



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, December 18, 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**

NO SCHEDULE

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

4.1. Document 102, Petition for Joint Pole Location from Verizon New England & Mass Electric Co (North Andover) for So Prospect st (continued from 12/4/2012)

4.1.1. Document 102-B, Order grant Joint Pole Location to Verizon New England Inc and Mass Electric Co for So Prospect st

Attachment

4.2. Document 103, Petition for Joint Pole Location from Verizon New England & Mass Electric Co (North Andover) for Middlesex st (continued from 12/4/2012)

Attachment

4.2.1. Document 103-B, Order grant Joint Pole Location to Verizon New England Inc and Mass Electric Co for Middlesex st

Attachment

4.3. Document 106, Petition for Joint Pole Location from Verizon New England & Mass Electric Co (North Andover) for Main st (continued from 12/4 /2012)

Attachment

4.3.1. Document 106-B, Order grant Joint Pole Location from Verizon New England & Mass Electric Co (North Andover) for Main st

Attachment

**5. APPOINTMENTS**

5.1. **Confirming Appointments:**

NO SCHEDULE

5.2. **Non-Confirming Appointments:**

NO SCHEDULE

5.3. **Resignations:**

NO SCHEDULE

**6. PETITIONS**

6.1. **Petitions:**

NO SCHEDULE



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, December 18, 2012 at 7:00 PM**  
**City Council Chambers, Room 202**

---

## 6.2. Applications:

6.2.1. Application from Dave LaBrode, on behalf of *Frozen Shamrock 3-Mile Road Race*, for a Road Race to begin at Archie's Little River Ale House, 27 Lafayette sq, February 24 2013 at 1 pm

## 6.3. Annual License Renewals:

6.3.1. Theater License: *Chunky's Cinema Pub*, 371 Lowell Ave, 3 Screens

### 6.3.2. Renewals 2013 Drainlayer Licenses:

- Brett Berube
- Paul D. Busby
- Rocci Delucia, Jr.
- Thomas A. Dube
- Thomas B. Hodgson
- Peter G. Holland
- Stephen J. Iacozzi
- Michael Mazzotta
- Douglas Robbins
- Shawn Savage
- William T. Sawyer
- Henry Torromeo

## 7. HEARINGS AND RELATED ORDERS

7.1. Document 105, Petition from William Pillsbury Jr., Economic Development & Planning Director/City of Haverhill, requesting Hearing re: Zoning – Merrimack Street Gateway Renaissance Overlay District (continued from 12/11/2012) Attachment

*Favorable recommendation from Planning Board and William Pillsbury; Economic Development & Planning Director*

7.1.1. Document 105-B, Ordinance re: Zoning – Merrimack Street Gateway Renaissance Overlay District Filed 11/22/2012 Attachment

## 8. MOTIONS AND ORDERS

NO SCHEDULE

## 9. UNFINISHED BUSINESS OF PRECEDING MEETINGS

NO SCHEDULE

## 10. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES

10.1. Monthly Reports:

NO SCHEDULE



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, December 18, 2012 at 7:00 PM**  
**City Council Chambers, Room 202**

---

10.2. **Communications from Councillors:**

10.2.1. Communication from Councillors LePage and Macek requesting a discussion regarding Zoning for the Waterfront Interim Overlay District (WIPOD) and Medical Marijuana Dispensaries Attachment

10.2.2. Communication from Councillor Sullivan requesting an update on the status of the location of certain telephone poles along the Rte. 125 South Main Street Reconstruction project and also requests a written report from City Engineer, John Pettis Attachment

10.3. **Communications from City 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**

102

Hearing December 4<sup>th</sup> 2012  
MUNICIPALITY  
4.1

Mass. Form 559  
9-81

**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**

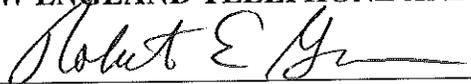
**Locations approximately as shown on Plans attached**

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.

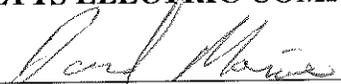
Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

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

IN CITY COUNCIL: November 13 2012  
VOTED: that HEARING BE HELD DECEMBER 4 2012  
Attest:

IN CITY COUNCIL: December 4 2012  
POSTPONE TO DECEMBER 18 2012  
Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk

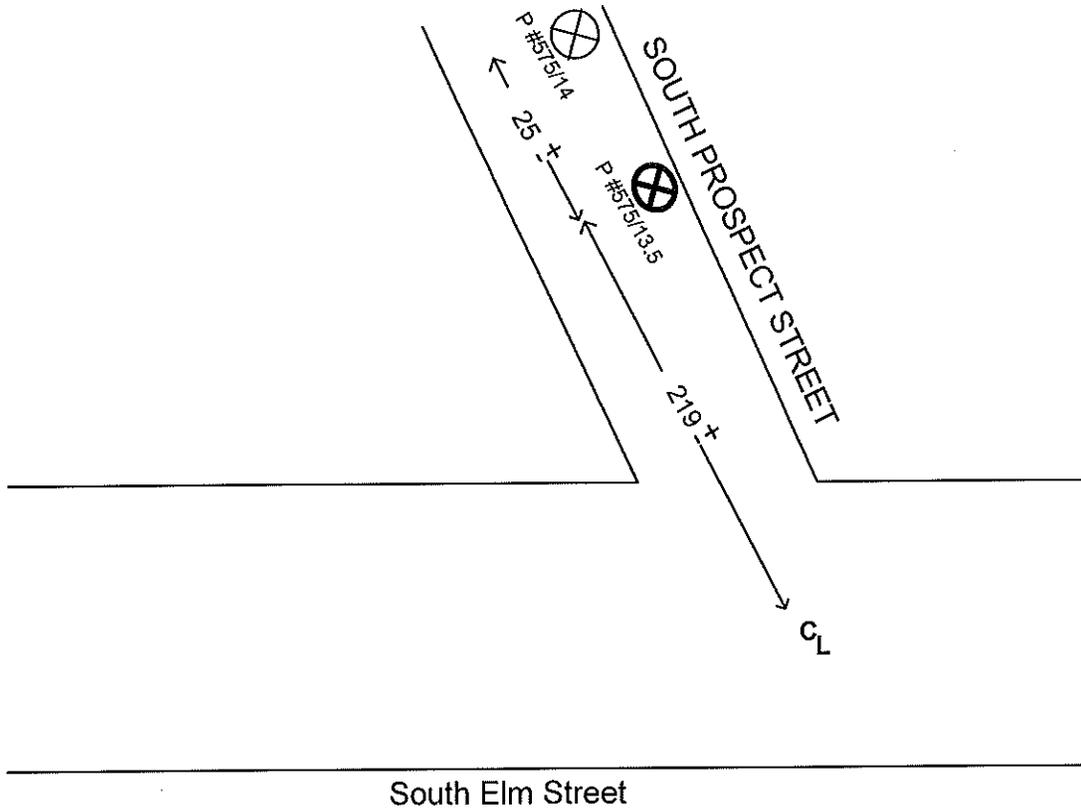
# PETITION PLAN

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

102-B

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 8<sup>th</sup> day of June, 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 709, dated 06/08/2012 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:-

**SOUTH PROSPECT STREET – 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.

IN CITY COUNCIL: December 4 2012  
POSTPONE TO DECEMBER 18 2012

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk

Hearing December 4 2012

MUNICIPALITY

4.2

103

Mass. Form 559  
9-81

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 *Robert E. Gurn*  
Manager/Right of Way

MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER)

By *Paul Manville*  
Distribution Engineering

IN CITY COUNCIL: November 13 2012  
VOTED: that HEARING BE HELD DECEMBER 4 2012  
Attest:

IN CITY COUNCIL: December 4 2012  
POSTPONE TO DECEMBER 18 2012  
Attest:

City Clerk

City Clerk

# PETITION PLAN MUNICIPALITY



Pet. #708  
Date: June 8, 2012

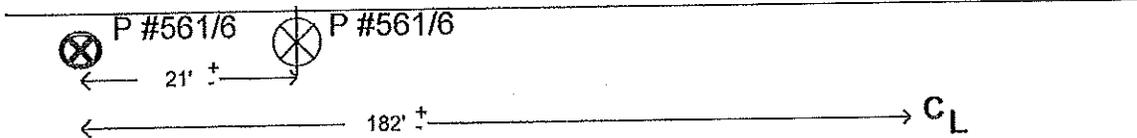
*Dec 2012  
new*

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



ROMA  
REST

## MIDDLESEX STREET



So. Summer Street

Prepared By SC/lg

DISTANCES SHOWN ARE APPROXIMATE

Checked By  
Order 7AA4TB

### 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

MUNICIPALITY

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 8<sup>th</sup> day of June, 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 708, dated 06/08/2012 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:-

MIDDLESEX STREET - Remove one (1) Pole  
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.

IN CITY COUNCIL: December 4 2012  
POSTPONE TO DECEMBER 18 2012

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk

103-B

4 2012

For Hearing December

106  
Hearing December 18 2012  
MUNICIPALITY

Mass. Form 559  
9-81

4.3

106

PETITION FOR JOINT OR IDENTICAL POLE LOCATION

Andover, Mass.,

10/03/2012

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:-

MAIN 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. 740 Dated 10-03-2012.

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

IN CITY COUNCIL: December 4 2012  
VOTED: that COUNCIL HEARING BE HELD DECEMBER 18 2012

Attest:

\_\_\_\_\_  
City Clerk

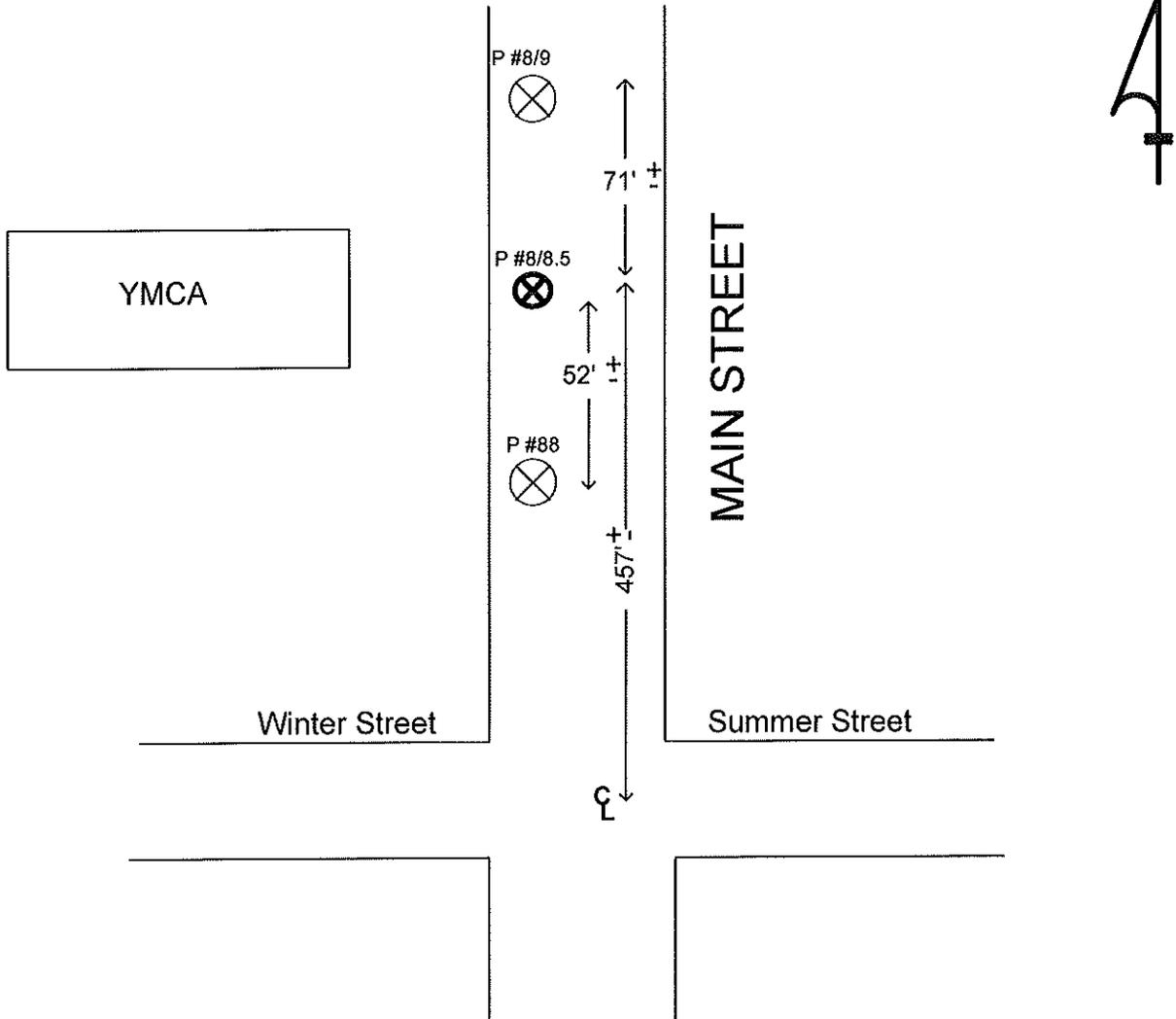
# PETITION PLAN

MUNICIPALITY



Pet.#740  
Date: October 3, 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 *SC*  
Order9ADX0Z

### 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
- Proposed Underground Conduit

106-131

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 3<sup>rd</sup> day of October, 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 740, dated 10/03/2012 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:-

**MAIN STREET – 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 December 18 2012



*City of Haverhill*  
*Application for Permit*

Name of Organization	Frozen Shamrock 3-Mile Road Race	
Address of Organization	45 Highland Ave. Unit B, Haverhill MA 01830	
Requesting Permit for (List Type of event)	Road Race	Date & Time: Feb. 24, 2013 1:00PM
Location of Event	Archie's Little River Ale House 27 Lafayette Sq. Haverhill, MA	
Authorized or Contact Person	Dave LaBrode	Telephone/Cell #/Pager # (Indicate if pager): 978 376 8289

*(To be completed for use of City Property/Outdoor Activity and other Special Events)*

Approval of Fire Chief (Where applicable)			
Approval of the Recreational Director Required for all recreational facilities	Signature	Date	Comments/Restrictions
Approval of the Chief of Police Required for all OUTDOOR EVENTS I.e.: Parades/Carnivals/Community Events	<i>[Signature]</i>	12/13/12	

**General Release & Indemnity Agreement**

The Above organization in consideration of the permit granted by the City Council as above requested hereby remises, releases and forever discharges the City of Haverhill, its respectful employees, agents and attorneys from all manner of actions, causes of actions, debts, dues, claims and demands both in law and equity, more especially any and all claims as a result of the issuance of this permit and or use of any City Property, including, but not limited to, property damages and personal injuries resulting from the same.

Signature of Authorized Agent of Organization: \_\_\_\_\_ Date: \_\_\_\_\_

Signature Witnessed by: \_\_\_\_\_ Date: \_\_\_\_\_

City Council will hear request for application on: \_\_\_\_\_ (date) \_\_\_\_\_ (time)  
 Applicant must attend Yes [ ] No [ ]

**Office Use**

**Permit**

Permit approved on: \_\_\_\_\_ Proof of Insurance \_\_\_\_\_ # Detail Officers \_\_\_\_\_  
 Policy Number/Exp. Date

Attendance Limited to: \_\_\_\_\_ Other Restrictions/requirements: \_\_\_\_\_

Signed: \_\_\_\_\_ Issued on: \_\_\_\_\_ Seal

City Clerk



REMAKE A DIFFERENCE

Chief Alan R. DeNaro  
Haverhill Police Department  
40 Bailey Blvd.  
Haverhill, MA 01830

David LaBrode  
45 Highland Ave, Unit B  
Haverhill, MA 01830  
978 694 -3270 (Days)  
978 373 -3408 (Nights)  
ickylabrode@verizon.net

November 28, 2012

Dear Chief DeNaro

The Frozen Shamrock Race Committee will once again be holding the 6th Annual Archie's Little River Ale House Frozen Shamrock 3-Mile Road Race, in downtown Haverhill on **Sunday, February 24, 2013**. The road race is starting at **1:00 PM**, as in previous years.

The course is as follows:

The race begins in front of Bradford Towing at 221 Essex Street, proceeds to Moulton Way right, than takes a right onto Washington Street, left over the Comeau Bridge, bearing right onto Laurel Avenue. At the top of Laurel it takes a left onto Vernon Street to Blossom Street. From there we take a right onto South Elm Street to Chadwick were we take a left. We then bear right onto Middlesex Street. At the end of Middlesex we take a left onto RT. 125, South Main Street. Over the Basilere Bridge and then a left onto Merrimack Street. At Washington Square we take a right onto Essex where we finish in the parking lot of Archie's Little River Ale House at 27 Lafayette Square.

Last year, with the help of the Haverhill Police Department, the event was a huge success.

**NOTE: This year we hope to attract 900-1,000 runners.**

If you need any additional information, call me at one of the numbers listed above. We look forward to a safe and enjoyable race.

Best Regards,

A handwritten signature in cursive script that reads "David P. LaBrode".

David P. LaBrode  
Technical Advisor  
Frozen Shamrock 3-Mile Road Race

cc. Dave Camire, John Lovett, Tom Archambault

# FROZEN SHAMROCK

3 Mile Run - February 24 - 1:00 PM - Haverhill, Mass

<a href="#">Information</a>
<a href="#">Entry</a>
<a href="#">Course Map</a>
<a href="#">Directions</a>
<a href="#">Parking</a>
<a href="#">Race Medal</a>
<a href="#">Wild Rover</a>
<a href="#">Home</a>

## Race Details

**Time:** 1:00 PM  
**Where:** Archie's Little River Ale House, 27 Lafayette Square., Haverhill, MA 01832  
**Distance:** 3-Miles  
**Entry-Fee:** Frozen Shamrock online Entry fee \$30 (includes complementary beverage, food & entertainment). Race day entry is \$35 if available.  
 To enter this race [CLICK HERE](#).

Enter all three Wild Rover Series for a discounted \$80 (\$10 savings) [CLICK HERE](#)

**Course Description:** Basically flat with one challenging hill. Most of the route is run through the neighborhoods of the Bradford section of Haverhill.

**Age Groups:** Overall male and female, Top three in the following divisions 18 & under, 19-29, 30-39, 40-49, 50-59, 60-69, 70-79, 80+

**T-Shirts:** T-shirts to the first 1000 entrants.

**Finisher Medal:** Each participant will receive a finisher medal. The medals from the three Wild Rover Series races ([Frozen Shamrock 3-Miler](#), [Claddagh Pub 4-Miler](#) and [Hynes 5-Miler](#)) will fit together to form a larger series medal -- really cool!

**Wild Rover Series:** This series is as easy as 3-4-5! For more information on the Wild Rover Series please [CLICK HERE](#).

**Race Timing:** Chip timing courtesy of [Yankee Timing](#) company. Results will be posted on [www.coolrunning.com](#) on race day. **Chip Splits:** There will be a timing mat at each mile to provide you with mile splits.

**Post Race  
Celebration:**

Post-race celebration will be held immediately following the race at the Little River Ale House. The party will include live entertainment, food and refreshments.

Want to know **who is entered** in 1st Run? **Click here** to find out. You can also verify if you will be receiving a tech shirt or running gloves.

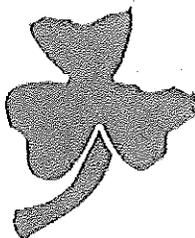
**For more  
information:**

Contact Dave Camire  
[dave@yankeetiming.com](mailto:dave@yankeetiming.com) or  
978-430-5669

**hosted by Archie's  
Little River Ale House**

Wild Rover Series

facebook



Name:

Wild Rover Series

Status:

Besides beer, what  
is your favorite  
thing about...

Fans:

360

Promote Your Page Too

LOGIN | Become

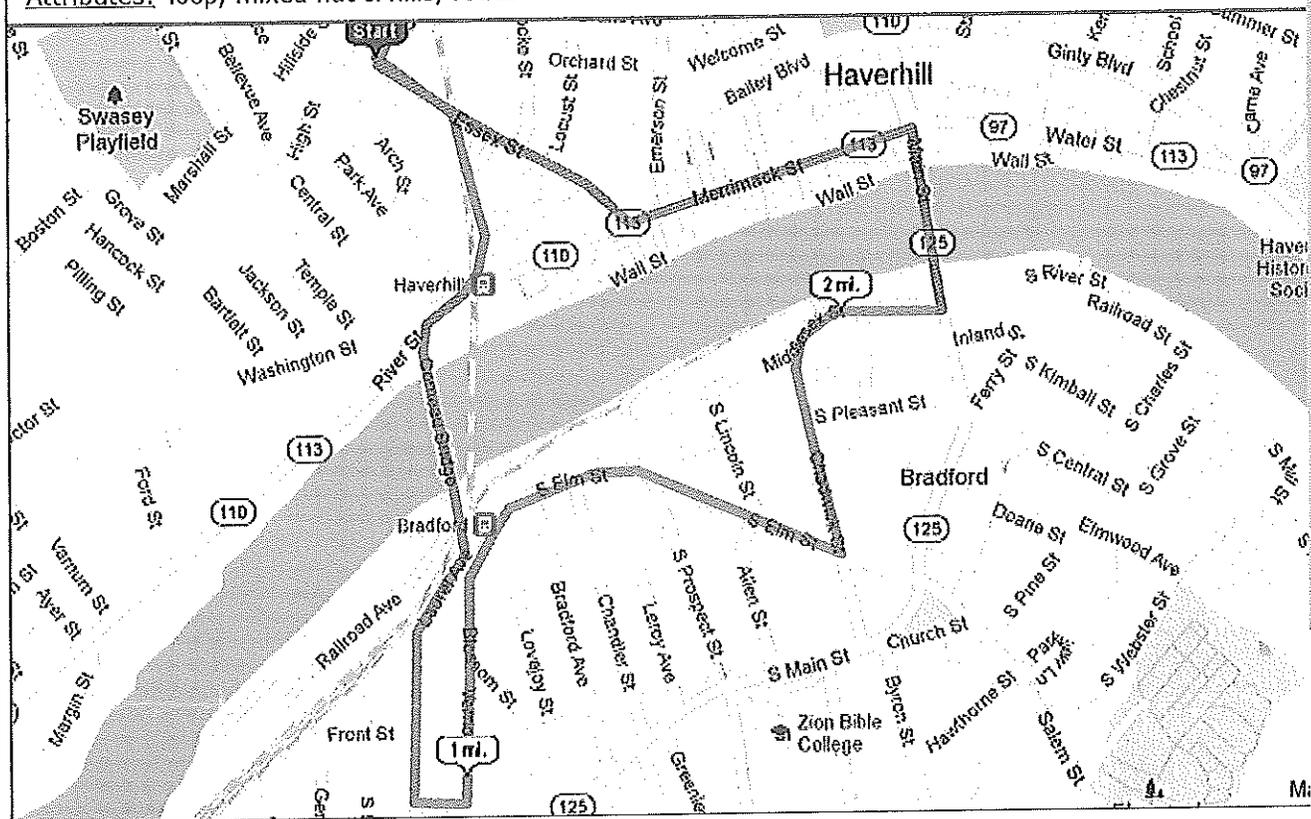
### Frozen Shamrock

**Rating:** based on 4 reviews

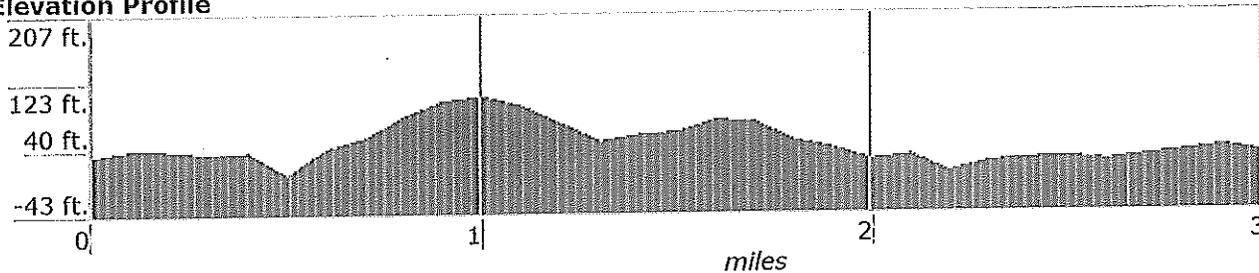
**Distance:** 3.01 miles / 4.84 km

**Location:** Start: J.P. McBride's Irish Pub  
Historic Haverhill/Bradford - Haverhill, MA, US

**Attributes:** loop, mixed flat & hills, roads



#### Elevation Profile



**Total climb:** 175 feet / 53 m

**Total elevation change:** 353 feet / 108 m

# City of Haverhill

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that he may receive a License

Theater - 3 Screens

place of business being

"Chunky's Cinema Pub" - 371 Lowell Av

Michael Barbish

MBS

Applicant

371 Lowell Ave

Haverhill MA 01833

Residence

Haverhill NOV 30 2012

20

Tel: 978-374-2255

RENEW

No. 125,00 each screen

Fee Total: 375.00

SS# On Back

DOB: On Back

In Municipal Council, \_\_\_\_\_ 19

Attest:

\_\_\_\_\_, City Clerk.

Approved ✓

Denied \_\_\_\_\_

[Signature]  
Police Chief

CITY OF HAVERHILL

DATE 12/7/12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

DRAINLAYER

DRAINLAYER'S NAME Brett Berube PRINTED SIGNATURE [Signature]

HOME ADDRESS:

STREET 50 Church st. PO BOX \_\_\_\_\_

CITY/TOWN Kingston STATE NH ZIP CODE 03848

TEL No. 603 642-7523 CELL No. 603 966 7577

BUSINESS NAME BPB construction Inc

BUSINESS ADDRESS:

STREET 50 Church st. PO BOX \_\_\_\_\_

CITY/TOWN Kingston STATE NH ZIP CODE 03848

TEL No. 603 642 7523 FAX No. 603 642 7523

NEW (RENEWAL) FEE \$ 100

IN MUNICIPAL COUNCIL,

\_\_\_\_\_ 20\_\_\_\_\_

ATTEST:

APPROVED [Signature]

DENIED \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

[Signature]  
CITY ENGINEER

*All Bonds in file*

# CITY OF HAVERHILL

DATE 11/20/12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

## DRAINLAYER

DRAINLAYER'S NAME PAUL D. BUSBY  
PRINTED

SIGNATURE *Paul D. Busby*

HOME ADDRESS:

STREET 9 POND LANE PO BOX \_\_\_\_\_

CITY/TOWN ATKINSON STATE NH ZIP CODE 03811

TEL No. 603-362-4650 CELL No. \_\_\_\_\_

BUSINESS NAME BUSBY CONSTRUCTION CO., INC.

BUSINESS ADDRESS:

STREET 9 POND LANE PO Box \_\_\_\_\_

CITY/TOWN ATKINSON STATE NH ZIP CODE 03811

TEL No. 603-362-4650 FAX No. 603-362-5051

NEW/RENEWAL

RENEWAL

FEE

\$100.00

IN MUNICIPAL COUNCIL,

\_\_\_\_\_ 20\_\_\_\_\_

ATTEST:

APPROVED *[Signature]*

DENIED \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

*[Signature]*  
CITY ENGINEER

RECEIVED  
NOV DEC 13 11 11 11

RECEIVED

RECEIVED  
NOV DEC 13 11 11 11

RECEIVED

*all Bonds on site*

RECEIVED CITY OF HAVERHILL

2012 DEC 3 PM 12 48

DATE 11/20/12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

CITY CLERKS OFFICE

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR HAVERHILL, MA.

DRAINLAYER

DRAINLAYER'S NAME Bocci Delucia Jr. SIGNATURE [Signature]  
PRINTED

HOME ADDRESS:

STREET 116 Ballard Lane PO BOX \_\_\_\_\_

CITY/TOWN Salem STATE N.H. ZIP CODE 03079

TEL No. (603) 974-1580 CELL No. \_\_\_\_\_

BUSINESS NAME Frank Delucia + Son, Inc.

BUSINESS ADDRESS:

STREET 119 Newton Rd Rear PO BOX \_\_\_\_\_

CITY/TOWN Plaistow STATE N.H. ZIP CODE 03865

TEL No. (603) 974-1580 FAX No. (603) 974-2553

NEW/RENEWAL RENEWAL FEE 100.-

IN MUNICIPAL COUNCIL,

20

ATTEST:

APPROVED [Signature]

DENIED \_\_\_\_\_

CITY CLERK

[Signature]  
CITY ENGINEER

All bonds on file

# CITY OF HAVERHILL

DATE 11/16/12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

## DRAINLAYER

DRAINLAYER'S NAME Thomas A. Dube PRINTED SIGNATURE 

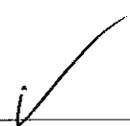
HOME ADDRESS:  
STREET 2689 Wakefield Rd. PO BOX \_\_\_\_\_  
CITY/TOWN Wakefield STATE NH ZIP CODE 03872  
TEL No. \_\_\_\_\_ CELL No. (003) 944-0329

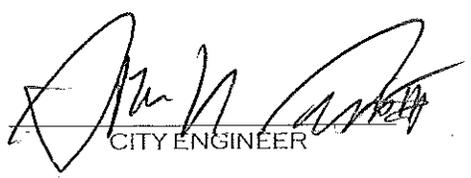
BUSINESS NAME Thomas A. Dube Construction Plus, Inc.

BUSINESS ADDRESS:  
STREET 10 Bricketts Mill Rd. PO Box \_\_\_\_\_  
CITY/TOWN Hampstead STATE NH ZIP CODE 03841  
TEL No. (003) 329-5077 FAX No. (003) 329-7026  
NEW/RENEWAL  FEE \$ 100

IN MUNICIPAL COUNCIL,

20\_\_\_\_\_

ATTEST:  
APPROVED   
DENIED \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK  
  
CITY ENGINEER

All Bonds on file.

CITY OF HAVERHILL

DATE 11/19/12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

DRAINLAYER

DRAINLAYER'S NAME THOMAS B. HODGSON PRINTED SIGNATURE [Signature]

HOME ADDRESS:

STREET 31 SPAULDING COURT PO BOX \_\_\_\_\_

CITY/TOWN TEWKSBURY STATE MA ZIP CODE 01876

TEL No. (978) 640-1611 CELL No. (978) 815-4847

BUSINESS NAME LIVINGSTONE DEVELOPMENT CORP.

BUSINESS ADDRESS:

STREET 1501 MAIN ST. UNIT 4 PO BOX 50

CITY/TOWN TEWKSBURY STATE MA ZIP CODE 01876

TEL No. (978) 640-1611 FAX No. (978) 640-1611

NEW/RENEWAL RENEWAL FEE \$100.00

IN MUNICIPAL COUNCIL,

20

APPROVED [checkmark]  
DENIED \_\_\_\_\_

ATTEST:

CITY CLERK  
CITY ENGINEER [Signature]

*All bonds on file*

CITY OF HAVERHILL

DATE 12-3-12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

DRAINLAYER

DRAINLAYER'S NAME Peter G Holland PRINTED SIGNATURE Peter G Holland

HOME ADDRESS:

STREET 350 MAW st PO BOX

CITY/TOWN Boxford STATE MA ZIP CODE 01921

TEL NO. 978-741-8000 CELL NO.

BUSINESS NAME Spencer Contracting

BUSINESS ADDRESS:

STREET PO BOX 875

CITY/TOWN Salem STATE MA ZIP CODE 01970

TEL NO. 978-741-8000 FAX NO. 978-887-2010

NEW/RENEWAL FEE 100.00

IN MUNICIPAL COUNCIL,

20

APPROVED [checkmark]

ATTEST:

DENIED

CITY CLERK CITY ENGINEER [signature]

All Bonds on file

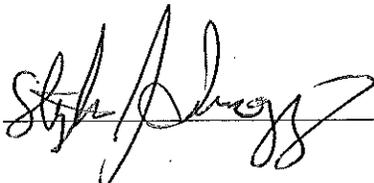
# CITY OF HAVERHILL

DATE 12/11/2012

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

## DRAINLAYER

DRAINLAYER'S NAME Stephen J. Jacorski SIGNATURE   
PRINTED

HOME ADDRESS:

STREET 13 Cochrane Street PO BOX \_\_\_\_\_

CITY/TOWN Methuen STATE MA ZIP CODE 01844

TEL No. 978-686-5634 CELL No. 978-479-4407

BUSINESS NAME Torrromeo Industries, Inc.

BUSINESS ADDRESS:

STREET 33 Old Ferry Road PO Box 2308

CITY/TOWN Methuen STATE MA ZIP CODE 01844

TEL No. 978-686-5634 FAX No. 978-685-6721

~~NEW~~ RENEWAL FEE \$100.00

IN MUNICIPAL COUNCIL,

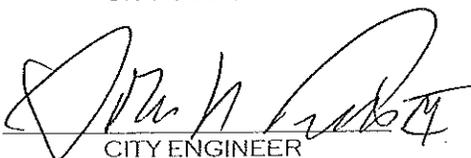
\_\_\_\_\_  
20

APPROVED 

ATTEST:

DENIED \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

  
CITY ENGINEER

*All bonds on file*

# CITY OF HAVERHILL

DATE 11/18/12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

## DRAINLAYER

DRAINLAYER'S NAME Michael Mazzotta SIGNATURE [Signature]  
PRINTED

HOME ADDRESS:

STREET 76 Homestead St PO BOX \_\_\_\_\_

CITY/TOWN Haverhill STATE Ma ZIP CODE 01830

TEL NO. 978-372-4405 CELL NO. 978-360-3406

BUSINESS NAME M.L. Mazzotta Building + Excavation  
Contractors

BUSINESS ADDRESS:

STREET 76 Homestead St PO BOX \_\_\_\_\_

CITY/TOWN Haverhill STATE Ma ZIP CODE 01830

TEL NO. 978-372-4405 FAX NO. \_\_\_\_\_

NEW/RENEWAL Renewal FEE 100.-

IN MUNICIPAL COUNCIL,

20

ATTEST:

APPROVED [Signature]

DENIED \_\_\_\_\_

CITY CLERK

[Signature]  
CITY ENGINEER

All bonds on file

# CITY OF HAVERHILL

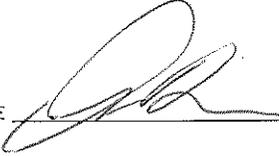
DATE 11/20/12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

## DRAINLAYER

DRAINLAYER'S NAME DOUGLAS ROBBINS  
PRINTED

SIGNATURE 

HOME ADDRESS:

STREET 44 SCOTT DRIVE PO BOX \_\_\_\_\_

CITY/TOWN HAMPSTEAD STATE NH ZIP CODE 03811

TEL NO. 603-362-4650 CELL NO. 603-234-4565

BUSINESS NAME BUSBY CONSTRUCTION CO., INC.

BUSINESS ADDRESS:

STREET 9 POND LANE PO Box \_\_\_\_\_

CITY/TOWN ATKINSON STATE NH ZIP CODE 03811

TEL NO. 603-362-4650 FAX No. 603-362-5051

NEW/RENEWAL

RENEWAL

FEE

\$100.00

IN MUNICIPAL COUNCIL,

\_\_\_\_\_ 20\_\_\_\_\_

ATTEST:

APPROVED  \_\_\_\_\_

DENIED \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

  
CITY ENGINEER

*All Bonds on file*

CITY OF HAVERHILL

DATE 11-20-12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

DRAINLAYER

DRAINLAYER'S NAME Shawn Savage SIGNATURE   
PRINTED

HOME ADDRESS:

STREET \_\_\_\_\_ PO BOX 167

CITY/TOWN Grove land STATE Mass ZIP CODE 01834

TEL No. 978-373-5354 CELL No. 508-328-8069

BUSINESS NAME Unit Construction

BUSINESS ADDRESS:

STREET \_\_\_\_\_ PO Box 167

CITY/TOWN Grove land STATE Mass ZIP CODE 01834

TEL No. 978 373 - 5354 FAX No. same

NEW / RENEWAL FEE \_\_\_\_\_

IN MUNICIPAL COUNCIL,

20.

APPROVED  \_\_\_\_\_

ATTEST:

DENIED \_\_\_\_\_

CITY CLERK

  
CITY ENGINEER

ALL BONDS on file

CITY OF HAVERHILL

DATE 11-29-12

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

DRAINLAYER

DRAINLAYER'S NAME WILLIAM T. SAWYER SIGNATURE [Signature]  
PRINTED

HOME ADDRESS:

STREET 45 LITTLE RIVER RD PO BOX \_\_\_\_\_

CITY/TOWN KINGSTON STATE NH ZIP CODE 03848

TEL No. 603-642-8910 CELL No. 978-360-7832

BUSINESS NAME ARCO EXCAVATORS, INC.

BUSINESS ADDRESS:

STREET 45 LITTLE RIVER RD PO BOX \_\_\_\_\_

CITY/TOWN KINGSTON STATE NH ZIP CODE 03848

TEL No. 603-642-8910 FAX No. 603-642-8952

NEW RENEWAL

FEE 100-

IN MUNICIPAL COUNCIL,

\_\_\_\_\_  
20

ATTEST:

APPROVED [Signature]

DENIED \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

[Signature]  
CITY ENGINEER

*All Bonds in file*

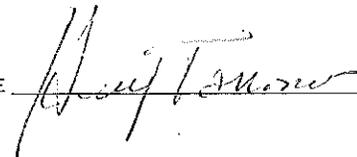
# CITY OF HAVERHILL

DATE 12/11/2012

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR

## DRAINLAYER

DRAINLAYER'S NAME HENRY TORRONEO PRINTED SIGNATURE 

HOME ADDRESS:  
STREET 92 Pond Street PO BOX \_\_\_\_\_

CITY/TOWN Methuen STATE MA ZIP CODE 01844

TEL No. 978-686-5634 CELL No. 978-815-7062

BUSINESS NAME Torroneo Industries, Inc.

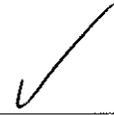
BUSINESS ADDRESS:  
STREET 33 Old Ferry Road PO Box 2308

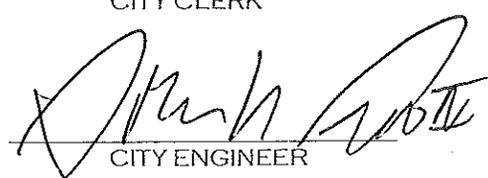
CITY/TOWN Methuen STATE MA ZIP CODE 01844

TEL No. 978-686-5634 FAX No. 978-685-6721

<sup>XXX</sup>  
NEW/RENEWAL \_\_\_\_\_ FEE \$100.00

IN MUNICIPAL COUNCIL, \_\_\_\_\_ 20\_\_\_\_

ATTEST:  
APPROVED   
DENIED \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK  
  
CITY ENGINEER

*all boxes on file*



7.1  
Hearing December 11 2012  
**Haverhill**

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

November 15, 2012

TO: City Council President Robert Scatamaccia and members of the Haverhill City Council

FROM: William Pillsbury, Jr. Economic Development and Planning Director

**SUBJECT: Zoning -Merrimack Street Gateway Renaissance Overlay District**

At this time the city wishes to propose the attached zoning overlay ordinance for the Merrimack Street waterfront. This ordinance which is limited to the southerly side of Merrimack street from Bridge Street to the post office seeks to create an overlay district which will allow mixed use commercial /residential projects which incorporate designs which integrate the Merrimack river into the project and turn the focus of the street back to the river. The ordinance, modeled after the previously approved 40R district, establishes design standards for mixed use projects and an expedited process for approval of projects which comply with the design standards. We strongly believe that this zoning will serve as a catalyst for significant new private investment in this area of downtown Haverhill

The planning board has held a hearing and their recommendation will be filed with the city council. I respectfully request that the city council schedule its public hearing on this important matter for Tuesday December 11, 2012.

Thank you for your attention to this matter.

IN CITY COUNCIL: November 27 2012  
VOTED: that COUNCIL HEARING BE HELD DECEMBER 11 2013  
Attest:

\_\_\_\_\_  
City Clerk  
IN CITY COUNCIL: December 11 2012  
POSTPONE HEARING TO DECEMBER 18 2012

Attest: \_\_\_\_\_  
City Clerk

also: zoning ordinance  
MSGROD



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 21, 2012

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

**RE: Overlay Zoning District – Merrimack St.**

Dear Mr. President and members of the City Council:

Attached to these materials is a very detailed and lengthy proposed new zoning ordinance which would establish an "Overlay Zoning District" on Merrimack Street. This is the product of months of work of our outside zoning consultants, our City Solicitor, our Planning Director Bill Pillsbury, our Downtown Task Force and the Zoning Subcommittee of the Downtown Task Force. In this new ordinance, we incorporate many of the best practices that have been successfully used in other cities to revitalize their downtown waterfront districts. The ordinance has been reviewed by the Planning Board and was unanimously favorably accepted. The minutes of this meeting will be submitted to the Council before the December 11<sup>th</sup> meeting.

The new ordinance applies only to the waterfront side of Merrimack Street. It is not a rezoning, it is an "Overlay District." An Overlay District means that the underlying zoning, which is commercial, still applies but an investor who wished to develop residential or mixed-use housing could instead use this overlay district zoning.

Mr. Pillsbury and I will both be before the City Council at your December 11th meeting to go over this in much more detail. I wanted to give the Council a short outline of it beforehand.

Basically, this ordinance encourages residential and mixed-use developments along the waterside of Merrimack Street. The ordinance establishes what are called "Priority Development Projects."

Priority Development Projects, as defined in the ordinance, are mixed-use developments which connect to a boardwalk which we hope will someday run along Merrimack Street behind the existing buildings. Projects that are largely market rate, connect to the boardwalk and allow public access to the river are termed "Priority Development Projects."

Priority Development Projects are given expedited permitting, reduced parking requirements, and increased density. For Priority Development Projects we will strongly consider offering "TIF's" (Tax Increment Financing Agreements) and "DIF's" (District Improvement Financing Agreements.) Our goal is to offer whatever incentives we can to encourage development of Merrimack Street if that development allows the public to connect to the water.

I'm going to ask Bill Pillsbury, by copy of this letter, to meet with each Councilor individually to go over this prior to the meeting and answer any questions you might have.

This comes before you for a public hearing on December 11th. We are very much hoping it can be approved at the public hearing.

If there are changes or amendments that councilors would like to see considered, I would appreciate hearing them before the public hearing so that we can have them typed up and ready for your consideration at the hearing.

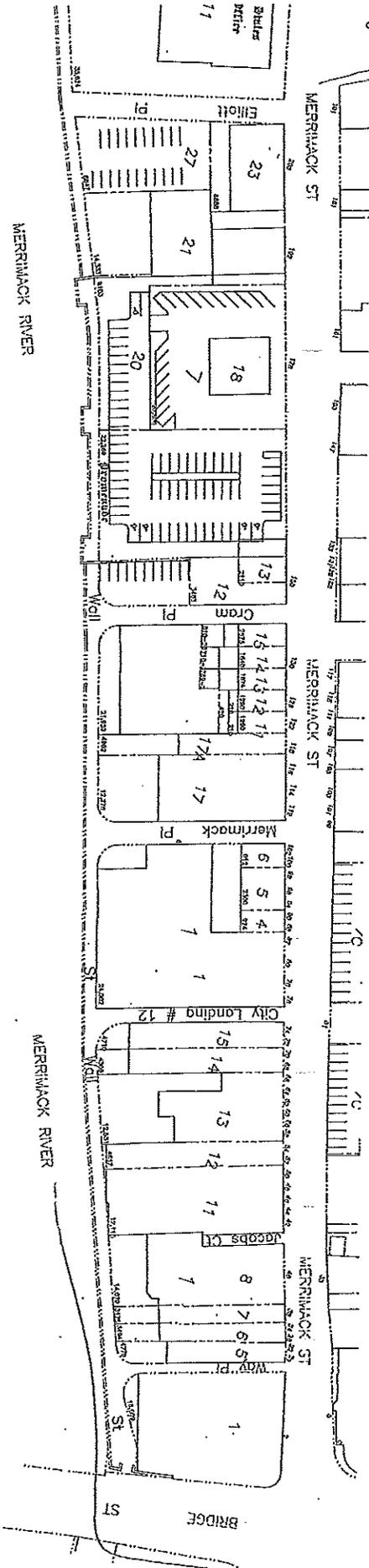
This is a very comprehensive ordinance which we believe opens new opportunities for our City. I look forward to speaking with you about.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James J. Fiorentini', with a long horizontal flourish extending to the right.

**James J Fiorentini, Mayor**

JJF/lk  
Encl.



Merrimack Street Gateway Renaissance Overlay District

October 5, 2012



*new hearing Dec 18 2012*

*12-11-12  
new  
postpon*

# Haverhill

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

December 11, 2012

TO: City Council President Robert Scatamaccia and members of the Haverhill City Council

FROM: William Pillsbury, Jr. Economic Development and Planning Director

**SUBJECT: Zoning –Merrimack Street Gateway Renaissance Overlay  
District: POSTPONE TO DECEMBER 18, 2012**

At this time the city wishes to postpone for one week, the hearing scheduled for tonight on the proposed zoning amendment to allow our zoning attorneys to make a minor technical modification to the proposal which incorporate the recommendations of the zoning experts and the planning board.

A modified document will be filed with the council and the new date of hearing will be December 18, 2012.

Thank you for your attention to this matter.



# Haverhill

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

December 14, 2012

TO: City Council President Robert Scatamaccia and members of the Haverhill City Council

FROM: William Pillsbury, Jr. Economic Development and Planning Director

**SUBJECT: Zoning –Merrimack Street Gateway Renaissance Overlay District**

At this time the city wishes to propose the attached zoning overlay ordinance for the Merrimack Street waterfront. This ordinance which is limited to the southerly side of Merrimack street from Bridge Street to the post office seeks to create an overlay district which will allow mixed use commercial /residential projects which incorporate designs which integrate the Merrimack river into the project and turn the focus of the street back to the river. The ordinance, modeled after the previously approved 40R district, establishes design standards for mixed use projects and an expedited process for approval of projects which comply with the design standards. We strongly believe that this zoning will serve as a catalyst for significant new private investment in this area of downtown Haverhill

The planning board conducted a hearing on the proposed ordinance and has voted a unanimously favorable recommendation to the city council. The minutes of that hearing are attached. This ordinance has been reviewed and approved by the City's legal counsel for zoning Mark Bobrowski as well as several other legal and zoning experts.

As Planning director I concur with the planning board and our legal experts and strongly recommend that the City Council approve the zoning ordinance as proposed.

Thank you for your attention to this matter.



CITY OF HAVERHILL  
MASSACHUSETTS 01830

CITY HALL, ROOM 201  
FOUR SUMMER STREET  
HAVERHILL, MASSACHUSETTS 01830  
TELEPHONE 374-2330  
FAX 374-2315

PLANNING BOARD

November 30, 2012

City Council President Robert Scatamacchia  
& City Councilors  
Room 204-City Council Office  
City of Haverhill

**RE: Merrimack Street Gateway Renaissance Overlay District**

Members Present: Kenneth Cram, Krystine Hetel, Daniel Spurling, Timothy Connors,  
James Cronin, Bob Driscoll, and Paul Howard

Members Absent: Jack Everette

Also Present: William Pillsbury, Jr., Economic Development & Planning Director  
Lori A. Woodsum, Office Manager/Economic Development & Planning

Dear City Council President & City Councilors:

The Haverhill Planning Board at its regularly scheduled meeting held on 11/14/12, Wednesday Evening, at 7:00 p.m. in the City Council Chambers, Room 202, heard this matter that was tabled to this meeting from the October 12, 2012 Planning Board meeting.

William Pillsbury, Jr. the Economic Development and Planning Director came forward to speak about the Waterfront Overlay District. The board members and people in the audience were made aware of an important document that will in many ways help to change the face of Haverhill as we go forward into the future. It was noted that they had been working on zoning issues of a variety of aspects over the last year or so. He referred to when he was before the City Council recently and spoke to the councilors about the Water Street Zoning and also talked about the fact that we had some very important work that we were doing relative to Merrimack Street and have been continuing and was diligent to do that and have this evening literally and says this because he really felt strongly about this as a role of this Planning Board plays... he generally would not bring in a document

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

that you would receive one day and ask you to act on it. He would never, ever do that with the City Council he knew better. The reason that he was doing it now was because it was so important and the timing is so of the essence in this particular case. We have been and it will be announced probably in the media in the next day or so but we have been the successful recipient of a very large Mass Works Grant for this particular area of Merrimack Street which will help us to build the flood wall and the board walk and those infrastructure improvements that we need to redevelop Merrimack Street and that timing of that from the State is very important. The State is looking for us to take some affirmative steps as a city and continue to move forward. It was noted that our initiatives were in the area of laying the ground work for the redevelopment of Merrimack Street. There is interest... there is private sector interest in Merrimack Street and there continues to be private sector interest so we feel strongly and the Mayor has instructed him to bring this forward tonight to the board and on December 4<sup>th</sup> we are going to request the City Council to have a hearing on this basically to create an Overlay District for the Merrimack Street area. The boundaries of that overlay district are the bridge, Bridge Street and the southerly side of Merrimack Street down to Elliot Place which is just on this side of or the easterly side of the Post Office and extending out into the centerline of the River. So it was basically the southerly side of the waterfront side of Merrimack Street and the district is being called the Merrimack Street Gateway Renaissance Overlay District. They certainly have thought about this from a variety of perspectives. One of the things again as mentioned was our State delegation particularly Representative Brian Dempsey's involvement in all these discussions about this. The State has designated this us as a "Gateway City" so the idea that we are really developing zoning that is reflective of the "Gateway City" and what should happen in the "Gateway City" by way of creativity in terms of zoning and putting forth our best foot to try and develop Smart Growth and to develop our inner city areas that was the reason that we were designated as a "Gateway City" because these assets that we have are so tremendous but that yet need such help and kind of really put that even in the name when we said that it was the "Gateway Renaissance Overlay District".

Mr. Pillsbury noted to the board members that were on the Planning Board at the time with the designation of the western end of our downtown ... the Washington Street, Wingate Street area known as the 40R District under the State designations that is very similar to the structure that we have outlined in this document. This document has been worked on by Attorney Mark Bobrowski at his level and by other attorneys that have looked at this from a zoning expertise perspective and thought that what we have... he characterized as follows: Innovative, State of the art form based zoning code developed to accomplish the desired goals of the redevelopment of Merrimack Street and the Merrimack River Waterfront for mixed use development which turns the focus of the street back to the river, which really would serve as a catalyst for substantial private investment.

Planning Director William Pillsbury noted that building under the principals of the 40R District and the catalytic effect that that zoning created resulting in mixed use development in the western end of our downtown and this zoning takes into consideration the very real differences in the built-in environment on Merrimack Street versus the 40R District in terms of building style, construction, site layout, and while establishing key guiding principals to direct the redevelopment it affords the flexibility, predictability, and opportunity for creativity for the private investor who will know what the desires of the city are which are clearly laid out in this document and then they can take an expedited route if they choose to comply with those desires of the city an expedited route to approval of a

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

project that complies with the City's preferred modes of development. So it was noted that he would take as much time as the board members needed this evening and knew that the members were seeing this for the first time but will try to walk through the contents of the document and then ask for board consideration of a recommendation to the City Council. The format of the document was very typical of a zoning amendment. It starts with a purpose Statement. It contains definitions, defines the district, it lays out use restrictions, those permitted uses, those prohibited uses, it deals with dimensional issues, it deals with density, parking, and design standards. Then for the majority of the documents beyond Page 9, if you actually start looking at Page 9, Section 255-146 is basically the process of how to apply. So from Page 9 on it is a very technical submission requirement, number of plans, what needs to be contained in those plans and those types of things. So to walk through the purpose clause... this really identifies many of the things that I've mentioned earlier but the purpose of it was to establish the "Gateway Renaissance Overlay District". The Planning Director wanted to mention that this was OVERLAY in the sense that it is not rezoning and it does still allow the underlying zoning continue to exist. He noted that if someone has an existing property and is one that does not desire to have anything done to their property or whatever or desires something different that is allowed in the underlying zoning that still continues to exist. So we are not in any way affecting the underlying zoning of these properties in this district. The idea being to foster or arrange opportunities for development of a mixed use nature with components which may include among others distinctive retail, education, performing arts, media, graphic arts, offices, restaurants, public and private access and use of the Merrimack River that is now affectively cut off by a substantial and necessary floodwall. The director explained that to spark the redevelopment of marine use facilities they would take advantage of the navigable waters of the Merrimack River adjacent to Downtown Haverhill and as said earlier to encourage private capital to invest in design and construction of distinctive and attractive site development programs that promote compact design, creation of vital urban open space and take advantage of a variety of transportation options including enhanced pedestrian access to employment and nearby rail access.

The Planning Director referred to Page 1 of the Municipal Ordinance, Article XV. Merrimack Street Gateway Renaissance Overlay District where there is a listing of some of the purpose clauses again. Some of those typical in zoning if you looked at your zoning... (Inaudible) about promotion of public health safety and welfare by encouraging diversity of opportunities, fostered the longtime expansion of the workforce and market rate of multifamily housing to bring further vitality and stability to the downtown riverfront. It would also increase the production range of housing units to meet existing and anticipated housing needs and it goes on with a variety of different elements establishing design standards which is a very important element of this, which allows context sensitive design and creative site planning in this area as well.

The definition section was referred to by the Planning Director at this point. It was noted that we do have something a very key component... (Inaudible) ...again the 40R District is this concept of as of right approval... as of right projects. Planning Director Pillsbury explained that in the 40R District it is this concept of an as of right approval, as of right projects. Also in the 40R District if you bring a project that complies with the design standards and complies with all of the requirements and does not require waivers and that project is determined to be completed then it is an as of right project and you could build within those design perimeters and the City Council in this particular case and in the case

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

of the 40R the City Council was the plan approval authority and they are the ones that grant that approval and it is one stop shopping. He thought that was the whole concept behind the 40R and ultimately behind this document is the idea of expedited permitting of trying to move a process along as quickly as possible. It was noted that we as a city laying out the framework or the groundwork of what you want to see in that area. If someone shows up with that and they are willing to make that investment and move forward with a project then we are saying to them in return that we are going to expedite your approval and will not take you through a multiplicity of boards or a multiplicity of initiatives that you will have to do to get your approval... you are entitled to that approval. The Planning Director knew that it was a dangerous word... entitled... but the idea was if you complied with this... as Forest City did for example when they came in with their project, a 70 million dollar project... we approved that in one public meeting with the City Council because we had laid out all of that ground work in advance as we will as in this particular case as well.

Some of the other important definitions in one which I think is very important for consideration this evening is in this particular case the drafting... indicates that the plan approval authority as of this submission is the Planning Board. We will be ultimately bringing this to the City Council. One of the things that the mayor heard from the City Council ... some members of the City Council in a previous submission on the waterfront area, the Water Street area was that we should try where possible to try to move this into the realm of boards such as the Planning Board and this board would be the deliberate body on reviewing these kinds of projects that would come forth under this particular overlay district for Merrimack Street.

We did define something in this zoning ordinance that he felt was fairly creative. We created even a faster fast tract for something called a priority project. A priority project would be defined as follows: A mixed use project in which 85% or more of the residential units are not restricted by income... in other words they are market rate units. Point one... We are talking about at least 85% of the units are market rate units. Point 2... being that it encompasses an area at least a full width of Merrimack Street and the flood walls so in other words it is envisioning that access to the river and the inclusion of the river and whatever the priority project may be and which provides public access to and along a boardwalk, a promenade overlooking the Merrimack River or public access to the waters of the Merrimack River or both that contains those three elements plus does not require any waivers from the design standards, the density and dimensional regulations then it shall be considered a preferred project. A PREFERRED PROJECT gets a couple of different things. It gets an expedited review so instead of it being 120 days it is going to be 75 days. So it would give the developers looking at this time to come forward with a project then they could have a predictability of their approval to be within that timeframe. And the determination that it would be a preferred project would be made within 20 days by me. I would make that determination under the zoning and forward that information along to the plan approval authority at that time.

The Planning Director noted those were the major definitional issues that he believed that he had here. Planning Director Pillsbury mentioned the overlay district itself was just that and was not a replacement of the underline zoning. Then we talked about use restrictions. We talked about allowed uses and non-allowed uses. It was noted again that permitted as of right in the district would be mixed use development which would provide a space in the project or phase thereof which would contain each of at least one of the non-residential categories on Page 4. It was noted that Page 4 was the page that he

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

was talking about right now. Then mentioned multifamily development, mixed use development which is a mix of residential and commercial uses, whether any of the commercial uses that are listed here such as business and professional offices, commercial financial offices, eating and drinking establishments, retail uses, education uses, performing arts, community facilities, athletic facilities, Inns and Hotels and those types of things would all be allowed by right within this mixed use project. It was also noted the incorporation of parking as not a principle use... you just cannot have a parking garage and would not just be supporting a parking garage. Parking would be an element that would be required. Open space and recreational uses would be allowed uses there: Marinas, piers, floats, board walks, fishing areas and those types of things that incorporate access to the river would be allowed as would any accessory and ancillary uses that would be customarily incidental to the uses above. So again you can see we are trying to be inclusive of those uses that would be those elements that could make up a quality mixed use project. It was noted that the list of things that were prohibited were things that you really would not want to see downtown. This list could be a lot longer. We could probably specify other things that we would say we would probably collectively agree. But these were some things that we settled in on such as... gas stations for one thing. Solid waste disposal facility, salvage yards, self storage facilities and those kinds of things would not be allowed within the district. A lot of automotive vehicle related things... motor vehicle sales in particular would not be allowed... district car washes and those kinds of things.

The zoning envisions the process of project phasing so that the applicant could propose a multi building multi-phase project which we would consider as part of the approval and we would kind of lay out what those phases would be and that is consistent with what we did with 40R. The areas he thought were most created and most formed based which is a term that he would be happy to try to explain but was not sure it was totally explainable but in our jargon in our zoning but the form based idea is that we take a look at the existing layout of Merrimack Street and say within that district you could basically create things that do not have to have a lot of restrictions. You do not have to have frontage restrictions. You do not have to have side yard set back or rear yard setback and you were not trying to envelope a building envelope into a very limited area. So what we basically have is dimensional regulations is one and that's height. It was the only dimensional regulation that we were proposing for this district and it would be to a maximum of 10 stories on a regular project or 12 stories on a priority project or a preferred project, which we defined earlier. So somebody could get a density bonus of two additional stories on a preferred project most likely more market rate units would be the idea, which is the concept behind that type of a density regulation. The density regulations go a little... so again no other dimensional regulations. No frontage, no area, no setbacks and that again is very consistent with what you see developing in the whole area of foreign base codes. So you are really dealing with what is there rather than create something arbitrarily and then place it inside of that and would try to explain that further if that is not clear. (INAUDIBLE) ...the 40R District allows 220 units per acre as the maximum density and that is really what we would have in this particular area as well. Floor area ration really mirrors what we have in our zoning, currently which is 4.0 calculated according to the definition of floor area ration in the existing zoning ordinance.

Planning Director Pillsbury mentioned parking and that we had learned a lot about parking. We learned that one of the things that we can do with parking is into the concept of shared parking which was something as a city has seen very successfully utilized in the

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

downtown area. The current standard for the proposal for parking for residential use would be one space for residential use would be one space per residential unit or .75 in the case of a priority project in return for a higher degree of development and a larger project with more market rate housing. And there would be an opportunity for reduced parking. Now again, you have more market rate units the market may dictate that they want more spaces. We are not forcing it in the other direction but saying that would be the standard that would apply to that particular project. We are trying to be as creative as we can in terms of how that parking is (inaudible) even allowing the opportunity to have spaces, maybe leased spaces in the new garage on Moulton Way. So that they would have an opportunity to lease spaces in that area and then comply with this particular configuration of parking for their project. The majority of which the concepts that we have seen discussed always envision on site parking i.e. the parking to be under the building. The design concept that we hoped to see is very much... as you look at Merrimack Street right now it really tails off from the grade of Merrimack Street to the bottom of Wall Street or the bottom of the flood wall... so what we envision is that differential as the street as you rise up to become parallel to Merrimack Street to the top of the flood wall would be a parking (inaudible) that would be able to exist and believed that was a very doable during engineer or the preliminary engineering as shown (inaudible) approval... so again though we have these standards which are somewhat permissive in terms of how you could configure your parking and how you can create it. The market is going to drive us and what we are driving in and will include parking because it will be built underneath the building and that is the expertise that... (Inaudible) ...area. Again it is possible for the creator to reduce the parking standards based on an application or an application for a waiver that is consistent with the 40R District. All the other waiver requirements are consistent here that are shown here that relate to parking and other waivers that are the same types of opportunities for waivers that were (inaudible) the 40R District as well.

In terms of design standard... see Page 8 and Page 9 this particular area is very important. The design standards must be required for any kind of a project. That would be plan approval for (inaudible) responsibility to evaluate the submission as to compliance to these design standards. The design of a new building shall encourage public and private access to and along the Merrimack River and public and private use of viewing the Merrimack River which provides physical or visual access to the Merrimack River to create further activity on the water sheet are encouraged. Physical access to the Merrimack River shall include one or more of but not limited to public and or private docks, or mariners, floats, piers, wharfs, and fishing areas. Visual access to the Merrimack River (inaudible) one or more of the following: not limited to boardwalks, plazas etc. New buildings shall be cited to establish view corridors from Merrimack Street to the River, and to invite public pedestrian access to the waterfront from Merrimack Street. The buildings are encouraged to have designs, elements, or lighting features that provide visual gateway, landmark, or iconic view from downtown Haverhill which when viewed from any one of more of Merrimack Street, Bridge Street, Main Street, Merrimack River, and the south side... the south bank of the Merrimack River and or the Bradford Bridge. Another design standard is that there will be adequate capital infrastructure for on site municipal services provided within any project including Water Street for drainage, adequate traffic circulation shall be provided to and from the projects with vehicular access points in order to maintain reasonable traffic control on Merrimack Street. Ground floor spaces facing Merrimack Street and facing any plaza on top or any parking under podium and or parking under

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

structure shall be designed to encourage mildly urban pedestrian friendly atmosphere. Lighting shall not be over spill onto adjacent properties or into the night sky. And one goal of this area is to promote new, urban design and layout in the district. Applicants shall not be required to preserve existing buildings, facades or other historic or potentially historic features or elements in the district, if any.

This brings us to 255-146 on Page 9 and noted that was the process and was not going to take the time to go through all of that but would certainly answer any questions that you have. The submittals are typical which you would be submitting a package of detail with enough detail for us to evaluate the design standards and all the other criteria and have that reviewed by all the city departments so that we will have really substantial submission requirement which we are very familiar with and the process for approval would move forward to circulation... there would be a filing and then there would be a circulation to the boards. Plan approval authority would be in this particular time it would be the Planning Board so the City Council will be receiving that information and will have the opportunity to have that input as any other city agency or department would and noted that the hearings would be held and the maximum amount of time would be 120 days which from the developers point of view is pretty quick to begin with and with a preferred project would cut that down to 75 days to give the opportunity for them to have knowledge that the project will be built in (inaudible) ... We reserve the right to do peer review if necessary at the expense of the developer, which is something that is very important. It was noted that the decision process was really a mirror of the 40R District. The City Council has the plan approval authority in that particular case which has the criteria that says the project and the site plan meet the standards, meets the requirements set forth in the Article or a waiver has been granted thereof and there is no negative on that particular score then the project can move forward. If there are extraordinary adverse potential impacts to the project and those have been adequately mitigated then the project is entitled to move forward. So those are the plan approval for criteria and those are similar to the 40R District.

Planning Director Pillsbury noted that the form of the decision which is the paperwork aspect of it that gets filed with the city clerk and then forwarded on to the various departments.

The Planning Director also noted that the change in plans after it has been approved noted that the language is very familiar probably to those that have been involved in any 40B work it is a minor change or a major change. A minor change would not require a public hearing but major changes do.

It was noted that there was some freeze language in there that freezes the zoning once an approval has been granted which is really State of the art language that reflects our current financing criteria and projects to start (inaudible) start if they have the expenditures for things such as parking garages... (Inaudible) ...the fact that that project has as commenced and that the zoning does apply.

Planning Director Pillsbury noted that there was a section in here which was added recently that basically talks about the fact that the city would give consideration to the establishment of this tax increment financing project or (inaudible) and note that both of those would have to have an enabling statutes from the City Council that would give consideration to do that. We would be bringing something called 40B before the City Council soon to basically taxing (inaudible) for market rate housing and were submitting that plan to the State as well. There were a lot of zoning tracks going as he said and that would be coming as well.

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

Planning Director William Pillsbury noted that was a quick synopsis and apologized for the quick synopsis aspect of it... a lot of material. As he said to you he would stay as long as you wanted him to stay here and talk about this and answer any questions that you might have but noted that through his prospective sitting here and having been around the city for a fair amount of time he thought that this would really place the city in the strongest possible position to see the catalyst and to be a catalyst for private development in that area. It is adding additional support by approving zoning such as this to this support that we have received from our State delegation particularly Chairman Dempsey again has been in the right front center in helping us to envision what will be on Merrimack Street. It was noted that there is an extremely strong private sector interest and could not go much further than that in characterizing it but it is there and real and we have property owners down there that want to see things are happen and are willing to see properties more and that type of thing. It is with great enthusiasm that he requests that you consider a favorable recommendation to the City Council on this item. As he always tries to characterize zoning it is not a one and done situation. Zoning is a living, breathing document and noted that it always can be changed and changed fairly quickly and so he did not suggest that they would be changing this because he thinks this is good. He thinks it is as innovative as you could be in the filed of zoning right now and thought they were out at the cutting edge and the city should feel pretty good about that. We have enjoyed tremendous support from the City Council on these types of things in the past and again will be going there in a couple of weeks and kind of anticipated the same kind of response... and it is incumbent upon us over the next couple of weeks that we do our due diligence with the City Council in these coming weeks and there were some councilors here tonight and appreciated them being here at this hearing. The Planning Director noted that they will be spending a lot of time discussing this for the next couple of weeks.

The Planning Director William Pillsbury noted that he would answer any questions that you might have and at the same time since this is a hearing would entertain the rest of the hearing process and ask for a favorable recommendation to the City Council.

Chairman Paul Howard asked if there were other permits that would be involved with maybe Conservation or the State and wanted to know how that would play into the timeframe that we have to approve the plans and get through this process.

Planning Director Pillsbury noted that Conservation would be the other area and talked about that as recently as today (11/14/12). Basically you are talking about riverfront redevelopment... certainly redevelopment projects and so the track record on the Conservation Commission reviewing it expeditiously processing and determination of a riverfront redevelopment project was very good. He would not anticipate any delay from them in terms of (inaudible).

City Councilor William Macek and Conlin LePage were sitting in the audience and spoke informally to the board.

Planning Director Pillsbury answered yes they could... (to a question asked from the councilors) he thought that one of the things that we really are encouraged by was that the State as kind of a unified body... this is really a bold Statement for me to make but they are really buying into this gateway city idea. Gateway cities are presenting things and they

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

tend to be supportive across the spectrum. These Mass Work Grants are a combination of grants from a whole bunch of different agencies all put under one roof so it really was a chance to really have the State... I guess my push back on that would be to say... wait a minute... you guys want us to do all this stuff why are you giving us a delay on issues... so he thought that was where Secretary Bialecki's Office has been very helpful as ombudsman and really try to break through some of these things and help with expediting permitting. We are a 43D Community... we've done that and we've got expediting permitting in place and would expect that we would move things along as quickly as we could.

Member Krystine Hetel wanted the planner to explain exactly what a gateway community is and secondly is the Mass Work Grant contingent upon our approval of this.

Planning Director Pillsbury answered no to the second question, it was not contingent upon... basically it was just... the Mass Works Grant is an indication he thought just the State's review of our material that we submitted and we talked about our opportunity to create jobs and to create the opportunity to have a construction project in the downtown area that makes sense and they believed in that. He stated that it was not ignorant of everything else that was going on in the area and one of the things that they know that we are working on it and want to see us move forward on it is not contingent upon the zoning. Your other question was?

Member Hetel wanted to know what a gateway city was.

Planning Director Pillsbury noted that a gateway city has been determined by the legislature to be those communities that are usually older mill cities such as Fall River, Brockton thought that might be another one... there are a lot of gateway cites and certainly we are one of those... Springfield thought that was another one, Lowell... There are a number of them but from our perspective it deals with our heritage as a former mill city that really of a large enough population to be a city and truly be a gateway into the Merrimack Valley Region he thought from Southern New Hampshire and so this gateway concept that we are becoming a revitalized location needed through transportation or through redevelopment of our former mill structures and those types of things into housing nodes and mixed use nodes such as this that they see the opportunity there and providing additional incentives to communities that fall into that category.

Chairman Paul Howard noted that this was pretty exciting and that it has been a pretty long time for this portion of the city where no one had gone into... no development and that something like this would spur that to that technical degree. It was good for the city.

Planning Director Pillsbury felt the same way and he thought was the belief that they had... it has been a long time coming... and it was not just that we were kind of thinking this out and this was the first shot... this is really the first shot over the (Inaudible)... this is really trying to replicate what we did and he has to commend the City Council for supporting the 40R District creation. He noted that was a big step... we did not know what was going to happen down there. We did not have a Forest City. We did not have a Hayes Building. We did not have a project... we had (inaudible) and that was nice. But we did not have a

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

lot of redevelopment going on and putting that zoning in place really was catalytic and thought that was what we are hoping that this is going to do again because why do we believe that because we have been there and done that and thought in this particular case the time is now. We have tremendous support from the State. The State looks at what we accomplished as a city down there. They have supported us. They have given us the money for the parking garage. They have given us the designation as to growth district and those were the kinds of things that they believe in with what the city has to offer. We are mentioned in a lot of conferences around the State when they talk about what is going on in various cities. Haverhill comes out as a place that has really done some things and that is to the credit to the administration for really stepping up to the plate and doing those fundamental things. This is the coaches sitting around putting the game plan together in the offensive game plan for Sunday. We are saying that we want to go out and win this game. We have to layout the game plan in advance to do that and that is what we are really doing. We are laying out a game plan and this is the offensive play book for the development community to come in and handing it to Brady... that is what we want to do... hand it to somebody.

Member Jim Cronin thanked Planning Director Pillsbury for his presentation which he felt was very helpful. He had a couple of questions. He was looking at the design criteria/design standards and there was reference in there about the new buildings being encouraged to have designs and create this gateway... strong language... is there something in there that can assure us that that kind of design will take place building by building. Another thing that might be missing is... is there anything in here in the design standards that assures an integrated architectural presentation in this zone so it fits and looks good... it is not like a road... (Inaudible).

Planning Director Pillsbury thought those were some areas where we would have that the onus be on the presentation of the applicant. Those were the kinds of things that we would be expecting them to present to us as part of the package. How all of this does fit together because the language might be loose in that sense but it really is the basis upon which we would review a project. If the approval authority does not believe that it is there then it is not an approved project.

Member Jim Cronin noted that as right things do not come into play until you are at that decision...

Member Dan Spurling asked if there was some discretion involved on that plan approval.

Planning Director Pillsbury answered yes... the decision point... the Planning Board in this case the approval authority... he went back to the decision language... he read the following: the project and site plan meet the requirements and standards set forth in the article. There is a determination and affirmative determination made by the board the plan approval authority that meets it. That is the basis for denial. The flipside of that is... that is basis for denial... if it does not meet it we are not approving it. So they would then have a right to appeal that, which would be their right but certainly we would be making a decision with a strong argument as to why those issues of concern did not pass the mustard of the board... (Inaudible). The approval has a right but it is... there is that element there that

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

gives us control and that is where he thought the design standards... you run a fine line of making them so rigid that though shall have blue curtains and you are pushing for that kind of extreme... you will get a lot of blue curtains but might not get a good development.

Member Cronin noted so we want to make sure that it all fits.

Chairman Howard noted so we are trying to cover some innovation too that we do not know everything. Someone else might come in with something very innovative that we might like.

Planning Director Pillsbury thought that the onus would be... again they did do ground work for the Forest City Project. It was a fairly long period of time involved that we were evaluating that before we even got the filing. If there was going to be a project submitted we would know an awful lot about it before it gets into the 75 or a 120 day time period. We would be sitting down with the developer way in advance before he comes in. There is no way that they could do this... any project down there without the participation of the city. We happen to own Wall Street. So we have an opportunity there to make sure that all conversations are early and awesome. That is the way that we did Forest City and that would be my view of how we would do any project in the overlay district. It would be that kind of advance work and then a filing and then... the thing that we do not want to do is run file of our own timeframes.

Member Cronin had a couple of questions. He noted that there were a lot of reference to cars but did not see reference to boats. Especially about storage of boats on or by private property (inaudible), limited parking... (Inaudible) and would people be able to keep their boats in the parking lots... (Inaudible).

Planning Director Pillsbury noted that was a very good point and would think that would be something (inaudible) that may very well be an item that needs to be added... (Inaudible).

Member Cronin had another question regarding Massachusetts Laws... Does Massachusetts allow (TAPE CHANGE TO SIDE 2 and the rest of Member Cronin's comment was inaudible.)

Planning Director Pillsbury noted for the purpose... the city would have to declare a public purpose and the city would have to take the (INAUDIBLE).

Member Cronin...( Inaudible)... other States have done this with their cases that is why (inaudible) ...would the city say it is public interest advantaging one private owner over another and taking the property from the current owner and giving it to the private developer... (Inaudible) ...advantage of the city. What is the Mass situation...? (Inaudible).

Planning Director Pillsbury noted that he was not an expert in eminent domain law... it was a really complicated... I have on any discussion that ever has come up in the City of Haverhill on eminent domain said forget about it... we are not even going to go down that road. So that is only him speaking but it is pretty complicated and our legacy of eminent

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

domain got us into problems that we have done on Merrimack Street right now with old issues...

Chairman Howard noted on a water supply point of view any time anyone in this valley takes a water supply... (Inaudible) ...guarantee business... lawyers that specialize in (inaudible) ...I'm going to get you more money to (inaudible) ...absolutely...

Member Spurling noted that the key location in Connecticut was a very unique set of circumstances and he did not think would exist in the scale and scope of the kind of redevelopment that might be happening here that involved a lot more industrial. It was just much bigger in scale and different... (Inaudible).

Planning Director Pillsbury noted it was just one of those areas that he would not envision the city would even entertain. He was not saying it could not happen and then would have to become experts on that kind of law but it really would be... he did not see a scenario where the city would be in a position where the city would want to take a building and give it to a private developer. He did not know how you could confirm a (inaudible) process... a public purpose for that and get away with it.

Member Spurling was assuming that Chapter 91 plays as such that the development buildings right along the water would involve public access to the facilities and things of that nature.

Planning Director Pillsbury wanted to know if he meant public access to the waterways...

Member Spurling answered both... to the river and to the waterfront itself.

Planning Director Pillsbury noted that one of the things that we did back when the original board walk was built on the Washington Street end... we extended the Harbor line out into the center of the river. The Harbor Line is not going to be a constraint for development of moorings or boat docks... there would be the normal Army Corps process and those kinds of things.

Member Spurling asked about reconstruction of the floodwall. He wanted to know what the increase in height would be.

The Planning Director answered about 2 feet. The concept that they have been using is that we would use the boardwalk elevation rise as the conditional compensatory storage so that we would have the height and we would have it in the boardwalk and the FEMA folks the people that looked at it... (Inaudible).

Member Spurling noted that (inaudible) would go a long way towards the ... (Inaudible).

Planning Director Pillsbury noted that will not be all that we will need and was sure that will be discussions between the Mayor and the City Council about that... there will need to be some city commitment on this project. We are looking at other sources of funding as well. So it will be a multiple sources and uses type of analysis but it will be... I think you said that

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

it would go a long way... yes it will. It would go a long way to being able to get the... particularly the portion in this district. It may not get us all the way to the path but it might get us quite a ways.

Member Connors knew that Lowell and Springfield were deemed to be gateway... (Inaudible) ...have they been implemented similar types zoning regulations as the one that proposed here tonight and if so have they been successful.

Planning Director Pillsbury thought that they probably both have 40R designations that would be something that he would expect. He did not know everything about them but was recently at a conference and the Lowell Planning Director spoke and one of the things that he talked about was their most recently redevelopment initiatives has been this idea of identifying in Lowell and what it is that they want to see happen. In other words what is their preferred project? What did they want to see and in our case we have identified that as the redevelopment of the riverfront and defining that as tying into the river both as view corridors, pedestrian access and those kinds of things. They identified that and then in their case they had some publicly owned properties that they went out and said if you give us a proposal based on... and we are telling you what we want yet the proposal was based on that type of thing. We are not doing that we do not have the publicly owned properties but we are saying to the development world that this is the playing field along which we are to play and that is similar of what will, I think in their zoning that they laid out in terms of how they dealt redevelopment... (Inaudible).

Member Timothy Connors asked if Mr. Pillsbury believed the 75 days essentially for pre-approval of the developers is sufficient for the departments committees and other bodies that have to review these plans. Do you think it is adequate sufficient?

The planning director answered yes. It was noted that we always have the option by mutual agreement to extend and that was not like we were turning into pumpkins on the 75<sup>th</sup> day unless we want to... I mean to make it clear if we are ready to make a decision that is fine but we also... a lot of these things we find mutual extensions and that would be optional or we would act. You are all familiar with it with this board we are very careful of timeframes. Constructive approval is something you do not like to hear... (Inaudible).

Chairman Paul Howard noted that one of the requirements of that is that there are no waivers.

The planner answered right.

The chairman noted that they had to follow all the design standards. So to get that expedited approval they could not have any waivers. You want to make this simple... it complies with the plans with our standards or you haven't (inaudible).

Someone noted good point.

**Merrimack Street Gateway Renaissance Overlay District**  
**11/14/12 Planning Board Meeting**

Member Krystine Hetel wanted to know if the whole Merrimack Street area is commercial retail and no residential. She wanted to know how that would change the south side of Merrimack Street in the next four or five years.

Planning Director Pillsbury noted it was similar to what you saw in the Industrial General Zone of Washington Street and of Essex Street. What you had there was a scenario where we had mill buildings that could be used for commercial uses or light industrial uses but no residential uses. The same is true of Merrimack Street as of today. You do not have a special permit option for a mixed use projects in that area but what we will be allowing by this rezoning is this idea of mixed use projects by right in the district. So what you would expect to see are projects that come forward that will be a mixture of housing and commercial uses such as restaurants, offices or whatever the use proposed might be.

Member Hetel asked if the ground floor would be some sort of retail or business and asked about floors number nine, ten, and eleven and above if that would all be residential. That is a lot of residential.

Planning Director Pillsbury noted that it did not have to be residential... you could have offices on the 5<sup>th</sup>, 6<sup>th</sup>, or 7<sup>th</sup> floor. He noted that is a possibility and that would be a nice outcome in situations where multiple stories of commercial and office use. He noted that what they were trying to create or what they hope to try and create on Merrimack Street is really something that we do not think of right now. Rejuvenated, revitalized area with a lot of what people refer to it as the 18 hour economy and there are things going on there in the evening and there are things going on and there is this vibrancy that we do not have there right now. There is a lot of activity on Washington Street in that area that was not there before and what we hope is that this will be the same type of thing and perhaps even some reconstruction and access to the river and just something that we have really not done. We have completely gotten the river involved in the western end of downtown. We have the boardwalk built behind the Tap Restaurant and that is great. This is going to be much more (Inaudible) of the Merrimack River perhaps even more than the other end. That is what we hope...

Chairman Paul Howard noted that basically the underline zoning there has not worked.

Mr. Pillsbury responded the underline zoning hasn't worked.

The chairman noted again it hasn't worked.

The planner answered right.

The chairman noted that otherwise there would have been an investment down there already.

The planner answered right... but what we find from talking to developers is that much of their issue is timing. They really... and to the degree of regulation... if you are going to come in and really pin them down to extensive amount of review and analysis and regulation in an unpredictable timeframe... a lot of communities... he just spoke to

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

someone today asked how are we doing stacking up with this zoning compared to some other places and they said not a lot of communities are trying to be this open and out front with telling you what they want and then giving you a timeframe that is predictable. So to developers time is money and again if we can help with that and we can say to them that the time is predicted... it's 75 or 120 days and you can know or you can have an answer and perhaps they will step forward with a plan and will step forward with the proposal because they can see an end. A lot of times you get into a special permit process and you have to go to the Zoning Board of Appeals first, then come here to the Planning Board then you have to go to the City Council and then back before the Planning Board and noted that any one of those steps can be elongated and any one of those steps could be appealed. So it is a predictability factor... is it all going to be perfect and work great... I hope so but I am not naive enough to think so. I think what we are doing is we are taking a step forward to put something in place that will be reviewed possibly, very positively by the private sector and that is the hope.

Member Kenneth Cram asked about the Riverfront Protection Act and how it played into all of this.

Planning Director Bill Pillsbury asked if he meant the Rivers Act and Member Cram answered yes. The planner noted that it was a redevelopment zone and because of the floodwall noted that we did not have any FEMA issues at all because the flood wall and can within 2 feet and that is taken care of. We do not have to contend with FEMA... we are not in the flood plain because it is protected so we have the option to define those redevelopment areas through Conservation Commission's perspective as a redevelopment area. Redevelopment areas are not governed by the ordinance so it is an opportunity to get a quick determination there that it is a redevelopment area and get ready to... (Inaudible) ... Storm water management would be something that we would continue to look at but storm water... (Inaudible) ...could be built into the project to make sure that everything... (Inaudible) ...storm water management regulations and that would be part of their designs before we see... (Inaudible).

Member Cram thanked the planner for his response.

Chairman Paul Howard asked if there was anyone in the audience that wanted to speak. No one came forward to speak. The chairman turned the hearing back over to the planning director.

Planning Director Pillsbury informed the people in the audience that we literally got this off the presses today and was the reason why we are moving this forward. He gave out extra copies of the ordinance in question and noted he would be happy to meet with them to answer any questions they might have regarding this matter. It was noted by the planner noted that they could talk from now and until the council meeting.

The planner noted no... it has not been that and basically what we have had on the agenda is the whole overlay district for zoning as a discussion point and that was what we were operating on tonight.

**Merrimack Street Gateway Renaissance Overlay District  
11/14/12 Planning Board Meeting**

Chairman Howard closed the public portion of the hearing considering there was no other public input. He then turned the public portion of the hearing over to comments from the planning director.

The planning director noted not over to me... the planner however did recommend a favorable recommendation to the City Council. It was noted by the planner that all these minutes will be transcribed and the council will all receive copies of said minutes for their review. The planning director noted to the board that their comments and questions have been good and the boat storage was something that had not been discussed but thought that was important and did not think that we wanted to see boats stored on Merrimack Street. So that is an element. Again... all of your questions and comments and please feel free if you have any more after tonight to certainly keep in contact and would be happy to try to answer them. He did apologize because it is a bit unusual to ask you to do this but he appreciated it and he knew the Mayor appreciated it as well.

The chairman thanked the planner and asked for a motion.

After board consideration, Member Timothy Connors motioned for a favorable recommendation to the City Council for the proposed zoning amendment. Member Bob Driscoll seconded the motion. The following members voted in favor: Kenneth Cram, Krystine Hetel, Daniel Spurling, Timothy Connors, James Cronin, Bob Driscoll and Paul Howard all voted in favor to forward this zoning amendment to the City Council. Member Jack Everette was absent. Motion passed to forward this matter to the City Council.

City department reports are attached to and considered part of this decision and minutes.

Signed,



Paul B. Howard  
Chairman



Cc: Waterfront Overlay District (W.O.D.) Zoning Amendment  
Mayor James Fiorentini  
City Council (copy)  
City Clerk (original)  
City Engineer  
City Solicitor William Cox

105-B



DOCUMENT 105-B

# CITY OF HAVERHILL

In Municipal Council November 27 2012 11.13.12

~~ORDINANCE~~ MUNICIPAL ORDINANCE

CHAPTER 255

## Article XV. Merrimack Street Gateway Renaissance Overlay District (MSGROD)

[Added \_\_\_\_\_ by Doc. \_\_\_\_\_]

### 255-136 Purpose.

It is the purpose of this article to establish a Merrimack Street Gateway Renaissance Overlay District and thereby to encourage additional smart growth in the downtown core, to foster a range of housing opportunities along with mixed use development components including, among others, distinctive retail, education and education-based uses, performing arts, media and graphics arts, offices, restaurants, public and private access to and use of the Merrimack River, which is now effectively cut off by a substantial and necessary flood wall, to spark the development of marine use facilities taking advantage of the navigable waters of the Merrimack River adjacent to downtown Haverhill, and to encourage private capital to invest in the design and construction of distinctive and attractive site development programs that promotes compact design, creation of vital urban open space, and take advantage of a variety of transportation options, including enhanced pedestrian access to employment and nearby rail access. Other objectives of this article are to:

hearing: Dec 11 2012

- A. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
- B. Foster the long-term expansion of workforce and market-rate multi-family housing to bring further vitality and stability to the downtown Riverfront;
- C. Increase the production of a range of housing units to meet existing and anticipated housing needs;
- D. Establish requirements, standards, and guidelines, and ensure predictable, prompt, fair and cost-effective development review and permitting;
- E. Establish development standards to allow context-sensitive design and creative site planning;
- F. Enable the City to act quickly to take advantage of available capital and technical resources to redevelop key parcels; and
- G. Establish an anchoring redevelopment at a major gateway to downtown Haverhill, adjacent to the Bradford Bridge (also known as the Route 125 bridge) over the Merrimack River.

## **255-137 Definitions.**

For purposes of this Article XV, the definitions provided in Article II of this Zoning Ordinance shall be used except that (i) the following definitions shall apply instead of any conflicting definition in Article II, and (ii) in the event of any other conflict between a definition in Article II and the provisions of this Article XV which in context give another or a modified meaning to such definition, the provisions of this Article XV shall govern any Project which has elected to be governed by this Article XV instead of underlying zoning. All capitalized terms shall be defined in accordance with the definitions established under this Article XV, or as set forth in the rules and regulations of the Plan Approval Authority applicable to this District ("Regulations").

### **AS-OF-RIGHT PROJECT or PROJECT**

A multifamily development or mixed use development allowed under § 255-140, which shall be as of right without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

### **EDUCATIONAL USE**

Elementary schools, middle schools, high schools, colleges, universities, community colleges, media centers, arts centers, distance learning facilities, training centers and facilities, libraries and educational offices.

### **MULTIFAMILY DEVELOPMENT or MULTI-FAMILY DEVELOPMENT**

A residential structure containing two or more dwelling units.

### **PLAN APPROVAL**

Standards and criteria which a Project in the Merrimack Street Gateway Renaissance Overlay District must meet under the procedures established herein provided that Plan Approval shall be treated as non-discretionary and not subject to the standards applicable to special permits under this Zoning Ordinance, if the Plan Approval is appealed or attempted to be appealed by any person.

### **PLAN APPROVAL AUTHORITY**

For purposes of reviewing Project applications and issuing decisions on development Projects within the Merrimack Street Gateway Renaissance Overlay District, the Planning Board shall be the Plan Approval Authority (the "PAA"), and is authorized to approve a site plan to implement a Project.

### **PRIORITY PROJECT**

A mixed-use Project (i) in which 85% or more of the residential units are not restricted by income, (ii) which encompasses an area extending at least the full width between Merrimack Street and the flood wall along the Merrimack River, (iii) which provides public access to and along a boardwalk or promenade overlooking the Merrimack River or public access to the waters of the Merrimack River or both, and (iv) does not

require any waivers from the design standards or the density or dimensional requirements established by this Article XV.

### **RECREATIONAL USES**

Active and passive recreational uses, including but not limited to walking and bicycle paths, bicycle and boat rentals and sharing services, and seasonal skating rinks.

### **ZONING ORDINANCE**

The Zoning Ordinance of the City of Haverhill.

#### **255-138 Overlay district.**

- A. Establishment. The Merrimack Street Gateway Renaissance Overlay District, hereinafter referred to as the MSGROD, is an overlay district that is superimposed over the underlying zoning district(s) applicable to the property shown on the map entitled "Merrimack Street Gateway Renaissance Overlay District," dated October 5, 2012 (the "MSGROD Map"). The MSGROD Map is hereby made a part of the Zoning Ordinance and is on file in the office of the City Clerk. To avoid any uncertainty that might otherwise arise from the scale of the MSGROD Map, the MSGROD is hereby specified to include the entire area bounded northerly by the center line of Merrimack Street, easterly by the center line of Bridge Street including the center line of such Street as it passes over the Bradford Bridge over the Merrimack River (being also the Route 125 bridge), southerly by the center line of the Merrimack River, and westerly by the westerly sideline of the public way known as Elliott Place and the extension of such line southerly to the centerline of the Merrimack River and northerly to the centerline of Merrimack Street as it enters Washington Square at the intersection with Emerson Street.
- B. Relationship to Underlying zoning. The MSGROD is an overlay district superimposed on all underlying zoning districts including, without limitation, any other overlay zoning district which operates to provide additional restrictions, limitations or conditions on underlying zoning. The provisions applicable to such underlying zoning district(s) shall not be applicable to a Project within the MSGROD shown on a site plan which was submitted pursuant to §255-146 for such Project, and such Project shall instead be governed exclusively by the provisions of this Article XV.

#### **255-139 Applicability of MSGROD.**

An applicant for a Project located within the MSGROD may proceed to permit and develop such project either entirely pursuant to underlying zoning including, without limitation, any other overlay zoning district which operates to provide additional restrictions, limitations or conditions on underlying zoning, or, in the alternative, may seek Plan Approval for the Project solely in accordance with the requirements of this Article XV. If the Applicant seeks Plan Approval in accordance with the requirements of this Article XV, then notwithstanding anything to the contrary in the Zoning Ordinance, such application and the Project described therein shall be governed solely by this Article XV, and shall not be subject to any other

provisions of the Zoning Ordinance. If a parcel or lot does not have a Project that obtains Plan Approval, or, after Plan Approval, the Project does not obtain a building permit, then the parcel or lot shall remain available for use or redevelopment under either underlying zoning or, at the election of the same or another proponent, this Article XV.

#### **255-140 Use Restrictions.**

- I. The following uses are permitted as of right in the MSGROD:
  - A. Mixed use development which must provide space in the Project or a phase thereof for each of: (1) at least one of the nonresidential uses listed in Section 140.I.B, below, or at least one of the uses listed in either Section 140.I.D or Section 140.I.E, below, and (2) multi-family development, which multi-family development may be provided throughout the Project, or within one or more specified building(s) or phase(s) of the Project consisting of only multi-family residential use. In addition, any building not immediately fronting on Merrimack Street, whether constructed as a Project, as part of a Project or as a phase of a Project, may be used for purely multi-family residential purposes.
  - B. The following nonresidential uses:
    - (1) Business and professional offices.
    - (2) Business service and consumer service establishments.
    - (3) Commercial and financial services.
    - (4) Eating and drinking establishments including, without limitation, seasonal outdoor seating.
    - (5) Retail uses.
    - (6) Educational Use.
    - (7) Research and development uses.
    - (8) Graphics arts and media arts studios, galleries and offices.
    - (9) Performing arts uses including without limitation indoor and outdoor stages.
    - (10) Community facilities including without limitation chapels and places of religious worship.
    - (11) Indoor athletic, fitness, health and health spa establishments including without limitation exercise establishments and martial arts and yoga studios.

(12) Inns and hotels.

- C. Parking, including surface, garage-under, and structured parking (e.g., parking garages) and automobile-sharing and bicycle-sharing services, provided that such parking use and such services are either a component of a mixed use development or are accessory to another permitted use.
- D. Open space and Recreational Uses including without limitation plazas, green areas and seasonal and occasional markets.
- E. Marinas, piers, floats, boardwalks, fishing areas, and other facilities and amenities providing views of and access to the Merrimack River including, without limitation, boat rental, charter-boat facilities and boat-sharing services.
- F. Accessory and ancillary uses customarily incidental to any of the above permitted uses shall also be permitted including, without limitation, day care accessory to any Educational Use or multifamily residential use, accessory swimming pools for use by residents, hotel or inn guests, workers or students in any mixed use development, accessory pet care, conference and meeting facilities, and roof gardens and roof structures accessory to any multifamily residential use or any Educational Use.

II. The following uses are prohibited in the MSGROD:

- A. Septic System Repair Facility.
- B. Solid Waste Disposal Facility.
- C. Salvage Yard.
- D. Self Storage Facility (other than any accessory storage units or accessory storage areas which are accessory to a permitted use such as a multi-family residential use or a retail or Education Use or a performing arts use, which shall be permitted provided the same shall be entirely located within a building and shall not be advertised or signed from the exterior of the building and shall be limited to use by Project residents, tenants and occupants).
- E. Warehousing and Distribution Facility.
- F. Motor Vehicle Service Station (Gasoline Sales).
- G. Motor Vehicle General and Body Repair (provided that an accessory automobile detailing service may be provided within any parking-under structure).
- H. Motor Vehicle Sales.

- I. Motor Vehicle car wash (provided that an accessory automobile detailing service may be provided within any parking-under structure).

III. Uses, buildings and structures permitted under M.G.L. c.40A, Section 3, but not otherwise specifically contemplated in this Section 255-140, shall not proceed in or as part of a Project or any phase of a Project under this Article XV, but shall instead proceed solely in accordance with said M.G.L. c.40A, Section 3 and the applicable provisions of underlying zoning.

#### **255-141 Project phasing.**

An Applicant may propose that a Project will be phased, and the PAA, as a condition of any Plan Approval, may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties.

#### **255-142 Dimensional Regulations Applicable to the MSGROD**

The Maximum Height allowable in the MSGROD shall be the lesser of 125 feet and 10 stories, or the lesser of 125 feet and 12 stories in the case of a Priority Project. The Maximum Height allowable, stated above, does not apply to mechanical equipment, elevator shafts and bulkheads, chimneys, cooling towers and other structures ordinarily carried above the roof and not ordinarily used for human habitation, regardless of height above the roof, nor to balustrades, knee walls, pergolas, shade structures, wind breaks and similar features of roof gardens provided the same are not more than 10 feet in height above the roof. Maximum Height in feet for any Project and any element thereof in the MSGROD shall be measured from the mean elevation of the portion of the river-ward sideline of Merrimack Street adjacent or most nearly adjacent to the Project, in order to encourage parking in any Project to be provided in a podium or similar parking-under structure. Maximum Height in stories for any Project and any element thereof in the MSGROD shall be measured starting with the first story above any parking provided in a podium or similar parking-under structure.

Except for Maximum Height there are no dimensional, area or similar requirements or limits for Projects in the MSGROD.

#### **255-143 Density Requirements in the MSGROD.**

- A. Maximum as-of-right overall multi-family residential density for a Project shall be 220 dwellings per acre for a Priority Project and 110 dwellings per acre for all other Projects. Such density shall be determined using the entire area for any multi-family Project or any mixed use development Project excluding only the footprint of any building within the Project which does not have any multi-family residential uses in such building.
- B. Maximum floor area ratio (FAR) for any Project shall be 4.0 which shall be calculated in accordance with the definition of Floor Area Ratio in Article II of this Zoning

Ordinance, and which, consistent with that definition, shall exclude all areas of any garage-under parking in any Project.

**255-144 Parking requirements.**

- A. General. The purpose of these parking requirements is to encourage the use of public transportation and to make the downtown more pedestrian-friendly and bicycle-friendly. Parking requirements within the MSGROD are as follows.
  - (1) Surface parking lots and parking structures shall provide pedestrian walkways and connections to the sidewalk system.
  - (2) Parking structures shall be designed to be compatible with adjacent buildings and architecture.
- B. Minimum off-street parking space requirements.
  - (1) Residential use: 1.0 space per dwelling unit, or, in the case of a Priority Project, 0.75 space per dwelling unit.
  - (2) Such off-street parking spaces shall be provided (i) within the Project itself or (ii) in an off-site parking lot or parking garage, provided that such off-site parking lot or garage and the Project shall be no further than 2500 feet distant from each other, measured on a straight-line basis at the point of minimum distance between some point on the perimeter of such lot or garage and some point on the perimeter of the Project, or (iii) in a combination of the foregoing.
- C. Shared parking. The use of shared parking to fulfill parking demands noted above that occur at different times of day may be considered by the PAA. Minimum parking requirements above may be reduced at the discretion of the PAA for a mixed-use development that is a Priority Project or, in the case of other Projects, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g., the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other PAA-approved studies). The applicant is encouraged to use the public parking facilities available in the downtown area and to lease parking in those facilities, and is permitted to use other off-site parking facilities in other locations as well.
- D. Reduction of parking requirement. The required amount of parking may be reduced at the discretion of the PAA upon a showing that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits. The PAA may consider:
  - (1) The availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of a bus or an MBTA transit station;

- (2) The availability of public or commercial parking facilities in the vicinity of the use being served;
- (3) Shared use of off-street parking spaces serving other uses having peak user demands at different times;
- (4) Age, income or other characteristics of the likely occupants that are likely to result in a lower level of auto usage;
- (5) Mixed-use nature of the Project that is likely to result in a lower level of auto usage;
- (6) Availability as part of the Project of automobile-sharing services;
- (7) Such other factors as may be considered by the PAA, including whether the reduction of the parking requirement is likely to encourage the use of public transportation or encourage a proposed development to be more pedestrian friendly, or whether the proposed Project will provide shuttle-bus services to off-site parking lots or parking garages.

#### **255-145 Design Standards.**

##### **A. General Design Standards.**

- (1) The design of new buildings shall encourage public and private access to and along the Merrimack River and public and private use and viewing of the Merrimack River. Projects which provide physical or visual access to the Merrimack River or create further activity on the water sheet of the Merrimack River are encouraged. Physical access to the Merrimack River could include one or more of, but not be limited to, public and/or private docks, marinas, floats, piers, wharves and fishing areas. Visual access to the Merrimack River could include one or more of, but not be limited to, public boardwalks, public plazas, seasonal outdoor seating, seasonal or occasional markets, public walking or biking trails along or in close proximity to the Merrimack River, or lateral access from Merrimack Street to such boardwalks, plazas or trails, or a view corridor where the public could view the Merrimack River.
- (2) New buildings shall be sited to establish view corridors from Merrimack Street to the River and to invite public pedestrian access to the waterfront from Merrimack Street.
- (3) New buildings are encouraged to have designs, elements or lighting features that provide a new visual gateway, landmark or iconic view for downtown Haverhill when viewed from any one or more of Merrimack Street, Bridge Street, Main Street, the Merrimack River, the south bank of the Merrimack River and/or the Bradford Bridge.

- (4) Adequate capital infrastructure for on-site municipal services shall be provided within any Project including water, sewer, and drainage.
- (5) Adequate traffic circulation shall be provided to and from the Project's vehicular access points in order to maintain reasonable traffic control on Merrimack Street.
- (6) Ground floor spaces facing Merrimack Street and facing any plaza on top of any parking-under podium or other parking-under structure shall be designed to encourage a lively, urban, pedestrian-friendly atmosphere.
- (7) When dumpsters, utility meters, mechanical units and service areas cannot be located within a parking-under area or otherwise away from the street front, they shall be screened from view and shall not be located in the pedestrian right-of-way.
- (8) Lighting shall not create overspill onto adjacent properties or into the night sky.
- (9) One goal of the MSGROD is to promote new, urban design and layout in the MSGROD. Applicants shall not be required to preserve existing buildings, facades or other historic or potentially historic features or elements in the district, if any.

**255-146 Application for Plan Approval.**

- A. Required submittals. The application for Plan Approval shall be accompanied by 20 copies of the following plans and documents, which shall demonstrate consistency with the standards set forth in this MSGROD. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals 40 feet or larger, or at another scale as requested by the applicant and approved in advance by the PAA, and shall show the following:
  - (1) The perimeter dimensions of the lot; Assessor's Map, lot and block numbers; and whether any lots are to be combined as one lot for zoning purposes for the Project.
  - (2) All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.
  - (3) Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).

- (4) All facilities for sewage, refuse and other waste disposal and for surface water drainage.
- (5) All proposed landscaping features, such as fences, walls, boardwalks, walks, promenades, outdoor stages, potential areas for seasonal and occasional markets, planting areas, marinas, docks, piers, floats and access points to the foregoing on the Project site.
- (6) Existing major natural features, including streams, wetlands, buffer zones, regulated riverfront areas, regulated tidelands and filled tidelands areas, and all trees six inches or larger in caliper (caliper girth of the tree four feet above existing soil height at the trunk).
- (7) Scale and North arrow (minimum scale of one inch equals 40 feet unless otherwise requested by the applicant and approved by the PAA in advance).
- (8) Total site area in square footage and acres and area to be available as urban open space.
- (9) The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, proposed recreation areas, and number of residential units proposed by type: number of studio, one-bedroom, two-bedroom and three-bedroom units, if applicable.
- (10) Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the applicant).
- (11) Proposed marinas, piers, floats, fishing areas, areas, if any, for potential boat rental and boat sharing services, and other amenities providing public and private access to and views of the Merrimack River, including boardwalks, promenades, adjoining urban open space included in the Project and the pedestrian flows intended to link such proposed marinas, piers, floats, fishing and boating areas, etc. to such boardwalks, promenades and other land-side urban open space.
- (12) Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).
- (13) Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed: either studio, one-bedroom, two-bedrooms or more.) The area in square feet of each typical unit should be indicated.
- (14) Developer's (or its representative's) name, address and phone number.
- (15) Any other information which may include required traffic, school, and/or utilities impact study and in order to adequately evaluate the scope and potential impacts of the proposed Project.

(16) If the Project should be reviewed as a Priority Project, a statement to that effect and a brief statement why it qualifies to be a Priority Project.

- B. Records. All plans and elevations presented with the application shall remain a part of the records of the PAA. The provision of the plan and the application shall be the sole responsibility of the applicant.

**255-147 Procedures.**

- A. Filing. An applicant for Plan Approval shall file the application and all required submittals with the City Clerk and shall also file forthwith the required number of copies of the application form and the other required submittals as set forth above with the City Planner on behalf of the PAA, including notice of the date of filing with the City Clerk.
- B. Circulation to other boards. Upon receipt of the application, the City Planner shall immediately provide copies of the application materials to the City Council, the Planning Board, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, Community Development, and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments, if any, within 60 days of its receipt of a copy of the plan and application for approval, or within 30 days of such receipt in the case of a Priority Project. Within 20 days after receipt of the application, the City Planner shall determine in writing whether the Project described in the application constitutes a Priority Project and shall inform the applicant, the PAA and such municipal boards, agencies and officers of such determination.
- C. Hearing. The PAA shall hold a public hearing for which notice has been given as provided in MGL c. 40A, § 11. The decision of the PAA shall be made, and a written notice of the decision filed with the City Clerk, within 120 days of the receipt of the application by the City Clerk, or within 75 days of the receipt of the application by the City Clerk in the case of a Priority Project. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the City Clerk. Failure of the PAA to take action within said 120 days, or said 75 days in the case of a Priority Project, or extended time, if applicable, shall be deemed to be an approval of the application and site plan.
- D. Peer review. The applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application. Such fees shall be held by the City in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, architects, housing consultants, planners, and others. Any surplus

remaining after the completion of such review, including any interest accrued, shall be returned to the applicant.

**255-148 Decision.**

- A. Waivers. Except where expressly prohibited herein, upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of this Article XV in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MSGROD, or if the PAA finds that such waiver will allow the Project better to achieve the intent and overall purposes of this Article XV.
- B. Plan review. An application for Plan Approval shall be reviewed for consistency with the purpose and intent of this article, and such Plan Review shall be construed as an as-of-right review and approval process.
- C. Plan Approval. Plan Approval shall be granted where the PAA finds by majority vote of the members present that:
  - (1) The applicant has submitted the required fees and information as set forth in this Article XV; and
  - (2) The Project and site plan meet the requirements and standards set forth in this Article XV, or a waiver has been granted therefrom; and
  - (3) Extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.
- D. Plan disapproval. A site plan may be disapproved only where the PAA finds that:
  - (1) The applicant has not submitted the required fees and information as set forth in this Article XV; or
  - (2) The Project and site plan do not meet the requirements and standards set forth in this Article XV, or a waiver has not been granted therefrom; or
  - (3) It is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.
- E. Form of decision. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the PAA. If 20 days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If

a site plan is approved by reason of the failure of the PAA to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

**255-149 Change in plans after approval by PAA.**

- A. Minor change. After Plan Approval, an applicant may apply to make minor changes involving minor utility or building orientation adjustments, lighting or façade adjustments, or minor adjustments to parking, landscaping or other site details that do not affect the overall massing, final build-out or building envelope of the site, and do not materially affect the open space, from that shown on the previously approved site plan and do not increase the number of dwelling units in the Project in the aggregate from that provided in the original Plan Approval. Such minor changes must be submitted to the PAA on so-called "bubbled" prints of the approved plan, reflecting the proposed changes, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision within thirty (30) days after the applicant has filed its application therefor, and the PAA shall provide a copy of its decision to the applicant for filing with the City Clerk.
  
- B. Major change. Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Article XV.

**255-150 Enforcement and appeal.**

The provisions of the MSGROD shall be administered by the Building Inspector, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding application for Plan Approval shall be governed by the provisions of MGL c. 40A applicable to as-of-right projects which have been subject only to a non-discretionary site plan review not involving or requiring any special permit and shall be made to a court of competent jurisdiction as set forth in M.G.L. c.40A, §17. Any other request for enforcement or appeal arising under this Article XV shall be governed by the applicable provisions of MGL c.40A.

**255-151 Freeze During Process; Effectiveness and Validity of Plan Approval.**

An application to the PAA for Plan Approval shall be governed by the applicable provisions of this Article XV in effect at the time of the submission of the application, while the plan is being processed, during the pendency of any appeal, and for three (3) years after Plan Approval. If an application is denied, such provisions in effect at the time of the

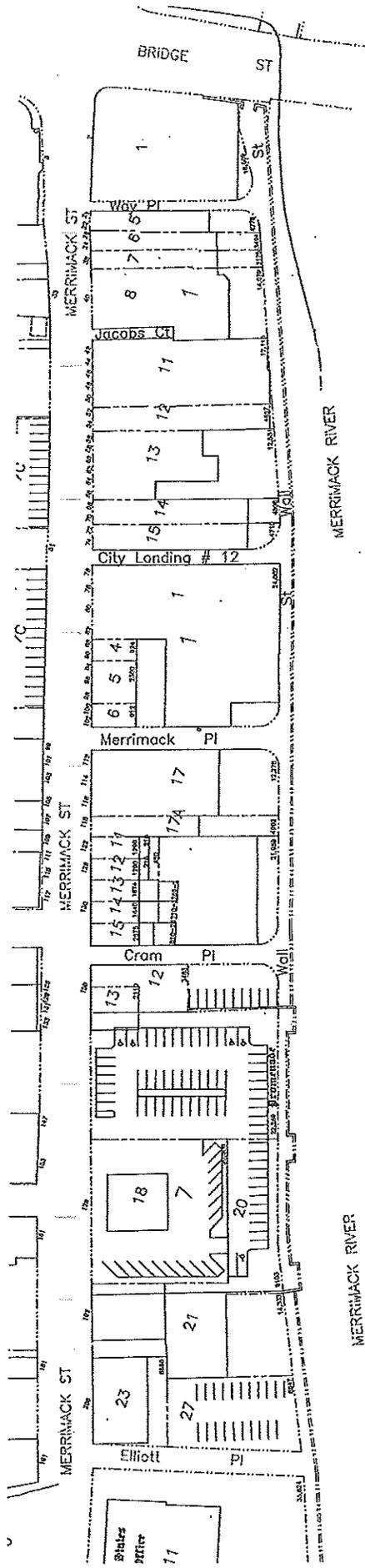
application shall continue in effect with respect to any further application filed within two (2) years after the date of the denial, except as the Applicant may otherwise choose.

A Plan Approval and any and all minor changes thereto sought by an Applicant, shall remain valid and shall run with the land indefinitely, and a Project shall be governed by the applicable provisions of this Article in effect at the time of the submission of the original application for such original Plan Approval (without regard to applications for minor changes) indefinitely, provided that construction of the Project covered by such Plan Approval has commenced within three (3) years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be further extended as provided in a Plan Approval for a multi-phase Project. Such commencement of construction of the first phase of a Project covered by such Plan Approval within such three (3) year period, as so extended, shall constitute the timely commencement of construction of all phases of the entire Project for the purposes of this Article XV. No phase of a Project shall be in violation of zoning on account of a violation of zoning solely by one or more other phases of such Project. For purposes of this Article XV, commencement of construction shall include any material expenditure of funds on site work or environmental remediation or on any slurry wall, footings or foundation for any parking garage podium under the Project or under any portion or phase of the Project. The PAA may impose, but shall not be required to impose, such outside time limits for the commencement of the final phase of a phased Project as it sees fit, provided that the earliest date for such required commencement of such final phase shall not be earlier than seven (7) years after the Plan Approval decision is issued, as extended as provided above, nor later than fifteen (15) years after the Plan Approval decision is issued, as extended as provided above, and further provided that any failure to meet such outside time limits shall only affect the right to construct the un-built phase(s) and shall not affect the previously constructed phase(s) or the respective rights of the same. In the event of a casualty affecting a building or structure which itself, or the use thereof, would be nonconforming with the provisions of this Article XV but for the grandfathering provided by this Section, such structure may be repaired, rebuilt and/or reconstructed, as necessary, provided that any such repair, rebuilding or reconstruction shall be commenced within two (2) years after the date of such casualty, and shall thereafter be diligently and continuously prosecuted to completion. Except as provided in any one or more of the preceding sentences of this paragraph, any amendment to this Article shall apply to building permits applied for after the first notice of public hearing on such amendment.

The owner of a Project, or applicable portion thereof, may choose to waive the benefit of the provisions of this Section in writing.

No further Plan Approval, special permit, variance or the like shall ever be required to reconstruct a Project, or portion thereof, following any casualty.

On the other hand, any Alteration or Extension of a Project that would not conform to the then-existing provisions of this Article XV shall require a further Plan Approval or deemed Plan Approval.



Merrimack Street Gateway Renaissance Overlay District

October 5, 2012

For purposes of this Section: "Alteration" means any construction resulting in a material change in the structural parts or height of, or number of stories or footprint of, a building, or to permit a substantially different use of such building; and "Extension" means any material increase in physical size or a substantially different use.

**255-152 Tax and other incentives for Priority Projects.**

It is the city's intention to give preference to, and to fast track the approval of, Priority Projects, as defined in this Article XV. Accordingly, and notwithstanding any other provision of this Article or the city code to the contrary, the city may, in order to foster and encourage a Priority Project:

- A. Establish the Priority Project, or the MSGROD, as a Development District within the meaning of M.G.L. c.40Q and the regulations thereunder and establish and provide District Improvement Financing, so called for the Priority Project, or the MSGROD.
- B. Authorize tax increment financing (TIF) as allowed by M.G.L. c.40, Sections 59-60 and the regulations thereunder and authorize, to the extent allowable by law, a tax increment exemption from the portion of the real estate taxes.
- C. Allow such other tax incentives as may be allowed by law or by Home Rule petitions allowed by the city council and the General Court of the Commonwealth.

**255-153 Severability.**

If any provision of this Article XV is found to be invalid by a court of competent jurisdiction, the remainder of Article XV shall remain in full force. The invalidity of any provision of this Article XV shall not affect the validity of the remainder of the City's Zoning Ordinance.

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk

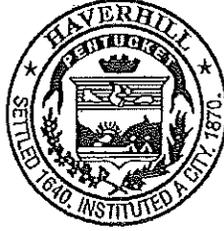
IN CITY COUNCIL: December 11 2012  
POSTPONE HEARING TO DECEMBER 18 2012  
Attest:

\_\_\_\_\_  
City Clerk

10.2.1

**City Council**

Robert H. Scatamacchia  
*President*  
Michael J. Hart  
*Vice President*  
John A. Michtson  
William H. Ryan  
Michael S. McGonagle  
William J. Macek  
Colin F. LePage  
Mary Ellen Daly O'Brien  
Thomas J. Sullivan



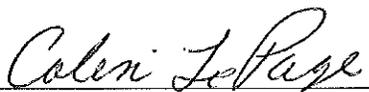
City Hall, Room 204  
4 Summer Street  
Telephone: 978 374-2328  
Facsimile: 978 374-2329  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

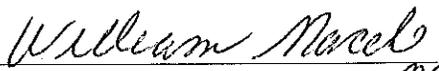
**CITY OF HAVERHILL**  
Haverhill, Massachusetts 01830-5843

December 14, 2012

TO: Mr. President and Members of the City Council

Communication from Councillors LePage and Macek requesting a discussion regarding Zoning for the Waterfront Interim Planning Overlay District (WIPOD) and Medical Marijuana Dispensaries.

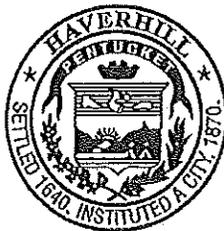
  
\_\_\_\_\_  
City Councillor Colin LePage *MB*

  
\_\_\_\_\_  
City Councillor William Macek *MB*

10.2.2

**City Council**

Robert H. Scatamacchia  
*President*  
Michael J. Hart  
*Vice President*  
John A. Michtson  
William H. Ryan  
Michael S. McGonagle  
William J. Macek  
Colin F. LePage  
Mary Ellen Daly O'Brien  
Thomas J. Sullivan



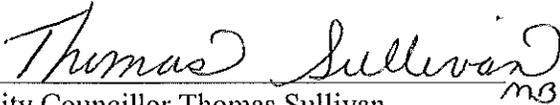
City Hall, Room 204  
4 Summer Street  
Telephone: 978 374-2328  
Facsimile: 978 374-2329  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

**CITY OF HAVERHILL**  
Haverhill, Massachusetts 01830-5843

December 14, 2012

TO: Mr. President and Members of the City Council

Communication from Councillor Sullivan requesting an update on the status of the location of certain telephone poles along the Rte. 125 South Main Street Reconstruction project and also requests a written report from City Engineer, John Pettis.

  
City Councillor Thomas Sullivan

**City Council**

Robert H. Scatamacchia  
*President*  
 Michael J. Hart  
*Vice President*  
 John A. Michitson  
 William H. Ryan  
 Michael S. McGonagle  
 William J. Macek  
 Colin F. LePage  
 Mary Ellen Daly O'Brien  
 Thomas J. Sullivan



City Hall, Room 204  
 4 Summer Street  
 Telephone: 978 374-2328  
 Facsimile: 978 374-2329  
 www.ci.haverhill.ma.us  
 citycncl@cityofhaverhill.com

**CITY OF HAVERHILL**  
 Haverhill, Massachusetts 01830-5843

**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
76-W	Communication from Councillor Macek requesting a discussion regarding remote participation guidelines for City Council meetings	Administration &	12/4/12