



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, April 24, 2012 at 7:00 PM
City Council Chambers, Room 202

1. APPROVAL OF RECORDS OF THE PREVIOUS MEETING

2. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

3. COMMUNICATIONS FROM THE MAYOR

- 3.1. Communication from Mayor Fiorentini regarding updated Code MGL c.43C, §11; § 32-53. Chief Financial Officer and also officially appointing City Auditor, Charles Benevento as the Chief Financial Officer for the City Attachment

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

NO SCHEDULE

5. APPOINTMENTS

5.1. **Confirming Appointments:**

NO SCHEDULE

5.2. **Non-Confirming Appointments:**

- 5.2.1. Mayor's Downtown and Waterfront Master Planning Committee: *Fred Simmons* Attachment

6. PETITIONS

6.1. **Applications:**

- 6.2. Petition from Tracy Fuller, YMCA Executive Director, requesting to hang a banner across Rte 125 by Bradford Common, May 14-25, to promote YMCA summer camps **Bond on File**
Attachment

7. HEARINGS AND RELATED ORDERS

- 7.1. Document 71/2011, application for Special Permit from Attorney Waldron for applicant Michael Lefevre to build multi-family housing—9 residential condo Units for property on River st; Assessors Map 534, Block 4, Lot 19 Attachment

- 7.1.1. Conditional favorable recommendation from Planning Board and Planning Director Attachment

- 7.2. Document 72/2011, petition from Attorney Waldron for applicant Joseph DiPrimo requesting to Discontinue a portion of Naples rd Attachment

- 7.2.1. Conditional favorable recommendation from Planning Board and Planning Director Attachment

- 7.2.2. Document 72/B/11, Order: discontinue a portion of Naples rd Attachment



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, April 24, 2012 at 7:00 PM
City Council Chambers, Room 202

- 7.3. Document 18, petition from Stephen Defeo/Bradford Unlimited Corp requesting a Special Permit for a Cluster Residential Development & Application for Waiver of Affordable Housing Component off Rosemont st; Assessor's Map 636, Block 1, Lot 10 & a portion of Map 651, Block 610, Lot 18
Attachment

- 7.3.1. Conditional favorable recommendation from Planning Board and Planning Director
Attachment

8. MOTIONS AND ORDERS

NO SCHEDULE

9. UNFINISHED BUSINESS OF PRECEDING MEETINGS

- 9.1. Document 44-B, communication from the Mayor regarding the Parking Ordinance: tentative agreement between Parking Commission and a company to manage parking downtown
Attachment
- 9.2. Document 51, Ordinance re: Peddling and Soliciting; Amend Chapter 191, Article IV, Peddlers and Hawkers, Transient Vendors and Fixed location Vendors 191-9 Licenses
Filed April 10 2012
Attachment
- 9.3. Document 52, Ordinance re: Salaries – Fire Safety Services
Filed April 10 2012
Attachment

10. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES

- 10.1. **Monthly Reports:**
- 10.1.1. Abatement Report from Board of Assessors for month of March 2012
Attachment
- 10.2. **Communications from Councillors:**
- NO SCHEDULE

11. RESOLUTIONS AND PROCLAMATIONS

- 11.1. Proclamation – Children's Mental Health Month, May 2012
Attachment

12. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

- 12.1. **Council Committee Reports:**
- NO SCHEDULE
- 12.2. Documents referred to Committee Study
Attachment

13. ADJOURN



JAMES J. FIORENTINI
MAYOR
April 18, 2012

CITY OF HAVERHILL
MASSACHUSETTS

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

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

RE: Finance Director

Dear President Michitson and Members of the City Council:

About two years ago, at my request, the City Council adopted a local law allowing us to appoint a Chief Financial Officer of the City pursuant to Article 32-53 of the code of the City of Haverhill. The new law (MGL 43C, Sec.11) allowed me to streamline the number of direct reports to the Mayor in instituting better management practices for the City and I thank the Council for adopting the law, which is as follows:

The City accepted MGL c. 43C, § 11 in 2008.

Our Code has been updated and below are the provisions:

§ 32-53. Chief Financial Officer.

A. The Finance and Records Department shall be under the immediate supervision and direction of the Chief Financial Officer. The Chief Financial Officer shall be appointed by and responsible to the Mayor for a term of three years, subject to removal as otherwise provided by the Charter and this Code. The Chief Financial Officer shall serve, *ex officio*, as the Auditor, Treasurer, Collector or Treasurer-Collector; provided, however, that the Chief Financial Officer shall not serve, *ex officio*, as both Auditor and Treasurer, Collector or Treasurer-Collector.

B. The Chief Financial Officer's duties shall include, but not be limited to, coordination of all financial services and activities, maintenance of all accounting records and other financial statements, payment of all obligations, receipt of all funds due, assistance to all other City or town departments and offices in any matter related to financial affairs, monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies on the status of accounts, supervision of all purchases of goods, materials and supplies and maintenance of inventory controls, supervision of all data processing facilities and any other matter relating to municipal finance as may be determined necessary or desirable.

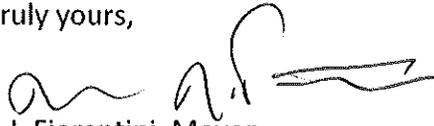
C. The Chief Financial Officer shall appoint all personnel under the direction and control of the Finance and Records Department subject to the approval of the Mayor, unless otherwise provided by the Charter.

It was pointed out to me, recently, that although we adopted the law, I neglected to officially appoint Mr. Benevento as our finance director.

Accordingly, I now officially appoint our City Auditor, Charles Benevento, as the Chief Finance Officer for the City of Haverhill.

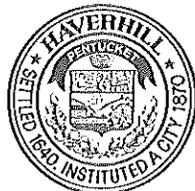
This is a non-confirming appointment which takes effect immediately.

Very truly yours,

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

James J. Fiorentini, Mayor

JJF/lk



JAMES J. FIORENTINI
MAYOR

CITY OF HAVERHILL
MASSACHUSETTS

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
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April 19, 2012

City Council President John A. Michitson
& Members of the City Council

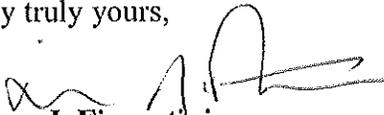
RE: Mayor's Downtown Master Committee

Dear Council President & Members of the City Council:

I hereby appoint Fred Simmons, of 420 Amesbury Road, to the Mayor's Downtown and Waterfront Master Planning Committee:

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

Very truly yours,


James J. Fiorentini
Mayor

JJF/lk

Cc: William Pillsbury
Fred Simmons



Haverhill YMCA
81 Winter Street
Haverhill, MA 01830
978.374.0506
fax 978.373.0710

Cape Ann YMCA
71 Middle Street
Gloucester, MA 01930
978.283.0470
fax 978.283.3114

Greater Beverly YMCA
254 Essex Street
Beverly, MA 01915
978.927.6855
fax 978.927.6530

Ipswich Family YMCA
110 County Road
Ipswich, MA 01938
978.356.9622
fax 978.356.0625

**Lynch/van Otterloo
YMCA**
40 Leggs Hill Road
Marblehead, MA 01945
781.631.9622
fax 781.639.0190

Salem YMCA
One Sewall Street
Salem, MA 01970
978.744.0351
fax 978.740.9168

**YMCA of the
North Shore**
245 Cabot Street
Beverly, MA 01915
978.922.0990
fax 978.922.7602



United Way
Massachusetts Bay
Merrimack Valley
North Shore

**FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

April 19, 2012

To: John Mitchinson, City Council President
Haverhill City Council
4 Summer Street
Haverhill, MA 01830

This is a formal request by the Haverhill YMCA to have a banner displayed across Rte. 125 by Bradford Common. The banner is to promote YMCA summer camps, and we would like the banner up from May 1-16, 2012.

I have attached the insurance binder as needed.

Please contact me if there are any concerns,

Tracy Fuller
Tracy Fuller
Haverhill YMCA Executive Director

May 14-25 2012
(4)

www.northshoreymca.org

7/1/2011

71/11

Hearing September 6 7.1

**JAMES F. WALDRON
ATTORNEY
70 BAILEY BOULEVARD
HAVERHILL, MA 01830**

**(978) 373-4539
FAX 888 742 2637 2011**

City Council
City of Haverhill
City Hall
Haverhill, MA 01830

July 14, 2011

**APPLICATION FOR SPECIAL PERMIT
FOR MULTI-FAMILY HOUSING
RIVER STREET**

An Application is hereby made for a Special Permit for multi-family housing under the terms and provisions of Ch. 255 for property at River Street. The Applicant is MCL Contracting, Michael Lefevre, 3 Sandpiper Lane, Seabrook, NH 03874.

The property is shown on Assessors Plans Map 534 Block 4 Lot 19.

The majority of the parking is in the lower level of the building. The property is currently vacant. The units will be marketed as condominiums.

The site plans, building plans, filing fees and Memorandum in support of the Application are attached hereto.

Respectfully submitted,
James F. Waldron
James F. Waldron Attorney
For Applicant

IN CITY COUNCIL: July 26 2011
REFER TO PLANNING BOARD and
VOTED: that COUNCIL HEARING BE HELD
SEPTEMBER 6 2011
Attest:

City Clerk

GRANTED TO MOVE SPECIAL PERMIT HEARING TO OCTOBER 25 2011
PER REQUEST ATTY WALDRON LETTER DATED 8/11/11

GRANTED TO CONTINUE SPECIAL PERMIT HEARING TO JANUARY 17 2012
PER REQUEST ATTY WALDRON COUNCIL MEETING 10/18/11

GRANTED TO CONTINUE SPECIAL PERMIT HEARING to JANUARY 31 2012
PER REQUEST ATTY WALDRON COUNCIL MEETING OF Dec 20 2011

IN CITY COUNCIL: January 31 2012
POSTPONE TO APRIL 10 2012

Attest:

City Clerk

IN CITY COUNCIL: March 13 2012
POSTPONED TO APRIL 24 2012
Attest:

City Clerk

**ATTORNEY
JAMES F. WALDRON
70 BAILEY BOULEVARD
HAVERHILL, MA 01830**

**978 373-4539
Fax 373-3339
jflamingwaldron@yahoo.com**

**MEMORANDUM IN SUPPORT OF APPLICATION
SPECIAL PERMIT FOR RIVER STREET**

This is an application for a Permit to construct nine residential units on a vacant parcel of land on River Street in an RU zone.

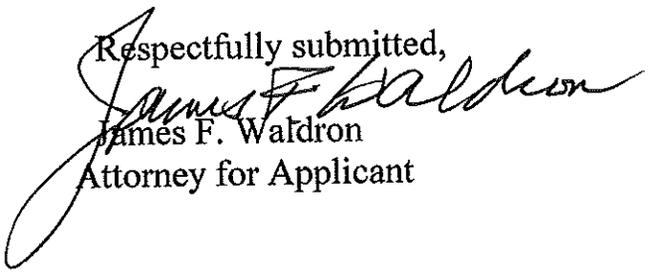
The zone allows multi family housing with a Special Permit from the City Council. No variances from the Zoning Ordinances are required.

The property is presently undeveloped with an assessed value of \$37,900.00. When completed as condominiums the assessed value of the parcel would be over \$1,500,000.

This development, on a major public artery, serviced by municipal water and sewer, would provide affordable housing for the City and increase the real estate tax base. It would also provide a significant employment opportunity in the City.

Attached is an aerial view of the location of the property.

Respectfully submitted,


James F. Waldron
Attorney for Applicant

**ATTORNEY
JAMES F. WALDRON
70 BAILEY BOULEVARD
HAVERHILL, MA 01830**

**(978) 373-4539
Fax 888-742-2637**

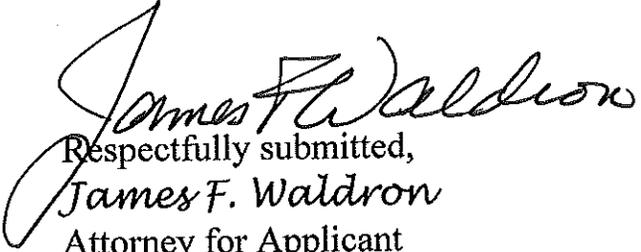
City Council
City of Haverhill
City Hall
Haverhill, MA 01830

7-14-2011

**WAIVER FOR APPLICATION
SPECIAL PERMIT
MCL CONTRACTING RIVER STREET**

Reference is hereby made to an application for a Special Permit for the above property dated July 14, 2011.

The Applicant hereby waives any statutory requirement for holding the hearing or the filing of a Decision in said matter.


Respectfully submitted,
James F. Waldron
Attorney for Applicant

For
App 1/24

**ATTORNEY
JAMES F. WALDRON
70 BAILEY BOULEVARD
HAVERHILL, MA 01830**

**978-289-0189
Fax 1 888 742 2837
jflemingwaldron@yahoo.com**

City Council

4-7-2012

Re: Special Permit Application Special Permit
MCL Contracting River Street

At the Planning Board Meeting, the matter of The Handicap Access Board Regulations was made by a board member. She requested that our architect, Ron Albert, clarify the matter with the Building Inspector.

Attached is a letter from Mr. Albert that addresses the matter.

Sincerely,

*James F. Waldron
Atty for Applicant*

rha

4 April, 2012

Mr. Richard Osborne
Building Inspector
City Hall, Room 210
4 Summer Street
Haverhill, MA 01830

**Re: Riverhill Condominium, River Street, Haverhill, MA for MCL Contracting
Architectural Access Board Compliance**

(RHA Project No. 1204)

Dear Mr. Osborne,

Thank you for insight and comments during our recent telephone conversation regarding above referenced project.

It is my understanding, as well, that the proposed multifamily townhouse units do not come under the provisions of 521 CMR 9.3 Group 1 Dwelling Units or 521 CMR 9.4 Group 2 Dwelling Units and that each townhouse is essentially an individual and separate unit.

Further, I believe the townhouse plan as designed, will meet the requirements of IRC 2009 with the Massachusetts amendments.

Please call with any questions.

Sincerely,

**Ronald Henri Albert, AIA
Architect**

Copy

71-B

**ATTORNEY
JAMES F. WALDRON
70 BAILEY BOULEVARD
HAVERHILL, MA 01830**

**(978) 373-4539
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City of Haverhill
City Council
City Hall
Haverhill, MA 01830

3-7-2012

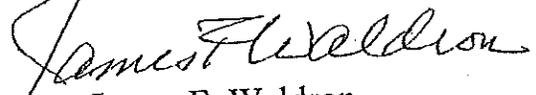
REQUEST TO CONTINUE PUBLIC HEARINGS

**MCL CONTRACTING-RIVER STREET SPECIAL PERMIT doc #71
MCL CONTRACTING-NAPLES ROAD DISCONTINUANCE doc#72**

The Applicant requests that the above hearings on both matters , be continued to April 24, 2012.

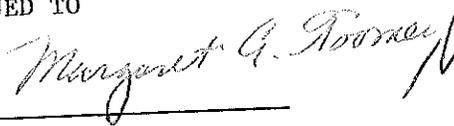
The reason for this request is because the Planning Board special permit hearing has been continued to March 13, 2012 and the petition to discontinue Naples Road will also be heard by the Planning Board on March 13, 2012.

Respectfully submitted,



James F. Waldron
Attorney for Applicant

IN CITY COUNCIL: March 13 2012
HEARINGS CONTINUED TO
APRIL 24 2012
Attest:



City Clerk

**ATTORNEY
JAMES F. WALDRON
70 BAILEY BOULEVARD
HAVERHILL, MA 01830**

**(978) 373-4539
Fax 1 888 742 2837**

City of Haverhill
City Council
City Hall
Haverhill, MA 01830

1-26-2012

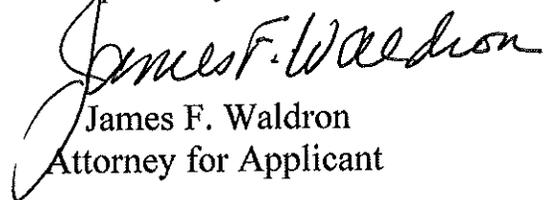
REQUEST TO CONTINUE PUBLIC HEARINGS

**MCL CONTRACTING-RIVER STREET SPECIAL PERMIT
MCL CONTRACTING-NAPLES ROAD DISCONTINUANCE**

The Applicant requests that the above hearings on both matters set for January 31, 2012 , be continued to April 10 2012

The reason for this request is because the Planning Board special permit hearing has been continued to March 14 2012 and the petition to discontinue Naples Road will also be heard by the Planning Board on March 14 2012.

Respectfully submitted,


James F. Waldron
Attorney for Applicant

Haverhill

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



Doc 71-2011

April 20, 2012

TO: City Council President John A. Mitchison and members of the Haverhill City Council

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

SUBJECT: Special permit for River Street- 5 units

At its meeting of March 14, 2012 the Haverhill Planning Board voted a conditional favorable recommendation to the City Council for the proposed special permit. The minutes of the public hearing are attached for your review.

The role of the Board was to conduct a public hearing to make a recommendation to the city council relative to the special permit to locate a project proposed to be 5 units of housing on a vacant lot on River Street.

Reports were received from city departments and are in your packages for your review. No major objections were received and any requirements of the city departments should be contained in the approval as conditions to the special permit to be implemented in the definitive plan.

Specifically, pursuant to zoning ordinance Ch. 255-76 (as applicable) the following findings must be made relative to the project:

the request meets all pertinent conditions listed in article XI of the ordinance;
 the request is desirable to the public convenience or welfare;

the request will not impair the integrity or character of the district or adjoining zones nor be detrimental to the health, morals or welfare and will be in conformity with the goals and policies of the master plan;

The requested use provides for the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets;

River St Special Permit Doc 71-2011

The requested use provides for adequate methods of disposal for sewage refuse and other wastes and adequate methods for storm water and drainage;

The requested use provides for adequate off street loading and unloading of service vehicles;

The requested use preserves historical buildings and uses.

Proposed conditions and stipulations:

I offer the following recommended conditions be made part of the special permit approval:

Require that the developer comply with all of the additional requirements of the City's subdivision regulations for water and sewer and drainage improvements as contained within those regulations and further detailed in the attached letters from the departments. These items shall be reflected in the definitive plan to be filed with the Planning board.

Recommendation

As Planning Director, I concur with the favorable recommendation based on an assumption that all items in the letters from the City Departments along with all requirements for special permits would be made part of the special permit for the project.

This project with the incorporation of the recommended conditions is generally in conformity with the City's master plan as well as providing sufficiently for traffic, public safety and other utility considerations. The project as proposed appears to conform to all other special permit requirements. On the basis of adopting the proposed conditions/stipulations, I recommend that the council act favorably on this project.



CITY OF HAVERHILL
MASSACHUSETTS 01830

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

PLANNING BOARD

City Council President John A. Mitchison
& City Councilors
City of Haverhill

March 15, 2012

RE: Special Permit for River Street—(aka Riverhill condominium)
Applicant: MCL Contracting, Michael Lefevre; Owner, Joseph DiPrimo;
Merrimack Engineering Services prepared the plans

Members Present: Timothy Connors, Celeste Hynick, Roy Wright, James Cronin, Jack Everette, Joseph Sullivan, Bob Driscoll, and Paul B. Howard
Members Absent: none
Also Present: William Pillsbury, Director of Economic Development & Planning
Lori A. Woodsum, Office Mgr./Board Clerk, Planning Department

Dear City Council President and City Councilors:

The Haverhill Planning Board at its meeting held on 3/14/12, Wednesday Evening, at 7:00 p.m. in Room 202, Haverhill City Hall reviewed the above-cited petition for Special Permit for River Street which was continued from the 1/11/12 planning board meeting. Member Jack Everette read the rules into the record. Chairman Paul B. Howard chaired the meeting and asked the petitioner to come forward.

Attorney James Waldron, of 70 Bailey Boulevard came forward to represent the applicant, MCL Contracting & Joseph DiPrimo. It was noted that this hearing was continued to this meeting in January to give the applicant an opportunity to get new plans and engage the services of an architect, which has been done. He informed the board members and the people in the audience that they retained a registered architect to prepare the architectural plans for the cited special permit. Said plans were now signed by a registered architect. They had quite a talk after the last meeting and thought that they heard enough to decide that they should probably make some changes in the project. He explained that what they finally came down with was a 5 unit townhouse project, which seemed to have eliminated some of the concerns that were heard about two months ago regarding the buildings meeting the character of the neighborhood. They spent quite a bit of time on that and now have an opinion from the building inspector that yes he felt that this building does meet the character of the neighborhood. It was substantially smaller from the original filing of 11 units which was over a year ago. He felt this change made quite an impact on the project. They changed the plans to a 5 unit townhouse. The department reports that were received were quite a bit different from what they had for the 9 unit building. They did not see any significant issues in the reports that were raised by the department heads, which he was

River Street Special Permit (aka Riverhill Condominium)

3/14/12 Planning Board Meeting

sure that the planning director would reference when he speaks. The building inspector in his report to the board reported that the owner/applicant met all the zoning requirements in regards to meeting the character of the neighborhood and the fact that it was zoned properly. He thought that they made the right decision in doing that.

The city engineer in his report submitted to the board noted that the drainage, the retaining walls, the design and the review of that will be done at the definitive plan process which is the place for it. That process will not be done until after the City Council meeting and of course if the City Council approves it then they will have to come back before the planning board and have a full public hearing on the design of that property. He explained that was the reason that they did this because it saved the applicant from going through a tremendous expense that is involved in having a special permit. You get the permit first then go back before the planning board and it has worked very well.

Attorney Waldron also referred to the reduction of the number of units from 11 to 5 which has resulted with new plans that closely conforms with the special permit the general provisions that include the uses allowed in the RU Zone, which is the zone this property is located for a multifamily housing with a special permit with a recommendation from the planning board to the City Council. The attorney noted that the City Council hearing was scheduled for the first week of April. It also provided that the developer shall be in harmony with the character of the neighborhood and they felt that it was and they have the opinion of the building inspector that it is also in character of the neighborhood. It increased the open space on the site and decreases the amount of soil removal and minimizes the tree and soil removal as well as changes in grade. The project will also provide a significant increase in real estate taxes. It was noted that they received a letter from the city treasurer noting monies due however he wanted to inform the board that it was paid and he now had the receipt for proof of payment and submitted the receipt to the clerk for the file to show that those taxes have been paid.

Attorney Waldron noted that the property was assessed at \$37,000 dollars and does not bring in much revenue. After talking to the people in the Assessor's Office on these multi-family properties it appeared that this 5 unit building would produce over a million to two million dollars in taxes and would also provide jobs for the construction which is important for the city. He thought those benefits should be weighed in addition to the requirements of your special permit. The last thing he wanted to mention was that the project must be serviced by public water and public sewer and it will be served by both. The Water Department sent a letter around to the board in which they have pointed out some things that they have to do with respect to hooking up each unit with its own water and also allowing them to tie into some other water but those things will all be done at the time of the definitive plan if and when they get to that stage. They did have a long hearing two months ago and covered a lot of the items and was not going to repeat all of those this evening. He wanted to ask Steve Stapinski from Merrimack Engineering to briefly go over the plan with the changes that are different from what was shown on the original plan.

Mr. Steve Stapinski from Merrimack Engineering came forward to speak. It was noted that the new submitted plan is for 5 townhouse units set parallel to River Street. Each of the town houses will have its own garage unit so there would be one parking space in each unit and then behind the garage there will be another parking space and we have two visitor

River Street Special Permit (aka Riverhill Condominium)

3/14/12 Planning Board Meeting

spaces so there is seven spaces total on the site and five garages. So each unit has two dedicated spaces and then two visitor spaces. The water service that Attorney Waldron mentioned by the water department explained that because these were townhouses they preferred individual services to each. They will meet with the Water Department regarding each unit and noted that they actually designed it with the main service coming into a mechanical room in one of the units with the idea that they were trying to eliminate as much excavation of destruction of the River Street right of way as possible. They will meet with them and come up with a design solution that works per their recommendations. Other than that the most important thing, he thought, was the grading... they actually did a proposed grading plan, met with Conservation staff to review that and the city engineer to review it and the two walls that you'll see on the plan will be about 8' high and will be either block or brick. (Inaudible) ...block or the larger (Inaudible) ...block of walls. It was noted the with the reduction in the height and the amount of grading and excavation necessary he thought it was certainly an improvement and addresses the concerns that he thought all the board members had previously. He would be happy to answer any questions that the board has and noted that Attorney Waldron was here as well.

Member Celeste Hynick asked if he had addressed the issues that were relative to the architectural access... (Inaudible) ...and the plan of the drawings of the building.

Mr. Stapinski noted that he did not know in terms of the architectural access... (Inaudible)... these are townhouse units and was not really sure what the requirements are and noted that maybe Attorney Waldron could address that question.

Attorney Waldron presumed that the building plans would be much more... the actual plans that go with the building permit will have all of that taken care of because he was sure that a registered architect was familiar with that.

Member Hynick was only raising the point because she did not believe these plans met the requirements of the MAB regarding them being group one dwelling units. It was noted that under 521 CMR, Section 9, for multiple dwelling units it's considered to be buildings containing 3 or more dwelling units. Group one dwelling units are required in multiple dwelling units that are rent, (Inaudible)... lease or sale but are not equipped with an elevator in those buildings only the units on the ground floor must be constructed as group one dwelling units. She was not a building inspector and she did not work for the MAB either but took that to believe since all of these units and their entrances are on the ground floor that they need to be in compliance with this and need to be group one dwelling units and these are not since their garages were located on the first floor.

Attorney Waldron would be happy to assure the board that they have the building plans designed by a registered architect and his experience is that they know that code very, very well.

Member Hynick noted that her experience as an architect... She noted that this discussion is so confusing...

River Street Special Permit (aka Riverhill Condominium)

3/14/12 Planning Board Meeting

Attorney Waldron informed the board members that were all they could do was to have an architect. The architect would be tell them and he would certify to the building inspector that those plans do meet and if the building inspector says that they do not then they would have to change them or he would not get a building permit.

Planning Director Pillsbury asked Attorney Waldron if he could clarify that between now and the City Council hearing. He actually had some information here from Ron Albert, and he knew that he was the architect on record now. The planner thought that may be Ron Albert could provide that information regarding compliance as to what category is required and therefore what complies.

Attorney Waldron noted that he would have him at the hearing with the City Council. He asked if that helped Member Hynick.

Member Hynick would feel better knowing in advance of being able to say that she could vote for this or was in favor of this herself.

Attorney Waldron was open to suggestions. He wanted to know if she would like a letter from him that he could secure within a week that says that the plans complied because that is what he got hired for. It was the architect's position to determine the accessibility of the handicap units.

Member Hynick would rather have something from the AAB or the building Inspector.

Attorney Waldron did not know if that was required. He has never done that and noted that they provided the plans that were required by the special permit.

Chairman Paul Howard noted that we take comments from the department heads and we're allowed to make our recommendation with conditions on it. You could make that part of the condition.

Member Hynick answered okay.

Attorney Waldron noted that he was not familiar with that board. He never practiced before it and noted that he had situations where he used attorneys that were familiar with that. He wanted to know if the board would actually look at a set of plans and approve them.

Member Hynick noted that they did not approve them but...

The planner noted that you basically have an interpretation from the building inspector. The building inspector would make the call that it is compliant but generally the architectural access board was there to grant relief if someone wanted to propose something that is not which was his understanding. If a set of plans is presented to the city it was not going to be the architectural access board that was going to have anything to do

River Street Special Permit (aka Riverhill Condominium)

3/14/12 Planning Board Meeting

with it unless there was an appeal of some type. Really it was the building inspector and as of right now the building inspector's review of this plan is that it is consistent with the submission requirements for the special permit. He did not believe that he has had a red flag on that as of yet. But he thought because that we are on a timeframe to get this to the City Council and noted it had been continued several times with the council and probably not wise to be doing that and felt if the board was in a position to move forward it would certainly be appropriate for... the City Council is going to decide on this and then it would come back before the board for the definitive plan. It would be appropriate to provide that information as a condition to the City Council prior to their hearings so they have that information. He thought that they should have it confirmed by the building inspector so that issue was not... (inaudible) ...requires a modification if in fact the plans as shown were not compliant and then you would have to decide what you would want to do at the council hearing but that information could be submitted at the council... that would be one option of the board to pursue.

Attorney Waldron would be happy to do that and noted that he would have Mr. Albert at the City Council meeting as well.

The planner noted that in the meantime he requested that they generate a letter in response to any issues relative to the architectural classification of the unit. He thought that would be helpful and maybe submit that to the building inspector just for his review so that the building inspector could write a letter to the council so to close that loop between now and the council hearing.

Attorney Waldron noted that they would have plenty of time. The council meeting was not until April 24th he believed. He asked if that was satisfactory.

Member Hynick noted so long as it did not change the footprint of the plan in such an extent that what they were approving today is different than what would be approved with the City Council.

Attorney Waldron answered all right... we'll see what happens.

Chairman Paul Howard with zoning you do not even require to have seven parking spaces any how so if something had to happen with the garage... you are only required one and a half spaces per unit, correct?

Mr. Steve Stapinski came forward to speak on this matter. He thought the way that the building inspector has looked at the townhouses in the past is that they are individual dwelling units, and because they do not go to a common area there isn't a need for the elevator because each unit has its own separate entrance and there is a fire wall between the units so they are actually considered individual units. He is a licensed construction supervisor and knows somewhat about the code but he was not 100% on that. He did not want to second guess what you were saying but he believed that because it was not a common entrance and they are individual entrances and individual units they are

River Street Special Permit (aka Riverhill Condominium)

3/14/12 Planning Board Meeting

considered their own separate unit. If they were in a garden style, for example, then the elevator would be necessary if you had 3 more units in a garden style. He thought that was the way that they interpreted it because he has been doing townhouses here for several years in several communities in the Merrimack Valley similar and it has never been an issue. He thought that was how the building officials have been interrupting it.

Member Hynick noted that she was not an authority and was not acting as one here. She was just raising the question.

Mr. Stapinski hoped that clarification helped a little in terms of... it sort of makes sense if you had a garden thing you would need it but...

Attorney Waldron noted that would complete their presentation.

The chairman asked the board members if they had any questions. There were no other questions raised by the board members. The chairman asked if there was anyone in the audience that wanted to speak either in favor or in opposition. No one else came forward to speak in favor and no one came forward to speak in opposition. The public portion of the hearing was closed and turned it over to comments from the planning director.

Planning Director William Pillsbury referred to the application and noted as presented by Attorney Waldron the plan has been revised to 5 units and the assessment has been reviewed by the various city departments. The city department letters are in the board packages this evening. There were some concerns raised by the departments in suggested conditions that have been identified in those packages specifically the Fire Department, City Engineer, Water/Wastewater have raised issues in their letters and all of these items would need to be responded to and addressed by the applicant at the appropriate time. None of those issues were significant enough to warrant us to request for a tabling of a further continuance tonight. It was suggested by the planner to forward a conditional recommendation to the City Council with the conditions being the incorporation of the city department letters and additionally the specific condition dealing with these architectural values issue that be clarified by the project architect and the applicant and to do that with the building inspector prior to the City Council hearing and as well as responding to any of the other conditions in the city letters by the City Council hearing if possible. Some of those things he knew would relate to the definitive plan stage. He thought at this point it was his recommendation to forward a conditional favorable recommendation with the conditions being the incorporation of the city department letters and the item raised by the board this evening.

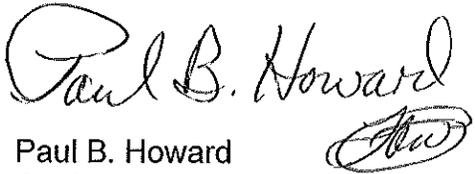
MOTION

After board consideration, Member Joseph Sullivan motioned to forward a conditional favorable recommendation to the City Council for the River Street Special Permit as recommended by the planning director. Member Bob Driscoll seconded the motion. Members that voted in favor of the continuance were the following: Timothy Connors, Celeste Hynick, Roy Wright, James C. Cronin, Jack Everette, Joseph Sullivan, Bob Driscoll

River Street Special Permit (aka Riverhill Condominium)
3/14/12 Planning Board Meeting

and Paul B. Howard. No members were absent. Motion passed to forward a conditional favorable recommendation to the City Council.

Signed,



Paul B. Howard
Chairman

Cc: River Street Special Permit
Owner/Applicant
James Waldron, Esquire
William D. Cox, City Solicitor
City Council
City Clerk
City Engineer John Pettis—Room 214

7/2/2011

7/2/2011

Hearing September 6 2011

**ATTORNEY
JAMES F. WALDRON
70 BAILEY BOULEVARD
HAVERHILL, MA 01830**

**(978) 373-4539
Fax 1 888 742 2837**

Need street order 70-B

City of Haverhill
Haverhill City Council
City Hall
Haverhill, MA

7-14-2011

**PETITION FOR DISCONTINUANCE
PORTION OF NAPLES ROAD
PETITIONER JOSEPH DIPRIMO**

The Petitioner hereby requests that the City Council discontinue a portion of Naples Road as described in Exhibit A attached hereto.

The portion of Naples Road described in Exhibit A is a private way laid out in 1908 and shown on Exhibit B attached. It has never been developed.

The portion of Naples laid out as a public way in 1998 is shown on Exhibit C attached.

Enclosed are the plans required for the Petition as well as the filing fee.

IN CITY COUNCIL: July 26 2011
REFER TO PLANNING BOARD and
VOTED: that COUNCIL HEARING BE HELD
SEPTEMBER 6 2011

Attest:

City Clerk

GRANTED TO MOVE SPECIAL PERMIT HEARINGS TO
OCTOBER 25 2011

PER REQUEST FROM Atty WALDRON COUNCIL MEETING OCTOBER 18 2011
CONTINUE TO JANUARY 12 2012

PER REQUEST FROM ATTY WALDRON COUNCIL MEETING DECEMBER 20 2011
CONTINUE HEARING TO JANUARY 31 2012

IN CITY COUNCIL: January 31 2012
POSTPONED TO APRIL 10 2012

Attest:

City Clerk

Respectfully submitted,

Joseph Diprimo

By his Attorney

James F. Waldron
James F. Waldron

IN CITY COUNCIL: March 13 2012
POSTPONED TO APRIL 24 2012

Attest:

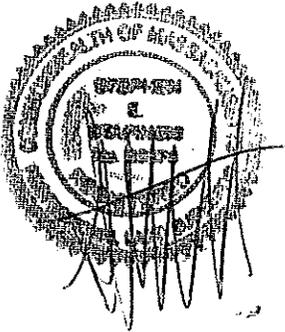
City Clerk

Legal Description
Naples Road Discontinuance
Haverhill, Ma

Beginning at the southeast corner at a point on the north side of River Street, at land of Riverview Condominiums, running:

N50°-48'-35"W	42.00'	along River Street to a point at land of DiPrimo, thence
N21°-26'-45"E	234.82'	along land of DiPrimo to a point at land of The Church At Haverhill, thence
S68°-33'-15"E	40.00'	along Naples Road to a point at land of Callistus Corp, Thence
S21°-26'-45"W	247.62'	along land of Callistus Corp and land of Riverview Condominiums to a point on the north side of River Street, said point being the point of beginning.

Said area of discontinuance contains 9,649 square feet of area and is shown as Lot X and Lot Y and is subject to an access and utility easement to Riverview Condominiums and a 25' wide Drainage Easement to the City of Haverhill, all as shown on Plan of Land in Haverhill, Massachusetts showing discontinuance of a portion of Naples Road Dated March 28, 2011 Revised January 5, 2012, prepared by Merrimack Engineering Services, 66 Park Street, Andover, Ma 01810



COPY

ATTORNEY
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City of Haverhill
 City Council
 City Hall
 Haverhill, MA 01830

3-7-2012

REQUEST TO CONTINUE PUBLIC HEARINGS

MCL CONTRACTING-RIVER STREET SPECIAL PERMIT doc #71
MCL CONTRACTING-NAPLES ROAD DISCONTINUANCE doc#72

The Applicant requests that the above hearings on both matters , be continued to April 24, 2012.

The reason for this request is because the Planning Board special permit hearing has been continued to March 13, 2012 and the petition to discontinue Naples Road will also be heard by the Planning Board on March 13, 2012.

Respectfully submitted,

James F. Waldron
 James F. Waldron
 Attorney for Applicant

IN CITY COUNCIL: March 13 2012
 HEARINGS CONTINUED TO
 APRIL 24 2012
 Attest:

Margaret G. Rooney

 City Clerk

**ATTORNEY
JAMES F. WALDRON
70 BAILEY BOULEVARD
HAVERHILL, MA 01830**

**(978) 373-4539
Fax 1 888 742 2837**

City of Haverhill
City Council
City Hall
Haverhill, MA 01830

1-26-2012

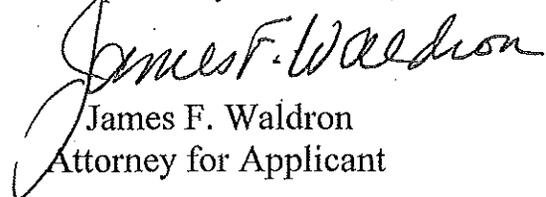
REQUEST TO CONTINUE PUBLIC HEARINGS

**MCL CONTRACTING-RIVER STREET SPECIAL PERMIT
MCL CONTRACTING-NAPLES ROAD DISCONTINUANCE**

The Applicant requests that the above hearings on both matters set for January 31, 2012, be continued to April 10 2012

The reason for this request is because the Planning Board special permit hearing has been continued to March 14, 2012 and the petition to discontinue Naples Road will also be heard by the Planning Board on March 14, 2012.

Respectfully submitted,


James F. Waldron
Attorney for Applicant

Backup
copy

**ATTORNEY
JAMES F. WALDRON
70 BAILEY BOULEVARD
HAVERHILL, MA 01830**

**(978) 373-4539
Fax 888-742-2637**

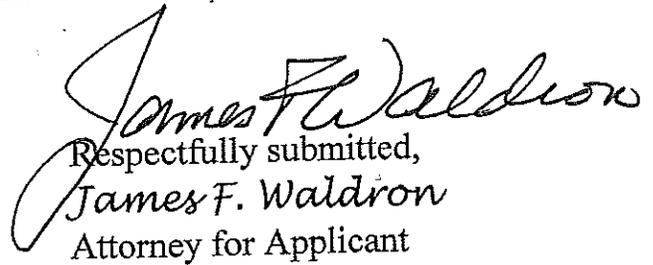
City Council
City of Haverhill
City Hall
Haverhill, MA 01830

7-14-2011

**WAIVER FOR APPLICATION
SPECIAL PERMIT
MCL CONTRACTING RIVER STREET**

Reference is hereby made to an application for a Special Permit for the above property dated July 14, 2011.

The Applicant hereby waives any statutory requirement for holding the hearing or the filing of a Decision in said matter.


Respectfully submitted,
James F. Waldron
Attorney for Applicant



7.2.1

Haverhill

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

April 20, 2012

TO: City Council President John A. Mitchison and members of the Haverhill City Council

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

SUBJECT: Street Discontinuance –Naples Road (portion of)

On March 14, 2012, the Haverhill Planning board voted to recommend discontinuance of a portion of the above referenced street as a public way. This request has been made at the request of the city engineer in relation to the proposed project for 5 units of multi-family housing at the site. The request results from the fact that this portion of roadway, given the grades and topography of the right of way will not be constructed as a roadway. A utility easement will be preserved in the site as requested by the water/wastewater dept.

All city departments have reviewed the request and no objections were received. The reports are in your packages.

As Planning Director, I concur with the planning boards action and recommend that the city council formally discontinue the portion of Naples Road as proposed.

Recommendation: Discontinue the portion of Naples Road as a public way.



CITY OF HAVERHILL
MASSACHUSETTS 01830

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

PLANNING BOARD

City Council President John A. Mitchison
& City Councilors
City of Haverhill

March 23, 2012

**RE: Naples Road Street Discontinuance (portion of)
Applicant/Owner: Joseph DiPrimo; Merrimack Engineering Services prepared
the plans**

Members Present: Timothy Connors, Celeste Hynick, Roy Wright, James Cronin, Jack
Everette, Joseph Sullivan, Bob Driscoll, and Paul B. Howard
Members Absent: none
Also Present: William Pillsbury, Director of Economic Development & Planning
Lori A. Woodsum, Office Mgr./Board Clerk, Planning Department

Dear City Council President and City Councilors:

The Haverhill Planning Board at its meeting held on 3/14/12, Wednesday Evening, at 7:00
p.m. in Room 202, Haverhill City Hall reviewed the above-cited petition to discontinue a
portion of Naples Road which was continued from the 1/11/12 planning board meeting.
Member Jack Everette read the rules into the record. Chairman Paul B. Howard chaired the
meeting and asked the petitioner to come forward.

Attorney James Waldron, of 70 Bailey Boulevard came forward to represent the applicant.
The application was made at the suggestion of City Engineer John Pettis, III. It has always
been the purpose to get these ways discontinued. He explained that this was probably one
of the most complicated parcels of land with rights of ways and private ways and public ways
and other kinds of walkways. This road was laid out in 1920 and has never been built and
noted if you were to ride down there and take a look you could see why because there is a
huge hill in the back of it. The city engineer has told him that even if someone wanted to
open it they could not get by this planning board because of the grades there. Attorney
Waldron noted that they were proposing this discontinuance as suggested by Mr. Pettis. He
requested board approval for the cited request. This is done normally in these cases when
they find these types of ways and would like to get rid of them and get them off the books so
the city would never have a problem with trying to do something with that way. Nothing has
been done there for 35 or more years and did not look like anyone would be doing anything
with it either.

**Naples Road Street Discontinuance—(Portion of)
3/14/12 Planning Board Meeting**

Planning Director William Pillsbury to Attorney Waldron understood from what the city engineer informed him that an easement was also to be set aside for any utilities that may be required in the discontinuance plan.

Attorney Waldron noted that they would put that right on the plan and they could do that prior to any permits being issued.

The planner referred to any utility easements that are required by the Water/Wastewater Dept. or any access issues relative to the abutting property.

Attorney Waldron noted that the abutters continue to use that portion of that to get into their... yes.

The planner thanked the attorney for that information.

Planning Board Chairman Paul B. Howard asked if there were any questions from the board members. No questions were asked from the board members at this time. The chairman asked if there was anyone in the audience that wanted to speak either in favor or in opposition. (Someone in the audience raised their hand and the chairman asked if his concerns were any different from the last time he spoke (the January meeting).

Mr. Walter Davis, 91 Pleasantview Ave., came forward to speak. He noted that he was before the board before when it was continued. He felt that Mr. Waldron could be correct or incorrect but went on to explain how his father plowed those dirt roads in that area in the early 50's and the problems with the steep road grades on the streets in that area. Out of all the streets he felt that Naples was the best road to use to continue on through to River Street.

The planning director wanted to comment to Mr. Davis on that the distinction there noting that Cliff Ave is an existing street and is built. It was noted that what was before the board was an un-constructed way.

Mr. Davis talked about the past, in the 50's, when his father plowed those streets and was told not to plow there any more. He mentioned various people who lived up in that area at that time and how happy they were that his father plowed that area so they could get the bus.

The planner noted that the distinction that he was trying to make though at this point is the one being a constructed way... Cliff Ave and that it was what he was talking about was really not a suitable comparison because being an un-constructed way it was the opinion of the city engineer and the Public Works Department at the present time and based on our codes for constructing roadways in our subdivision standards if someone were to propose to construct that road that it was an un-construct able way. We could argue all day long on whether... he knew there were engineers in this room that could prove to us that they could do it and they probably would be right that they physically can do it but the city has not intention of doing it and the proposal that is before us is really a recommendation by the city engineer. It was noted by the planning board's perspective they have received that report from the city engineer and he could confirm that that is the intent of the city engineer to see that way

Naples Road Street Discontinuance—(Portion of) 3/14/12 Planning Board Meeting

discontinued. So at this point in time the planning board's role was to make a recommendation to the city council and ultimately it will be the decision of the city council. So the city council ultimately decides on this in several weeks.

Mr. Davis wanted to know if when it gets to city council if they would be doing research on this request.

The planner noted that they would be provided with a report from this planning board and from the city engineer which would basically confirm that the way... the history of the road was really... and he was not doubting one word that Mr. Davis was saying and was sure it was all very true that it was plowed as a way but it is not going to be utilized. It was noted that in the estimation of the city it will never be constructed. Never is a dangerous word to use in any business but in this case we are saying that it is never going to be and therefore we have asked the applicant to precede with a discontinuance and the city council will formalize that in their vote. It is really where we are with it right now. He knew that there was a lot of history with the road and knew that we talked about that at the last hearing as well but he thought as this point in time we are dealing with the present and the future situations and both of those indicate that the roadway was appropriate to be discontinued and that was where we were tonight regarding this request.

Mr. Davis wanted to know what would happen if this is voted to be discontinued.

The planning director explained that the planning board is making a recommendation to the city council. Part of our zoning and part of our city code on street discontinuance requires a recommendation of the planning board for a vote of the city council. The only one that can discontinue a street is the city council. Tonight this is only a recommendation and it is related to this project because it is going to be the access for this project, and this is why the two are traveling together through this process. It looks like this project is moving forward but even if the project was not it was entirely likely that the city engineer could propose a discontinuance of this street. Again... it is based on grades and configuration issues and it was not going to be built. He noted that we have a number of these in the city and we were trying to get rid of them as much as we can and get them back into private hands and clean up some of our ways and rights of ways. He noted that is what we are trying to do.

Mr. Davis answered okay.

The planner noted that the next hearing on this will be by the city council and they will be the ones that will be voting on the actual action. Tonight was a recommendation from the planning board to the city council. The planner certainly understood that there was a rich history on that right of way but thought for the purpose of the attorney we are trying to look at where it will be in the future.

Mr. Davis answered okay... so it is up to the city council?

Planning Director William Pillsbury noted that the final discontinuance vote would be the role of the city council and they would be acting on that petition.

Naples Road Street Discontinuance—(Portion of) 3/14/12 Planning Board Meeting

Mr. Davis said thank you and returned to his seat.

Chairman Paul Howard asked if there was anyone else that wanted to speak on this agenda item. No one else came forward to speak in favor and no one else came forward to speak in opposition. He closed the public portion of the hearing and turned it over to the planning director for his comments.

Planning Director William Pillsbury noted...

Member Celeste Hynick interrupted the planner to ask the applicant if they considered maintaining a pedestrian right of way so the people could at least walk down to River Street.

Attorney Waldron thought he could answer that question this way... as he said when he opened this hearing the law on public and private ways, which he refers to this book when he gets involved and it's about 175 pages and was complicated but basically the city discontinuing the road only can discontinue the city's obligation in the road. If people have deeds that give them the right to use that property this proceeding does not interfere with that i.e. if someone wanted to walk down that road and do something with it or build it or plow it or whatever and came before the planning board to get approval it has been said that they never would get approval with the present rules and regulations. He noted that back in 1920 there was no planning board when the road was there and noted that was the answer. If someone wanted to do something to walk down it they could. He noted that they were just discontinuing it and was not constructing it. If someone wanted to walk down the side of that hill to get to River Street then they would not be able to stop them. But if they wanted to drive a car down they would have to go before the planning board but under the present rules and regulations we would never approve it.

Member Connors had a question for Mr. Davis. He thought they all appreciated him coming to the last hearing as well as tonight but at the moment asked Mr. Davis to describe the impact the discontinuance of this road would have on you, if any.

Mr. Davis noted that he lived in this neighborhood quite a few years and the reason why he was questioning this street being discontinued whether the city wanted to spend the money and fix the street or not it was up to the city but this whole area has been really developed. It was noted that years ago there were few houses in the area and used to call them camps and people relied on the bus. Everyone would walk down to River Street to get the bus that did live in that area. In the 50's people started to fix up their places and made permanent homes instead of moving into the city. Most of these places back when he was a kid were summer homes because they were not winterized. City water was very limited and everyone in that area had wells...

Chairman Howard wanted to know how it affected Mr. Davis.

Mr. Davis noted it affected them now since they closed off all the streets and everyone that lives over that way Kings Ave, John Ave... they are all dead ends. Years ago there used to be a way out of Revere. All of those streets were dirt that he was talking about... they could pave or hot top and were better streets than what they were in the past. However, everyone

**Naples Road Street Discontinuance—(Portion of)
3/14/12 Planning Board Meeting**

that is located down in that dead end... he mentioned a crisis at one time when a pole went down and the wires went down and the people that lived down on James Ave and James Ext. could not get out until the power company...

Chairman Howard asked when was the last time that street was accessible.

Mr. Davis noted it was assessable when his father used to plow it but people only walked those streets and the cars could not go up and down the streets when he was a kid because they were all dirt.

The chairman wanted to know how he was affected by the continuance today. He believed that was the question.

Mr. Davis noted that it affected him today because of traffic.

The chairman noted it was not utilized today and it was going to be discontinued wanted to know how does this discontinuance affect him if it was not being utilized today.

Mr. Davis noted that it would not affect him but would affect other people in the whole area, and that is why he said the city should not give it up until they do a real research discovery on this and pay attention to the area.

The chairman felt that Mr. Davis was not giving us any credit because he believed that the City Engineer has done that and that is why the city engineer has made his recommendation to the...

Mr. Davis stated that he did not want to argue about that point...

The chairman did not think the Mr. Davis understood what was told to him which was the street could not be constructed under the standards of today. So it will never be constructed and that is why the city engineer has recommended it to be discontinued. It was a fairly simple concept that it can't be built under our regulations today. You could plow it as a dirt road in the 50's but today and going forward in the future it cannot be constructed under our regulations.

Mr. Davis said... you do not live in the neighborhood. You should have had a good (inaudible) ...about making the walking path because people walk their dogs and the streets are narrow. The cars go up and down the streets and it is always a traffic problem at certain times of the evening or day. You are going to give up a street that goes down and is a lot better then... (Inaudible) ...fine if you want to give it up then give it up. She (Member Celeste Hynick) had a good idea about making a walking path because the walking path... there are no sidewalks on these streets... (Inaudible)... at least this way here the people will have a place to walk their dog maybe instead of trying to come around... (Inaudible) ...and nobody stops at the stop sign.

Member Celeste Hynick noted that she mainly brought it up as an idea because at the last meeting she understood that was what you were hoping for with the understanding that it

**Naples Road Street Discontinuance—(Portion of)
3/14/12 Planning Board Meeting**

could never be a street that people would drive on but what you were missing was access to River Street and that it was so hard to get to River Street because you go so far around and that was actually...

Mr. Davis noted that his terminology here if you vote on it then the city will be giving up a partial of land... correct? It has to go through the council correct? He wanted to know if he was right or wrong on this. She mentioned about a walkway... that is fine because the people in the area now could be in a walkway instead about worrying about traffic. There would be fewer cars to worry about like he explained to them about Cliff Avenue coming into that intersection. It does not take an expert to figure out that that is a bad intersection at certain times of the evening.

Planning Director Pillsbury interrupted Mr. Davis with all due respect and referred to the issue of construction of anything in that right of way because of the grades the city is not going to construct a road and also did not believe that the city would construct a walkway and take the liability of that and did not think that the developer would do that either. He thought that what you were taking about... he thought that Mr. Stapinski could probably tell him what the grade was from River Street up there... we will probably be talking more than walking and probably talking pretty close to repelling so he did not think that we were talking about a traditional walking path here. He thought it was something that they could look at but did not see that there would be an easement there. There will be an easement over this for utilities all the way up the hill, correct attorney? That would be for the waterlines and things so... it was not precluded from being there but as far as the city was interested in constructing a walking path there he did not see that happening. Perhaps if the neighborhood came together and wanted to propose a betterment project that might be a possibility there would be an access way there over an easement that might be something that might be a possibility. He did not want to create a false expectation that the city was going to step in and create walking path and build something in that location. It was not able to be constructed as a roadway or a walkway.

Mr. Davis said okay.

Member Roy Wright noted that the board was simply making a recommendation, and if he really wanted to state his case he should appear before the city council.

Mr. Davis noted that is what he was getting geared up to do. He thanked the board members and returned to his seat.

Chairman Howard asked the board members if they had any other comments.

Planning Director William Pillsbury noted at this point would reiterate the fact that this is related to the access way to this particular project and would recommend a favorable recommendation to the city council accommodating all access easements for utilities and for abutting properties that those would be granted with that as a condition. His recommendation to the city council is a conditional favorable recommendation to council on the discontinuance of this portion of Naples Road.

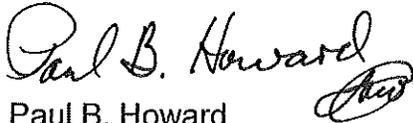
**Naples Road Street Discontinuance—(Portion of)
3/14/12 Planning Board Meeting**

The chairman asked for a motion.

MOTION

After board consideration, Member Bob Driscoll motioned to send a conditional favorable recommendation to the city council on the discontinuance of this portion of Naples Road. Member Joseph Sullivan seconded the motion with the following members voting in favor of the conditional favorable recommendation: James Connors, Celeste Hynick, Roy Wright, James Cronin, Jack Everette, Joseph Sullivan, Bob Driscoll and Paul B. Howard. There were no members absent. Motion passed.

Signed,



Paul B. Howard
Planning Board Chairman

Attachment: City Department reports

Cc: Naples Road Street Discontinuance (portion of)
Owner/applicant
James Waldron, Esquire
Merrimack Engineering Services
John Pettis, III—City Engineer, Room 214
Mayor



Haverhill

Engineering Department, Room 214
Tel: 978-374-2335 Fax: 978-373-8475
John H. Pettis III, P.E. - City Engineer
JPettis@CityOfHaverhill.com

#1
RECEIVED
MAR 14 2012

Econ Devlp & Planning
& B.O.A.
mci

March 14, 2012

MEMO TO: HAVERHILL PLANNING BOARD

Subject: *River Street Special Permit (Map 534 Block 4 Lot 19) and
Street Discontinuance for Portion of Naples Road*

I have reviewed the revised plans, with reduction to 5 residential units, and have the following comments:

1. As access to the subject lot is by means of an undeveloped private way, the applicant's apparent alternatives were to (a) submit a roadway improvement plan for Naples Road, or (b) pursue discontinuance of the portion of Naples Road adjacent to the subject lots. The applicant has chosen to pursue discontinuance of a portion of Naples Road. I support the discontinuance, but request a letter from abutter Riverview Condominiums that they are not interested in obtaining the half of to-be-discontinued Naples Road that abuts their property.
2. I echo Paul Jessel's comment that based on the revised layout each unit should have separate sewer service.
3. I am not opposed to the plan as proposed, but several details will need to be addressed during the site plan review stage, including proposed grading (not shown on the Special Permit plans), means of handling the significant drainage issues on the lot, and means of constructing retaining walls within such close proximity to the lot lines.
4. As I have discussed previously with the applicant, a State Permit will be required for work within the State right of way.

Please contact me if you have any questions.

Sincerely,

John H. Pettis III, P.E.
City Engineer

C: Stankovich, Ward, Osborne, Jessel, Moore
Merrimack Engineering



CITY OF HAVERHILL

In Municipal Council January 31 2012

IT APPEARING that the common convenience and necessity
require it,
It is hereby

Ordered: That the following street herein described be discontinued;

Naples Road

Beginning at the southeast corner at a point on the north side of River Street, at land of Riverview Condominiums, running:

N50°48'35"W 42.00 feet along River Street to a point at land of DiPrimo;

Thence N21°26'45"E 234.82 feet along land of DiPrimo to a point at land of the The Church At Haverhill;

Thence S68°33'15"E 40.00 feet along Naples Road to a point at land of Callistus Corp;

Thence S21°26'45"W 247.62 feet along land of Callistus Corp and land of Riverview Condominiums to a point on the north side of River Street, said point being the point of beginning.

Said area of discontinuance contains 9,649 square feet of area and is shown as Lot X and Lot Y and is subject to an access and utility easement to Riverview Condominiums and a 25 foot wide Drainage Easement to the City of Haverhill, all as shown on Plan of Land in Haverhill, Massachusetts showing discontinuance of a portion of Naples Road dated March 28, 2011 Revised January 5, 2012, prepared by Merrimack Engineering Services, 66 Park Street, Andover, MA 01810

POSTPONED TO APRIL 10 2012

Attest:

City Clerk

POSTPONED TO APRIL 24 2012

Attest:

City Clerk

Maps on file in Clerk's Office

7.3

Hearing April 10 2012
Continue to April 17 2012 (18-BB)
Continue to April 24 2012 (18-BB)

18

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

January 18, 2012

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

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

Dear Mr. Michitson and Members of the City Council,

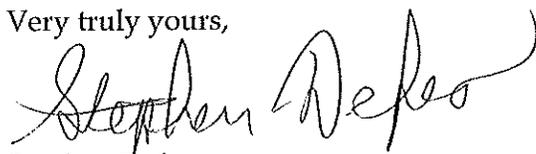
I respectfully submit this letter of application for a Special Permit for a Cluster Residential Development & for a Waiver of the Affordable Housing Component for said Cluster Development for land designated by the Assessor's office as Map 636, Block 1, Lot 10 and a portion of Map 651, Block 610, Lot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

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

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

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

Very truly yours,


Stephen Defeo
President

IN CITY COUNCIL: January 24 2012 Refer to Planning Board and
VOTED: that COUNCIL HEARING BE HELD APRIL 10 2012

April 10 (Doc 18-BB)
REQUEST GRANTED TO CONTINUE
HEARING TO APRIL 24 2012

Attest:

Attest:

City Clerk

City Clerk

APRIL 3 2012 (document 18-B)
REQUEST GRANTED TO CONTINUE HEARING TO APRIL 17 2012

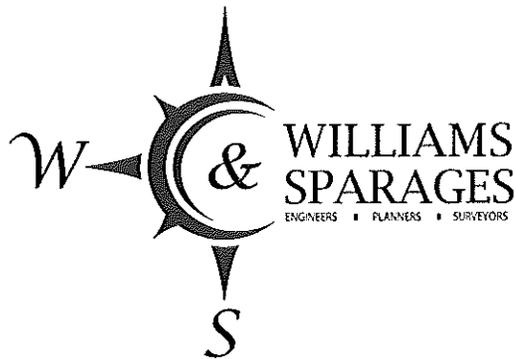
Attest:

City Clerk

Project No. HAVE-0018

April 17, 2012

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



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

Dear Mr. Michitson and Members of the City Council,

Attached, please find thirty (30) copies of a revised site plan for the aforementioned Rosemont Street project. Back in January of this year, we submitted an application for a Special Permit for Cluster Residential Development for property located off of Rosemont Street in Haverhill, MA. Since that time, we have met with both the Planning Board and the Conservation Commission as part of the Special Permit process. The Conservation Commission requested additional access easements be created to allow for access to the existing trail system in the proposed Open Space. The revised site plan shows the changes in the easement areas.

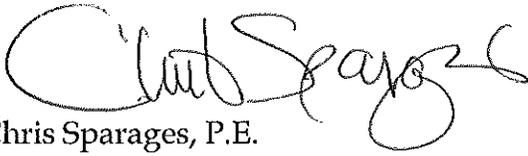
Sheet 3 of 3 of the Special Permit drawing set, entitled "Site Plan in Haverhill, MA showing Cluster Subdivision - Topographic Features and Utilities, dated January 18, 2012, and now revised April 16, 2012" shows the following changes.

- 1) The access easement along the Little River has been widened from 25-feet to 50-feet.
- 2) An additional 10-foot wide access easement from the Little River Corridor to the existing trail system has been added to the plan.
- 3) A note has been added to the plan stating, "Final location of the proposed access easement areas to be shown on the Definitive Plan."
- 4) A note has been added to the plan stating, "Trail markers to be set at 4 points along the corridor and at the trail heads as directed by the staff of the Conservation Commission."

These are the only plan changes.

We look forward to meeting with the City Council to discuss the Special Permit Application on April 24, 2012.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Sparages". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Chris Sparages, P.E.
Principal

cc: Bradford Unlimited Corp.
Attorney Robert Harb

Exhibit A Legal Description

Parcel I

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

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

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

Parcel II

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

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

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

Exhibit B
Compliance with Zoning
Cluster Residential Development
off Rosemont Street

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

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

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

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

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

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

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

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

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

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

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

The parcel consists of 15.5 acres.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant understands and agrees to this requirement.

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

The applicant understands and agrees to this requirement.

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

The applicant understands and agrees to this requirement.

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

A. Application for permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant acknowledges this statement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A locus map is shown on the site plan.

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

Developer:

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

Engineers & Surveyors of Record:

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

Legal Counsel:

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

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

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

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

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

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

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

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

Exhibit C

Architectural Sketches

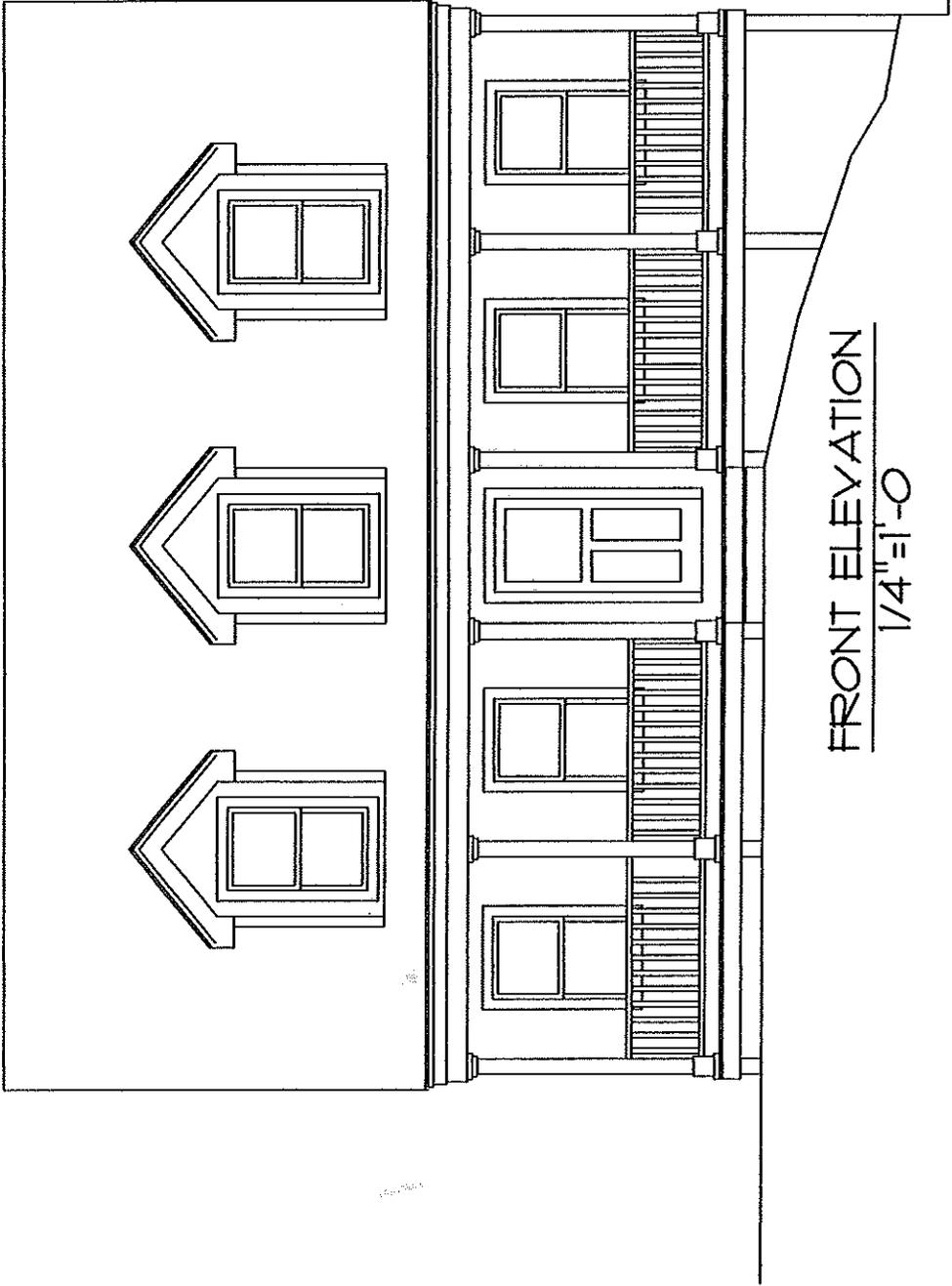
Option 1 - "Garage Under" Scenario

Option 2 - "Attached Garage" Scenario

OPTION 1

DRAWN BY:
MARTHA MACINNIS
58 REGENT AVE.
BRADFORD, MA. 01835
(978)314-8719

PROPOSED NEW CONSTRUCTION
BRADFORD UNLIMITED CORP.



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

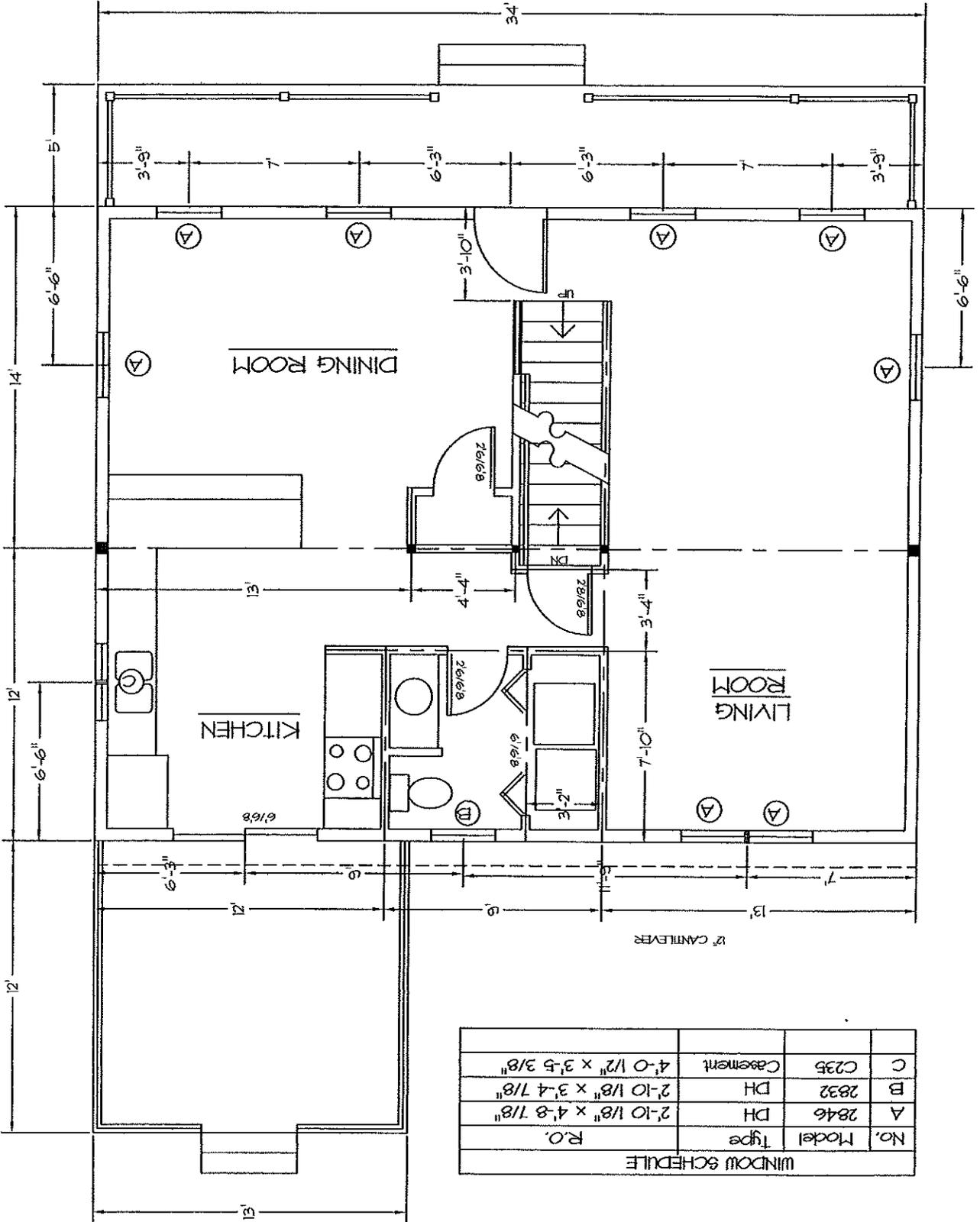
OPTION 1

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

PROPOSED NEW CONSTRUCTION
 BRADFORD UNLIMITED CORP.

2

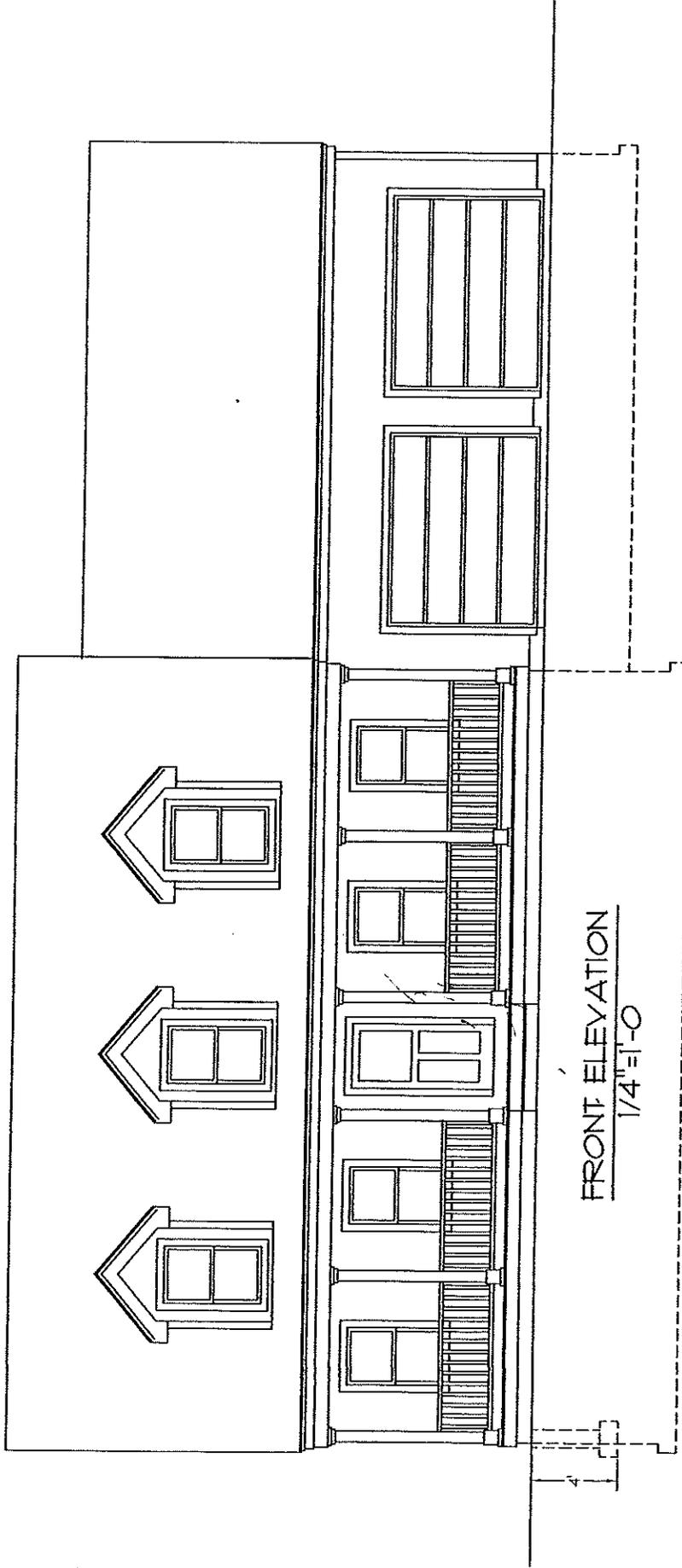
FIRST FLOOR PLAN 1/4"=1'-0"



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

12" CANTILEVER

OPTION 2



DRAWN BY:
MARTHA MACINNIS
56 REGENT AVE
BRADFORD, MA. 01835
(978)374-8715

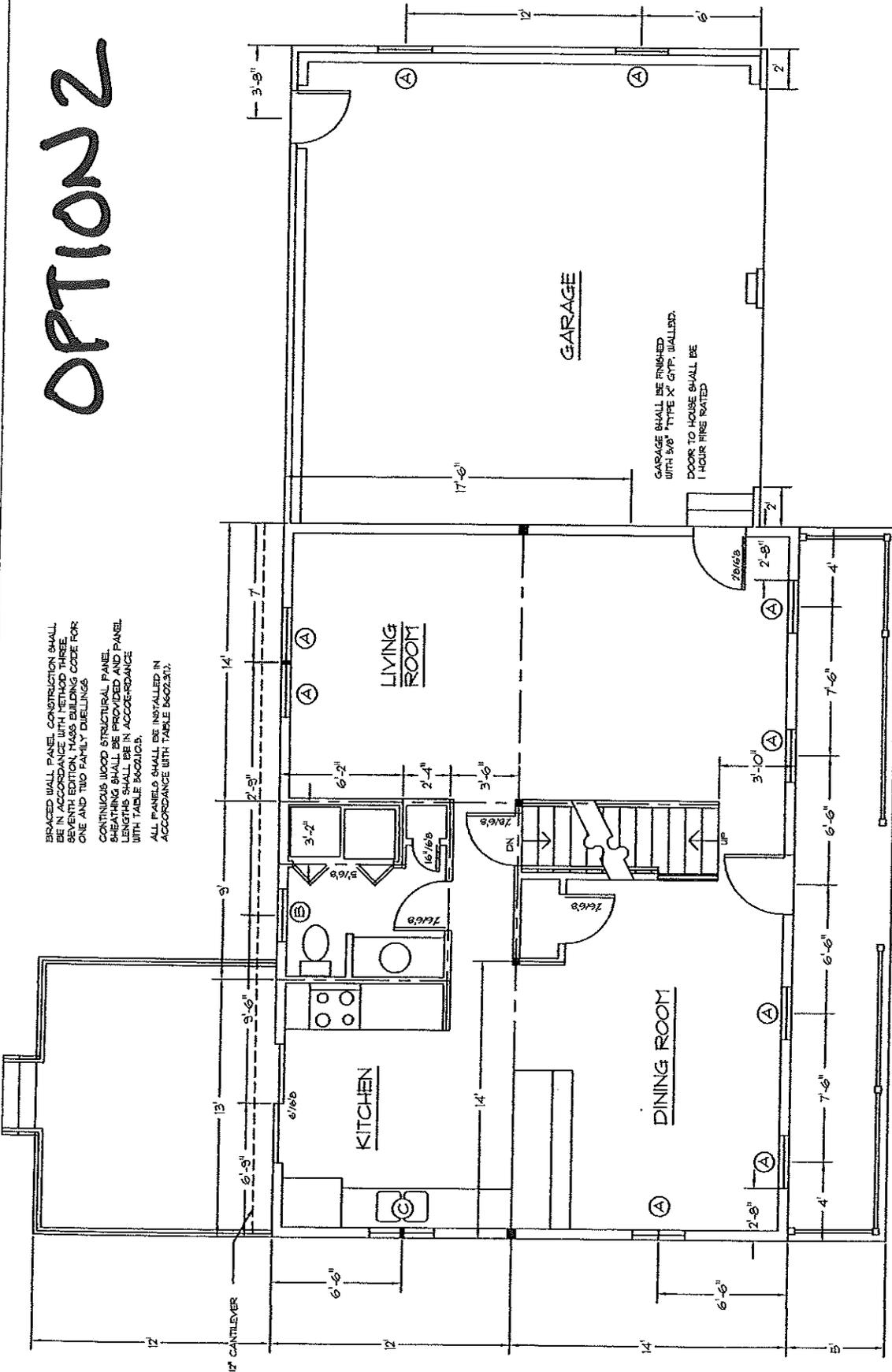
PROPOSED NEW CONSTRUCTION
14 CANNON HILL
GROVELAND, MA.
BRADFORD UNLIMITED CORP.

SEPT. 7, 2010

4

OPTION 2

BRACED WALL PANEL CONSTRUCTION SHALL BE IN ACCORDANCE WITH METHOD THREE, SEVENTH EDITION, MASS BUILDING CODE FOR ONE AND TWO FAMILY DWELLINGS.
 CONTIGUOUS WOOD STRUCTURAL PANELS SHALL BE PROVIDED AND PANEL LENGTHS SHALL BE IN ACCORDANCE WITH TABLE B602.0.3.
 ALL PANELS SHALL BE INSTALLED IN ACCORDANCE WITH TABLE B602.0.3.



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

R.O.
 2'-10 1/8" x 4'-9 7/8"
 2'-10 1/8" x 3'-4 7/8"
 4'-0 1/2" x 3'-5 3/8"

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

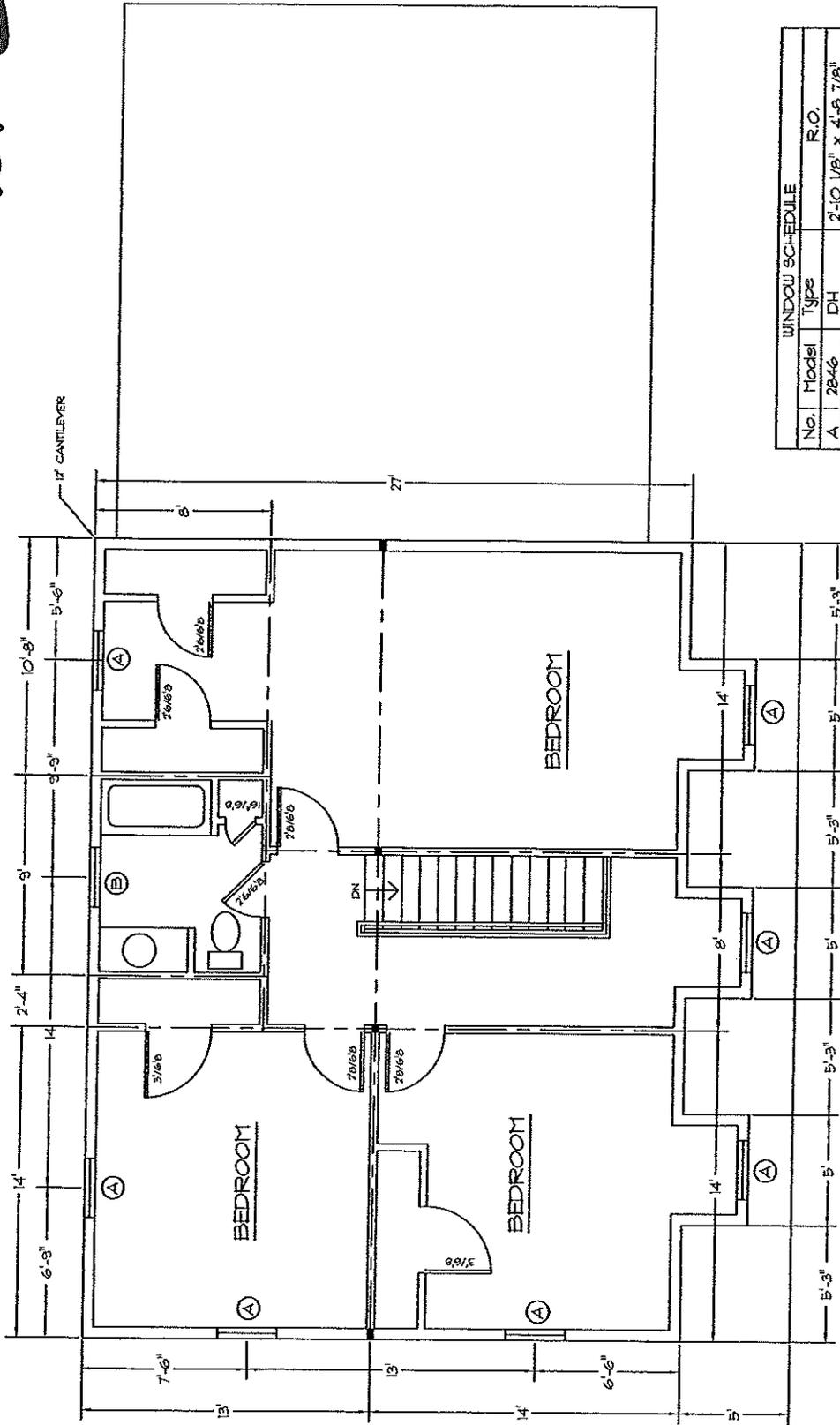
DRAWN BY:
 MARTHA MACINNIS
 56 REGENT AVE.
 BRADFORD, MA. 01835
 (978) 274-8715

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

SEPT. 7, 2000

2

OPTION 2



WINDOW SCHEDULE			
No.	Model	Type	R.O.
A	2B46	DH	2'-10" 1/8" x 4'-8" 7/8"
B	2B32	DH	2'-10" 1/8" x 3'-4" 7/8"
C	C235	Casement	4'-0" 1/2" x 3'-5" 3/8"

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

8/21/17, 2010

3

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

DRAWN BY:
MARTHA MACINNIS
58 REGENT AVE.
BRADFORD, MA, 01835
(978)374-8778

Exhibit D

Copy of Check for Filing Fee

BRADFORD UNLIMITED CORP.

6635

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

DATE

1/18/12

53-7005-2113

PAY TO THE ORDER OF

City of Haverhill
Five Hundred & Fifty 4/500

\$ 250.06

DOLLARS



BRADFORD UNLIMITED CORP.
Division of Bank



Haverhill Bank
Member FDIC

FOR

Rosemary Silving

006635 211370053 11990007

Stephen Phelps

MP

Exhibit E

Owner Authorization Letter

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

January 18, 2012

Haverhill City Council
4 Summer Street
Haverhill, MA 01830

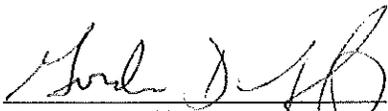
Attn: Haverhill City Clerk

Re: Consent and Approval of Owner

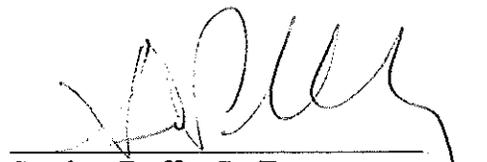
Special Permit Application/Petition of Bradford Unlimited Corp.
For A Cluster Residential Development and
Application For Waiver of Affordable Housing
Rosemont Street

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

Respectfully submitted,



Gordon Duffy, Co-Executor



Stephen Duffy, Co-Executor

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

January 18, 2012

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

Subject: Application for Special Permit for Cluster Residential Development &
Application for Waiver of Affordable Housing Component
Off Rosemont Street (Assessor's Map 636, Block 1, Lot 10 & a Portion of Map 651,
Block 610, Lot 18) - "Waiver of 65-day time limit"

Dear Mr. Michitson and Members of the City Council,

Today, I filed an Application for a Special Permit for a Cluster Residential Development and an Application for Waiver of the Affordable Housing Component for the same with the City Clerk for the property described above. I hereby waive my right under MGL Chapter 40A, Section 9, of the requirement for the City Council to hold a public hearing within 65 days of the date of filing for this Special Permit application. It is my understanding that this waiver will allow the City Council to hold the public hearing at a later date.

Very truly yours,



Stephen Defeo
President

18-BB

COPY

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

April 5, 2012

Haverhill City Council
C/O Mr. John A. Michitson, President
4 Summer Street
Haverhill, MA 01830

Re: Special permit For A Cluster Residential Development &
Applicable Waiver of Affordable Housing Component
Rosemont Street
Council Hearing Scheduled April 10, 2012

Request For Continuance To April 24, 2012

Dear President Michitson:

It is my understanding that there will not be a full Council present at the scheduled hearing of the above matter on April 10, 2012.

Therefore, in an effort to insure a hearing before the entire Council, I respectfully request the hearing be continued for two weeks until April 24, 2012 when all Councilors are expected to be present.

Thank you for your attention to this request.

Sincerely,

Bradford Unlimited, Corp.

By: Stephen Defeo, Pres
Stephen Defeo, President

IN CITY COUNCIL: April 10 2012
CONTINUED TO APRIL 24 2012

Attest:

City Clerk

18-13

COPY

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

March 26, 2012

Haverhill City Council
C/O Mr. John A. Michitson, President
4 Summer Street
Haverhill, MA 01830

Re: Special permit For A Cluster Residential Development &
Applicable Waiver of Affordable Housing Component
Rosemont Street
Council Hearing Schedule April 10, 2012

Request For Continuance To April 17, 2012

Dear President Michitson:

It is my understanding that there will not be a full Council present at the scheduled hearing of the above matter on April 10, 2012.

(DOC 18)

Therefore, in an effort to insure a hearing before the entire Council, I respectfully request the hearing be continued for one week until April 17, 2012 when all Councilors are expected to be present.

Thank you for your attention to this request.

Sincerely,

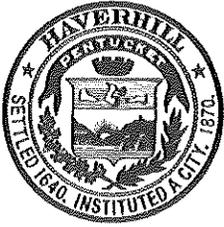
Bradford Unlimited, Corp.

By: Stephen Defeo, Pres
Stephen Defeo, President

IN CITY COUNCIL: April 3 2012
GRANTED TO CONTINUE TO APRIL 17 2012

Attest:

City Clerk



7.3.1 Haverhill

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

April 20, 2012

TO: City Council President John A. Mitchison and members of the Haverhill City Council

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

SUBJECT: Cluster Special permit for Rosemont Street-6 lots

At its meeting of March 22, 2012, the Haverhill Planning Board voted a conditional favorable recommendation to the City Council for the proposed cluster special permit. The minutes of the public hearing are attached for your review.

The role of the Board was to conduct a public hearing to make a recommendation to the city council relative to the special permit. The proposed project represents a proposal for 6 units of cluster style single family homes along the existing 15+ acre site.

The city departments have reviewed the project and their reports are contained in your packages. The project complies with the zoning requirements for a cluster style development, in particular the requirements for open space treatment, and service by city water and sewer. The developer has additionally committed to convey to the city a portion of the site as dedicated open space, and further will grant to the city a walking trail easement on the open space land reserved for recreational purposes.

The project if approved for a special permit by the city council must then be filed for a full definitive plan with the planning board at which time the detailed design for roadways, water sewer drainage etc. will be presented pursuant to the city of Haverhill subdivision regulations.

Specifically, I recommend that the Council as part of its approval of a special permit include as conditions the following: 1.) letter from the city engineer and water/waste water dept. 2.) letter from the fire department 3.) letter from conservation 4.) letter

from the Building Dept. 5.) any additional comments or conditions deemed necessary by the city council, 6.) an umbrella condition that the project comply with all the requirements of zoning code 255-94.

Each of the above specific items if adopted as conditions will be required to be incorporated into and complied with in the definitive plan filing.

As Planning Director, I believe this project is in the best interest of the City of Haverhill in that it balances the density on the site with significant commitment to open space.. Additionally the project affords the city the opportunity to own and control open space around and along Little River as a means of expanding our greenbelt and trails opportunities.

Specifically, pursuant to zoning ordinance Ch. 255-80 (as applicable) the following findings must be made relative to the project:

the request meets all pertinent conditions listed in article XI of the ordinance;
the request is desirable to the public convenience or welfare;

the request will not impair the integrity or character of the district or adjoining zones nor be detrimental to the health, morals or welfare and will be in conformity with the goals and policies of the master plan;

The requested use provides for the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets;

The requested use provides for adequate methods of disposal for sewage refuse and other wastes and adequate methods for storm water and drainage;

The requested use provides for adequate off street loading and unloading of service vehicles;

The requested use preserves historical buildings and uses.

Proposed conditions and stipulations:

I offer the following recommended conditions be made part of the special permit approval:

Require that the developer comply with all of the additional requirements of the City's subdivision regulations for water and sewer and drainage improvements as contained within those regulations and further detailed in the above listed and attached letters from the departments. These items shall be reflected in the definitive plan to be filed with the Planning board.

Recommendation

As Planning Director, I concur with the favorable recommendation based on an assumption that all items in the letters from the City Departments along with all requirements for special permits would be made part of the special permit for the project.

This project with the incorporation of the recommended conditions is generally in conformity with the City's master plan as well as providing sufficiently for traffic, public safety and other utility considerations. The project as proposed appears to conform to all other special permit requirements. On the basis of adopting the proposed conditions/stipulations, I recommend that the council act favorably on this project.



Haverhill

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

MEMO TO: President John A. Michitson and Councilors
COPY TO: William Pillsbury, Economic Development and Planning Director (via email)
Margaret Toomey, City Clerk
FROM: Robert E. Moore, Jr., Environmental Health Technician 
DATE: April 20, 2012
RE: Special Permit – Cluster Residential Subdivision
Bradford Unlimited Corp. for Rosemont Street – “Perls Way”
Site Plan dated revised April 16, 2012

The Conservation Commission recently performed a preliminary review of this project and generally found it acceptable. The applicant and his consultants have spent significant time walking the site and working with me to maximize future public access to Little River and an abutting open space parcel to the south. The revisions on this plan were made to address my concerns in this regard.

I support the granting of this special permit and recommend the City's acceptance of the related open space parcel.



Haverhill

Paul J. Jessel, Collection System Supervisor
Water/Wastewater Division
Phone: 978-374-2382 Fax: 978-521-4083
pjessel@haverhillwater.com

April 19, 2012

To: William Pillsbury
Planning Director

Subject: Special Permit Cluster residential Development Rosemont Street **Revised Letter**
Project ID# 651-610-18

The Water and Wastewater Divisions have reviewed the above mention item and have the following concerns:

Wastewater Division

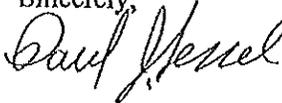
- The five (5) lots shall have an individual household ejector, with one lot by gravity.
- Developer to pay per lot, to be paid in total prior to first house occupancy permit, improvements to Alvanios Drive Pump Station
- The above two items shall be included in a revised Definitive Plan.

Water Division

The Water Department has no objection to the issuance of a Special Permit for this project. The Applicant shall be advised that the project shall be served by City Water and a water main location shall be depicted on the Definitive Plans in accordance with the Subdivision Rules and Regulations. A hydrant located at the end of the main is preferred to a standard blow off configuration.

Water and Wastewater Divisions do not object to the special permit and request this letter be part of City Council approval. Water and Wastewater Divisions shall provide additional comments after the submission of a site plan.

If you have any questions call my office 978-374-2382.

Sincerely,


Paul J. Jessel
Collection System Supervisor

File#: 120027

Project ID: 651-610-18

cc: Bob Ward, W/WWTP
John Pettis, III City Engineer
John D'Aoust, Water Treatment
Anthony Capachietti, Water Maintenance
Chris Sparages: csparages@wsengineers.com



Haverhill

Engineering Department, Room 214
Tel: 978-374-2335 Fax: 978-373-8475
John H. Pettis III, P.E. - City Engineer
JPettis@CityOfHaverhill.com

April 18, 2012

MEMO TO: HAVERHILL PLANNING BOARD

Subject: *Special Permit Cluster Development, Rosemont Street (Perls Way Subdivision)*

I have met on-site with the Project Engineer, Paul Jessel from Wastewater Department and Police Officer Ed Watson. Our two previous concerns have been addressed. First, the plans are to be revised to show all homes that cannot tie-in to sewer by gravity will have their own separate force main to SMH. Second, the plans will have a note that the Developer will forward to the City \$600 per unit to be used for Traffic Mitigation (this will be used for line-of-sight improvements that Officer Watson had identified and for traffic control cabinet upgrade at the Rosemont Street/Main Street intersection).

Please contact me if you have any questions.

Sincerely,



John H. Pettis III, P.E.
City Engineer

C: Stankovich, Ward, Moore, Jessel, Watson
csparages@wsengineers.com



Haverhill

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

0218
City Council President John A. Mitchitson
& City Councilors
City of Haverhill

March 22, 2012

RE: Rosemont Street Special Permit Cluster Development
Applicant: Bradford Unlimited Corp;
Williams & Sparages prepared the plans

Members Present: Timothy Connors, Celeste Hynick, Roy Wright, James Cronin, Jack Everette, Joseph Sullivan, Bob Driscoll, and Paul B. Howard

Members Absent: none

Also Present: William Pillsbury, Director of Economic Development & Planning
Lori A. Woodsum, Office Mgr./Board Clerk, Planning D.E.P.artment

Dear City Council President and City Councilors:

The Haverhill Planning Board at its meeting held on 3/14/12, Wednesday Evening, at 7:00 P.M. in Room 202, Haverhill City Hall reviewed the above-cited petition for Special Permit Cluster Development for Rosemont Street. Member Jack Everette read the rules into the record. Chairman Paul B. Howard chaired the meeting and asked the petitioner to come forward.

Attorney Robert Harb, 17 West Street, Haverhill, came forward to speak. It was noted that he represented the developer, Bradford unlimited Corp. and noted that Mr. Steve Defeo is the president and treasurer. Also present is Chris Sparages the engineer for the project. They were before the board tonight for a recommendation to city council for a cluster residential special permit. He believed that the applicant and the application to the city council have shown the city council that it is met all of the requirements for cluster residential developments to be allowed in this area. He explained that they had a tracked of land that is over 15 acres that is on Rosemont Street. We have designed six small individual homes to be located in this area using RH Code. The lots comply with the number of lots that you could have had if we had built a regular subdivision under the regular code. However, it was noted that in the effort to preserve open space as you can see by the Little River and to preserve the Little River along with preserving open space, and to preserve any wetlands on the property is how they designed this plan. Attorney Harb noted that he probably should interject that the Duffy Family has owned this property for a number of years. The father died when they were working with the estate and now would like to close the estate. It was also noted that because over the number of years before Mr. Duffy died Mr. Pillsbury will attest that he had been working with the Planning

Rosemont Street Special Permit Cluster
3/14/12 Planning Board Meeting

D.E.P.artment and Mr. Pillsbury on many different possible uses for the site. They focused in on probably the best use for this site which is a cluster development. You should also note that we had a preliminary review of our plans before conservation to ask for determination and did not file the order of conditions until they were done with the city council and then back to you again with the definitive. They had given them the go ahead. They have worked with Mr. Moore about trails to go out back and the open space and what they would do with it, so as part of their plan but not part of the special permit the developer owned another lot of land not part of this plan that he is also going to be donating to either a wetland preservation group for the City of Haverhill or whoever may wish it from the conservation committee. We have a piece of property that the six houses as you will see and was sure that their engineer will mention that it fit in with the neighborhood. They also fit in with the homes on Alvanos Drive which is around the corner and it was really the best use of this space. It preserves the open space and they did meet the requirements of open space land from non-wetlands and uplands and those percentages all required by our code. They would be complying with the requirements of the city D.E.P.. The city D.E.P., he believed, filed favorable approvals of this subdivision of the special permit. They did ask that we continue our discussions with Water/Wastewater D.E.P. regarding the sewer pumping station which we will do shortly after this hearing and continue with that. It was noted that because they centered on this best use of the property the applicant did send letters to all the abutters and we received, he was told, no responses. They did give them copies of the plan. It was noted that one of the abutters here tonight did talk with them tonight and that abutter believed who he believed lived on the corner of Rosemont to the left of the open space. If he was reading the plans correctly it should be Mr. Grant. Mr. Grant was concerned with a buffer. When the developer said that he would like to give him a buffer and Attorney Harb had looked at the plan and looked at the space next to his lot that was actually dedicated open space. There is a 10 foot right of way that accesses land out back that they certainly could not impact by planting trees in someone else's right of way. Behind that was part of the open space that will remain open. So that may address his concern having a house near him because there would not be a house near him because there is a right of way and an open space that goes around it. They have tried in the past... this developer has done a cluster development in town before and has done other developments, duplex developments in the city. He has done a lot of work in the city and he would like to say that he as done good work and no one has complained about him. He always fulfills all his obligations. You can tell that he is kind of young, he's younger than me but he has been building quite a few houses during this time and he is proud of the houses that he builds. It was noted that he has been Steve's lawyer for many years. He thought that Steve was a good developer. This is a development that fits with the neighborhood and it was working with conservation, the city planning director for two years and hoped that the board could forward a favorable recommendation so we can go back to city council with that favorable recommendation. Attorney Harb turned the hearing over to their engineer that could give the board and the abutters a little more information about the plan. He believed that they have all seen it. He asked Chris Sparages to come forward.

Chris Sparages, a registered professional engineer with offices at Williams & Sparages on Rt. 114 in Middleton came forward to speak. He has been practicing as a professional

Rosemont Street Special Permit Cluster
3/14/12 Planning Board Meeting

engineer working on residential and commercial subdivisions of this kind for more than 17 years now. He has gotten the chance to get to know Steve since he started working on this project. We have been working with him for quite awhile. This is not the first time that you have seen this plan. We were before the planning board once before with an A&R Plan that allowed them to create 15.5 acre parcel. The back land that Attorney Harb was referring to is beyond the project to the south. He just wanted to give the board a little bit of background on the property and the lay of the land. Rosemont Street is on the northern part of the property, which is where their frontage is located on this 15.5 acre parcel. They were in the watershed of the Little River which you see off to the west. The land (inaudible) slopes away from Rosemont Street south into the property and you can see that we were proposing a short cul-de-sac roadway that you can see is approximately 360' long that is going to create frontage for these six relatively small homes and lots. Just beyond the end of the cul-de-sac you will see a green line just to the south that runs east west that runs east west across the property that represents the limit of the bordering of the vegetated wetland on the property. Much of the back land is below the wetland line. He pointed out some wetland islands but noted that once you got below the wetland line and get closer to the river, the Little River has a flood plain associated with it and much of the property lies within that floodplain. He noted that they were not proposing any work within the floodplain for the proposed development. They were proposing to try to meet the appropriate setback requirements from those wetland resources as described in the wetland ordinance for the city. They will be working with the conservation commission on that as they move forward.

Chairman Paul Howard asked if that north arrow rotated 90 degrees would that be...

Mr. Sparages noted it is... normally he is right next to the plan. He point out where north was located on the plan.

The chairman asked if the north arrow should be turned 90 degrees. He was looking at the north arrow... (Someone said that's the logo) ...the chairman asked if that was just the logo.

Mr. Sparages noted that is the logo.

The chairman was looking at that and noted nothing is making sense.

Mr. Sparages referred to that logo and noted that if you notice there is a "W" and an "S"... (The first initials of Williams and Sparages.)

The chairman along with other members now see what he was talking about.

Mr. Sparages referring back to the lay of the land that once you get below the wetland line he referred to a series of trails throughout the 15.5 acre parcel and beyond that parcel into the backland that Attorney Harb described. It was noted that Mr. Defeo intended to also put up some sort of donation in care of the city possibly a protected agency like the Essex County Greenbelt that isn't shown on the plan as you head south there were other bodies

Rosemont Street Special Permit Cluster
3/14/12 Planning Board Meeting

of water on this backland. This property was used historically to make clay bricks and that was the historical use of the property and the clay was mined out of those areas as a result there are bodies of water here and there in that backland. There are some really neat trails that we were able to walk with Rob Moore to try to figure out how best to access this open space. Getting back to the development... again...

Chairman Howard thought that all the board members have a plan and noted that he did not think that the audience could not see the displayed plan.

The planner asked the engineer to move the plan to the other side so that the abutters could get a better look at that plan. The board members have their plans to review.

Mr. Sparages noted that there is also a small stream that runs under Rosemont Street near their entrance. It was fed by a larger wetland system north of their property and it crosses in a very old culvert under Rosemont Street and onto our property before going onto the neighboring property. There is a small wetland associated with that and that is near the front of the property at the north end. They were also trying to limit their activities near that small wetland as well. Another notable feature on the property was that there was a high pressure gas easement that runs through the property. There is an easement that runs through the middle of Alvanos Drive development as well. There were two high pressured gas lines that run inside the easement and we designed the subdivision such that we were working around that easement and we have already were entering into discussions with the folks at Tennessee Gas in order to make sure that we comply with all of their regulations.

The proposed construction of the roadway they were proposing to make sure that they meet all the planning board rules and regulations in terms of right of way width at 50 feet as well as the pavement and curbing and cul-de-sac all in accordance with the planning board rules and regulations and in terms of storm water management. It was noted that because portions of our property lied within 100 feet of a wetland they were not only required to meet the storm water requirements under the planning board rules and regulations but we also had to meet D.E.P.'s storm water management regulations under the review and guidance of not only the city engineer but the conservation commission as well. Storm water from this relatively short road will be handled using best management practices following D.E.P. storm water management regulations.

Mr. Sparages noted that they were showing a schematic design at this point on the plan. It was a relatively short roadway, which was just over 350' long and were proposing a double set of catch basins at the end of the cul-de-sac which will then be routed to a small storm water management area just to the south of the proposed cul-de-sac and that should be enough to handle a pervious surface that they were going to create. Other utilities, obviously, they were proposing to provide public water and sewer to the project. It was noted that Attorney Harb touched on some of the comments that we received back from engineering and wastewater/water D.E.P.. We are proposing to tie into the existing water main and provide a hydrant at the end of the cul-de-sac for the new roadway. One way or another they would have a situation because of the grade that slopes back into the property they were going to have to pump our sewerage from these homes up to a manhole relatively close to Rosemont Street before it could flow by gravity back into the system.

Rosemont Street Special Permit Cluster
3/14/12 Planning Board Meeting

Mr. Sparages noted that concluded his presentation on the technical aspects but between Attorney Hart and himself they would be happy to answer any questions that you might have.

Chairman Paul Howard wanted to know if there was any thought given to using some low impact development.

Mr. Sparages asked if it were in terms of storm water management. He noted that they had... he had talked about that and had discussions with Rob Moore about that as well. It is a relatively small amount of impervious surface... we have not approached the subject with the planning board when you talk about low impact development techniques are one of the things that they try to get away from is the use of curbing on a roadway like this but did not know how long the planning board would be willing to consider the reduction or the elimination of curbing and possibly the narrowing of the amount of pavement in the roadway in order to help to even go towards the...

The planner noted that the means to propose that would be waivers on the plan. He thought in previous discussions Mr. Defeo decided to go without waivers and probably thought that was probably why we are proceeding in those directions. The process to do that, if that is what they wanted to do, to go in the direction of a L.I.D. would be, because we do not have a LID ordinance or ordinance language in place, to propose them as waivers before the board.

Chairman Howard thought that it seemed like this would be a project where it would make a lot of sense to do that.

Member Celeste Hynick asked about the architectural drawings and if they were prepared by a registered architect.

Mr. Sparages noted that this was a residential subdivision with single family homes. Attorney Harb could speak to the nature of the special permit. He would let him answer this question.

Attorney Harb noted that as they did in their last presentation about 3 or 4 years ago for a special permit they would like the board to have a rough idea of what kind of houses and what they were going to look like... the developer did not hire an architect to draw the plans. He has plan books and noted they might not be the exact houses that they will want to build because it was a single family development unlike what I heard in the first petition which was a 5 unit building that required architectural buildings and they were asking for a permit for 5 units. He noted they were only asking for a permit to put single family houses in the cluster. So were they stamped officially? He believed that they really got them from his architectural book... he builds and these are the kinds of houses that he builds. He uses those plans to build. He has many throughout the city using the architectural books.

Rosemont Street Special Permit Cluster
3/14/12 Planning Board Meeting

The planner thought what you were dealing with is the section of the code, that's the cluster section, 255-94, as opposed to the regular... the multifamily special permit and thought that was the distinction.

Member Celeste Hynick asked if they were required...

The planner's response was not at this stage. When they come back with a definitive plan stage that is when that type of information is provided. It is different because under our ordinance as Attorney Harb has said there is a separate section that deals with multifamily development and those do not even come under the subdivision regulations per se until we get to the definitive plan stage... zoning backs it in but this is coming into us under the subdivision control regulation as a single family development. The relief is in the form of a cluster configuration.

The chairman noted if they were all done with the presentation then he would open it up to the public. He asked if there was anyone in the audience that wanted to speak on this project.

Wendy McGill, 20 Alvanos Drive, came forward do speak. She takes exception that this fits into the neighborhood of Alvanos Drive. She did not agree. Her concerns dealt with water and drainage. Her backyard did not show any wetlands on any maps but there was a fair amount of water much of the year. Concerned with putting a cluster development behind there would do... it would be forcing more water back onto us. She also sits on an easement for the city and has a pumping station that is right in line with her property. She was concerned with how that will effect the wastewater which they have enough problems with that wastewater station. She has lived there since 1985 and have had 2 or 3 occasions where there has been pretty catastrophic events because of a malfunction with that pumping station. She was really concerned about it. She really wanted there to be a lot of time and attention and due diligence made to making sure that this is proper and safe. Many of them at her end of the street believe that what they bought their homes they were told that this was conservation land don't worry no one will build on it because it is wetlands so you are all set. She was shocked to find out that they planned on building on this tiny piece of paper and there was notice that there was a public hearing so she decided that her interest would be best served to come forward at a public hearing make my needs known and you folks were much more expert than she was... she was not trying to make trouble for anyone but she sure... (TAPE CHANGE TO SIDE 2)

Member Timothy Connors asked Wendy McGill to elaborate on the statement... "that the proposed cluster development does not conform to your house or the other dwellings on Alvanos Drive."

Wendy McGill—She did not know whether they conformed or did not but just thought that you would not necessary get us to say that we think that it will be suitable for the neighborhood so she did not think that we are particularly interested in having that... you

Rosemont Street Special Permit Cluster
3/14/12 Planning Board Meeting

can't tell... if you saw it on and 8 X 10... shrink what you have down to an 8X10 and see if you can read it.

Member Connors noted that single family dwellings all on Alvanos Street.

Wendy McGill answered yes we are. She noted that at the top of Rosemont there is probably those 4 or 5 duplexes right along the top of Alvanos and Rosemont... we are all single family... Ms. McGill returned to her seat.

Frank Grant, 70 Rosemont Street, came forward to speak. His property sits at the corner of Alvanos and Rosemont. He had a couple of issues with the development. One is the access road coming off of Rosemont Street. From looking at the paper print Rosemont does not look like a big street but that is a very dangerous corner and now you are adding more traffic to it. His house only has a stone wall in it and it gets hit 2 or 3 times a year from people coming around the corner. Now you are adding another access road to bring up more traffic. There is also... putting my house in a situation where his house is surrounded by 3 streets. He know that they had that small piece of open land... he is going to have a house on one side, this new road on another side and Rosemont right in front of me. This is where my house sits and I worry about the effect of the resale of his house. The value of his house and what this property would do to it, and the property being close to my... as you go down the first house is sitting right next to his property too. It is affecting his setbacks and all of that stuff. When he bought his house nine years ago that was wetland owned by the city that was auctioned off and now this development is coming in and it is going to... first house will abut his backyard, the second one will be right on top of houses on Alvanos right as you go down the road. He worries about the property value and things of that nature for himself and for the other owners. There is also the wet problem too, the wetland problem... there is a lot of water saturation as she mentioned and wanted to know if this development would make it better or worse. These were the things that concerned him. He thanked the board and returned to his seat.

Jim Lantagne, 18 Alvanos Drive, came forward to speak. He lived there his whole life and also studying land use and development issues in college so this is the kind of thing that really interested him. He did not like the idea of this because he was concerned about the long term impact of this on the city financially. This is a new public street that will have to be plowed. There is new city water and sewer lines that will have to be maintained in the future. Police and Fire will now have to serve this street. Also being single family homes this will bring children into the city. The single family homes will be at least one or two kids on average so that is more children in the school system which is already a huge drain on the city. Also the words cluster development and open space sound nice but as for open space there is no open space to preserve there. There are woods and there is nothing there. There is no reason to go in there. There are no recreational opportunities there so they were saying that part of it was going to be preserved for open space does not really mean anything. As far as walking trails that are there... those are pretty much non-existent. He used to walk there when he was really little with friends and there were little paths covered with weeds and by now those are long gone. So this is no in an area with

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walking paths that the city can enjoy for recreation. Also, the corner that this new street would be located on... when you approach that corner from either direction on Rosemont Street you cannot see around the corner. It is a sharp corner which you cannot tell by looking at the drawing so when you add this new street in there will be cars going in and out, even if it is only a small amount, it will make it much more dangerous than it is right now. He had nothing else to say... thanked the board and returned to his seat.

Kathy Brown, 21 Alvanos Drive, came forward to speak. She lives directly across the street from Ms. McGill and the Lantagne's. Her husband, who could not be here tonight, and herself were very strenuously unhappy about this development going in. One of the selling points when they bought their house six years ago was that the land behind the Lantagne's and the McGill's and all along there was conservation land and it would not be built upon. They were really happy about that because it would be preserving some wildlife, there is open space, there is protection of wetlands and I find out about this development. It use to be a place where clay bricks were made so the land there the soil is quite compact it was literally clay. Her yard is clay. It holds water and she has some kind of underground stream going under most of her yard that comes up under her driveway and going across the street to the sewer line. When the water table rises for any reason she gets water in her basement every single time. She did not want to see any more problems with the water table shifting because of a development going in there. She did not want to see that sewer pump in Ms. McGill's front yard directly across the street from her house and next to the Lantagne's blow up again because it could not handle what is being thrown at it. The sewer treatment plant in the city is pretty much maxing out at this point and it needs some serious help. And adding any more houses and development would be adding more to the sewer lines and the water treatment plant are going to cause problems. You may not think that 5 or 6 houses is going to be a problem but it could be just that little bit that tips things in the way of... we have a problem. So there were a whole bunch of issues that do not make us happy about having this development going in. That road... Rosemont Street where the entrance to that is located is nearly a 90 degree turn when you come around that corner and right at the elbow of the 90 degree is where that opening is... now having living on that street for six years I could tell you when coming up from the train tracks and going to turn right onto her street she has nearly been rear ended with a minimum of once a week because of the way that traffic runs on that road. That road is at the worse position and is at the worse part of the turn and that scares her. There will be accidents there. There will be more accidents and with traffic coming in and out of there... she is very concerned with safety. She has seen that gentleman's wall get hit by people trying to make that turn. In wintertime that will only get worse so someone needs to take a good look at the... the engineers need to take a very good look at the soil quality that they will be building on because that is all clay which holds water. And who is going to keep paying if I have to keep pumping out my cellar and start to have damage... will I have to have flood insurance because of a development that causes a the water table to rise and causes my cellar to flood repeatedly? She did not agree with this development at this point and she hoped that the planning board will take a very close look again at where this is located. I would invite everyone of you to come into our neighborhood and see exactly what they are talking about and our concerns. She would be happy to take you on a tour to show you where

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everything is that is not quite accurate in terms of how the houses lie... it doesn't even show the shape of the road... there is a curve in the road and there is a low point at the bottom of the street there are two low points and that is going to come in at the very low point which is where her house, the Lantagnes and the McGill's houses are and there is going to be a water problems. If you would like...

Member Connors... he mentioned the intersection that the abutter mentioned as being dangerous and asked her if there were stops signs at that...

Kathy Brown, the abutter, noted that there were no stop signs at the end of Alvanos Drive and there never have been. She mentioned that there is a posted warning sign, "Dangerous Curve", which no one pays attention to and nobody can see it because it is covered over with trees that have not been trimmed... it is a nightmare!

Someone from their seat was speaking which is inaudible.

Kathy Brown asked if any of the members had been on Rosemont come up that hill and take that curve. You can see the little flags on the tree where that road is going and it's going to be a nightmare especially in the winter. So please consider carefully... she thanked the board and returned to her seat.

People speaking from their seats... inaudible.

Member Connors wanted to know if there was a speed limit posting of 20-30 mph.

People in the audience agreed. Someone from their seat said that it was a cut through from Hilldale to Rt. 125. Conversation continued but was inaudible.

Member Connors stated that the road is frequently used, correct?

People in that audience answered yes. Hilldale and 125 yes...

People keep talking from their seats... inaudible.

(Ms. Brown possibly?)... No name given... She noted that she had a corner with those little kids...

Another person, no name given, noted that people are using that road coming down Rt. 125 into Plaistow... they are using the back way in, so we have seen a great increase in traffic down Rosemont.

Attorney Harb came forward and noted that he was going to ask the engineer to talk about the good questions about the water and the drainage and the question about site access and road access because I asked him the same question. The attorney went out... very rarely that lawyers go out and look at real estate but I went out and looked at this and they

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pointed out where the road would be and we looked both ways. So I am going to let the engineer look at that road access safety.

He just wanted to mention a few things. Good question about financial impact but these six houses are going to bring taxes in and you heard Attorney Waldron speak at the previous hearing about when their homes are built that it would bring in taxes. The property at one point taken from some parties... the city owned it and then the city put it up for auction. Mr. Duffy bought it at the auction. Anyone could have bought it at the auction so he bought it. They had a title search done and it did not say anything about any dedication of open space and wetlands. He thought a good questions on this side of the board was if you were to look at Alvanos Drive the size of the lots and the single families that is what they were developing... the same size of lots and single families and noted that is why he mentioned for the neighbors that it complies with the neighborhood. It was noted that we did not come in and try to do multifamily housing. We did not look for an apartment house. We did not do a commercial storage. We are not looking for any businesses there. We looked at just what would fit when you go to "Google Earth" then you can punch in and look at the neighborhood and see what an overview of Google Earth looks like and you look at the houses and noted that six is not a lot of houses for 15 acres. So the financial issue is there. Respectfully I say to you that we are just here for a recommendation. We meet the requirements of a special permit so we can go back to the city council, get an approval to have a special permit but perhaps the neighbors don't understand that we need to come back before the planning board again for a definitive. He noted that all these issues regarding access, specifications of the road, drainage, and the engineering can be reviewed by the city engineer, which will all come before the board again in more detail. Tonight they just need to go to city council so that we can take 15 acres and plus of land and maybe put in a six family if we can meet all of your definitive requirements when we come back again. He asked them to look at the area again in the neighborhood there are a few duplexes in the neighborhood as they mentioned. Alvanos Drive is like a curve... a circle and in the front they built some duplexes and thought that was in the 70's and everything else is pretty well single families. The attorney noted it was not like I was coming in and wanting to do duplexes and triplexes and things like that.

The attorney noted that their concerns were legitimate and they will be addressed by the definitive and we will also tonight try to answer them but the important questions are about water drainage and that load safety. He asked Mr. Sparages to talk about that.

Mr. Chris Sparages came forward to speak. He took good notes from the people that spoke and noted that they had a lot of similar comments on many development properties that we work on but let's try to tackle them because every property is different.

In regards to the proposed development he mentioned the need for a sewer pump station of some kind. They need to pump the sewerage up to Rosemont Street. But Mr. Defeo does not have control or rights over any of the lots on Alvanos and noted that our sewer system is going to be independdnt of anything that happens or is happening at Alvanos. This proposal was to take care of our own sewerage, lift it up to a manhole that will then direct it by gravity into Rosemont Street at the top of the proposed roadway. In terms of drainage and the lay of the land... they have a topographical survey that was an instrument survey that allows them to take a look at what the lay of the land looks like and

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we use these types of surveys to determine which way the water flows analyzing the existing conditions and use that information when we do a final design on a roadway for a project of any kind. As he mentioned earlier in the presentation the lay of the land is basically from Rosemont Street which is the high point on this property and flows directly back relatively perpendicular to the wetland line which he pointed out is the long green line that runs east/west and follows very closely or very close to the gas easement. The roadway and our storm water management areas are going to be directed to that wetland which then flows in to the flood plain of the Little River and then flows westward, if you will, into that wetland system and out to Little River which is in the opposite direction of the folks over at Alvanos Drive. No doubt the homes that are constructed on Alvanos Drive as Kathy mentioned from 21 Alvanos Drive many homes that were constructed years ago may not have been constructed the way they are today. In other words to give you an idea of... where is the ground water... people had a hard time understanding what those principles in the 40's and 50's when a lot of those homes were built. Mr. Sparages lived in a neighborhood where folks got flooded out regularly because of that reason. There was not enough foresight put into the siding of some homes. He suggested to the board and to the neighbors that for this project that we do look at ground water. We have a huge focus on storm water management these days more so than ever especially because where we are proposing we are relatively close to a resource area. So we have through our drainage analyses and our topographic surveys through the instrument server we are able to figure out which way the water flows in the existing condition and then set up control devices to hold back the water and let it out slowly to try and match those pre-existing conditions so that we do not cause off site flooding impact. He mentioned the D.E.P. Storm Water Management Regulations... they were only guidelines a few years ago and over the last couple of years the state adopted them into the wetlands protection regulations. There are 10 standards in a storm water management form that has to be filled out. There are 10 standards that we have to speak to and noted that one of them was to sign this form and put our stamp on it, but one of the standards is that the project cannot cause off site flooding impacts for storm events that we analyze so we take these things very seriously when we are proposing a development of any kind. We have to try to use these best management practices things like storm water management areas, catch basins, swales and things of that nature to hold back the water, help infiltrate it back into the ground if possible and hold it back to that... we try to match the way the water flowed before the development goes in. Mr. Sparages noted that is his response or more of an explanation on how we approach storm water and ground water issues.

Finally he wanted to touch upon traffic and thought they would be a little surprised about what he was going to say but he thought this is a good opportunity actually to improve the existing condition at this curve that these folks were talking about. He explained further noting that they were interesting enough their frontage just happened to come into Rosemont Street at this curve so we were outside this curve and Rosemont Street goes in opposite directions away from us. We sort of have a unique situation regarding site distance. We use these words to describe the ability of on coming vehicles to see... let's say our vehicles as they exit left and right out of the proposed development. Geometrically speaking because of where they are on the outside of the curb at this turn we actually have a unique opportunity to actually see all the way down to the intersecting

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street coming up left or west out of the proposed roadway. We can see for a long distance back the other way, eastbound, towards Rt. 125. It is just that way that it is at this particular location. What he believed would happen as a result of that is that... people as they are traveling now along Rosemont Street they come along and look around that curve however fast they happen to be going. We know from the preliminary analysis is that we have adequate site distance in both directions. However, he believed that what will happen based on his previous experience in projects like this was that the folks that were coming down Rosemont Street are going to have a new street and will have it in their visual field coming from both directions. The folks that pull out or pull towards the end of our street at Rosemont Street not only are the on coming vehicles in both directions will be able to see us and in fact he believed that because of that the speed after development with these cars having the ability to come to this intersection and sit there will slow the vehicles down on Rosemont Street because of that fact. Right now it is based on the geometry of where their road will be coming into Rosemont Street and the fact is that we do have tremendous site distance in both directions. He noted that is the reason why at this point based on their preliminary review as Attorney Harb mentioned we all have gone out there and Mr. Sparages noted that he himself walked it with at least one city official. He did not think that it will be an issue that they will have to worry about. It was certainly something that they will have to address and put into writing and describe these findings through... we sort of do a preliminary traffic study that analyzes trip generation and site distance that is part of the definitive plan process any way. Based on their preliminary plan review we did not believe that this was going to be an unsafe condition because of those things.

Someone from the audience from their seat said that you have not seen the cars that have gone exactly where the entrance to where that street is.... She has seen in six years 3 cars go slipping off right into the woods where the entrance of where that site is going to be located. It is exactly what happens and this is on dry roads. She has seen it on a wet road and during a snow storm.

Someone else from the audience spoke out noting... you do not know about it report wise because people will end up hitting a tree and then pull out. So there would be no list of accidents... (Inaudible) ...people are coming off... (Inaudible) ...tree... (Inaudible) ...then they back up and I come home and there is a pile of rocks...

Chairman Howard told the people in the audience that if they wanted to speak they would have to come up to the microphone. Nevertheless, the chairman thought that what he was saying was in a situation where that would have happened that those vehicles would have gone off the road and with a street there that they could actually go onto or they would slow down for that. He told the people in that audience again that they just cannot keep speaking out the way that they have been and if they have a comment to make that they needed to go up to the podium and speak in the microphone.

Attorney Harb noted that the developer would like to say a few words.

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Steve Defeo, the developer, came forward to speak. He apologized to the abutters if he had offended them in any way. He wanted to just send a letter. He apologized that the plan he sent was too small for them to review. He probably should have mailed a few big plans but he was trying to generate a meeting so he could show up with his engineer with some big copies of the big plans and try to work out some of these details. He apologized to the board members and to the abutters. He hoped that they could meet to work out some of the details. He was a local gentleman and was just looking to do a nice project and was not looking to step on anyone's toes. He would love to meet with them with Chris (Sparages-engineer) who has the expertise and try to work out some of these details so they feel comfortable. He also wanted to work with the various boards as Bill knows and the developments next door. He was really sorry for sending out the small plans. He only has a little copier at home... he is just a small outfit. He thanked the board and returned to his seat.

Attorney Harb came forward to say that this concluded their rebuttal and again requested conceptual approval of going to the city council for the cluster development special permit for these single family homes. Then they would be back before you and in the meantime they would work with the neighbors and when they come back for the definitive plan then you will see all that was addressed and more technical detail.

The planner, Bill Pillsbury, asked Attorney Harb and to their engineer regarding the information that was referred to relative to traffic in terms of the accident analysis or things like that... He did not know whether they had done any of that research yet. It was mentioned that it would be done as part of the definitive stage but asked if there would be a willingness to present some of that information at the time of the city council hearing.

Mr. Sparages noted that would not be a problem. It was simpler to do a simple speed study and take a look at the accident data and to make a reasonable presentation somewhat as they would do as part of the definitive...

Planning Director Pillsbury hoped if they could have that reviewed with the city engineer and inform the Traffic & Safety Officer from the Police Department prior to the city council hearing would be some useful time spent. You could make a presentation at the city council... he knew it would be before the definitive but thought it would be useful to have that for the city council presentation and have some definitive answers there for those particular questions relative to that roadway. He knew that they had adequate line of sight that was not an issue but some of the other issues regarding geometry and how that geometry was effected with the speed history that is out there. He was sure that it was not 30 mph. He has been on that road also. It was noted that those were some of those things they could look at between now and the council hearing and then this discussion perhaps could be continued at the city council hearing and certainly would be continued at the definitive plan stage if we should get that far.

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Attorney Harb came forward to say that the developer suggested if it is the wish of the board to make that part of its conditional approval of the special permit request to do so then we would comply with that.

Someone from the audience came forward and did not give his name. He apologized to the board noting this was all new to him and was not sure how it all worked. He mentioned the line of site that was just brought up... it kind of sounds good but he is a person that lives there and noted that they would not get a lot of accident reports as he mentioned. He said that people hit his wall, they go into the woods, hit the tree, and you see them back up and they just keep driving. It is not like people are calling cops because they came around the corner and ran into each other. Theoretically you might get some but there will not be a lot as much as it happens out there. Secondly, he does not do research on roadways but he knew that people come around that corner and as he is trying to back out his driveway someone is trying to pull out of Alvanos and they're not slowing down... they do not care... he asked the board if they knew what he meant and noted by adding more traffic he could not picture that... One more entrance... he felt that would not make people go slower just because there was another entrance. He felt that the signs marked dangerous curve... does not help. They reposted signs or (inaudible) and people just zip right through. In a perfect world maybe it would help maybe it would do it but it is a 40 to 50 mph road. Someone was hit on a motorcycle a little ways down the road. A couple of years ago someone was killed going 80 mph. It is a drag way and there were things to consider and felt that the police reports may not tell the true story. He thanked the board and returned to his seat.

Someone came forward to speak and that person did not mention her name (Possibly Kathy Brown of 21 Alvanos) but she did apologize for speaking out away from the microphone earlier. She was a little out spoken and tends to be a little passionate about what she believes in. She requested a plan that was larger than what she had (8X10) so that her husband could read it. (Note: one of the board members gave her a plan.) She thanked that board member. She wanted someone to take a very, very good look at the traffic. And if you were to stand in that corner (referring to the plan on display) and basic physics says when you are whipping around that corner what is the place that you are going to hit. When you go to slide you are going next to where that street is going. Please take a really good look at the traffic.

Planning Director Pillsbury to the abutter thought he heard the applicant offer an opportunity for a meeting and asked if the neighbors were amenable to that type of situation.

The abutter believed so. There were some of her neighbors that can't make these meetings because some of them work late and some of them are just getting home when these meetings start like her husband who works strange hours and sometimes cannot be up late in the night. He could not be here tonight for one of those reasons.

The planner was suggesting...

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The abutter was suggesting an earlier meeting say around 7:00 p.m. would probably help to get more of the residents in for that meeting.

Chairman Paul Howard noted if they could try to set something up that would be ad minimal to the neighborhood maybe on a weekend or...

Steve Defeo from his seat... the weekend would be fine.

The chairman noted maybe on a Saturday or a Sunday morning where it is light and you can see what you are talking about.

The planner noted to cease the moment maybe before you all leave this evening you could try to come up with a day. It would be something that happen... obviously trying to anticipate all of this get resolved before the council hearing.

The abutter thanked the board and returned to her seat.

Someone approached the podium with a few comments and did not give his name and address. He wanted to talk more about the line of sight. An engineering study might tell you that if you are on this new proposed street that you have a clear line of sight both left on Rosemont and right on Rosemont because you are on the outside of the curve so you can see both directions. But if you are on Rosemont approaching this new street on your right you cannot see around the corner. So you could not see someone traveling the opposite direction and turning left into the new street. So if you are on the new street you might be able to see all the way here and all the way here (referring to the displayed plan) but if you are approaching the new street on Rosemont and the new street is on your right you cannot see around the corner. You cannot see anyone making a left turn into the street. Also commented that this developer might be bringing taxes into the city but noted that he could buy a one foot square piece of dirt in the city and pay a couple of cents in property taxes but saying that is going to bring taxes to the city does not mean anything unless you compare it to what it will cost the city in the long term as far as children, the school system, a new bus route, trash pick up, plowing in the winter, fire and police service and things like that.

Chairman Howard asked if what he was saying was now that he was a resident of the city that we should shut down development in the city. He noted to the abutter so now that you have your home everyone one else should not have an opportunity to come to our city.

The abutter, who did not give his name, answered no. He loved development and went to college and majored in environmental planning because he loved seeing new exciting things get built. However, different types of development affect the city in different ways. Mayor Fiorentini in the past was really enthusiastic about the redevelopment downtown and the old warehouses and things because those are condos and apartments that typically young couples that do not have children so it does not affect the school system. He noted

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that these were single family homes so that is completely different impact on the city. Saying that they choose single family homes over condos or storage units or any other thing does not make it better. The argument doesn't really make a point.

The chairman noted that it did not make it worse either. Everyone has their own opinion.

The abutter answered I guess and thanked the board and returned to his seat.

Member Timothy Connors mentioned that they had a topographical survey done as well as a drainage analysis in respect to the proposed cluster development, correct?

Mr. Sparages noted that there was an existing topographical survey that we have and we just shared with one of the neighbors. It is that Sheet 3 of that special permit plan set. We got a preliminary look at the proposed drainage design but the topography on the site is not complicated. It pretty much slopes in one direction and we know where the wetland is located. We know that the road is going to slope back towards the wetland and we know how long the road approximately was going to be so the drainage design is going to be simple that much we know. They have not done the detail design yet which will come later as part of the definitive plan preparation.

Member Connors thought that he stated that before but maybe he miss communicated wanted to know if he had a drainage analysis performed with respect to this property.

Mr. Sparages answered not yet.

Chairman Howard thought that they said they took a quick preliminary look at it and knew how they will approach the design in the definitive stage.

Member Connors was all set with that response from the chairman and said thank you.

The chairman asked if there were any other questions from the board. There were no other questions. The chairman asked if there were any other questions from the people in the audience. No one else had any other questions. There was not one else in favor that wanted to speak and no one else came forward in opposition. The chairman closed the public portion of the hearing and turned it over to the planning director for his comments.

Planning Director William Pillsbury wanted to take a minute and discuss the due process side of this to make sure that everyone from the neighborhood side and also the board are familiar and right up to speed with what we are doing this evening and how that fits into where this project goes from here. It was noted that as part of the special permit requirements for a cluster development under our zoning there is this requirement in there for a recommendation from the planning board. The purpose of that is to take the submissions at a special permit level of detail which not a definitive plan level of detail which the planning board members are used to seeing. The planning board receives very detailed drawings and analyses and engineering at the definitive plan stage of any project.

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Where we are this evening is that we are looking at the preliminary stage or really the element of a conceptual plan that has to go to the city council first to receive the approval as to whether this project is feasible under zoning. Then and only then would they be able to go through the detail engineering analysis that is required to be submitted to the Conservation Commission to deal with the drainage and the water and the wetlands and all of those issues and to comply with the subdivision regulations which are in detail as it is related to the layout of the roadway, the configuration, the geometry, the size of the roadway, the size of the pipes, and all of those various infrastructure issues. So what you are looking at and what the board is looking at this evening is really the concept of whether this project complies with the requirements of the zoning ordinance section and Attorney Harb has gone through in detail and listed out what those requirements are and that is what the city departments have looked at, at this stage. That is what they have looked at to see if conceptually this project fits that zoning construct. Again... at this point the next step beyond this recommendation this evening is that the city council will hold a hearing on its requirement to issue the special permit and they can add conditions as this planning board this evening can add any conditions that the planning board chooses to have added as requirements that would go forward to the city council. The city council can then add additional requirements that would become part of the definitive plan whether it were those such things that may come out of the traffic analysis which will be conducted or if there were issues raised relative to the conceptual engineering concerns that will be discussed tonight which we have discussed and also at the city council level. The planner just wanted to give the abutters a sense of where... this action tonight by the planning board does not authorize anyone to build anything. It did not authorize anything except the opportunity to go before the city council with a recommendation from this board.

The planner noted again that we have had the departments look at it. The departments have commented and their reviews and comments are in the packages. Specifically there were comments from the Fire Department, the City Engineer, Water/Wastewater D.E.P., Conservation... they have all raised concerns in their letters. The planner recommended and he recommended that it become a part of the recommendation to the city council verbatim that they would be contained in there would be conditions of the recommendation of the planning board to the city council. Beyond that there would be a sense that the developer follow through on the commitment to meet with the neighbors in the meantime before the city council meeting and could report it at the city council hearing. Also that there would be a discussion of traffic in a more detailed traffic analysis presentation made at the city council hearing as well and thought would go a long way towards addressing some of the technical issues relative to traffic. Regarding water and sewer... you will not get a final design stage but to get as much of that information as you could and maybe some detailed information based on what you have done at conservation so far. The planner thought that would be useful to present at the city council and suggested that be a condition as well.

The planner recommended a conditional favorable recommendation to the city council on this project as it relates to its compliance with the cluster regulations. Those conditions that he recommended would include the incorporations of all the city department letters as he listed them before and the other requirements relative to the meeting with the

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neighbors and further details relative to issues on engineering and design as it relates to drainage. Also the clearing up of the issue relative to... he did not think that they had an issue relative to the architectural but thought that maybe a statement on that, to Attorney Harb, to the building inspector would be appropriate. He noted that was his recommendation.

Chairman Paul Howard asked if one of the neighbors wanted to take... this is a (inaudible) that shows what it could be as a conventional subdivision 14 lots and what it is reduces by going into a cluster down to the six lots that they are showing...

Someone from the audience... no name and was inaudible.

The chairman noted that it was good information to see and it has the layout so if any of the neighbors would like to take the package home...

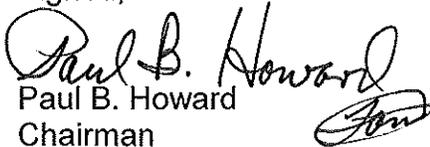
Member Connors also gave them his copy.

The chairman asked for a motion.

MOTION

After board consideration, Member Bob Driscoll motioned to accept the recommendations of the planning director and to forward a conditional favorable recommendation to the City Council for the Rosemont Street Special Permit Cluster. Member Celeste Hynick seconded the motion. Members that voted in favor of the continuance were the following: Timothy Connors, Celeste Hynick, Roy Wright, James C. Cronin, Jack Everette, Joseph Sullivan, Bob Driscoll and Paul B. Howard. No members were absent. **Motion passed to forward a conditional favorable recommendation to the City Council.**

Signed,


Paul B. Howard
Chairman

Attachments: City D.E.P.artment Reports

Cc: Rosemont Street Special Permit Cluster File
Mayor Fiorentini
Owner/Applicant
Robert Harb, Esquire
William D. Cox, City Solicitor
City Council
City Clerk
City Engineer John Pettis—Room 214

18-BB

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

April 5, 2012

RECEIVED
APR 12 2012

Econ Devlp & Planning
& B.O.A.

Haverhill City Council
C/O Mr. John A. Michitson, President
4 Summer Street
Haverhill, MA 01830

Re: Special permit For A Cluster Residential Development &
Applicable Waiver of Affordable Housing Component
Rosemont Street
Council Hearing Scheduled April 10, 2012

Request For Continuance To April 24, 2012

Dear President Michitson:

It is my understanding that there will not be a full Council present at the scheduled hearing of the above matter on April 10, 2012.

Therefore, in an effort to insure a hearing before the entire Council, I respectfully request the hearing be continued for two weeks until April 24, 2012 when all Councilors are expected to be present.

Thank you for your attention to this request.

Sincerely,

Bradford Unlimited, Corp.

By: Stephen Defeo, Pres
Stephen Defeo, President

IN CITY COUNCIL: April 10 2012
CONTINUED TO APRIL 24 2012

(see document 18)

Attest: [Signature]
City Clerk



3 me ✓

Haverhill

RECEIVED
MAR 14 2012

Engineering Department, Room 214
Tel: 978-374-2335 Fax: 978-373-8475
John H. Pettis III, P.E. - City Engineer
JPettis@CityOfHaverhill.com

April 13, 2011

Econ Devlp & Planning
& B.O.A.

MEMO TO: HAVERHILL PLANNING BOARD

Subject: *Special Permit Cluster Development, Rosemont Street (Perls Way Subdivision)*

I have reviewed the submitted plan and have no objection to the Special Permit being granted. My only comment at this time is that the method of handling sewer from most of the proposed dwellings (all tied into a single forcemain) is not consistent with City of Haverhill policy. It is recommended that the applicant's engineer meet with Wastewater Department's Paul Jessel and me to discuss alternatives.

Please contact me if you have any questions.

Sincerely,

John H. Pettis III, P.E.
City Engineer

C: Stankovich, Ward, Moore, Jessel
csparages@wsengineers.com



Rosemont

Haverhill

Office of the Treasurer-Collector
Phone: 978-374-2320 Fax: 978-374-2408
Treasurer@cityofhaverhill.com

RECEIVED
MAR 14 2012

Econ Devlp & Planning
& B.O.A.

March 14, 2012

Mr. Paul B. Howard, Chairman
Haverhill Planning Board
4 Summer Street, Room 201
Haverhill, MA 01830

Dear Chairman Howard and Board Members:

Please be advised that we have received payment on the following parcels:

#1 + 2
River Street Special Permit – Joseph DiPrimo Map 534, Block 4, Lot 19.

#3
Rosemont Street Special Permit Cluster Development – Bradford Unlimited Corp/Stephen Defeo Applicant – Map 636, Block 1, Lot 10.

Thank you for your assistance in this matter.

Very truly yours,

Mary E. Roy, CMMT CMMC
Treasurer-Collector

CITY OF HAVERHILL

Collector of Taxes

Mary E. Roy

P.O. Box 969

Haverhill, MA 01831-1099

Monday-Friday 8am-4pm

Telephone 978-374-2320

www.ci.haverhill.ma.us

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

FISCAL YEAR 2012 REAL ESTATE TAX BILL

Based on Assessments as of January 1, 2011 your **REAL ESTATE TAX** for the fiscal year ending July 1, 2011 and ending June 30, 2012 on the parcel of REAL ESTATE described below is as follows:

This form is approved by the Commissioner of Revenue
THE COMMONWEALTH OF MASSACHUSETTS
BILL NO. 26236
TAX PAYER'S COPY

ROSEMONT ST

Parcel: 636_1_10
Book Page: 24461-59
Acreage: 11.2800
Class: RBS
Land: 208,500
Valuation: 208,500

Real estate tax	3,077.46
Preliminary tax	1,452.20
Preliminary payments	1,452.20
3rd Qtr. Tax due 02/03/12	812.63
4th Qtr Tax due 05/01/12	812.63

26236

TAX RATE PER \$1000			
Class 1	Class 2	Class 3	Class 4
Residential	Open Space	Commercial	Industrial
14.76	14.76	24.68	24.68

DUFFY JOSEPH G
97 LOVEJOY RD
ANDOVER MA 01810-4525

CITY OF HAVERHILL PAID
12.68 int
MAR 14 2012
825.31
MARY E. ROY
COLLECTOR



3

RECEIVED
MAR 14 2012

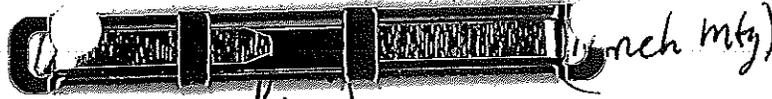
Econ Devlp & Planning
& B.O.A.

mc ✓

RECEIVED

373 7441

Chris Sparagus m 2/9/12



James J. Fiorentini
Mayor

Richard B. Borden
Fire Chief

Haverhill Fire Department

Fire Prevention / Investigation Unit

D/C William F. Laliberty
Lieut. Richard Beaudoin
Insp. Steven Trocki

to R. Woods



4 Summer St, Room 113
Tel: (978) 373-8460
Fax: (978) 521-4441

February 6, 2012

*Filed on
3-13-12*

William Pillsbury, Planning Director
4 Summer Street, room 201
Haverhill, MA 01830

Re: Cluster Development/ 636, 651-1, 610-10, 18/ Rosemont Street Special Permit

The planning, design and construction of new buildings, renovation of existing buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which in the scope of 780 CMR, 8th edition, shall be made in accordance therewith. (527 CMR 1.04(4) and 780 CMR 101.2)

Plans approved by the fire department are approved with the intent they comply in all respects to 780 CMR, 527 CMR, MGL Chapter 148 and any City of Haverhill ordinance. Any omissions or errors on the plans do not relieve the applicant of complying with applicable requirements.

I have reviewed the submitted plans for the address stated above and in the interest of public safety, have the following comments:

- **Public Safety Design Standards**
 - The Planning Board shall consider in addition to all roadway access considerations for fire safety, the following criteria when approving a preliminary or definitive plan:
 - When fire safety response time to a proposed subdivision exceeds four (4) minutes from a manned fire station facility, then residential sprinklers shall be required to be installed in each unit; and or
 - If response distance exceeds 1.5 miles for an engine company or 2.5 miles for a ladder company from a manned fire station facility, then residential sprinklers shall be installed in each unit.

The Public Safety Design Standard of City of Haverhill's Rules and Regulations Governing the Subdivision of Land requires the installation of residential sprinklers in each unit of this proposed cluster development project.

Respectfully,

William F. Laliberty
Deputy Fire Chief



1 of 2

#

3 (m e v)

Haverhill

Paul J. Jessel, Collection System Supervisor
Water/Wastewater Division
Phone: 978-374-2382 Fax: 978-521-4083
pjessel@haverhillwater.com

March 13, 2012

To: William Pillsbury
Planning Director

Subject: Special Permit Cluster residential Development Rosemont Street
Project ID# 651-610-18

The Water and Wastewater Divisions have reviewed the above mention item and have the following concerns:

Wastewater Division

- Plans show notation "FM" is this forcemain?
- The developer shall be required to install a sewer lift station acceptable the Wastewater Division
- The developer shall work with the abutter at 20 Alvanios Drive in the hopes to run a gravity sewer from an existing lift station into this new lift station.

Water Division

The Water Department has no objection to the issuance of a Special Permit for this project. The Applicant shall be advised that the project shall be served by City Water and a water main location shall be depicted on the Definitive Plans in accordance with the Subdivision Rules and Regulations. A hydrant located at the end of the main is preferred to a standard blow off configuration.

Water and Wastewater Divisions do not object to the special permit and request this letter be part of City Council approval. Water and Wastewater Divisions shall provide additional comments after the submission of a site plan.

Copy
To City
#488
3-13-12
+ cspannus



Haverhill

Paul J. Jessel, Collection System Supervisor
Water/Wastewater Division
Phone: 978-374-2382 Fax: 978-521-4083
pjessel@haverhillwater.com

If you have any questions call my office 978-374-2382.

Sincerely,

Paul J. Jessel
Collection System Supervisor

File#: 120027

Project ID: 651-610-18

cc: Bob Ward, W/WWTP
John Pettis, III City Engineer
John D'Aoust, Water Treatment
Anthony Capachietti, Water Maintenance
Chris Sparages: csparages@wsengineers.com



✓ 373-1. 2/11
Bob Han B Fax #

Haverhill

Office of the Treasurer-Collector
Phone: 978-374-2320 Fax: 978-374-2408
Treasurer@cityofhaverhill.com

Handwritten initials and checkmark

March 9, 2012

RECEIVED
MAR 09 2012

Econ Devlp & Planning
& B.O.A.

Mr. Paul B. Howard, Chairman
Haverhill Planning Board
4 Summer Street, Room 201
Haverhill, MA 01830

Dear Chairman Howard and Board Members:

In reviewing the Planning Board Agenda for the March 14, 2012 meeting I noted an account that has taxes due this office:

Rosemont Street Special Permit Cluster Development-- Bradford Unlimited Corp/Stephen Defeo applicanat -- Map 636, Block 1, Lot 10. The third quarter taxes for Fiscal 2012 which were due February 3, 2012 in the amount of \$812.63 plus interest to date of payment remain unpaid.

Thank you for your attention to this matter.

Very truly yours,

Handwritten signature of Mary E. Roy

Mary E. Roy, CMMT, CMMC
Treasurer-Collector

✓ Faxed 3-13-12
Arty Han B → C. Sparagus



James J. Fiorentini
Mayor

Richard B. Borden
Fire Chief

Rec'd
2-7-12
(March mtg)

Haverhill Fire Department

Fire Prevention / Investigation Unit



D/C William F. Laliberty
Lieut. Richard Beaudoin
Insp. Steven Trocki

4 Summer St, Room 113
Tel: (978) 373-8460
Fax: (978) 521-4441

February 6, 2012

William Pillsbury, Planning Director
4 Summer Street, room 201
Haverhill, MA 01830

Re: Cluster Development/ 636, 651-1, 610-10, 18/ Rosemont Street Special Permit

The planning, design and construction of new buildings, renovation of existing buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which in the scope of 780 CMR, 8th edition, shall be made in accordance therewith. (527 CMR 1.04(4) and 780 CMR 101.2)

Plans approved by the fire department are approved with the intent they comply in all respects to 780 CMR, 527 CMR, MGL Chapter 148 and any City of Haverhill ordinance. Any omissions or errors on the plans do not relieve the applicant of complying with applicable requirements.

I have reviewed the submitted plans for the address stated above and in the interest of public safety, have the following comments:

- **Public Safety Design Standards**

- The Planning Board shall consider in addition to all roadway access considerations for fire safety, the following criteria when approving a preliminary or definitive plan:
- When fire safety response time to a proposed subdivision exceeds four(4) minutes from a manned fire station facility, then residential sprinklers shall be required to be installed in each unit; and or
- If response distance exceeds 1.5 miles for an engine company or 2.5 miles for a ladder company from a manned fire station facility, then residential sprinklers shall be installed in each unit.

The Public Safety Design Standard of City of Haverhill's Rules and Regulations Governing the Subdivision of Land requires the installation of residential sprinklers in each unit of this proposed cluster development project.

Respectfully,

William F. Laliberty
Deputy Fire Chief

44-B



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
WWW.CI.HAVERHILL.MA.US

April 6, 2012

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

RE: Parking Ordinance

Mr. President and members of the City Council:

I'm pleased to state that the Parking Commission and I have reached a tentative agreement with a company to manage parking in downtown Haverhill. The company is known as SP Plus Municipal Services and they are located out of Boston. They handle parking throughout the country for a number of different cities. They have been interviewed, along with a number of other companies, by our parking commission which has unanimously recommended them. I will have more details on this later.

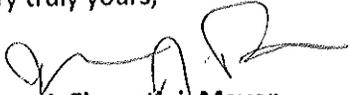
SP Plus is willing to give us a \$200,000 upfront advance in order to manage the parking. That \$200,000 can be used to beautify downtown, to keep it cleaner and safer.

In the course of our meetings with SP plus and with our parking consultant, we discovered some areas that need to be corrected in the parking plan. Unfortunately, I have not been able to put together an amended ordinance prior to this morning's Council deadline.

As you know, ordinances stay on file for a two-week period. If the Council will indulge me and allow me to submit an amended ordinance under a suspension of the rules on Tuesday, it will then sit on file for two weeks. During that period of time I hope to have a contract signed with SP Plus and bring them before you to introduce them to you and to the public.

Thank you for your patience and your indulgence.

Very truly yours,


James J. Fiorentini, Mayor

JJF/ik

IN CITY COUNCIL: April 10 2012
POSTPONED TO APRIL 24 2012

Attest:

City Clerk

DOCUMENT 51



CITY OF HAVERHILL

In Municipal Council April 10 2012

~~ORDINANCE~~

MUNICIPAL ORDINANCE

CHAPTER 191

AN ORDINANCE RELATING TO PEDDLING AND SOLICITING

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 191, Article IV, as amended, be and hereby is further amended as follows:

ARTICLE IV

Peddlers and Hawkers, Transient Vendors and Fixed Location Vendors

191-9 Licenses.

By deleting the first sentence of paragraph J., and, inserting in place thereof the following:

“Any person, firm or corporation engaging in the business of a door to door sales, whether taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services, and including orders for future delivery, are required to register with the Chief of Police, provide positive identification, complete an application signed by the applicant, be photographed, and sign a photograph identification badge. Any person, firm or corporation taking orders for future delivery shall also provide written daily notice as required by M.G.L. c. 101, §34 .”

Also by deleting the words “for future delivery” in the third sentence of paragraph J.

APPROVED AS TO LEGALITY

City Solicitor

PLACED ON FILE FOR AT LEAST 10 days

Attest:

City Clerk

CITY OF HAVERHILL
MASSACHUSETTS
CITY SOLICITOR'S OFFICE

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

WILLIAM D. COX, JR.
CITY SOLICITOR

April 5, 2012

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

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

RE: Ordinance - Peddling and Soliciting

At the request of the Administration and Finance Committee, I have prepared an ordinance which requires all door to door salespersons to register with the Chief of Police and wear a photographic identification badge. I have attached a current copy of the appropriate Code section for your review.

If I can be of any further assistance, kindly advise. Thank you.

cc: James J. Fiorentini, Mayor

GENERAL CODE



Index	City of Haverhill, MA	Search <input type="text"/>	Print <input type="button" value="Q"/>
New Laws	Help	CHAPTER 193. PLAYGROUNDS, PARKS AND RECREATION AREAS	
CHAPTER 189. PEACE AND GOOD ORDER			
S			

This electronic version is provided for informational purposes only. For the official version please contact the municipality.

Jump to Content

CHAPTER 191. PEDDLING AND SOLICITING

ARTICLE I. Hawkers and Peddlers

§ 191-1. Crying of wares prohibited; condition of vehicles.

§ 191-2. Peddling near schools.

ARTICLE II. Solicitors and Canvassers

§ 191-3. Registration required; hours.

§ 191-4. Licensing; fees.

§ 191-5. Exemptions.

ARTICLE III. Ice Cream Vendors

§ 191-6. Licensing of vendors.

§ 191-7. Licensing of vendors at Haverhill Municipal Stadium.

ARTICLE IV. Transient Vendors and Peddlers and Hawkers of Seasonal Products

§ 191-8. Definitions.

§ 191-9. Licenses.

§ 191-10. Seasonal products; fee.

§ 191-11. Permitted fixed locations; exceptions.

§ 191-12. Special events.

§ 191-13. Fraud; violations and penalties.

ARTICLE V. Leafletting

§ 191-14. Distribution of leaflets.

§ 191-15. Cleanup responsibilities.

ARTICLE VI. Exterior Vending Machines

§ 191-16. Purpose.

§ 191-17. Definitions.

§ 191-18. License required.

§ 191-19. Violations and penalties.

§ 191-20. Severability.

Chapter 191. PEDDLING AND SOLICITING

[**HISTORY:** Adopted by the City Council of the City of Haverhill as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 182.

Parades and processions — See Ch. 185.

Special sales — See Ch. 204.

Tag days — See Ch. 227.

Article I. Hawkers and Peddlers

[Adopted as Secs. 23-18 and 23-19 of the 1963 City Code (Ch. 191, Art. I, of the 1980 Code)]

§ 191-1. Crying of wares prohibited; condition of vehicles.

No person hawking, peddling or carrying or exposing any articles for sale shall cry his wares to the disturbance of the peace and the comfort of the inhabitants of the City nor otherwise than in vehicles or receptacles which are neat and clean and do not leak.

§ 191-2. Peddling near schools.

No licensed or unlicensed hawker or peddler shall sell or offer for sale on any public street, way or public place in the City within 2,000 feet of any school in the City any goods, wares or merchandise between the hours of 8:00 a.m. and 4:00 p.m. on days when the schools of the City are in session.

Article II. Solicitors and Canvassers

[Adopted 6-30-1964 by Doc. 176 (Ch. 191, Art. II, of the 1980 Code)]

§ 191-3. Registration required; hours.

No person or group of persons, solicitors, salesmen or canvassers shall solicit funds as authorized by Chapter 68 of the General Laws or other laws or sell or offer for sale any products or merchandise upon the public ways or in any other public places or on private premises in the City of Haverhill after 8:00 p.m. nor unless registered with the Chief of Police.

§ 191-4. Licensing; fees.

[Added 4-8-2003 by Doc. 58] Any person soliciting or canvassing shall pay a fee to the City of Haverhill for such license which shall be approved by the Police Department and granted by the City Council. The fee for such license shall be \$60.

§ 191-5. Exemptions.

[Added 4-8-2003 by Doc. 58] This shall not pertain to Boy or Girl Scouts, religious organizations or any fund raising for school organizations.

Article III. Ice Cream Vendors

[Adopted 6-23-1981 by Doc. 122 (Ch. 191, Art. III, of the 1980 Code)]

§ 191-6. Licensing of vendors.

- A. Licenses for the sale of ice cream and related products from a vending truck shall be issued by the Board of Health. The initial licenses shall be granted to expire on the first anniversary of the effective date of this legislation.
- B. There shall be issued no more than two such licenses during the course of any given year.
- C. Whenever a license hereunder is issued to a vendor whose principal place of business is located within the City of Haverhill, such license shall limit to two the number of vending trucks to be used by the licensee.
- D. Whenever a license hereunder is issued to a vendor whose principal place of business is located outside the City of Haverhill, such license shall limit to one the number of vending trucks to be used by the licensee.
- E. The fee for licenses issued hereunder shall be set by the Board of Health.

F. In evaluating an application for a license to sell ice cream and related products from a vending truck, the Board of Health shall consider the following criteria:

- (1) Whether the applicant has sufficient vending equipment to adequately service the needs of the City.
- (2) The number of years the applicant has been engaged in the sale of ice cream and related products from vending trucks within the City.
- (3) The extensiveness and quality of the applicant's line of products to be offered for sale to the public.
- (4) Whether the applicant's business is located within the City.
- (5) Whether the applicant has previously had a license to peddle within the City.
- (6) Whether the applicant has been convicted within the prior 12 months of any offense against the laws of Massachusetts or the ordinances of the City relating to peddling.
- (7) Whether the applicant is a person of good moral character and has a good business reputation within the City.
- (8) Any other factors relating to the applicant deemed relevant by the Board of Health in determining whether the issuance of a license to him will best serve the general welfare of the residents of the City.

G. The Board of Health shall regulate the issuance, revocation, suspension and renewal of all licenses hereunder.

H. Any individual, corporation, partnership or other entity to which a license hereunder is issued shall be entitled, at least 30 days prior to the expiration of such license, to apply for renewal of such license, said renewal to be granted unless for good cause shown.

I. Nothing contained in this § 191-6 shall apply to the issuance or other disposition of a license to sell ice cream and related products from a vending truck at the Haverhill Municipal Stadium, and no license issued hereunder shall entitle the licensee to operate at said stadium. *Editor's Note: Original § 191-4J, re: effectiveness for one year unless amended, which immediately followed this subsection, was repealed 6-8-2004 by Doc. 84 and 12-7-2004 by Doc. 155.*

§ 191-7. Licensing of vendors at Haverhill Municipal Stadium.

A. Licenses for the sale of ice cream and related products from a vending truck at the Haverhill Municipal Stadium shall be issued by the Board of Health. The initial licenses shall be granted to expire on the first anniversary of the effective date of this legislation.

B. There shall be issued no more than two such licenses during the course of any given year.

C. Such license shall stipulate that the licensee shall use no more than one vending truck per licensee in the sale of ice cream and related products at the Haverhill Municipal Stadium.

D. The fee for such licenses shall be set by the Board of Health.

E. In evaluating an application for a license to sell ice cream and related products from a vending truck, the Board of Health shall consider the following criteria:

- (1) Whether the applicant has sufficient vending equipment to adequately service the needs of the stadium.
- (2) The number of years the applicant has been engaged in the sale of ice cream and related products from vending trucks within the City.

- (3) The extensiveness and quality of the applicant's line of products to be offered for sale to the public.
 - (4) Whether the applicant's business is located within the City.
 - (5) Whether the applicant has previously had a license to peddle within the City.
 - (6) Whether the applicant has been convicted within the prior 12 months of any offense against the laws of Massachusetts or the ordinances of the City relating to peddling.
 - (7) Whether the applicant is a person of good moral character and has a good business reputation within the City.
 - (8) Any other factors relating to the applicant deemed relevant by the Board of Health in determining whether the issuance of a license to him will best serve the general welfare of the residents of the City.
- F. The Board of Health shall regulate the issuance, revocation, suspension and renewal of all licenses hereunder.
- G. Any individual, corporation, partnership or other entity to which a license hereunder is issued shall be entitled, at least 30 days prior to the expiration of such license, to apply for renewal of such license, said renewal to be granted unless for good cause shown. *Editor's Note: Original § 191-5H, re: effectiveness for one year unless renewed, which immediately followed this subsection, was repealed 6-8-2004 by Doc. 84 and 12-7-2004 by Doc. 155.*

Article IV. Transient Vendors and Peddlers and Hawkers of Seasonal Products

[Adopted 12-1-1981 by Doc. 212 (Ch. 191, Art. IV, of the 1980 Code)]

§ 191-8. Definitions.

[Amended 11-9-1982 by Doc. 193; 12-7-2004 by Doc. 155]The following words shall for the purposes of this article have the following meanings, unless the context requires otherwise:

FIXED LOCATION VENDOR

Any person who, for himself or for another person, engages in the sale of goods, wares, merchandise, food or beverages at a fixed location which is carried on in any fixed or mobile cart, wagon or tables.[Amended 10-5-2010 by Doc. 104]

HAWKER or PEDDLER

Any person who, for himself or for another person, travels by foot, automobile or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services. This shall include persons engaged in door-to-door sale for future delivery as defined by MGL c. 101, § 34.[Amended 3-21-2006 by Doc. 39]

SEASONAL PRODUCTS

Christmas trees, wreaths, baskets, blooming plants and cut flowers.

TRANSIENT VENDOR

Any person who, for himself or for another person, who engages in a temporary or transient business in the commonwealth selling goods, wares or merchandise, either in one locality or in traveling from place to place. Temporary or transient business shall mean any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least 12 consecutive months.

§ 191-9. Licenses.

[Amended 11-9-1982 by Doc. 193; 11-14-1989 by Doc. 193-B; 7-13-1993 by Doc. 87; 6-28-1994 by Doc. 99;

2-4-1997 by Doc. 23; 4-20-1999 by Doc. 64; 7-23-2002 by Doc. 116; 6-8-2004 by Doc. 84; 12-7-2004 by Doc. 155It shall be unlawful for any person, firm or corporation to engage in the business of hawker/peddler without first having secured a state license or a license from the City. It shall be unlawful for any person, firm or corporation to engage in the business of transient vendor without first having secured a state license and a license from the City. It shall be unlawful for any person, firm or corporation to engage in the business of fixed location vendor without first having secured a license from the City.

- A. Application. Applications for permission to use City property or to sell on City streets, sidewalks, public ways or in any public space shall be made to the City Clerk and shall be subject to the approval of the City Council. Applications shall state thereon the kind of merchandise to be sold, the proposed location of the business, the dates and times of operation and the permanent address and telephone number of the vendor.
- B. Fee. The fee for a hawker/peddler license shall be \$62, unless the applicant has a state license in which case there shall be no fee. The fee for a transient vendor or a fixed location vendor shall be \$100 for a period of less than 30 days or \$300 for a period exceeding 30 days.
- C. Prior approvals. Before such a permit is issued, approval shall be obtained from the Chief of Police (registration and traffic safety, etc.); Building Inspector (signs, zoning, regulations, etc.); Wiring Inspector (lights, etc.); Recreation Director (use of Riverside Park and area in front of or on the side of Haverhill Stadium); Fire Inspector; and Health Department (food or beverage sales).
- D. Hours of operation. No sales activity shall be allowed before 9:00 a.m. and after 9:00 p.m. without the prior permission of the City Council.
- E. The sale of silly string or similar type goods or snap caps and stink bombs or similar explosives or any facsimile cigarettes during a parade or public event in the City of Haverhill is prohibited.
- F. A permit to sell may only be used by the person whose name appears on the City license, unless an employee is working under a licensed vendor and obtains a separate employee license. The fee for such an employee license shall be \$25, and the employee license shall run with the term of the licensed vendor.

[Amended 10-5-2010 by Doc. 104]

- G. No transient vendor or fixed location vendor license shall be issued without the applicant indemnifying the City of Haverhill from any and all claims arising out of the maintenance of such a location and by placing on file a sidewalk obstruction bond in the amount of \$5,000 as set forth in § 222-46 of this Code.
- H. All permits issued under this section may be effective for up to one year, commencing on January 1 and with an expiration date of December 31 of the year in which the permit is granted. Any license which is not renewed for the upcoming year by December 1 of the prior year may be subject to reassignment in accordance with the provisions of § 191-11B.

[Amended 10-5-2010 by Doc. 104]

- I. Any person, firm or corporation engaging in the business of hawker/peddler within the City of Haverhill who is operating on the basis of a state license solely shall register with the Chief of Police at least 24 hours prior to conducting business and shall provide the kind of merchandise to be sold, the proposed areas and locations in which they will engage in their business, the dates and times of operation, the permanent address and telephone number of the vendor, and a copy of a valid state hawker/peddler license.
- J. Any person, firm or corporation engaging in the business of door-to-door sales for future delivery is required to register with the Chief of Police pursuant to MGL c. 101, § 34, provide positive identification, complete an application signed by the applicant, be photographed, sign a photograph identification badge, and provide written daily notice as required by MGL c. 101, § 34. Notwithstanding

any other provisions of this section, permitted hours of activity are limited from 9:00 a.m. to 6:00 p.m. All persons engaged in the business of door-to-door sales for future delivery must conspicuously wear on outer garments the photograph identification badge provided by the Police Department. A registration fee of \$50 shall be paid to the Police Department for each person so registered. All persons, firms or corporations registered with the Police Department must comply at all times with the provisions of MGL c. 101, § 34, and this chapter. The penalty for any violation of MGL c. 101, § 34, and/or this chapter may include the revocation of certification by the Police Department, along with other penalties as provided for by law. These provisions shall not apply to any person who goes door to door on behalf of any group organized for any political purpose, the sale or delivery of newspapers or any corporation organized for charitable purposes, such as schools, religious organizations or the Boy/Girl Scouts.

[Added 3-21-2006 by Doc. 39]

§ 191-10. Seasonal products; fee.

[Added 7-13-1993 by Doc. 87; 4-20-1999 by Doc. 64; 4-8-2003 by Doc. 58; 6-8-2004 by Doc. 84; 12-7-2004 by Doc. 155] It shall be unlawful for any person, firm or corporation to engage in the business of transient vendor or fixed location vendor for the sale of seasonal products without first having secured a City license pursuant to the requirements of § 191-9. The fee for a license to sell seasonal products shall be \$200.

§ 191-11. Permitted fixed locations; exceptions.

[Added 7-13-1993 by Doc. 87; amended 5-16-1995 by Doc. 88; 4-20-1999 by Doc. 64; 11-9-2004 by Doc. 146; 12-7-2004 by Doc. 155]

A. Permitted locations. Selling within the City of Haverhill of products licensed under § 191-9 by fixed location vendors shall only be permitted within the boundaries of these areas:

[Amended 10-5-2010 by Doc. 104]

- (1) Winnekenni area, Route 110: one vendor.
 - (2) Bradford Common: one vendor.
 - (3) Riverside Park: one vendor.
 - (4) Washington Square: one vendor.
 - (5) GAR Park: one vendor.
 - (6) Swasey Park: one vendor.
 - (7) Outside Haverhill Stadium at Lincoln and Nettleton Avenues: one vendor.
 - (8) Other areas as approved by the City Council.
- B. Vacated locations. Persons who wish to be considered for a permit for one of the above locations, when vacated, may notify the City Clerk, who shall maintain a waiting list, including the person's name, address and a date of receipt. Interested parties shall be notified when a location is vacated and shall have 30 days to apply for issuance of a permit. If more than one person applies for a particular site, preference shall be given to the earliest qualified applicant, as determined by the City Council. If no person has applied for a permit within 30 days or if there are no persons on the waiting list, the location shall be granted to the earliest qualified applicant, if the City Council so determines. The waiting list must be renewed every two years, with those applicants on the list to be notified by the City Clerk by regular U.S. mail to renew the application by November 1. Persons may be permitted for more than one location if allowed by the City Council. Any valid permit for which no person operates for a period of 30 days or more between April 1 and October 1 may be subject to revocation by the City Council, after notice and hearing.

[Amended 10-5-2010 by Doc. 104]

C. Exceptions. The following areas shall not be permitted to have any type of selling by either a transient vendor or hawker/peddler:

- (1) All municipal parking areas.
- (2) Plug Pond.
- (3) Meadowbrook Conservation Area.
- (4) Within 300 feet of any public school building, notwithstanding the provisions of § 191-2.
- (5) Within 25 feet of any parade route commencing 1/2 hour prior to the start of said parade, except for those permitted to sell in accordance with § 191-12.

§ 191-12. Special events.

[Amended 7-13-1993 by Doc. 87; 4-20-1999 by Doc. 64; 12-7-2004 by Doc. 155]

- A. Fixed location vendors shall also be permitted to operate during special events, provided that a notification of intent to operate during the special event is filed with the event director or committee at least 30 days prior to said special event and the event director or committee approves the specific location. The event director or committee shall not unreasonably withhold approval for operation during a special event; however, the event director or committee shall have exclusive jurisdiction over the assigned specific location at which any person(s) may operate.
- B. Notwithstanding the provisions of § 191-9B, the fee for fixed location vendors who are designated as "sponsor vendors" by the event director or committee of a special event, which has been endorsed by the City Council as a municipal enhancing event, shall be waived, provided that a one-time fee of \$250 for all such sponsor vendors is paid by the event director or committee of a special event and each such sponsor vendor files an application pursuant to this article. This fee shall be effective only for the duration of the special event. Sponsor vendors shall comply with all other ordinances, rules and regulations of the City, excepting the requirement of a sidewalk obstruction bond pursuant to § 191-9G which shall be waived if in the opinion of the City Solicitor the special event has sufficient liability insurance coverage.

[Added 10-18-2005 by Doc. 136-B] *Editor's Note: Original § 191-7.4, Street vending during the Great Race on June 13, 1998, added 5-26-1998 by Doc. 83, which followed this section, was repealed 6-8-2004 by Doc. 84 and 12-7-2004 by Doc. 155.*

§ 191-13. Fraud; violations and penalties.

[Amended 7-13-1993 by Doc. 87]

- A. Fraud. Any licensed transient vendor or peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting in the City, or who shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license or who shall fail to comply with the conditions and restrictions contained herein shall be deemed guilty of a violation of this article.
- B. Penalty. Any person, firm or corporation violating any provision of this article shall be fined not less than \$50 nor more than \$250 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Article V. Leafletting

[Adopted 12-15-1992 by Doc. 174 (Ch. 191, Art. V, of the 1980 Code)]

§ 191-14. Distribution of leaflets.

No person, organization, company or other entity shall distribute or cause to be distributed leaflets, pamphlets or other material by attaching the same to motor vehicles belonging to another person.

§ 191-15. Cleanup responsibilities.

Any person, organization, company or other entity either legally or illegally distributing or causing to be distributed leaflets, pamphlets or other material shall be responsible for the cost of cleaning up litter which is the result of the distribution. This section may be enforced by either a civil or criminal proceeding.

Article VI. Exterior Vending Machines

[Adopted 2-1-2011 by Doc. 13]

§ 191-16. Purpose.

The purpose of this article is to protect, preserve and maintain the public health, safety and welfare by regulating business activities relating to exterior vending machines, as defined herein. This article sets forth requirements for the review of exterior vending machines so that such machines may be permitted without adversely affecting the public health, safety and welfare.

§ 191-17. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EXTERIOR VENDING MACHINES

Any automated machine that is placed outside of a fully enclosed building and that is designed to allow consumers to insert monies by way of cash, credit or debit cards and obtain goods, merchandise or products stored within or produced by the machine, excepting all food, beverage or cigarette vending machines.

§ 191-18. License required.

The use and/or placement of all exterior vending machines shall require a license from the City Council. Each license shall be valid for one calendar year. Application for such licenses shall be on a form prescribed by the City Clerk, and a fee of \$100 shall be paid for each machine to be licensed. The application shall be submitted to the Police Chief, Fire Chief, Building Inspector, Wiring Inspector and the Board of Health for review and comment prior to the City Council taking final action on the application. The City Council shall then hold a public hearing on such license. In determining whether to issue such a license, the City Council may consider issues pertaining to hours of operation, traffic, lighting, noise and such other issues as may affect the public health, safety and welfare. The City Council may impose reasonable conditions upon the issuance of any such license. Each licensed machine shall display a sticker from the City evidencing that it is properly licensed.

§ 191-19. Violations and penalties.

A. The following penalties shall be applied in addition to any other remedies available in this article:

- (1) First offense: \$150.
- (2) Subsequent offense: \$300.

B. Each day of violation shall be an independent violation which may result in a separate citation.

§ 191-20. Severability.

The provisions of this article shall be severable and if any section, part, or portion hereof shall be held invalid for any purpose by any court of competent jurisdiction, the decision of such court. *Editor's Note: So in original.*

1.52



DOCUMENT 52

CITY OF HAVERHILL

In Municipal Council April 10 2012

ORDERED:
MUNICIPAL ORDINANCE
AN ORDINANCE RELATING TO SALARIES

CHAPTER
FIRE SAFETY SERVICES

BE IT ORDAINED by the City Council of the City of Haverhill that Document 63 of 2006 is hereby amended as follows:

EFFECTIVE 7/1/2006 1%	Reserve	Start	Year 1	Year 2	Year 3	Year 5
Private	\$ 15.39	\$ 699.99	\$ 746.96	\$ 798.39	\$ 849.88	\$ 878.58
F/P Private						\$ 878.58
Mechanic		\$ 699.99	\$ 746.96	\$ 798.39	\$ 849.88	\$ 878.58
Signal Main.		\$ 699.99	\$ 746.96	\$ 798.39	\$ 849.88	\$ 878.58

	Start	6 months	1 year
Lieutenant	\$ 919.57	\$ 960.56	\$ 1,001.57
F/P Lieutenant			\$ 1,001.57
Training/Education Lt.			\$ 1,001.57
Captain	\$ 1,044.97	\$ 1,088.38	\$ 1,131.77
Deputy	\$ 1,177.04	\$ 1,222.31	\$ 1,267.59
F/P Deputy			\$ 1,267.59
Sr. Deputy			\$ 1,267.59
Training Deputy	\$ 1,177.04	\$ 1,222.31	\$ 1,267.59
Fire Alarm. Super.			\$ 1,131.77
Master Mechanic	\$ 966.43	\$ 1,010.36	\$ 1,054.29

EFFECTIVE 7/1/2007 1%	Reserve	Start	Year 1	Year 2	Year 3	Year 5
Private	\$ 15.55	\$ 706.99	\$ 754.43	\$ 806.37	\$ 858.38	\$ 887.36
F/P Private						\$ 887.36
Mechanic		\$ 706.99	\$ 754.43	\$ 806.37	\$ 858.38	\$ 887.36
Signal Main.		\$ 706.99	\$ 754.43	\$ 806.37	\$ 858.38	\$ 887.36

	Start	6 months	1 year
Lieutenant	\$ 928.76	\$ 970.16	\$ 1,011.59
F/P Lieutenant			\$ 1,011.59
Training/Education Lt.			\$ 1,011.59
Captain	\$ 1,055.42	\$ 1,099.26	\$ 1,143.09
Deputy	\$ 1,188.81	\$ 1,234.53	\$ 1,280.26
F/P Deputy			\$ 1,280.26
Sr. Deputy			\$ 1,280.26
Training Deputy	\$ 1,188.81	\$ 1,234.53	\$ 1,280.26
Fire Alarm. Super.			\$ 1,143.09
Master Mechanic	\$ 976.10	\$ 1,020.47	\$ 1,064.84

2.
Salaries
Fire Safety
Services

EFFECTIVE 7/1/2008 2%	Reserve	Start	Year 1	Year 2	Year 3	Year 5
Private	\$ 15.86	\$ 721.13	\$ 769.52	\$ 822.50	\$ 875.54	\$ 905.11
F/P Private		\$ 721.13	\$ 769.52	\$ 822.50	\$ 875.54	\$ 905.11
Mechanic		\$ 721.13	\$ 769.52	\$ 822.50	\$ 875.54	\$ 905.11
Signal Main.		\$ 721.13	\$ 769.52	\$ 822.50	\$ 875.54	\$ 905.11

	Start	6 months	1 year
Lieutenant	\$ 947.34	\$ 989.57	\$ 1,031.82
F/P Lieutenant			\$ 1,031.82
Training/Education Lt.			\$ 1,031.82
Captain	\$ 1,076.53	\$ 1,121.25	\$ 1,165.95
Deputy	\$ 1,212.59	\$ 1,259.22	\$ 1,305.87
F/P Deputy			\$ 1,305.87
Sr. Deputy			\$ 1,305.87
Training Deputy	\$ 1,212.59	\$ 1,259.22	\$ 1,305.87
Fire Alarm. Super.			\$ 1,165.95
Master Mechanic	\$ 995.62	\$ 1,040.88	\$ 1,086.13

EFFECTIVE 7/1/2009 2%	Reserve	Start	Year 1	Year 2	Year 3	Year 5
Private	\$ 16.18	\$ 735.55	\$ 784.91	\$ 838.95	\$ 893.05	\$ 923.21
F/P Private		\$ 735.55	\$ 784.91	\$ 838.95	\$ 893.05	\$ 923.21
Mechanic		\$ 735.55	\$ 784.91	\$ 838.95	\$ 893.05	\$ 923.21
Signal Main.		\$ 735.55	\$ 784.91	\$ 838.95	\$ 893.05	\$ 923.21

	Start	6 months	1 year
Lieutenant	\$ 966.28	\$ 1,009.36	\$ 1,052.46
F/P Lieutenant			\$ 1,052.46
Training/Education Lt.			\$ 1,052.46
Captain	\$ 1,098.06	\$ 1,143.67	\$ 1,189.27
Deputy	\$ 1,236.84	\$ 1,284.41	\$ 1,331.98
F/P Deputy			\$ 1,331.98
Sr. Deputy			\$ 1,331.98
Training Deputy	\$ 1,236.84	\$ 1,284.41	\$ 1,331.98
Fire Alarm. Super.			\$ 1,189.27
Master Mechanic	\$ 1,015.53	\$ 1,061.69	\$ 1,107.85

3.
Salaries
Fire Safety
Services

EFFECTIVE 7/1/2010 2%	Reserve	Start	Year 1	Year 2	Year 3	Year 5
Private	\$ 16.50	\$ 750.26	\$ 800.61	\$ 855.73	\$ 910.91	\$ 941.67
F/P Private						\$ 941.67
Mechanic		\$ 750.26	\$ 800.61	\$ 855.73	\$ 910.91	\$ 941.67
Signal Main.		\$ 750.26	\$ 800.61	\$ 855.73	\$ 910.91	\$ 941.67

	Start	6 months	1 year
Lieutenant	\$ 985.61	\$ 1,029.55	\$ 1,073.51
F/P Lieutenant			\$ 1,073.51
Training/Education Lt.			\$ 1,073.51
Captain	\$ 1,120.02	\$ 1,166.54	\$ 1,213.06
Deputy	\$ 1,261.57	\$ 1,310.09	\$ 1,358.62
F/P Deputy			\$ 1,358.62
Sr. Deputy			\$ 1,358.62
Training Deputy	\$ 1,261.57	\$ 1,310.09	\$ 1,358.62
Fire Alarm. Super.			\$ 1,213.06
Master Mechanic	\$ 1,035.84	\$ 1,082.93	\$ 1,130.01

EFFECTIVE 7/1/2011 2.5%	Reserve	Start	Year 1	Year 2	Year 3	Year 5
Private	\$ 16.91	\$ 769.02	\$ 820.62	\$ 877.12	\$ 933.69	\$ 965.22
F/P Private						\$ 965.22
Mechanic		\$ 769.02	\$ 820.62	\$ 877.12	\$ 933.69	\$ 965.22
Signal Main.		\$ 769.02	\$ 820.62	\$ 877.12	\$ 933.69	\$ 965.22

	Start	6 months	1 year
Lieutenant	\$ 1,010.25	\$ 1,055.29	\$ 1,100.34
F/P Lieutenant			\$ 1,100.34
Training/Education Lt.			\$ 1,100.34
Captain	\$ 1,148.02	\$ 1,195.71	\$ 1,243.38
Deputy	\$ 1,293.11	\$ 1,342.85	\$ 1,392.59
F/P Deputy			\$ 1,392.59
Sr. Deputy			\$ 1,392.59
Training Deputy	\$ 1,293.11	\$ 1,342.85	\$ 1,392.59
Fire Alarm. Super.			\$ 1,243.38
Master Mechanic	\$ 1,061.74	\$ 1,110.00	\$ 1,158.26

4.
Salaries
Fire Safety
Services

EFFECTIVE 7/1/2012 1.5%	Reserve	Start	Year 1	Year 2	Year 3	Year 5
Private	\$ 17.17	\$ 780.55	\$ 832.93	\$ 890.28	\$ 947.69	\$ 979.69
F/P Private						\$ 979.69
Mechanic		\$ 780.55	\$ 832.93	\$ 890.28	\$ 947.69	\$ 979.69
Signal Main.		\$ 780.55	\$ 832.93	\$ 890.28	\$ 947.69	\$ 979.69

	Start	6 months	1 year
Lieutenant	\$ 1,025.40	\$ 1,071.11	\$ 1,116.85
F/P Lieutenant			\$ 1,116.85
Training/Education Lt.			\$ 1,116.85
Captain	\$ 1,165.24	\$ 1,213.64	\$ 1,262.03
Deputy	\$ 1,312.51	\$ 1,362.99	\$ 1,413.48
F/P Deputy			\$ 1,413.48
Sr. Deputy			\$ 1,413.48
Training Deputy	\$ 1,312.51	\$ 1,362.99	\$ 1,413.48
Fire Alarm. Super.			\$ 1,262.03
Master Mechanic	\$ 1,077.67	\$ 1,126.65	\$ 1,175.64

EFFECTIVE 7/1/2013 1.5%	Reserve	Start	Year 1	Year 2	Year 3	Year 5
Private	\$ 17.42	\$ 792.26	\$ 845.43	\$ 903.63	\$ 961.91	\$ 994.39
F/P Private						\$ 994.39
Mechanic		\$ 792.26	\$ 845.43	\$ 903.63	\$ 961.91	\$ 994.39
Signal Main.		\$ 792.26	\$ 845.43	\$ 903.63	\$ 961.91	\$ 994.39

	Start	6 months	1 year
Lieutenant	\$ 1,040.79	\$ 1,087.18	\$ 1,133.60
F/P Lieutenant			\$ 1,133.60
Training/Education Lt.			\$ 1,133.60
Captain	\$ 1,182.72	\$ 1,231.85	\$ 1,280.96
Deputy	\$ 1,332.20	\$ 1,383.43	\$ 1,434.68
F/P Deputy			\$ 1,434.68
Sr. Deputy			\$ 1,434.68
Training Deputy	\$ 1,332.20	\$ 1,383.43	\$ 1,434.68
Fire Alarm. Super.			\$ 1,280.96
Master Mechanic	\$ 1,093.83	\$ 1,143.55	\$ 1,193.27



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
WWW.CI.HAVERHILL.MA.US

April 6, 2012

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

RE: Firefighter Salary Ordinance

Dear Mr. President and Councilors:

Enclosed is a salary ordinance implementing the pay increases, changes in health care benefits and elimination of "rollerskating", all as provided with the recently signed agreement with Firefighters Local 1011.

This ordinance will allow us to implement the changes included in the contract for which the Council approved the appropriation of monies last week.

This ordinance is to be placed on file for ten days at which time I recommend approval .

Very truly yours,

James J. Fiorentini, Mayor

MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF HAVERHILLAND
HAVERHILL FIRE FIGHTERS UNION, LOCAL 1011

This Agreement ("Agreement") is entered into this 29th day of March, 2012, by and among Local 1011, International Association of Fire Fighters (hereinafter "Union") and the City of Haverhill ("City"), (together, "the Parties").

1. The terms of the Interest Arbitration Award in the matter of City of Haverhill and Haverhill Firefighters, Local 1011, IAFF, JLMC-09-11F, are hereby incorporated herein and agreed to between the parties except as follows:

A. There shall be no retroactive wages paid by the City for the wage increases ordered for the years FY '07, FY '08 or FY '09, however, these wage increases shall be added to the employee base pay for each of those fiscal years as provided under the award.

B. Half of the retroactive wages effective for FY 10 shall be deferred for payment until the second week in July, 2012.

2. The parties agree to an additional two year successor agreement for the time periods of July 1, 2012 to June 30, 2013 and July 1, 2013 to June 30, 2014. The terms of the collective bargaining agreements, memorandums of understanding and JLMC awards in effect prior to July 1, 2012, shall be incorporated into this Memorandum with no changes in wording and shall remain in full force and effect during this period except as provided above and except for the following modified terms below:

A. The parties understand that nothing in this Agreement prohibits the City from making health insurance plan design changes during FY 13 and 14 pursuant to M.G.L. c. 32B, §21(a)-23, which the employees of this group shall be subject to.

B. Effective July 1, 2012: Employees covered by this agreement shall receive a 1.5% increase in wages.

C. The following language shall be added to the agreement:

Civilian Dispatchers: The parties agree that the City may replace bargaining unit members in dispatch with civilian employees, provided, that there shall always be one sworn firefighter on dispatch.

D. Effective July 1, 2013: Employees covered by this agreement shall receive a 1.5% increase in wages.

This Agreement is subject to ratification by the Union and full funding by the City Council. In the event that this Agreement is not ratified or not fully funded, each of the parties reserves their rights as to enforcement of the above-referenced JLMC award without modification.

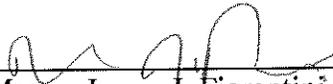
IN WITNESS WHEREOF, the Parties to this Agreement now voluntarily and knowingly execute this Agreement.

UNION:

CITY OF HAVERHILL:

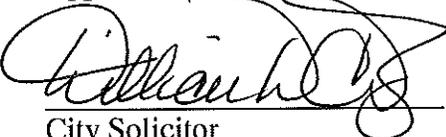


By Its President, Gregory Roberts



By Its Mayor, James J. Fiorentini

Approved as to Legality:



City Solicitor

10/25/06
63



DOCUMENT 63

CITY OF HAVERHILL

In Municipal Council April 18 2006

2006
Backups

ORDERED:

MUNICIPAL ORDINANCE
AN ORDINANCE RELATING TO SALARIES

CHAPTER
FIRE

BE IT ORDAINED by the City Council of the City of Haverhill that Document 9-U is hereby amended by the following:

Under Article XII Section 1: Salaries

EFFECTIVE 7/1/2002
EFFECTIVE 7/1/2003

0%
0%

EFFECTIVE 7/1/2004 1%	Reserve	Start	Year 1	Year 2	Year 3	Year 5	Diff.
Private	\$ 14.15	\$643.43	\$ 686.61	\$ 733.88	\$ 781.21	\$807.59	\$ 84.80
F/P Private		\$643.43	\$ 686.61	\$ 733.88	\$ 781.21	\$807.59	
Mechanic		\$643.43	\$ 686.61	\$ 733.88	\$ 781.21	\$807.59	
Signal Main.							

	Start	6 months	1 year	Diff.
Lieutenant	\$ 845.27	\$ 882.95	\$ 920.65	
F/P Lieutenant			\$ 920.65	\$ 89.77
Training/Education Lt.			\$ 920.65	
Captain	\$ 960.54	\$1,000.44	\$1,040.33	
Deputy	\$1,081.94	\$1,123.55	\$1,165.17	
F/P Deputy			\$1,165.17	\$ 99.04
Sr. Deputy			\$1,165.17	\$ 99.04
Training Deputy	\$1,081.94	\$1,123.55	\$1,165.17	\$ 46.61
Fire Alarm. Super.			\$1,040.33	\$114.43

	Start	Year 1	Year 2	Year 3
Master Mechanic	\$847.97	\$ 888.35	\$ 928.73	\$ 969.11

EFFECTIVE 1/1/2005 2%	Reserve	Start	Year 1	Year 2	Year 3	Year 5	Diff.
Private	\$ 14.43	\$656.30	\$ 700.34	\$ 748.56	\$ 796.83	\$823.74	\$ 86.50
F/P Private		\$656.30	\$ 700.34	\$ 748.56	\$ 796.83	\$823.74	
Mechanic		\$656.30	\$ 700.34	\$ 748.56	\$ 796.83	\$823.74	
Signal Main.							

	Start	6 months	1 year	Diff.
Lieutenant	\$ 862.18	\$ 900.61	\$ 939.06	
F/P Lieutenant			\$ 939.06	\$ 91.57
Training/Education Lt.			\$ 939.06	
Captain	\$ 979.75	\$1,020.45	\$1,061.14	
Deputy	\$1,103.58	\$1,146.02	\$1,188.47	
F/P Deputy			\$1,188.47	\$101.02
Sr. Deputy			\$1,188.47	\$101.02
Training Deputy	\$1,103.58	\$1,146.02	\$1,188.47	\$ 47.54
Fire Alarm. Super.			\$1,061.14	\$116.72

	Start	Year 1	Year 2	Year 3
Master Mechanic	\$864.93	\$ 906.12	\$ 947.30	\$ 988.49

2006

EFFECTIVE 7/1/2005 1.5%	Reserve	Start	Year 1	Year 2	Year 3	Year 5	Diff.
Private	\$ 14.65	\$666.14	\$ 710.85	\$ 759.79	\$ 808.79	\$836.10	
F/P Private						\$836.10	\$ 87.79
Mechanic		\$666.14	\$ 710.85	\$ 759.79	\$ 808.79	\$836.10	
Signal Main.		\$666.14	\$ 710.85	\$ 759.79	\$ 808.79	\$836.10	

	Start	6 months	1 year	Diff.
Lieutenant	\$ 875.11	\$ 914.12	\$ 953.15	
F/P Lieutenant			\$ 953.15	\$ 92.94
Training/Education Lt.			\$ 953.15	
Captain	\$ 994.45	\$1,035.76	\$1,077.05	
Deputy	\$1,120.13	\$1,163.21	\$1,206.30	
F/P Deputy			\$1,206.30	\$102.54
Sr. Deputy			\$1,206.30	\$102.54
Training Deputy	\$1,120.13	\$1,163.21	\$1,206.30	\$ 48.26
Fire Alarm. Super.			\$1,077.05	\$118.47

	Start	Year 1	Year 2	Year 3
Master Mechanic	\$877.90	\$ 919.71	\$ 961.51	\$1,003.32

EFFECTIVE 1/1/2006 2%	Reserve	Start	Year 1	Year 2	Year 3	Year 5	Diff.
Private	\$ 14.94	\$679.47	\$ 725.06	\$ 774.98	\$ 824.96	\$852.82	
F/P Private						\$852.82	\$ 89.55
Mechanic		\$679.47	\$ 725.06	\$ 774.98	\$ 824.96	\$852.82	
Signal Main.		\$679.47	\$ 725.06	\$ 774.98	\$ 824.96	\$852.82	

	Start	6 months	1 year	Diff.
Lieutenant	\$ 892.61	\$ 932.40	\$ 972.21	
F/P Lieutenant			\$ 972.21	\$ 94.80
Training/Education Lt.			\$ 972.21	
Captain	\$1,014.34	\$1,056.47	\$1,098.59	
Deputy	\$1,142.54	\$1,186.48	\$1,230.43	
F/P Deputy			\$1,230.43	\$104.59
Sr. Deputy			\$1,230.43	\$104.59
Training Deputy	\$1,142.54	\$1,186.48	\$1,230.43	\$ 49.22
Fire Alarm. Super.			\$1,098.59	\$120.84

	Start	Year 1	Year 2	Year 3
Master Mechanic	\$895.46	\$ 938.10	\$ 980.74	\$1,023.39

Under Article XII Section 1a: Shift differential

Delete the following:

A shift differential of ten percent (10%) will be paid to all members of the Bargaining Unit for all hours worked.

Insert in its place thereof:

Effective January 1, 2006 a shift differential of ten and a half percent (10.5%) will be paid to all members of the Bargaining Unit for all hours worked.

EFFECTIVE 6/30/2006 2%	Reserve	Start	Year 1	Year 2	Year 3	Year 5	Diff.
Private	\$ 15.24	\$693.06	\$ 739.57	\$ 790.48	\$ 841.46	\$869.88	
F/P Private						\$869.88	\$ 91.34
Mechanic		\$693.06	\$ 739.57	\$ 790.48	\$ 841.46	\$869.88	
Signal Main.		\$693.06	\$ 739.57	\$ 790.48	\$ 841.46	\$869.88	

	Start	6 months	1 year	Diff.
Lieutenant	\$ 910.46	\$ 951.05	\$ 991.66	
F/P Lieutenant			\$ 991.66	\$ 96.69

63

2006

Training/Education Lt.				\$ 991.66
Captain	\$1,034.62	\$1,077.60	\$1,120.57	
Deputy	\$1,165.39	\$1,210.21	\$1,255.04	
F/P Deputy			\$1,255.04	\$106.68
Sr. Deputy			\$1,255.04	\$106.68
Training Deputy	\$1,165.39	\$1,210.21	\$1,255.04	\$ 50.20
Fire Alarm. Super.			\$1,120.57	\$123.26

	Start	Year 1	Year 2	Year 3
Master Mechanic	\$913.37	\$ 956.86	\$1,000.36	\$1,043.85

Under Article XII Section 1a: Shift differential

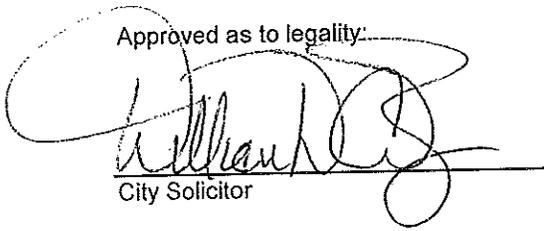
Delete the following:

Effective January 1, 2006 a shift differential of ten and a half percent (10.5%) will be paid to all members of the Bargaining Unit for all hours worked.

Insert in its place thereof:

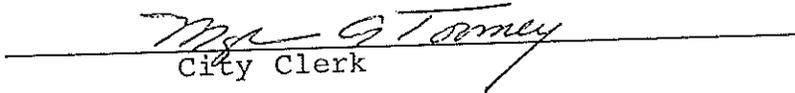
Effective June 30, 2006 a shift differential of eleven percent (11%) will be paid to all members of the Bargaining Unit for all hours worked.

Approved as to legality:



City Solicitor

PLACED ON FILE for at least 10 days
Attest:



City Clerk

IN CITY COUNCIL: May 9 2006

On motion of councillor Ryan that document be amended as follows: "By striking out the differential columns and amounts for job titles F/P Private, F/P Lieutenant, F/P Deputy, Sr Deputy, Training Deputy and Fire Alarm Super.", as stated in letter dated May 5, 2006 from Mary Carrington, Human Resources Director

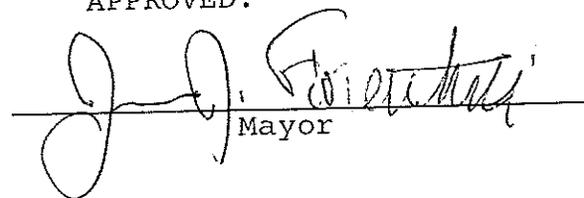
MOTION PASSED and
PASSED AS AMENDED

Attest:



City Clerk

APPROVED:



Mayor

City Clerk
Edna Crabb

Council
Placed on file

File



Haverhill

Human Resources Department, Room 306
Phone: (978) 374-2357 Fax: (978) 374-2343

Mary Carrington, HR Director – mcarrington@cityofhaverhill.com
Denise McClanahan, HR Technician – dmcclanahan@cityofhaverhill.com

TO: Mayor James J. Fiorentini
FROM: Mary Carrington, Human Resources Director
DATE: April 6, 2012
RE: Ordinance for the Haverhill Fire Fighters Union, Local 1011

Enclosed please find the ordinance for the Fire Fighters Union as well as their recent Memorandum of Agreement

Please submit these documents to the Haverhill City Council for action.

MC/dlm

5.
Salaries
Fire Safety
Services

HEALTH INSURANCE - the following changes, consistent with the City's proposal, shall be implemented:

a. Employer/Employee Contributions

Effective as of July 1, 2009: 77.5/22.5 %

Effective as of July 1, 2010: 75% / 25%

Effective as of July 1, 2011:

existing employees: 75% / 25%

new employees: 70% / 30%

b. Deductibles / Co-payments

Effective July 1, 2011 the Value Option Plan co-pays and deductibles, as set forth in the City's proposal, will be in effect.

The parties understand that nothing in this Agreement prohibits the City from making health insurance plan design changes during FY 13 and 14 pursuant to MGL c. 32B, §21(a)-23, which the employees of this group shall be subject to.

ROLLER SKATING - the 50% pay premium for inter-station transfers under the current language of Article XV, Section 2 shall be eliminated.

Approved as to legality:



City Solicitor

PLACED ON FILE for at least 10 days

Attest:

City Clerk



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

April 5, 2012

TO: MEMBERS OF THE HAVERHILL CITY COUNCIL:

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

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

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

Very truly yours,

Stephen C. Gullo, MAA
Assessor

ASSESSING DEPARTMENT MARCH 2012

Day	2012 REAL ESTATE	2012 MVE	2011 MVE	2010 MVE	2007 MVE UNCOL.	2012 BOAT	2011 BOAT	2010 BOAT	2011 MVE UNCOLLECT	PERSONAL PROP	PERSONAL PROP UNCOL.	2011 PERSONAL PROP UNCOL.	2005 MVE UNCOL.	2006 MVE UNCOL.	2007 MVE UNCOL.	2005 PERS. PROP.	1999 UNCL. PERS. PROP.
1			398.42	125.52			25.00	25.00									
2																	
3																	
4																	
5		2,422.11															
6																	
7		1,070.00															
8																	
9																	
10																	
11		2,948.84		73.24													
12			1,508.88														
13																	
14																	
15																	
16		1,590.03															
17																	
18																	
19			13,284.09		271.25												
20																	
21																	
22																	
23		3,073.53															
24																	
25																	
26																	
27			22,459.48														
28																	
29																	
30		38,087.02															
31																	
Relatus Rec. by Collector	49,181.33	37,217.43	2,081.97	188.76	271.25				31.88	25.00	25.00						

To the Auditor of Accounts:
 This is to certify that amounts as shown above, amounting in the aggregate
 have been duly authorized. CANCELLATION ASSENTMENT ASR

Eighty Eight Thousand Nine Hundred Ninety Two & 40/100

BOARD OF ASSESSORS,

By



Chairman



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED:

PROCLAMATION

WHEREAS: The Surgeon General of the United States reports that 1 in 10 youth has mental health problems. More youth suffer with psychiatric illness than from leukemia, diabetes and AIDS combined. A growing number of children are recognized as having emotional and behavioral disorders each year; and an estimated 200,000 children and youth in Massachusetts exhibit some type of emotional disorder; and

WHEREAS: Children's mental health problems can have grave consequences such as school failure, family discord, alcohol and other drug use or violence. The general public lacks the information needed to fully understand children's emotional and behavioral disorders; and

WHEREAS: Every adult in our city can have a positive influence on the lives of the children around them through their efforts as parents, grandparents, neighbors, friends, counselors and teachers and through membership in organizations, churches and business; and

WHEREAS: For over 50 years May has been nationally recognized as Mental Health Month. The National Mental Health Association indicates the necessity for immediate and wide ranging changes in our recognition, acceptance and service delivery to those in need; and

WHEREAS: The City of Haverhill, along with family organizations, state and community agencies will participate in the month-long effort to increase awareness and access to mental health services. This effort will include workshops, exhibits, and other events aimed at raising community awareness for children's mental health in our city.

NOW, THEREFORE, I, James J. Fiorentini, Mayor of the City of Haverhill, do hereby proclaim the month of May, 2012 to be:

CHILDREN'S MENTAL HEALTH MONTH

In Haverhill, and urge all of our citizens to participate in activities in recognition thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Haverhill to be affixed this 10th day of April, in the year of our Lord two thousand twelve.





 James J. Fiorentini
 Mayor of the City of Haverhill

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT

ROBERT H. SCATAMACCHIA
VICE PRESIDENT

MICHAEL J. HART
WILLIAM H. RYAN
SVEN A. AMIRIAN
MICHAEL S. MCGONAGLE
WILLIAM J. MACEK
COLIN F. LEPAGE
MARY ELLEN DALY O'BRIEN



CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

12.2

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

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-W/11	Communication from Councillor Daly O'Brien requesting a discussion about lights at Kenoza Avenue and Webster Street	Public Safety	9/27/11
74-X/11	Communication from Co. Amirian requesting a discussion about proposed pig farm at Boxford Road	Planning & Dev.	9/27/11
97-C/11	Communication from Councillor Hall requesting a discussion about the odor from the Covanta plant in Ward Hill	Public Safety	10/18/11
4	Communication from Councillor Macek requesting a discussion regarding the proposed Monument Square traffic divider/island.	Planning & Dev.	1/3/12
97-T/11	Communication from Councillor Scatamacchia requesting a discussion regarding parking on River Street	Pubic Safety	1/3/12
119/11	Ordinance regarding Parks and Recreation: Amend Ch.11, Article II, Sections 4 through 8 of the City Code	Administration & Finance	1/3/12
10	Petition from Marlene Stasinos, Stasinos Farms, requesting to hang banner promoting their Pumpkin Festival; hang over intersection of Rte. 125 and Salem St. in Bradford, Oct. 1- Oct. 13, 2012	A & F	1/10/12
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
12-O	Communication from Councillor LePage requesting a discussion regarding City financial obligations and deficit projections for current fiscal year & beyond	A & F	2/7/12
16-D	Order that the sum of \$34,623.00 be transferred from Capital Account – Rail Trail to new Capital Account – Backup Generator-Highway Building	A & F	2/7/12
12-U	Communication from Councillor McGonagle requesting discussion regarding the issue of public safety as it relates to the railroad tracks	Public Safety	2/28/12