervious driveway...).

Rob Moore
6-28-11

16. When de-icing is proposed on the lot, alternative compounds such as calcium chloride (CaCl_2) and calcium magnesium acetate (CMA) shall be considered for use. Sodium Chloride shall not be used within the project site for the purpose of ice control.
17. Pesticides, herbicides, and fungicides shall not be used within 100' of any wetland resource area for the purpose of lawn maintenance.
18. Fertilizers utilized for landscaping and lawn care within this property shall be slow-release, low-nitrogen types and shall not be used within 30' of any wetland resource area.
19. There shall be no unprotected storage of deleterious or hazardous materials (such as auto parts, debris, oil drums, batteries, car washing fluid, etc.) allowed on this lot.
20. Prior to the issuance of an occupancy permit for this house, the applicant shall submit the following information to the Building Inspector to demonstrate full compliance with the conditions of this Special Permit:
 - a) A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the approved plans and these conditions and setting forth deviations, if any exist; and
 - b) Two sets of as-built site plans prepared by a registered land surveyor or registered professional engineer showing grades, utilities, drainage systems, building footprints and detailed landscaping (i.e. limits of work, etc.).

Rob Moore
10-26-12



Re: Doc 87

Haverhill

Economic Development and Planning
Conservation Department
Phone: 978-374-2334 Fax: 978-374-2337
rmoores@cityofhaverhill.com
conservation@cityofhaverhill.com

MEMO TO: Margaret A. Toomey, City Clerk
FROM: Robert E. Moore, Jr., Environmental Health Technician
DATE: October 26, 2012
RE: Referral from City Council for Review and Report - Document 100 of 2010 – Special Permit Application of John Giordano under City Zoning Code §255-90 – Construction of a single-family residence within 500' of Kenoza Lake at Amesbury Rd – Parcel ID: 465-3-2A

The Conservation Commission reviewed the subject project at its meeting on October 25, 2012, as requested by the City Council. The Commission was provided additional materials by the applicant to conduct this review. The provided materials are listed in Attachment "A". The applicant, John Giordano, his attorney, James Senior, and his engineer, Martin Weiss, were in attendance to represent the project and address questions and comments raised by the Commission.

The Commission voted 5 – 0 to recommend the issuance of the Special Permit with the inclusion of the conditions listed in Attachment "B".

Attachment "A": Materials Supplied By Mr. Giordano
Attachment "B": Special Permit Conditions Recommended by the Conservation Commission

C (via email): Attorney William Cox, City Solicitor
Haverhill City Councilors
Barbara Arthur, City Council Clerk
William Pillsbury, Economic Development and Planning Director
Robert Ward, Deputy DPW Director, Water/Wastewater Divisions
John D'Aoust, Water Treatment Plant Manager
John Pettis, PE, City Engineer
John Giordano
Attorney James Senior
Martin Weiss, PE

Rob Moore
10-26-12

Re: Odc 87

ATTACHMENT "A"
Materials Supplied By Mr. Giordano

1. Cover Letter from John Giordano to Robert E. Moore, Jr., listing supplied materials, dated 10.23.12
2. Letter to Conservation Commission, from Martin Weiss, PE, dated 10.22.12
3. Historical Kenoza Lake Levels 1991-2012 (chart and spreadsheets) provided by the Haverhill Water Department on 10.05.12
4. Letter to Conservation Commission, from Martin Weiss, PE, dated 09.28.12
5. Page 2 of a "Site Report" prepared by Wetlands Preservation, Inc., dated 12.28.06
6. Proposed Site Plan prepared by LeBlanc Survey Associates, Inc., dated revised 10.02.12

Rob Moore
10-26-12

Re: Doc 87

ATTACHMENT "B"
Special Permit Conditions Recommended by the Conservation Commission

1. Work on this project site shall be performed in accordance with the following plan:
 - a) "Proposed Site Plan – 90 Amesbury Road – Haverhill, Massachusetts" (1 Sheet), prepared by LeBlanc Survey Associates, Inc. (161 Holten Street, Danvers, MA 01923), and dated revised October 2, 2012.
2. The applicant may construct only one individual single-family dwelling on this lot.
3. The proposed "dwelling" may only be used as a primary residence, with the proposed "building" being only its accessory structure. No other use, permitted or otherwise under the City of Haverhill Zoning Code, shall be allowed.
4. The maximum total coverage of the dwelling, detached building, driveway, and parking areas shall not exceed 8,500 square feet. (Roughly 10% of the western portion of the lot)
5. As the project regulated by this Special Permit allowed controlled encroachment upon the City of Haverhill's 500'-Zone under Haverhill Municipal Code Chapter 255, section 90, the City Council hereby conditions that no future construction for accessory structures shall occur within this Zone, on this property, without the formal approval of the Haverhill City Council.
6. Sanitary sewer service associated with this project shall be connected to the municipal system. No septic systems shall be used.
7. As proposed by the applicant, all roof runoff shall be collected from the proposed structures and directed to roof runoff recharge systems to provide groundwater recharge. The systems shall be equipped with overflows for protection during periods of heavy rainfall. The systems used shall meet the design criteria outlined in the MassDEP/MCZM Stormwater Technical Handbook. The systems shall have a volumetric capacity sufficient to contain 1.0" of rain across the proposed roof areas.
8. Prior to the installation of the proposed roof runoff recharge systems, the applicant shall ensure there is a minimum of a 2' separation between the seasonal high groundwater elevation and the bottom of the proposed systems. Should insufficient groundwater separation or poor soil infiltration conditions be found, the applicant shall submit a revised roof runoff recharge system design for the approval of the City Engineer.
9. The roof runoff systems shall be separate from all other drainage systems, including perimeter/foundation drains, associated with this project.
10. Roofing for the proposed buildings shall not be constructed with flat metal materials, such as galvanized metal or copper.
11. The property owner(s) shall maintain the roof runoff recharge systems in accordance with the intent of the maintenance criteria outlined in the Stormwater Technical Handbook, prepared by the Massachusetts Department of Environmental Protection and Office of Coastal Zone Management, to ensure their continued functions.
12. The final locations and discharge points of all proposed perimeter, under, trench, and/or curtain drains shall be subject to the approval of the City Engineer. Every effort shall be made by the applicant to apply such drains in a manner that shall mimic pre-construction groundwater flow patterns.
13. The City of Haverhill reserves the right to schedule an annual inspection with the property owner(s) as part of an "Operation and Maintenance" program to inspect any and all components of the drainage systems for proper function and maintenance (i.e. roof runoff recharge systems; pervious driveway...).
14. When de-icing is proposed on the lot, alternative compounds such as calcium chloride (CaCl₂) and calcium magnesium acetate (CMA) shall be considered for use. Sodium Chloride shall not be used within the project site for the purpose of ice control.

Rob Moore
10-26-12

Re: Oac: 87

- 15. Pesticides, herbicides, and fungicides shall not be used within 100' of any wetland resource area for the purpose of lawn maintenance.
- 16. Fertilizers utilized for landscaping and lawn care within this property shall be slow-release, low-nitrogen types and shall not be used within 30' of any wetland resource area.
- 17. There shall be no unprotected storage of deleterious or hazardous materials (such as auto parts, debris, oil drums, batteries, car washing fluid, etc.) allowed on this lot. All such protected materials shall also be contained with secondary storage equal to their volumes.
- 18. Should the proposed buildings be heated by liquid fuel, the applicant shall provide secondary storage equal to this fuel's volume.
- 19. Prior to the issuance of an occupancy permit for this house, the applicant shall submit the following information to the Building Inspector to demonstrate full compliance with the conditions of this Special Permit:
 - a) A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the approved plans and these conditions and setting forth deviations, if any exist; and
 - b) Two sets of as-built site plans prepared by a registered land surveyor or registered professional engineer showing grades, utilities, drainage systems, building footprints and detailed landscaping (i.e. limits of work, etc.).
- 20. The applicant, in consultation with a qualified hydrogeologist, shall install a series of groundwater monitoring wells around the property to be used in monitoring the site for the possibility of contaminants migrating from the site towards Kenoza Lake. A minimum of three (3) wells shall be installed. Groundwater shall be sampled from each well and analyzed for contaminants of concern to the Haverhill Water Department as follows:
 - a) Once, prior to the construction of the buildings;
 - b) Once, two (2) years from the date of issuance of the occupancy permit for the house; and
 - c) Once, every two (2) subsequent years.

Following the initial two-year monitoring period and upon written request by the applicant, the City Council may consider the elimination of this monitoring requirement if it is demonstrated that no impacts have occurred.

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DOCUMENTS REFERRED TO COMMITTEE STUDY

#5-L/10	Communication from Councillor Macek requesting to propose the enactment of a Safe Building Ordinance.	NRPP	2/23/10
74-X/11	Communication from Co. Amirian requesting a discussion about proposed pig farm at Boxford Road	Planning & Dev.	9/27/11
4	Communication from Councillor Macek requesting a discussion regarding the proposed Monument Square traffic divider/island.	Planning & Dev.	1/3/12
12-E	Communication from Councillor Scatamacchia requesting to introduce Vincent Kissel to speak regarding safety issues at Kenoza Avenue and Newton Road	Planning & Dev	1/17/12
40-F	Communication from Councillor Daly O'Brien requesting to discuss lighting in the area of the parking garage	Public Safety	5/8/12
71	Ordinance – Waterfront Interim Planning Overlay District (WIPOD) Amend Section 255-7 and Add a new Section 255-18.2	Planning & Dev.	7/10/12
	Councillor Macek's request to review process for granting waivers for permit fees for non profits	Administration & Finance	10/16/12
44-R	Communication from Mayor regarding properties that have been surplusd and properties that have not been surplusd	Natural Resources & Public Property	10/23/12
76-R	Communication from Councillor Scatamacchia requesting a discussion about establishing a Commission for the Veterans Memorial Skating Rink	Administration & Finance	10/30/12