

46- Favorable recommendation Hearing JUNE 26 7.1



Haverhill

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

June 1, 2012

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

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

SUBJECT: Zoning –Waterfront Interim Planning Overlay District (WIPOD)

The purpose of the action is to allow sufficient time to develop a waterfront zoning overlay district for the downtown area along the Merrimack River. To accomplish this the city respectfully requests the adoption of a waterfront interim planning overlay district (WIPOD) to be in place for a one year period. During this period the city will develop design standards/guidelines and design review process and procedures to be further adopted as a zoning amendment.

The proposed ordinance is limited to the area on the northern side of the Merrimack River along Water street from One Water street to the Buttonwoods Trail head.

The Planning board will hold a public hearing on this amendment on June 13, 2012, and I request the city council schedule its hearing on June 26th.

Recommendation: Refer the matter to the planning board and schedule a hearing for June 26,

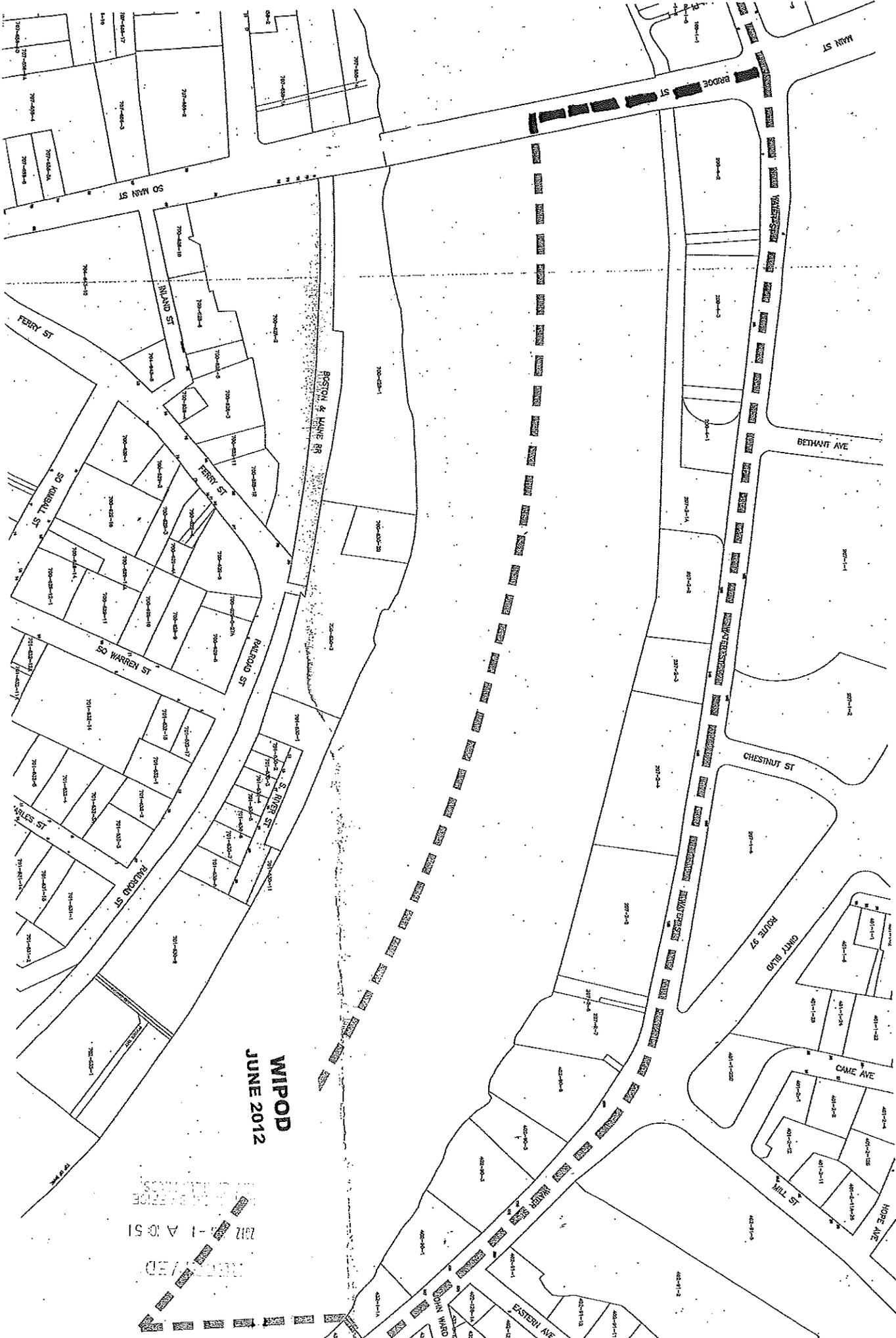
IN CITY COUNCIL: June 5 2012

REFER TO PLANNING & VOTED :

COUNCIL HEARING JUNE 26 2012

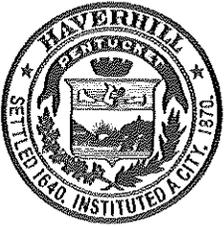
Attest:

City Clerk



WIPOD
JUNE 2012

RECEIVED
JUN 11 AM 10:51
CITY OF BOSTON
OFFICE OF THE CITY CLERK



Haverhill

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

June 22, 2012

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

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

SUBJECT: Zoning –Waterfront Interim Planning Overlay District (WIPOD)

On June 13, 2012 the Haverhill Planning Board held a public hearing on the proposed zoning amendment. At the conclusion of the hearing the board voted a favorable recommendation to be forwarded to the City Council. The minutes have been filed with the council.

The purpose of the action is to allow sufficient time to develop a waterfront zoning overlay district for this area along the Merrimack River. To accomplish this the city respectfully requests the adoption of a waterfront interim planning overlay district (WIPOD) to be in place as proposed in the attached ordinance. During this period the city will develop design standards/guidelines and design review process and procedures to be further adopted as a zoning amendment.

The proposed ordinance is limited to the area on the northern side of the Merrimack River along Water street from One Water street to the Buttonwoods Trail head.

As Planning Director, I concur with the planning board and request that the city council vote to approve the zoning amendment as requested.

Recommendation: Approve the zoning amendment as requested.



CITY OF HAVERHILL
MASSACHUSETTS 01830

CITY HALL, ROOM 201
FOUR SUMMER STREET
HAVERHILL, MASSACHUSETTS 01830
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PLANNING BOARD

June 20, 2012

City Council President Michitson
& City Councilors
City of Haverhill

**RE: Zoning Ordinance Waterfront Interim Planning Overlay District a/k/a WIPOD—
Request to update the Waterfront Interim Planning Overlay District aka WIPOD**

Members Present: Timothy Connors, Celeste Hynick, Jack Everette, James Cronin, Bob Driscoll, and Paul Howard

Members Absent: Joseph Sullivan and Roy Wright

Also Present: William Pillsbury, Jr., Director of Economic Development and Planning
Lori A. Woodsum, Office Manager/Board Clerk/Econ. Devlp. & Planning

Dear City Council President & City Councilors:

The Haverhill Planning Board at its regularly scheduled meeting held on 6/13/12, Wednesday Evening, at 7:00 p.m. in the City Council Chambers, Room 202, motioned to send a favorable recommendation for the above-cited zoning ordinance amendment to the Council. Jack Everette read the rules for a public hearing and informed the people in the audience to leave their name and address if they wanted to be informed of any appeal filed for hearings held at this meeting. Paul Howard chaired the meeting and asked the petitioner to come forward.

Planning Director William Pillsbury noted to the board members that the city has proposed this recommended zoning amendment for the re-instatement of the Waterfront Interim Planning Overlay District. It was noted that this was a piece of legislation that this board had previously recommended favorably to the City Council. In this particular case, it establishes a control mechanism for properties along the river from One Water Street to the properties at the beginning of the Buttonwoods Trail which is basically across from the Buttonwoods property and immediately past the most prominent landmark which would be the Skelly's Gas Station; the former Skelly's. It was noted that it was only that section that we were talking

**Zoning Amendment for Waterfront Interim Planning Overlay District--WIPOD
6/13/12 Planning Board Meeting**

about tonight and explained that's the reason we were doing this so we can plan for additional zoning amendments and modifications to protect the riverfront assets along that area and putting this back into place would give us a period of time where special permits will be required for projects that come forward during this time period. The planner noted that in the past the City Council has acted favorably and extended this and informed the board members that it was not currently in place.

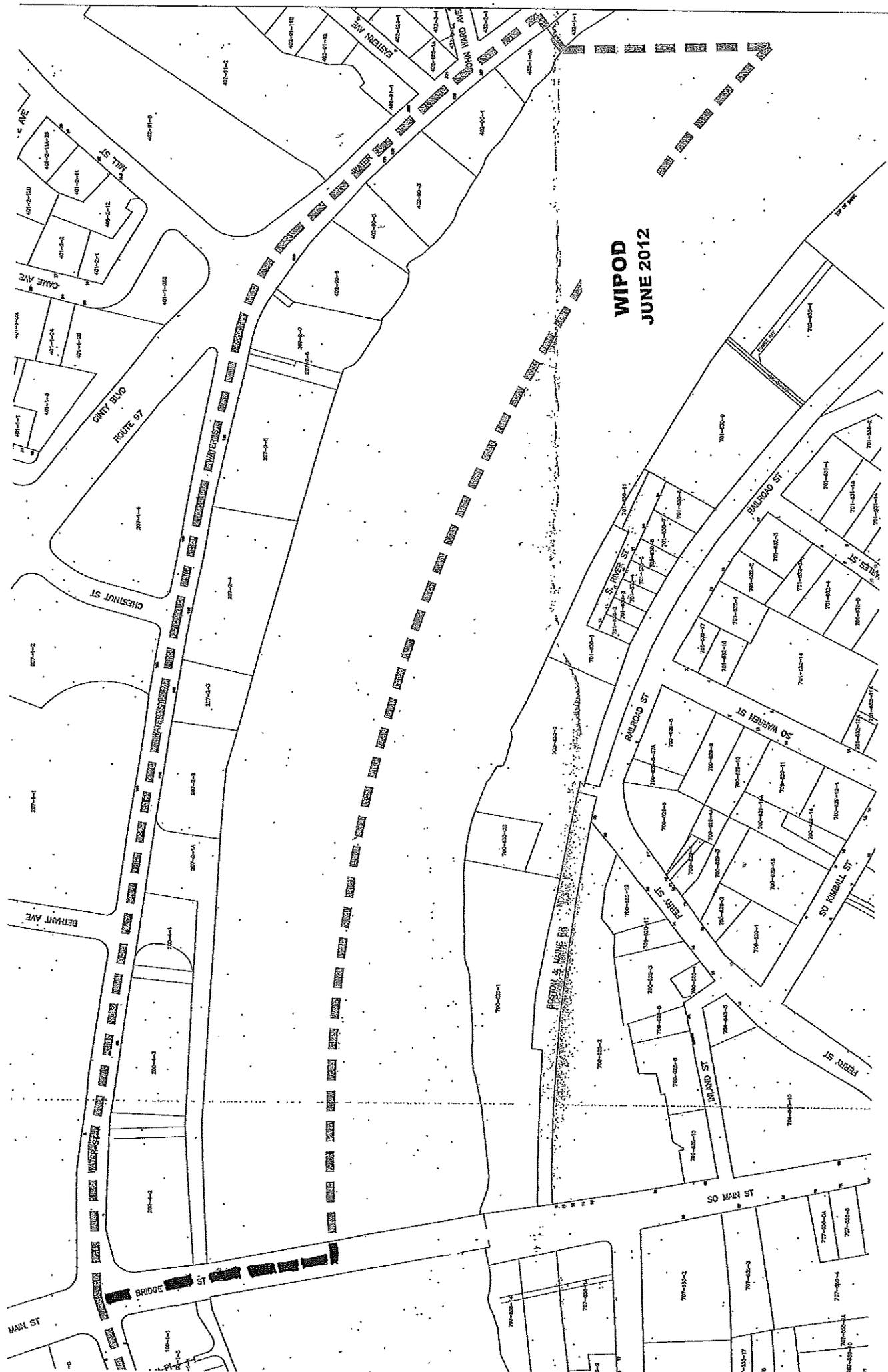
The planner informed the chairman that he would answer any questions that anyone might have but at the same time he wanted the board to know that he was requesting a favorable recommendation to the City Council on a re-instatement of the watershed planning overlay district (Waterfront Interim Planning Overlay District—WIPOD).

After board consideration Member Bob Driscoll motioned to accept the request of the planning director as noted above. Member Timothy Connors seconded the motion with Members Timothy Connors, Celeste Hynick, James Cronin, Jack Everette, Bob Driscoll, Paul B. Howard. Members absent were: Roy Wright and Joseph Sullivan. Motion passed

Signed,


Paul B. Howard
Chairman 

Cc: Zoning Ordinance Amendment File for the 2012
Waterfront Interim Planning Overlay District—WIPOD
Mayor James Fiorentini
City Council (copy)
City Clerk (original)
City Engineer
City Solicitor William D. Cox



**WIPOD
JUNE 2012**

Map showing property boundaries and lot numbers. Key streets include Main St, Bridge St, Ferry St, Railroad St, Chestnut St, and others. Lot numbers are visible throughout the map, such as 402-11-2, 402-11-3, 402-11-4, 402-11-5, 402-11-6, 402-11-7, 402-11-8, 402-11-9, 402-11-10, 402-11-11, 402-11-12, 402-11-13, 402-11-14, 402-11-15, 402-11-16, 402-11-17, 402-11-18, 402-11-19, 402-11-20, 402-11-21, 402-11-22, 402-11-23, 402-11-24, 402-11-25, 402-11-26, 402-11-27, 402-11-28, 402-11-29, 402-11-30, 402-11-31, 402-11-32, 402-11-33, 402-11-34, 402-11-35, 402-11-36, 402-11-37, 402-11-38, 402-11-39, 402-11-40, 402-11-41, 402-11-42, 402-11-43, 402-11-44, 402-11-45, 402-11-46, 402-11-47, 402-11-48, 402-11-49, 402-11-50, 402-11-51, 402-11-52, 402-11-53, 402-11-54, 402-11-55, 402-11-56, 402-11-57, 402-11-58, 402-11-59, 402-11-60, 402-11-61, 402-11-62, 402-11-63, 402-11-64, 402-11-65, 402-11-66, 402-11-67, 402-11-68, 402-11-69, 402-11-70, 402-11-71, 402-11-72, 402-11-73, 402-11-74, 402-11-75, 402-11-76, 402-11-77, 402-11-78, 402-11-79, 402-11-80, 402-11-81, 402-11-82, 402-11-83, 402-11-84, 402-11-85, 402-11-86, 402-11-87, 402-11-88, 402-11-89, 402-11-90, 402-11-91, 402-11-92, 402-11-93, 402-11-94, 402-11-95, 402-11-96, 402-11-97, 402-11-98, 402-11-99, 402-11-100.



RECEIVED DOCUMENT

2012 JUN -6 CITY OF HAVERHILL

CITY CLERK'S OFFICE In Municipal Council
HAVERHILL, MASS.

~~XXXXXXXX~~ MUNICIPAL ORDINANCE

CHAPTER

WATERFRONT INTERIM PLANNING OVERLAY DISTRICT

TO SEE IF THE CITY COUNCIL WILL VOTE TO AMEND THE ZONING ORDINANCE BY MAKING THE FOLLOWING CHANGES REGARDING THE WATERFRONT INTERIM PLANNING OVERLAY DISTRICT:

Item 1. At the end of Section 255-7 add the following:

Special Waterfront Interim Planning Overlay District WIPOD

Item 2. Add a new Section 255-18.2, as follows:

SECTION 255-18.2 WATERFRONT INTERIM PLANNING OVERLAY DISTRICT

- A. PURPOSE.** The purpose of the Waterfront Interim Planning Overlay District (WIPOD) is to provide a temporary zoning and regulatory system for the development of land within the district while the City engages in comprehensive planning studies. Downtown Haverhill's waterfront along the Merrimack River has been the subject of significant commercial and residential growth. Such growth may have an adverse impact on the natural environment, the City's infrastructure and service capacity, traffic, the local economy, neighborhood character, and open space. The WIPOD provides a mechanism to allow for growth that promotes sound land use planning goals and objectives during the course of the City's comprehensive planning studies.
- B. APPLICABILITY.** The WIPOD shall be construed as an overlay district. All requirements of the underlying zoning districts shall remain in full force and effect, except where the requirements of the WIPOD are more restrictive; in such cases, the requirements of the WIPOD shall supersede and, where applicable, provide standards and requirements in addition to those set forth in the underlying zoning regulations.
- C. USE RESTRICTIONS.** The following uses shall require a special permit from the City Council pursuant to this Section 255-18.2:
1. The development of two (2) or more dwelling units, whether attached or detached, in a single calendar year on a property, or set of contiguous properties, in common ownership or control on the effective date of this Section 255-18.2;
 2. The development of more than 2,000 gross square feet of nonresidential space, regardless of the use;

3. Alteration, expansion, or change to any existing nonresidential building, structure or use that will result in the development of more than 2,000 gross square feet of new space, regardless of the use;
4. Any nonresidential development requiring the provision of five (5) or more new parking spaces.

D. EXEMPTIONS. The following uses are specifically exempt from this Section 255-18.2:

1. Uses exempted by G.L. c.40A, s. 3; and
2. Dwelling units for low and/or moderate income families or individuals as set forth in G.L. c. 40B;

E. SPECIAL PERMIT CRITERIA. In addition to any standards and criteria set forth elsewhere in this Ordinance, the City Council shall consider, in assessing an application for a special permit in the WIPOD, the impact of the proposed development upon the following:

1. The promotion of physical access to or along the Merrimack River. The ordinance shall be interpreted so as to encourage physical access by the public to the river and to discourage developments which prevent or block physical access to the river.

Physical access may include but not be limited to the following:

Public an/or private dock, marina and wharfs along the river;
 Public walkways along the river;
 Public access to boardwalks, walking and biking trails, and walkways along the river;
 Easements and licenses for the public to gain access to the river
 Other legal mechanisms which provide for public physical access to the river;

2. The promotion of visual access to or along the Merrimack River;
3. Downtown character, including building design, architecture, and visual aesthetics;
4. Municipal services, including water, sewer, drainage, parks, and open space;
5. Consistency with the City's Master Plan goals and objectives for the Downtown waterfront.

F. DECISION. The City Council may grant a special permit upon a determination, after consideration of all of the factors set forth in Section 255-18.2.E, that the proposed development will not adversely impact the WIPOD during the term of this Section 255-18.2, as set forth below.

G. CONDITIONS. In addition to any other conditions authorized by the Ordinance, the City Council may grant a special permit in the WIPOD subject to on or more of the following conditions:

1. The provision of an easement benefiting the City to or along the Merrimack River;
2. The siting of buildings or improvements so as to promote visual access to the Merrimack River;
3. The siting of proposed construction perpendicular to the Merrimack River;
4. Other measures to promote the City's Master Plan goals and objectives for the Downtown waterfront.

H. TIME LIMITATION. The provisions of this Section 255-18.2 shall expire six months from the date of adoption; provided, however, that by vote of the City Council before said date, the provisions of this Section 255-18.2 may be extended for an additional six months in order to continue municipal comprehensive planning studies necessary to promote orderly growth in the WIPOD. In the event such action is taken by the City Council prior to expiration, these provisions shall not be construed to have lapsed on such date.

I. SEPARABILITY. The provisions of this Section 255-18.2 are hereby declared separable and if any provision shall be held invalid or unconstitutional, it shall not be construed to affect the validity or constitutionality of any of the remaining provisions of this Section 255-18.2.