



City of Haverhill City Council Minutes

Tuesday, June 11, 2013 at 7:00 PM
City Council Chambers, Room 202

Present – President Scatamacchia, Councillors Hart, Michitson, Ryan, McGonagle, Macek, LePage, Daly O'Brien and Sullivan.

City Clerk – Margaret A. Toomey.

1. Approval of Records of the Previous Meeting

The minutes were approved.

2. Assignment of the minutes review for the next Meeting

Councillor LePage was appointed to read the minutes.

3. Communications from the Mayor

No Schedule

4. Utility Hearing(s) and Related Order(s)

No Schedule

5. Appointments

Confirming Appointments:

Attorney April DerBogossian, 820 Hilldale Ave., Haverhill Planning Board, effective upon confirmation and will expire June 11, 2018

CONFIRMED

Yeas 9, Nays 0

20T

ON MOTION OF COUNCILLOR RYAN TO SUSPEND THE RULES TO APPOINT AN INDIVIDUAL TO THE BOARD OF REGISTRARS

GRANTED

Yeas 9, Nays 0

COUNCILLOR RYAN EXPLAINED THE NEED FOR A REGISTRAR SINCE TWO HAD RECENTLY RESIGNED. ON MOTION OF COUNCILLOR RYAN TO APPOINT PATRICK DRISCOLL, UNENROLLED, TO THE BOARD OF REGISTRARS.

CONFIRMED

Yeas 9, Nays 0

20V

Non-Confirming Appointments:

The following appointments were made to the Marijuana Advisory Committee:

Police Chief Alan Denaro, or Designee

Dr. Carl Rosenbloom, Board of Health

City Solicitor William Cox

Planning Director William Pillsbury

City Councillor William H. Ryan

PLACED ON FILE

20U

Resignations:

No Schedule

6. Petitions

Petitions:

Communication was received from William Pillsbury, Jr, Community Development Director, requesting approval of resolution authorizing Mayor to submit 2013-2014 Community Development Block Grant (CDBG) program for City and approval of corresponding Resolution

MR. PILLSBURY STATED THAT THE CITY, AS AN ENTITLEMENT COMMUNITY, HAS PARTICIPATED IN THIS PROGRAM FOR 39 YRS. THIS YEAR'S FUNDING IS \$897,000.

PLACED ON FILE

68

ORDERED: Resolution of the City Council of Haverhill, Massachusetts, authorizing the Mayor to submit the amended consolidated plan for the Community Development Block Grant Program, including all understandings and assurances contained therein. (see document for completed text)

ADOPTED

Yeas 9, Nays 0

69

Applications:

Annual License Renewals: The following renewals were granted:

June 11, 2013

Pool Table (1) – Italian American Benevolence Assoc., 210 Winter st	61E
Sunday Pool Table (1) – Italian American Benevolence Assoc.	70
Taxi Cab (12) – A Family Cab (Brian House), 21 White st	64D
GRANTED	Yeas 9, Nays 0

Application was received from Kristyn White for a One Day All Alcoholic License at Winnekenni Castle for a Wedding on June 22, 2013 from 3:00PM to 10:00PM; alcohol to be served by Butlers and Bars

GRANTED, subject to approval by License Commission	Yeas 9, Nays 0	31D
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7. Hearings and Related Orders

Document 53

Petition was received from Louis Franchi from Haverhill Realty Development Trust on behalf of Riverside Place Condominiums requesting a waiver of the Affordable Housing Component for Riverside Place Condominiums, located at 70 Washington st; City Assessor’s Map 309-Block 1-Lot 5a

HEARING OPENED

ANDREW HERLIHY, DIVISION DIRECTOR, CDBG, STATED THAT 5 UNITS WERE DESIGNATED AS AFFORDABLE UNITS, ONLY 2 SOLD AS AFFORDABLE UNITS, 3 REMAIN THAT HAVE NEVER BEEN SOLD. DEVELOPER WANTS TO SELL AT MARKET RATE; STIPULATIONS ON AFFORDABLE UNITS ARE DETRIMENT TO SELLING AND THAT CURRENT INCLUSIONARY ZONING IS BEING REWORKED.

HEARING CLOSED

ON MOTION OF COUNCILLOR RYAN TO GRANT THE WAIVER

PASSED	Yeas 9, Nays 0	53
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Document 62

Petition was received from William Pillsbury, Economic Development & Planning Director, for City of Haverhill proposing Amendment to Zoning Ordinance for Computer Drive – to modify one category of use in the CH zone table of uses and be limited to only the CH zone located at Computer Drive with favorable recommendation from Planning Board with comments from Planning Director William Pillsbury Jr

HEARING OPENED

Mr. PILLSBURY STATED THIS ZONING CHANGE WAS SPECIFICALLY FOR THE FORMER LOWES BUILDING; CATEGORY OF USE WOULD BE FOR MANUFACTURING

HEARING CLOSED

62

MUNICIPAL ORDINANCE	CHAPTER 255
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An Ordinance Relating to Zoning
Table of Use and Parking Regulations

Amend Section 255, Table 1; Page 10 – to add designation of “P” in the CH Zone; this change is only for property in CH Zone at Computer Drive (see document for complete text)

PASSED	Yeas 9, Nays 0	62B
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8. Motions and Orders

No Schedule

Ordinances (File 10 Days)

No Schedule

9. Unfinished Business of preceding Meetings

MUNICIPAL ORDINANCE	CHAPTER 255
<u>AN ORDINANCE RELATING TO ZONING</u>	

PREAMBLE

Whereas, on November 6, 2012 Massachusetts voters approved Ballot Question 3, also known as the Massachusetts Medical Marijuana Initiative or "Law for the Humanitarian Medical Use of Marijuana" (hereinafter the "Medical Marijuana Law"); and

Whereas, the Medical Marijuana Law took effect on January 1, 2013; and

Whereas, under the Medical Marijuana Law a "Medical Marijuana Treatment Center" shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or

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administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."; and

Whereas, the Medical Marijuana Law enables the Massachusetts Department of Public Health (DPH) to register up to 35 such centers within the first year of enactment, with a minimum of one and a maximum of five located within each county; and

Whereas, DPH issued regulations for the implementation of the Medical Marijuana Law on May 8, 2013; therefore

BE IT ORDAINED by the City Council of the City of Haverhill that Chapter 255 of the Code of the City of Haverhill, as amended, being and is hereby further amended by adding the following:

"§255-16.1 Temporary Moratorium on Medical Marijuana Uses

A. Purpose and Justification-The purpose of the temporary moratorium is to give the City of Haverhill sufficient time after the promulgation of **DPH** regulations to evaluate the potential land use impacts of Medical Marijuana Treatment Centers as such term is defined under the Medical Marijuana Law, and, if necessary and appropriate, to prepare and adopt zoning standards for Medical Marijuana Treatment Centers.

B. Temporary Moratorium Provision-For the duration of this Temporary Moratorium a Medical Marijuana Treatment Center as defined in the Medical Marijuana Law shall be prohibited as a PRINCIPAL and ACCESSORY USE in all zoning districts, and no use variance shall be granted to allow a Medical Marijuana Treatment Center.

C. Temporary Moratorium Expiration - Unless extended, continued or modified by a subsequent action of the City Council and Mayor, the provisions of this Temporary Moratorium shall expire upon either of the first to occur of: (a) the adoption by the City Council and Mayor of an amendment to this ordinance that explicitly rescinds or replaces this moratorium, or (b) October 1, 2013."

REFERRED TO PLANNING

Yeas 9, Nays 0

65

10. Communications and Reports from City Officers and Employees

Monthly Reports:

Abatement Report was received from Board of Assessors for month of May 2013

PLACED ON FILE

19F

Communications from Councillors:

Communication was received from Councillor Michitson requesting an update on paid parking downtown including a financial analysis and the pros and cons for both business owners and residents of the City as well as potential modifications to the parking plan.

POSTPONED TO JUNE 18, 2013

57E

Communication was received from Councillor McGonagle requesting to introduce Lisa Malone to discuss crosswalks in the area of Broadway. MS MALONE DESCRIBED TRAFFIC SITUATION ON BROADWAY AND GAVE SUGGESTIONS TO CURB SPEEDING
REFERRED TO TRAFFIC & SAFETY COMMITTEE AND LETTER TO CHIEF DENARO

Yeas 9, Nays 0

57F

Communication was received from Council President Scatamacchia announcing Special City Council meeting on Tuesday, June 18, 2013 at 7:00PM in the City Council Chambers, Room 202, to discuss the fiscal year 2014 budget.

PLACED ON FILE

57G

Communications from City Employees:

Communication was received from City Tree Warden announcing a Public Shade Tree Hearing scheduled for June 25 at 7:00PM, City Hall, Room 301; regarding an application from National Grid to remove hazard trees or prune public shade trees for additional clearance to reduce tree outage problems; with list of trees designated available at Dept. of Public Works, 500 Primrose st, during normal business hours
PLACED ON FILE

71

Meeting adjourned at 7:50 o'clock P.M.

Yeas 9, Nays 0

Attest: *Margaret A Toomey*
City Clerk