



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Tuesday, February 28, 2023 at 7:00 PM

Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St., Room 202

In-Person/Remote Meeting

Present – President Jordan, Councillors Barrett, Bevilacqua, Sullivan, Michitson, Lewandowski, Rogers, and Toohey

Attending Remotely – Councillor McGonagle

City Clerk – Kaitlin Wright

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

Motion by Councillor Sullivan to approve January 24, 2023 minutes, second Councillor Bevilacqua

PASSED

Yeas 9, Nays 0

Motion by Councillor McGonagle to approve February 14, 2023 minutes, second Councillor Barrett

PASSED

Yeas 9, Nays 0

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Councillor Rogers assigned the minutes.

5. COMMUNICATIONS FROM THE MAYOR:

6. COMMUNICATIONS FROM COUNCILLORS TO INTRODUCE AN INDIVIDUAL(S) TO ADDRESS THE COUNCIL:

6.1. Council President Jordan requests to introduce Herb Bergh, Kalyn Ryll, Joanna Dix and Jenny Arndt of the *Haverhill Education Foundation* to promote their lottery bingo fundraiser on Friday, May 19, 2023 at the *Amvets* on Primrose Street

President Jordan stated original fundraiser was previously approved but cancelled due to the teacher strike.

Kaylyn Ryll, and Joanna Dix appeared before the Council to tell everyone about upcoming scratch ticket bingo fundraiser to be held on Friday, May 19th at the Amvets. Tickets available ahead of time and may be available at door if not sold out. All proceeds benefit the Haverhill Education Foundation which supports projects and programs for Haverhill public school students. Tickets can be purchased on website haverhilleducationfoundation.org.

Motion by Councillor Bevilacqua, second Councillor Sullivan

PASSED

Yeas 9, Nays 0

19-G

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

8.1. John Pettis, *City Engineer* submits Order for Electrical Easement; Plug Pond Recreational Area – Belvidere Heights Dr, Sanders Rd 10-E



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- 8.1.1. Order – Authorize Mayor to execute a certain Grant of Easement from City to Mass Electric Co as submitted, relative to real property located on 0 Belvidere Heights Drive, Haverhill, for purpose of improvements to the electrical service for the *Plug Pond Recreational Area*

Councillor Sullivan explained they will be replacing overhead electrical lines with underground lines within Plug Pond area and pointed out two things left undone at Plug Pond (1) an entrance at Sanders Road leading into Plug Pond with a wooden welcome sign, (2) after project completed, only paved half the parking lot and left back lot unpaved. Would like entire lot paved.

Motion by Councillor Bevilacqua, second Councillor Barrett

PASSED

Yeas 9, Nays 0

17-B

9. UTILITY HEARING(S) AND RELATED ORDER(S):

10. HEARINGS AND RELATED ORDERS:

11. APPOINTMENTS:

- 11.1. Confirming Appointments:
11.2. Non-Confirming:
11.3. Resignations:

12. PETITIONS:

- 12.1. Application for Special Permit; CCSP 23-1, from Attorney Migliori for applicant Snow Cassell LLC; to build a 3-family residential building at 10-12 Eighth Avenue; Map 612, Block 496, Lot 12 Hearing March 28th

Motion by Councillor Michitson, second Councillor Barrett

PASSED to be heard March 28th

Yeas 9, Nays 0

28

- 12.2. Petition from Martin Murphy to postpone his Hearing CCSP 22-15, Document 2; currently rescheduled for March 7th, for property at 261 River st, requesting to build an addition – to April 2023

Motion by Councillor Sullivan, second Councillor Barrett

PASSED to be heard April 2023

Yeas 9, Nays 0

2-B

- 12.3. Applications Handicap Parking Sign: *with Police approval*

- 12.4. Amusement/Event Application - *pending Police approval**

- 12.4.1. **EVNT 23-5:** James Carbone – *Tattersall Farm to Table Food Tasting Event* – 542 North Broadway; July 27, 2023; 5 pm to 8:30 pm

****Note:** All events pending police approval and updated insurance and appropriate dept. approvals.

Motion by Councillor Bevilacqua, second Councillor Toohey

PASSED

Yeas 9, Nays 0

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12.4.2. **EVNT 23-4:** James Carbone – *CiderFeast New England*; at *Harbor Place* courtyard and boardwalk; June 22, 2023; 5 pm to 8:30 pm

Motion by Councillor Michitson, second Councillor Barrett

PASSED

Yeas 9, Nays 0

29-B

12.4.3. **LCDL 23-5:** James Carbone; Alcohol One Day License for *CiderFeast New England*; June 22, 2023; 5 pm to 8:30 pm at *Harbor Place* courtyard and boardwalk

**All events pending updated insurance and appropriate department approvals*

Motion by Councillor Sullivan, second Councillor Rogers

PASSED

Yeas 9, Nays 0

29-C

12.5. **Auctioneer License:**

12.6. **Tag Days:** *with Police approval*

12.7. **One Day Liquor License:**

12.8. **Annual License Renewals:**

12.8.1. **Hawker Peddlers License 2023 - Fixed location** – *with approvals*

12.8.2. **Coin-Op License Renewals** - *pending Police approval*

12.8.3. **Drainlayer License Renewals** -*with City Engineer approval*

12.8.4. **Christmas Tree Vendor** – *with Police approval*

12.8.5. **Taxi Driver Licenses for 2022:** *with Police approval*

12.8.6. **Taxi/Limousine License** *with Police approval:*

12.8.6.1. Kasey Gordon 30

12.8.6.2. Rachael Trongeau 30-B

12.8.6.3. Lynette Sylvester 30-C

Motion by Councillor Sullivan, second Councillor Barrett

PASSED

Yeas 9, Nays 0

12.8.7. **Junk Dealer License** *with Police approval*

12.8.8. **Pool Tables**

12.8.9. **Sunday Pool**

12.8.10. **Bowling**

12.8.11. **Sunday Bowling**

12.8.12. **Buy & Sell Second Hand Articles** *with Police approval*

12.8.13. **Buy & Sell Second Hand Clothing**

12.8.14. **Pawnbroker license**

12.8.15. **Fortune Teller** - *pending Police approval*

12.8.16. **Buy & Sell Old Gold**

12.8.17. **Roller Skating Rink**

12.8.18. **Sunday Skating**

12.8.19. **Exterior Vending Machines/Redbox Automated Retail, LLC**

12.8.20. **Limousine/Livery License/Chair Cars** *with Police approval*



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13. MOTIONS AND ORDERS:

14. ORDINANCES (FILE 10 DAYS)

15. COMMUNICATIONS FROM COUNCILLORS:

- 15.1. Councillor Bevilacqua requests to recognize *Irish American Heritage* month and the contributions of the Irish American people to our Country, State and City

Councillor Bevilacqua recognized Irish Americans and their contributions. 8-J

- 15.2. Councillor Bevilacqua requests to recognize *Women's History* month commemorating the role of women in American History and the contributions Women have made to our Country, State and City

Councillor Bevilacqua recognized women and all their contributions. 8-K

- 15.3. Council President Jordan requests the following changes to the City Council Meeting Schedule: to *Cancel* the meetings of April 18 and June 6, 2023 and to *Add* meetings on April 11 and June 13 2023 – with all meetings in the Theodore A Pelosi Jr. City Council Chambers, Room 202, City Hall, 24 Summer st

Motion by Councillor Michitson, second Councillor Barrett

PASSED

Yeas 9, Nays 0

8-L

16. UNFINISHED BUSINESS OF PRECEDING MEETING:

- 16.1. Document 19-D: Councillor Lewandowski requests to introduce Matthew Juros formerly of Fishbrook Design Studio on Wingate st about change in his design studio and maintain connection to the Merrimack Valley

Continued from February 7th

Motion by Councillor Lewandowski to move to April 4, second Councillor Barrett

PASSED

Yeas 8, Nays 0, Absent 1

- 16.1.1.1. Document 119-B/2022: Ordinance re: Accessory Dwelling Unit (ADU) *Filed October 19 2022*

- 16.1.2. Councillor Barrett motions that on unanimous recommendation of A & F subcommittee that Council amend the ADU Ordinance filed on December 6, 2022 by deleting the Ordinance as submitted and inserting in place thereof the February 28, 2023 Amended Ordinance submitted from Community Development

Related communication from Mayor Fiorentini regarding ADU Ordinance

- 16.1.3. Amended Ordinance – February 28 2023 – An Ordinance Relating to Zoning



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Related communication from Andrew Herlihy, Community Development Director who will be available to answer questions along with Housing Manager Matt Hennigan

Motion by Councillor Barrett, second Councillor Sullivan

Councillor Bevilacqua stated that he spoke with a number of people throughout the city and suggests a family component with ADU ordinance. Offered an amendment to ordinance only for a residential use that has a relation to the owner.

Councillor Sullivan suggested to review the changes made to the ordinance first then discuss.

Councillor Barrett stated had many meetings with the public including two Council and two A&F working meetings. Took feedback from meetings to Mayor's office in which changes were made and the ordinance streamlined. Haverhill has had an ADU ordinance since 1992 never had a family component. New ordinance requires owner occupied; component for enforcement; added a one year later review. All worked very hard on.

Councillor McGonagle appreciative of Councillor Barrett's work on behalf of the Council. All emails received have been in support.

Councillor Toohey stated as an A&F committee member, hard work by all involved. Increasing senior population with benefit and makes sense. Not going to fix all but will help. Still needs to go to special permit for existing and new.

Councillor Lewandowski thanked the A&F committee for drilling down on the details. The letter requesting annual certification to be submitted is critical, the addition of the inspection upon sale is critical and like that the detached ADU is part of this. I feel all should be per special permit because it will ensure folks of a careful review and gives opportunity for neighbors to speak out.

Councillor Rogers asked if considered owner occupied at registry of deeds.

Councillor Barrett stated that there will have to be certifications to use as an ADU.

Councillor Sullivan stated more for the job of the real estate agent because it may not stay as an ADU.

Councillor Rogers asked if considered a penalty.

Councillor Barrett stated something that could do after the one-year time if becomes an issue.

Richard MacDonald, Director Inspectional Services, stated if not owner occupied, its not allowed. Would find out when the resident moves and have to reinspect.

Councillor Rogers asked if inspectional services has the manpower to deal with this and what about voting as a sunset basis.

Richard MacDonald stated would discuss manpower at budget time. Agrees review after one year is a very important component of ordinance.



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Jason Jussif, 125 Arlington Street, said doesn't think principle ADU is the problem, it's the 1200 sq. ft. addition, it's too large. Believe it should remain as a special permit.

Anita Toscano, 141 Corliss Hill Road, questioned enforcement. How will it be enforced, inspectional services are already overworked, how do you go about if it isn't right, what is the means to report.

Richard MacDonald stated inspectional services handles around 60-70 complaints a month. Every Wednesday morning is Code Team meeting, we always have complaints of an illegal apartment. They are made to comply or are dismantled. We respond to each and every one.

Andrew Herlihy, CBDG, section 8.1.8 under Termination has key phrases. Section 1 and Section 5 address Ms. Toscano's concerns.

Paul Magliocchetti, 15 Kimball Hill Drive, main concern has been transparency and communication with the public. Concerned with the current ordinance with elderly home owners, does not address elderly transferring property to children. Also concerned with provision that home owner has to live in home for six months, how will you police that? Think should be a full-time resident. Why isn't there a penalty for a violation? Duplexes are not addressed.

Cassie Infante, 111 Summer Street, supports the ordinance and asks Council to move forward with it. It has been thoroughly vetted and updated to reflect the needs of the community.

Vice President Michitson biggest concern has to do with the existing detached fact that they can be five feet or closer to the side or back of the property. However, a special permit is required for that. Feel should give this a trial for a year but want to amend to cap it to the first year at 25 units for all ADU's.

Bill Cox, City Solicitor, states that would be a building moratorium which can be illegal under certain circumstances.

Vice President Michitson withdraws amendment and supports document before Council.

Councillor Sullivan wanted to point out that it will be very costly for anyone to create an accessory dwelling in this market. Spoke of instance where someone was given cost of \$600-900K to create one. This is not cost effective and unfortunately excludes lower income households. This will help update, clarify and streamline the process for those who want to with updated codes and enforcement.

President Jordan asked to address the duplex issue.



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Matt Hennigan, CBDG, only one ADU is allowed per lot. ADU's by additions are only allowed for single family homes.

President Jordan appreciates all the work done from everyone, much better proposal before us tonight. Share the concern will 1200 sq. ft., trying to balance; clearly need to higher more staff in inspectional services.

Proposed amendment from Councillor Bevilacqua that it be family relation.
Councillor Barrett and Councillor Sullivan denied amendment to original motion.

Motion by Councillor Barrett, second Councillor Sullivan
PASSED Yeas 8, Nays 1 (Bevilacqua)

17. RESOLUTIONS AND PROCLAMATIONS:

18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

18.1. Councillor Barrett submits minutes of the *Administration and Finance Committee* meeting held on February 14, 2023 for acceptance
Councillor Barrett gave overview of the minutes from the February 12, 2023 meeting.
Motion by Councillor Barrett, second Councillor Sullivan
PASSED Placed on file Yeas 8, Nays 0, Absent 1 (Lew

19. DOCUMENTS REFERRED TO COMMITTEE STUDY

20. LONG TERM MATTERS STUDY LIST

21. ADJOURN :

Motion by Councillor Sullivan, second Councillor Toohey
PASSED Yeas 8, Nays 0, Absent 1 (Lewandowski) Adjourned 20:08PM

ADDITIONAL MATERIALS – AMENDED AGENDA

- Council President Jordan requests to cancel the City Council meeting scheduled for March 21, 2023

Motion by Councillor Bevilacqua, second Councillor Barrett
PASSED Yeas 9, Nays 0

8-M

Chief of Staff Lindberg thanked the Council for cancelling on behalf of the Mayor.