



**CITY OF HAVERHILL
CITY COUNCIL AGENDA
Tuesday, June 16, 2020 at 7:00 PM
Virtual Meeting**

Due to the ongoing COVID-19 Pandemic, Governor Baker issued an Emergency Order temporarily suspending certain provisions of the Open Meeting Law, G.L. c. 30A sec. 20. Public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means."

1. OPENING PRAYER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES OF PRIOR MEETING
4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING
5. COMMUNICATIONS FROM THE MAYOR:
 - 5.1. Communication from Mayor Fiorentini requesting to address the Council to give an update on Haverhill's efforts regarding the Coronavirus (COVID-19) crisis
 - 5.2. Communication from Mayor Fiorentini announcing that the Ornsteen Riverfront project is moving forward and is submitting a Purchase and Sale Agreement for 31-35 Railroad av and also submits related Order
 - 5.2.1. Order – Real property at 31-35 Railroad, also known at Ornsteen property be declared surplus and also Mayor is authorized to sell said real property and execute a purchase and sale agreement
6. COMMUNICATIONS FROM COUNCILLORS TO INTRODUCE AN INDIVIDUAL(S) TO ADDRESS THE COUNCIL:
7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28
8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:
 - 8.1. Abatement report from Board of Assessors for month of May 2020
9. UTILITY HEARING(S) AND RELATED ORDER(S)
10. HEARINGS AND RELATED ORDERS:
 - 10.1. Document 43: Petition from Thomas Hodgson/Livingston Development Corp requesting City accept a portion of South Pearson st as a Public Way
 - 10.1.1. Document 43-B: Order – accept a portion of South Pearson st as a Public Way
Postponed from March 24 2020
Favorable Conditional recommendation from Planning Board and Planning Director



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- 10.2. Document 44: Petition from Attorney John McKenna for applicant Amerco Real Estate Co and U-Haul Company of Eastern Mass requesting Special Permit under POD Ordinance for *Storage Containers* pursuant to Zoning Ordinance Section 120-16; for the use of more than 2 regulated storage containers for more than 6 months at 211-219 Lincoln av; *Rivers Edge Plaza* *postponed from June 2 2020*
Comments from various City Departments are included

- 10.3. Document 54: Petition from Attorney Russell Channen representing Jonathan Cody Manger of Atlantis Development LLC requesting a Special Permit for former St Joseph School on 26 Broadway to create a multi-family consisting of 36 residential units within the RH zone
Favorable conditional recommendation from Planning Board & Planning Director

11. APPOINTMENTS:

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

12. PETITIONS:

- 12.1. Petition from Richard Carter requesting special permit approval to convert a building at 417 Washington st; May 511, Block 276, Lot 6; into 4 single bedroom apartment to be rentals Refer to Planning Board & Council Hearing August 11th
- 12.2. Applications Handicap Parking Sign:
- 12.3. Amusement/Event Applications:
- 12.4. Tag Days:
- 12.5. One Day Liquor License
- 12.6. Annual License Renewals:
 - 12.6.1. **Hawker Peddlers License 2020 - Fixed locations; renewals**
 - 12.6.2. **Coin-Op License Renewals for Weekly/Sunday 2020**
 - 12.6.3. **Drainlayer License for 2020; renewals**
 - 12.6.4. **Taxi Driver Licenses for 2020**
 - 12.6.5. **Taxi License:**
 - 12.6.6. **Junk Dealer License**
 - 12.6.7. **Pool Tables**
 - 12.6.8. **Sunday Pool**
 - 12.6.9. **Bowling**
 - 12.6.10. **Sunday Bowling**
 - 12.6.11. **Buy & Sell Second Hand Articles**
 - 12.6.12. **Buy & Sell Second Hand Clothing**
 - 12.6.13. **Pawnbroker license**



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- 12.6.14. **Fortune Teller**
- 12.6.15. **Buy & Sell Old Gold**
- 12.6.16. **Roller Skating Rink**
- 12.6.17. **Sunday Skating**
- 12.6.18. **Exterior Vending Machines**
- 12.6.19. **Limousine/Livery License/Chair Cars**

13. MOTIONS AND ORDERS

14. ORDINANCES (FILE 10 DAYS)

15. COMMUNICATIONS FROM COUNCILLORS:

- 15.1. Communication from Council President Barrett and Councillor Michitson requesting Mayor-Council conference on way ahead for addressing racism and potential policy changes involving Police Department and other City departments
- 15.2. Communication from Councillor Timothy Jordan requesting an update on Haverhill's application for the \$5.6M of CARES Act money that our City is eligible for
- 15.3. Communication from Councillor Joseph Bevilacqua requesting a discussion regarding proposed regional business-educational-residential municipal internet service
- 15.4. Communication from Councillor Michael McGonagle requesting to refer a request for a pedestrian crossing sign on Washington st before the crosswalk at Julian Steele Senior housing
- 15.5. Communication from Councillor Michael McGonagle requesting to have the Traffic & Safety Committee review a request for a "no outlet" sign at the entrance of Booth st

16. UNFINISHED BUSINESS OF PRECEDING MEETING:

- 16.1. Document 8-D: Ordinance re: Vehicles and Traffic: Amend City Code Chapter 240; Central Business District Parking Map dated 8/17/2011 be revised and amended by relocating 2 handicap parking spaces from the easterly side of entrance of Merrimack st Parking Lot to the 2 most easterly parking spaces abutting the entrance to the Herbert H Goecke Jr Parking Deck and map shall now reflect 06/02/2020 wherever said words and figures should appear in Chapter 240

Related communication from William Cox Jr, City Solicitor

Filed June 3 2020



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Tuesday, June 16, 2020 at 7:00 PM
Virtual Meeting**

- 17. RESOLUTIONS and PROCLAMATIONS:**
- 18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:**
- 19. DOCUMENTS REFERRED TO COMMITTEE STUDY**
- 20. LONG TERM MATTERS STUDY LIST**
- 21. ADJOURN**

JAMES J. FIORENTINI
MAYOR



**CITY OF HAVERHILL
MASSACHUSETTS**

511
CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

June 12, 2020

City Council President Melinda Barrett and Members of the Haverhill City Council

RE: Communication from the Mayor regarding Coronavirus

Dear Madame President and Members of the Haverhill City Council:

I am requesting to address the City Council at their meeting on Tuesday, June 16th, to give an update on Haverhill's efforts regarding the Coronavirus (COVID-19) crisis.

Very truly yours,

James J. Fiorentini
Mayor

JJF/lyf

JAMES J. FIORENTINI
MAYOR



CITY OF HAVERHILL
MASSACHUSETTS

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CITY HALL, ROOM 100
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June 12, 2020

City Council President Melinda Barrett and Members of the Haverhill City Council

RE: Ornsteen Riverfront Property

Dear Madame President and Members of the Haverhill City Council:

As all of you know well, the COVID-19 induced pandemic is causing major shutdowns and layoffs all throughout the country. Billions of dollars in new real estate projects in the USA are being canceled and in Massachusetts, many projects have already been abandoned and many more put on hold.

It is with this background that I am pleased to announce that the Ornsteen Riverfront project is moving forward. This project will bring **\$1 million purchase price revenue** and **\$900,000 in permit fees** over the next couple of years. Over the next 20 years, this project will generate **\$17.3 million in new tax revenue**, and hopefully meals tax revenues. It will provide **280 construction jobs** desperately needed during this time. If all goes well with the project, it will provide a number of permanent retail and food establishment jobs.

What I think is even more important is that the Ornsteen project will provide a very attractive entranceway to our downtown. The developer will provide a beautiful park, a public canoe or kayak launch and a finished walkway or trail along the river. There will be a place for outdoor gatherings to the extent we are allowed to have them in the post COVID-19 world.

As the City Council knows from previous discussions, there is a desperate need for new housing in Haverhill and in the Commonwealth. The Ornsteen project will provide new housing designed in such a way that it will have a minimal impact on our public schools.

As authorized by the City Council, Attorney Bill Cox and I have entered into extensive negotiations with the project developers. We have negotiated a purchase and sales agreement, a copy of which is attached.

I am also attaching an order authorizing me to sign that purchase and sales agreement on behalf of the city which would be the next step in this project.

The project would then proceed to the permitting stage. It cannot actually go forward unless, at a later date, the City Council votes to approve the necessary permits. You will, of

course, have every opportunity for a much more detailed review of the project during the permitting stage.

As I stated previously, an order is attached. I recommend and respectfully request City Council approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James J. Fiorentini', with a stylized, flowing script.

James J. Fiorentini
Mayor

JJF/lyf

PURCHASE AND SALE AGREEMENT

31 - 35 Railroad Avenue, Haverhill, MA

1. **PARTIES** - This ____ day of June, 2020, the City of Haverhill, a Massachusetts municipality having a place of business at 4 Summer Street, Haverhill, Massachusetts 01830, acting by and through its Mayor ("Seller") agrees to sell and PE Realty Partners, LLC, a Massachusetts limited liability company, having its principal place of business at 220 Broadway, Suite 302, Lynnfield, MA 01940 ("Buyer") agrees to buy upon the following terms and conditions, the property described below.

2. **PREMISES** - The property to be sold and conveyed consists is located at 31-35 Railroad Avenue in the Bradford section of Haverhill, Massachusetts 01835 and is designated on the City of Haverhill Assessor's Map 711, Block 4, Lots 3,4, and 4A: and Map 712, Block 684, Lots 1, which also includes Lot 2. The property contains 4.8 Acres more or less and is bounded on one side by the Merrimack River. The property is recorded at the South Essex Registry of Deeds in Book 13677, Page 375; Book 12670, Page 454; and in Land Court # 86673. (Exhibit A attached hereto and made a part hereof (together with the rights and easements, if any, specified in Exhibit A as appurtenant thereto, the "Premises").

3. **USE OF PREMISES** – Buyer and Seller acknowledge and agree that the Premises, upon transfer to Buyer, will be incorporated into a larger site on which Buyer will construct 290 market rate residential housing units, 10,000 square feet of commercial space and 75,000 square feet of public parks, riverwalk, amphitheater and playground facilities (the "Development"), more fully described Buyer's Responsive Proposal dated 10.22.19 and amended Proposal as included in Haverhill Presentation V1, collectively attached hereto as Exhibit B and made a part hereof.

4. **PARCEL ASSEMBLY** – Seller has acquired title to the Premises, and shall, prior to Closing, as hereinafter defined, take any and all steps reasonably necessary to designate the Premises as "surplus" property, allowing for the transfer thereof to Buyer. Buyer intends to acquire 19 Railroad Avenue, Haverhill, MA (the "Skateland Parcel") and 236 South Elm Street, Haverhill, MA (the "Gas Station Parcel". The Premises and the Skateland and Gas Station Parcels shall be deemed the site (the "Site") where the Development shall be constructed. Prior to the transfer of the Premises to the Buyer, Buyer shall have provided a detailed plan (the "Plan") of the site, which shall include the public parks, riverwalk, amphitheater and playground facilities and amenities, detail of the exterior of the proposed buildings, parking and other public spaces. The Plan shall be subject to a peer review by various City staff, outside municipal consultants and shall be approved by the Mayor prior to the transfer.

5. **TITLE DEED** - Seller shall to convey the Premises by a good and sufficient Massachusetts quitclaim deed in a form appropriate for recording with the Essex South District Registry of Deeds and filing with the Registered Land Section of the Essex South Land Court District (collectively, the "Registry") running to Buyer, or to the nominee designated by Buyer by written notice to Seller given at least seven (7) days before the deed is to be delivered. The

deed must convey good and clear record and marketable title to the Premises, free from encumbrances, except:

- (a) Provisions of building, environmental, zoning, health and other land use laws;
- (b) Any municipal taxes for the then current fiscal year as are not due and payable on the date of delivery of the deed for the Premises;
- (c) Any liens for municipal betterments assessed after the date of the delivery of the deed; and
- (d) Matters listed on Exhibit C attached ("Exceptions to Title").

6. **PURCHASE PRICE** – The agreed purchase price for the Premises is One Million Dollars (\$1,000,000.00). The Purchase Price, less the Deposit, shall be payable at the Closing (as hereinafter defined) in lawful currency of the United States of America in immediately available funds by wire transfer to an account designated by Seller and subject to a reasonable wire processing fee.

(a) As security for Buyer's performance hereunder, on October , 2019, Buyer delivered to Seller's City Treasurer (the "Escrow Agent"), a deposit of Ten Thousand Dollars (\$10,000) (the "Deposit"). The Deposit shall be- non-refundable to Buyer upon the satisfaction of the Review Period.

(b) Upon the expiration of the Review Period, Buyer shall pay to the Escrow Agent the additional deposit amount of Forty Thousand Dollars (\$40,000.00) which shall be non-refundable to Buyer upon the satisfaction of the Permitting Contingency and shall be included as part of the Deposit.

If the transaction contemplated herein is consummated in accordance with the terms and conditions of this Agreement, all Deposit monies shall be a credit against the Purchase Price to be paid by Buyer.

7. **TIME FOR PERFORMANCE; DELIVERY OF DEED** – Unless otherwise agreed in writing, the deed for the Premises is to be delivered at the offices of Buyer's counsel or Buyer's lender's counsel at 10:00 a.m. forty-five (45) days after the sending by Buyer of the Permit Satisfaction Notice (as hereinafter defined), Time is of the essence of this Agreement. The consummation of the sale at the time specified is called the "Closing."

Notwithstanding the foregoing, the Buyer shall have the option to extend the Closing twice, each time by a period of Forty-five (45) days from the then scheduled Closing by giving notice at least seven (7) calendar days in advance of the then scheduled Closing and by providing a \$15,000 deposit for each extension option, if exercised, said deposits, if any, shall be included as part of the Deposit and shall be credited towards the purchase price at the Closing and shall be non-refundable to Buyer.

8. **POSSESSION OF PREMISES** - Full possession of the Premises, free of all tenants and occupants shall be delivered at the time of Closing. The Premises must then be:

- (a) in the same condition as they now are, excepting only reasonable use and wear;
- (b) not in violation of said building and zoning laws;
- (c) in compliance with provisions of any instrument referred to in clause 5 hereof;
and
- (d) in compliance and conformity with all other terms and provisions of this Agreement.

Except as may otherwise be provided for in this Agreement, Buyer acknowledges that Seller has not made any warranties or representations to Buyer with respect to the condition of the Premises and Buyer is taking the Premises in its "as is", existing condition. Buyer further acknowledges that Buyer has not been influenced to enter into this Agreement nor has Buyer relied upon any warranties, representations or statements not set forth or incorporated in this Agreement. The provisions of this paragraph shall survive the delivery of the deed.

9. **Intentionally omitted.**

10. **CONDITION OF THE PREMISES** – Buyer acknowledges that Seller has conducted a Phase I and II Environmental Site Assessment on the property and that no reportable conditions have been identified at the Premises as determined by Seller.

11. **REVIEW PERIOD** – Buyer shall have a period of the later of (i) forty-five (45) days following the execution of this Agreement by the Mayor of Haverhill following approval by the Haverhill City Council or (ii) July 31, 2020 (the "Review Period") during which to perform such reviews, examinations and investigations with respect to the Premises as Buyer may deem necessary including, but not limited to, a review of the physical condition of the Premises, review, investigation, inspection and analysis of applicable zoning, title, survey, code, environmental conditions, and any other matters that in Buyer's opinion may affect the Buyer's intended use of the Premises after the Closing. In addition, during the Review Period the Buyer will review title and survey to the Premises (the "Title/Survey Due Diligence Review").

On or before the conclusion of the Review Period, Buyer shall notify Seller in writing of Buyer's title objections (the "Title Objection Notice"). Within seven (7) days following the date of the Title Objection Notice, Seller shall notify Buyer whether Seller has elected to cure such title objections and, in that connection, Seller shall be obligated to expend up to Five Thousand Dollars (\$5,000.00) to effect such cure (excluding liens and encumbrances voluntarily created by Seller, for which there shall be no dollar limit). If Seller fails to cure such title objections before Closing, Buyer may elect either to: (i) terminate this Agreement whereupon the Deposit shall be refunded to the Buyer and this Agreement shall be null and void and of no further force and effect; or (ii) to waive the defect or objection and accept title to the Premises subject to such

defect or objection, in which event such defect or objection shall be deemed to constitute a Permitted Exception (as hereinafter defined).

Notwithstanding the Title/Survey Due Diligence Review, if the Buyer finds the results of the Review Period to be unsatisfactory for any reason or no reason at all, then Buyer may terminate this Agreement by giving written notice (the "Termination Notice") to Seller on or before the expiration of the Review Period (the "Review Expiration Date"), whereupon this Agreement shall terminate and neither party shall have any rights or remedies hereunder, except as otherwise provided herein to survive the termination of this

In the event that the Termination Notice is not given by Buyer to Seller by the Review Expiration Date, Buyer shall be deemed to have approved of the results of the Title/Survey Due Diligence Review and the state of title to the Premises as it exists on the date of this Agreement (with the exception of the title objections raised in the Title Objection Notice). Any matters that are revealed during Buyer's title examination of the Premises to which Buyer does not object pursuant to the Title Objection Notice shall be deemed to be conclusively waived by Buyer and shall be referred to collectively herein, as "Permitted Exceptions".

12. **EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM** – If Seller shall be unable to give title, or to make conveyance, or to deliver possession of the Premises, or if at the time of Closing the Premises do not otherwise conform with the provisions hereof, Seller shall use reasonable efforts to remove any defects in title, or to deliver possession, or to make the Premises otherwise conform to the provisions hereof, as the case may be. In that event, Seller may elect to extend the time for Closing for a period not to exceed sixty (60), by giving written notice to Buyer at or before the original time for Closing. As used in this paragraph, "reasonable efforts" shall not require the expenditure of more than \$5,000.00 by Seller.

13. **FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, ETC.** - If at the expiration of the extended time Seller has failed so to remove any defects in title, deliver possession, or make the Premises conform, as the case may be, then at Buyer's option, all other obligations of Seller and Buyer will cease and this Agreement will be void, without recourse to the parties.

14. **BUYER'S ELECTION TO ACCEPT TITLE** - Buyer may elect, at either the original or any extended time for Closing, to accept such title as Seller can deliver and to accept the Premises and to pay the full purchase price without reduction, in which case the Seller shall convey such title, except that in the event of such conveyance in accord with the provisions of this Paragraph, if the said Premises shall have been damaged by fire or other casualty, or in the event of a taking of all or a part of the Premises by eminent domain, then at Buyer's option, all payments made under this Agreement shall be refunded to Buyer and all other obligations of the parties hereto shall cease and this Agreement shall be void without recourse to either party.

15. **ACCEPTANCE OF DEED** - Buyer's acceptance and recording of the deed by Buyer or through its nominee, shall be deemed full performance and discharge of every

obligation in this Agreement, except those that are, by their terms, to be performed after the Closing or expressly survive the delivery of the deed.

16. **USE OF PURCHASE MONEY TO CLEAR TITLE** - To enable Seller to make conveyance, Seller may, at the time of the Closing, use all or any portion of the purchase money to clear the title of encumbrances or interests. All title clearing instruments must be delivered simultaneously with the deed, with the exception of mortgage discharge(s) from reputable lending institutions, which may be obtained expeditiously and recorded in due course.

17. **ADJUSTMENTS** - Buyer acknowledges that pursuant to Chapter 59, §2c the grantee of real estate exempt under Clause 3 shall pay a pro rata amount to the Seller in lieu of taxes. This amount shall be paid at the time of closing and shall be based upon the purchase price paid pursuant to this Agreement.

18. **BUYER'S COVENANTS AND CONSTRUCTION OBLIGATIONS** -

(a) No later than twenty four (24) months after the recording of the deed, subject to force majeure and Seller acting in good faith, Buyer shall complete construction of the Development; If Seller can demonstrate that they have made a good faith effort to complete construction of the project and require additional time, an additional period of up to twelve (12) months may be granted by agreement with the Buyer.

(b) Subject to the terms of this Agreement, Buyer shall have the sole responsibility and obligation to obtain any and all federal, state and local permits, licenses, and approvals necessary for construction of the Development, including any roadway improvements required in connection with such construction, at no cost to Seller. Seller shall at all times make a good faith effort to actively pursue the necessary federal, state and local permits, licenses, and approvals necessary for construction of the Development. Buyer shall provide Seller with copies of all such permits, licenses and approvals as they are obtained;

(c) Buyer shall be fully responsible for any and all costs of construction of the public parks, riverwalk, amphitheater and playground facilities at the Premises which are part of the Development. Seller shall have no obligation to provide any funding for the parks, riverwalk, amphitheater and playground facilities at the Premises which are part of the Development; Buyer shall be solely responsible for building and equipping the public parks, riverwalk, amphitheater and playground facilities at the Premises according to the Plan specified in 3. Use of Premises above.

(d) If Buyer has failed to make any efforts towards the construction of the Development within eighteen (18) months after the Approval and Permitting Period, subject to Force Majeure, then the City shall have the right to terminate all agreements and the title to the property shall revert to the City upon a refund of the Purchase Price, less any deposits made prior to the closing.

The terms and provisions of this paragraph shall survive the delivery of the deed.

19. **Intentionally omitted.**

20. **CONSTRUCTION OF AGREEMENT** - This Agreement, executed in multiple original counterparts, is a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between Seller and Buyer, is binding upon and enures to the benefit of Seller and Buyer and their respective heirs, devisees, executors, administrators, successors and assigns. It may be cancelled, modified or amended only by a written instrument signed by both Seller and Buyer or their respective counsel. The captions are used only as a matter of convenience and are not to be considered a part of this Agreement or to be used in determining the intent of Seller and Buyer.

21. **SUPERSEDES OTHER AGREEMENTS** - This Agreement supersedes any prior agreements made by Seller and Buyer with respect to the transaction described in this Agreement. All prior agreements are void and without recourse to Seller and Buyer.

22. **ENFORCEMENT OF AGREEMENT** - If litigation is commenced by either party to enforce this Agreement, the costs and reasonable attorney's fees of the prevailing party in the litigation must be paid by the non-prevailing party.

23. **BROKERAGE WARRANTY** - Seller and Buyer represent and warrant to each other that neither has dealt with any real estate agent or broker in connection with the transaction and was not called to the attention of the other as a result of the services of any other real estate agent or broker. Seller and Buyer indemnify, exonerate and hold each other harmless from and against any claim, loss, damage, cost or liability for any brokerage commission or fee which may be asserted as a result of its breach of this warranty. This paragraph shall survive the Closing.

24. **NOTICE** - Notice will be duly given when mailed by registered or certified mail, return receipt requested, postage and registration or certification charges prepaid, or sent via overnight delivery (such as Federal Express) or email or when hand delivered and addressed as follows:

in the case of Seller to Seller at: City of Haverhill
 City Hall
 4 Summer Street
 Haverhill, MA 01830
 Attention: City Solicitor
 Email: BillCoxLaw@aol.com

with a copy simultaneously sent to: City of Haverhill
 City Hall
 4 Summer Street
 Haverhill, MA 01830
 Attention: Mayor

in the case of Buyer at:

Randy Kaston, Esquire
Ligris + Associates, P.C.
399 Boylston Street, 7th Floor
Boston, Massachusetts 02116
Telephone: (617) 274-1521
Fax: (617) 274-1515
Email: rkaston@ligris.com

Either party may by written notice to the other designate another address as its effective address for the purposes of this paragraph.

25. **NO ASSIGNMENT** - Buyer may not assign this Agreement or any of Buyer's rights under this Agreement (except to a nominee which assumes all of Buyer's obligations hereunder) without the prior written consent of Seller, which may be withheld by Seller in Seller's sole and uncontrolled discretion.

26. **TITLE/PRACTICE STANDARDS** - Any matter or practice arising under or relating to this Agreement which is the subject of a title or practice standard of the Real Estate Bar Association of Massachusetts at the time of Closing shall be governed by such standard to the extent applicable.

27. **ACCESS** - From and after the date of this Agreement, Buyer and Buyer's agents may enter the Premises at any time and from time to time for purposes of inspecting the Premises and to conduct any reviews, examinations, or investigations that Buyer deems necessary in Buyer's sole discretion and upon prior notice to Seller and in the presence of Seller or an agent of Seller.

28. **CERTIFICATES** - Seller must sign and deliver to Buyer at the Closing (i) a non-foreign certification under Internal Revenue Code Section 1445 and the applicable Treasury Regulations, and (ii) a title insurance parties-in-possession and mechanic's lien affidavit in customary form.

29. **AUTHORITY** - Buyer and Seller each represent that each has the power and authority to execute and deliver this Agreement and to consummate the transactions herein contemplated, and, except as may otherwise be provided in this Agreement, all necessary actions have been taken to authorize the execution, delivery and performance by each party, and this Agreement is a legally binding obligation of Buyer and Seller, enforceable in accordance with its terms.

30. **RIDER** - The executed "Rider", attached hereto, is incorporated herein by reference. If any provision in the Rider conflicts in any way with any other provision in Paragraphs One (1) through Thirty (30), inclusive, of this Agreement or with any addenda or exhibits hereto, the provision contained in the Rider shall control.

[Signatures Begin on Next Page]

Seller and Buyer have executed this Agreement on the date first written above.

SELLER:

BUYER:

CITY OF HAVERHILL

PE REALTY PARTNERS, LLC

By: _____
James J. Fiorentini,
its Mayor

By: _____

APPROVED AS TO FORM:

City Solicitor

Date: _____

Rider

1. Approval and Permitting Period:

The Buyer shall have a period ending on the later to occur of one hundred twenty (120) days after expiration of the Review Period, or sixty (60) days after the lifting of the state of emergency which now exists in the Commonwealth of Massachusetts to obtain Approval and Permitting (the "Permitting Period"). The Buyer's obligation to close shall be contingent upon Buyer having obtained, at Buyer's costs and upon other terms and conditions acceptable to Buyer, all Governmental Approvals ("hereinafter defined") deemed necessary for the construction of the Development. At any time on or before the expiration of the Permitting Period that Buyer determines, after utilizing all good faith efforts, that the governmental approvals for the Development will not or cannot be obtained as above provided, Buyer shall have the right to terminate this Agreement by written notice to Seller, whereupon all refundable Deposits shall be returned to the Buyer and neither party shall have any further rights or obligations hereunder and each party shall bear its own costs incurred hereunder.

The term "Governmental Approvals" hereunder shall expressly include all consents, approvals, licenses, variances and permits required for the Development on the premises under all federal, state, municipal, and regional codes, statutes, ordinances, by-laws, rules and regulations now in effect or hereafter enacted, subject only to conditions that are acceptable to Buyer in Buyer's sole discretion. Seller agrees to cooperate fully with Buyer in securing all the Governmental Approvals, but such cooperation shall not require Seller to incur any costs or expenses. Buyer agrees to keep Seller informed concerning Buyer's progress in obtaining Governmental Approvals. Buyer shall promptly notify Seller when all Governmental Approvals have been granted, all appeal periods therefrom having expired without appeal, or if appeals are taken, when such appeals are resolved to the satisfaction of Buyer or Buyer desires to waive such requirement (the "Permit Satisfaction Notice"). Buyer's obligations under this Agreement are contingent on Buyer obtaining the Governmental Approvals (the "Permitting Contingency").

2. The risk of loss to the Premises shall remain with the Seller until the purchase price is paid and the deed is delivered, accepted and recorded.

3. Tax Increment Financing. This Agreement shall be contingent upon the Seller executing and delivering to the Buyer prior to the expiration of the Permitting Period a Tax Increment Financing Agreement mutually agreeable in form and substance to both Buyer and Seller.

4. Each party agrees that it will execute and deliver such other documents and take such other action, whether prior or subsequent to Closing, as may be reasonably requested by the other party to consummate the transaction contemplated by this Agreement. The parties shall cooperate fully with each other and with their respective counsel in connection with any steps required to be taken as part of their respective obligations under this Agreement.

5. Seller's Obligations at Closing. At Closing, Seller shall deliver, or cause to be delivered, to the Buyer including any documents reasonably required by the Buyer's attorney, the following in form and substance reasonably satisfactory to Buyer and its attorney, duly executed and, where necessary for recording, acknowledged:

- a. The deed and a recordable plan, if required;
- b. Such additional affidavits, certificates, documents and/or indemnities as shall be reasonably required to consummate the transaction contemplated by this Agreement.

6. Representations and Warranties of Seller. Seller hereby makes the following representations and warranties to Buyer as of the execution of this Agreement, which representations and warranties shall be deemed to have been made again as of the Closing:

- a. The execution and delivery of this Agreement and compliance with its terms will not conflict with or result in the breach of any agreement, contract, law, judgement, order, writ, injunction, decree, rule or regulation of any court, administrative agency or other governmental authority of which Seller has knowledge or notice, or any other agreement, document or instrument by which Seller is bound; and
- b. Seller has not filed any petition, nor been the party against whom a petition has been filed in relation to any bankruptcy, insolvency, request for reorganization, for the appointment of a receiver or trustee, or for the rearrangement of debt, nor to the best of Seller's knowledge is any such action threatened or contemplated;
- c. There are no claims, lawsuits, or proceedings pending in any court or governmental agency, the outcome of which could adversely affect the Premises or Seller's ability to perform its obligations under this Agreement;
- d. There are no purchase and sale agreements, options to purchase, rights of first refusal, lease agreements or similar such contracts of any kind with respect to the Premises, excluding only this Agreement.
- e. Seller has not received notice of any violation of any statute, ordinance, rule or regulation of any governmental authority affecting the Premises, and to the best knowledge and information of Seller, there are no pending condemnation or similar proceedings against the Premises;
- f. To the best of Seller's knowledge, the copies of all documents relating to the Premises furnished by the Seller to the Buyer are true, accurate and complete copies thereof, together with any modifications, amendments, notices, correspondence or other relevant materials relating to the Premises;
- g. After a 2000 Phase I and II Environmental Site Assessment and to the best of Seller's knowledge, there has not been a release or threat of release of hazardous substances upon, or

from the Premises, and Seller's past and present use of the Premises, have been, and presently are, in compliance with applicable laws, ordinances, codes, regulations and other legal requirements of any governmental authority having jurisdiction over the Premises;

- h. To the best of the Seller's knowledge, there are no underground storage tanks on the Premises; and
- i. To the best of Seller's knowledge, there are no service or maintenance agreements of any kind currently in effect relating to the Premises.

7. At Buyer's election, Seller shall provide Buyer with Certificates of Compliance for any outstanding Orders of Conditions affecting the Premises.

8. Representations and Warranties of Buyer: Buyer hereby represents and warrants to Seller as of the date hereof and as of the Closing Date as follows:

(a) This Contract and all documents executed by Buyer that are to be delivered to Seller at the Closing are, or at the time of Closing will be, duly authorized, executed and delivered by Buyer. This Contract and such documents are, or at the Closing will be, legal, valid, and binding obligations of Buyer, and do not, and, at the time of Closing will not, violate any provisions of any applicable law, ordinance, statute, rule, regulation, agreement or judicial order to which Buyer is a party or to which it is subject.

(b) There are no proceedings pending or, to Buyer's knowledge, threatened against it in any court or before any governmental authority or any tribunal which, if adversely determined, would have a material adverse effect on its ability to purchase the Property or to carry out its obligations under this Contract.

(c) Buyer shall indemnify and defend Seller against and hold Seller harmless from any and all losses, costs, damages, liabilities and expenses (including, without limitation, reasonable counsel fees) arising out of any willful or neglectful breach by Buyer of its representations and warranties hereunder.

9. Post-Closing Obligations: After the Closing, Seller and Buyer shall cooperate with one another at reasonable times and on reasonable conditions and shall execute and deliver such instruments and documents as may be necessary in order fully to carry out the intent and purposes of the transactions contemplated hereby. Except for such instruments and documents as the parties were originally obligated to deliver by the terms of this Contract, such cooperation shall be without additional cost or liability. The provisions of this Article 23 shall survive the Closing

[Signatures Begin on Next Page]

SELLER:

CITY OF HAVERHILL

BUYER:

THE PROCOPIO COMPANIES

By: _____
James J. Fiorentini,
its Mayor

By: _____

APPROVED AS TO FORM:

City Solicitor

Date: _____

Exhibit A

Legal Description of Premises

Assessors Record Cards

1. Assessor's Map 711, Block 4, Lot 3.
2. Assessor's Map 711, Block 4, Lot 4.
3. Assessor's Map 711, Block 4, Lot 4A.
4. Assessor's Map 712, Block 684, Lot 1, which also includes Lot 2.

South Essex Registry of Deeds

Book 13677, Page 375

Book 12670, Page 454

Land Court Case # 86673.

Exhibit B

Description of the Development

Exhibit C

Exceptions to Title

1. Any matter that is revealed during Buyer's title examination of the Premises to which Buyer does not object pursuant to the Title Objection Notice.
2. Covenant to be recorded simultaneously with the deed to Buyer or its nominee requiring Buyer or its nominee to convey the Premises back to Seller for \$1.00 in the event Buyer has not commenced any construction of the Development contemplated by this Agreement, subject to Force Majeure, within twelve (12) months of taking title.
3. An agreement by the parties regarding the use and maintenance of all public spaces, including public parks, riverwalk, amphitheater and playground facilities, as well as any lease, license or other instrument necessary to perform the terms of the agreement.



DOCUMENT

51211

CITY OF HAVERHILL

In Municipal Council

ORDERED:

That the real property located at 31-35 Railroad Avenue, also known as the Ornsteen property, located on Assessor's Map 711, Block 4, Lots 3,4, and 4A: and Map 712, Block 684, Lots 1, which also includes Lot 2, and which contains 4.8 acres more or less, being and is hereby declared surplus.

Further, the Mayor is hereby authorized to sell to PE Realty Partners, LLC said real property for the total sum of One Million (\$1,000,000.00) Dollars. The Mayor is also authorized to execute a purchase and sale agreement to PE Realty Partners, LLC or their assigns, a copy of which is attached hereto and incorporated herein, and any other documents necessary to effectuate the sale of said real property, including but not limited to a deed.



8.1

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

June 9, 2020

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
May as filed in the Assessors Office.

Very truly yours,

Christine Webb, MAA
Assessor

Transaction Summary All Years

City of Haverhill

All Entry Date range 05/01/2020 through 05/31/2020 for Abatements,Exemptions

Totals	Tax Paid	Interest Paid	Fees Paid	Tax Reversals	Interest Reversals	Fee Reversals	Refunds	Refund Reversals	Abate	Exemp	Adjust	Transfers
Motor Vehicle Excise Tax	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,021.08	0.00	0.00	0.00
2019 Motor Vehicles	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,021.08	0.00	0.00	0.00
2019	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,021.08	0.00	0.00	0.00
Motor Vehicle Excise Tax	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,532.73	0.00	0.00	0.00
2020 Motor Vehicles	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,532.73	0.00	0.00	0.00
Property Tax	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19,000.34	4,833.00	0.00	0.00
2020 Real Estate	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19,000.34	4,833.00	0.00	0.00
2020	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	35,533.07	4,833.00	0.00	0.00
Report	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	40,554.15	4,833.00	0.00	0.00
				Total All Charges								
												45,387.15

Total All Charges: Add all columns except Adjustments.

**Street Acceptance, Discontinuance,
Naming, Renaming or Alteration****63476**

Status: Active

Submitted: Oct 14, 2019

43

Applicant

Thomas Hodgson

978-815-4847

@ livingstonedev@icloud.com

(Hearing April 28, 2020)
 Hearing June 16, 2020
 Thomas Hodgson
 1985 Salem St
 North Andover, MA
 01845

Livingstone
 Development Corp.

(10.1)

Project Information**Specific Type of Request**

Street Acceptance

Proposed Street Name

South Pearson St

Current Street Name

South Pearson St

What is Your Role in this Process?

Developer

Hearing Waiver**Agreement**

Yes

Agreement & Signature

Yes

true

Office Use Only**City Council Initial Decision**

--

City Council Final Decision

--

Planning Board Decision

--

City Council Meeting Date

--

Planning Board Meeting Date

--

Attachments (4)

pdf Site Plan

Oct 09, 2019

docx Legal Description of Land

Oct 09, 2019

pdf "As-Built" Plan

Oct 09, 2019

pdf Petition to City Council

Oct 09, 2019

IN CITY COUNCIL: March 10 2020

REFER TO PLANNING BOARD and

VOTED: that COUNCIL HEARING BE HELD APRIL 28 2020

Attest:

City Clerk

IN CITY COUNCIL: March 24 2020

POSTPONED INDEFINITELY

Attest:

City Clerk

IN CITY COUNCIL: April 28 2020

REFER TO PLANNING BOARD & NEW COUNCIL HEARING DATE IS
JUNE 16 2020

Attest:

City Clerk

Doc 43

Hearing June 16 2020

April 23, 2020

Thomas Hodgson
Livingstone Dev. Corp.
P.O. Box 50
Tewksbury, MA 01876
978-815-4847

Doc 43-B

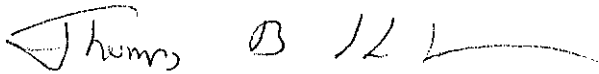
RE: Acceptance of Portion of South Pearson st as a
Public Way
Planning Board Date: May 13 2020
City Council Hearing: June 16 2020

City Clerk, City of Haverhill
4 Summer Street
Haverhill, MA 01830

To whom it may concern,

Please accept my request to move forward the application for 5/13/20 regarding South Pearson Street. Any questions, please let me know.

Kindly,



Thomas Hodgson, president
Livingstone Dev. Corp.

Att: Petition for Street Acceptance
South Pearson Street,
Livingstone Development Corp.

Dear Ms. Lynch,

It appearing that the common convenience and necessity require it, Livingstone Development Corp. is petitioning that the portion of the following street, herein described, be accepted as a Public Way:

South Pearson Street (Legal Description):

A certain parcel of land located on the easterly side of South Pearson Street, Haverhill, Essex County, Massachusetts being shown as "South Pearson, for acceptance" on a plan entitled "Street Acceptance of South Pearson Street in Haverhill, Ma. by Christiansen & Sergi, A Division of The Morin-Cameron Group, Inc., dated March 5, 2019.

Beginning at the northwest corner at a stone bound with drill hole on the easterly side of the existing public portion of South Pearson Street.

Thence N 84°04'11" E a distance of 39.35' to a stone bound with drill hole;

Thence with a curve turning to the right with an arc length of 37.34', with a radius of 55.00', with a delta angle of 38°54'09", with a chord bearing of S 65°31'52" E, with a chord length of 36.63' to a point;

Thence with a compound curve turning to the right with an arc length of 168.39', with a radius of 50.00', with a delta angle of 192°57'40", with a chord bearing of S 50°24'18" W, with a chord length of 99.36' to a drill hole set with lead plug on the existing public portion of South Pearson Street;

Thence along the existing public portion of South Pearson Street N 73°18'36" E a distance of 10.60' to a point;

Thence along the existing public portion of South Pearson Street N 04°51'44" W a distance of 71.65' to a stone bound with drill hole and the point of beginning.

Meaning and intending to describe that parcel labeled as "South Pearson Street For Acceptance" on said plan, and on file at the Haverhill Engineering office as Plan 2B 3717, file #16314, and previously recorded at the Southern Essex District Registry of Deeds as Plan Book 472 Plan 28.

March 19, 2020

To: Linda Koutoulas
City Clerk, Haverhill, MA

From: Tom Hodgson
Livingstone Dev. Corp.
1501 Main Street
Tewksbury, MA 01876

Re: Time Extension - South Pearson Street

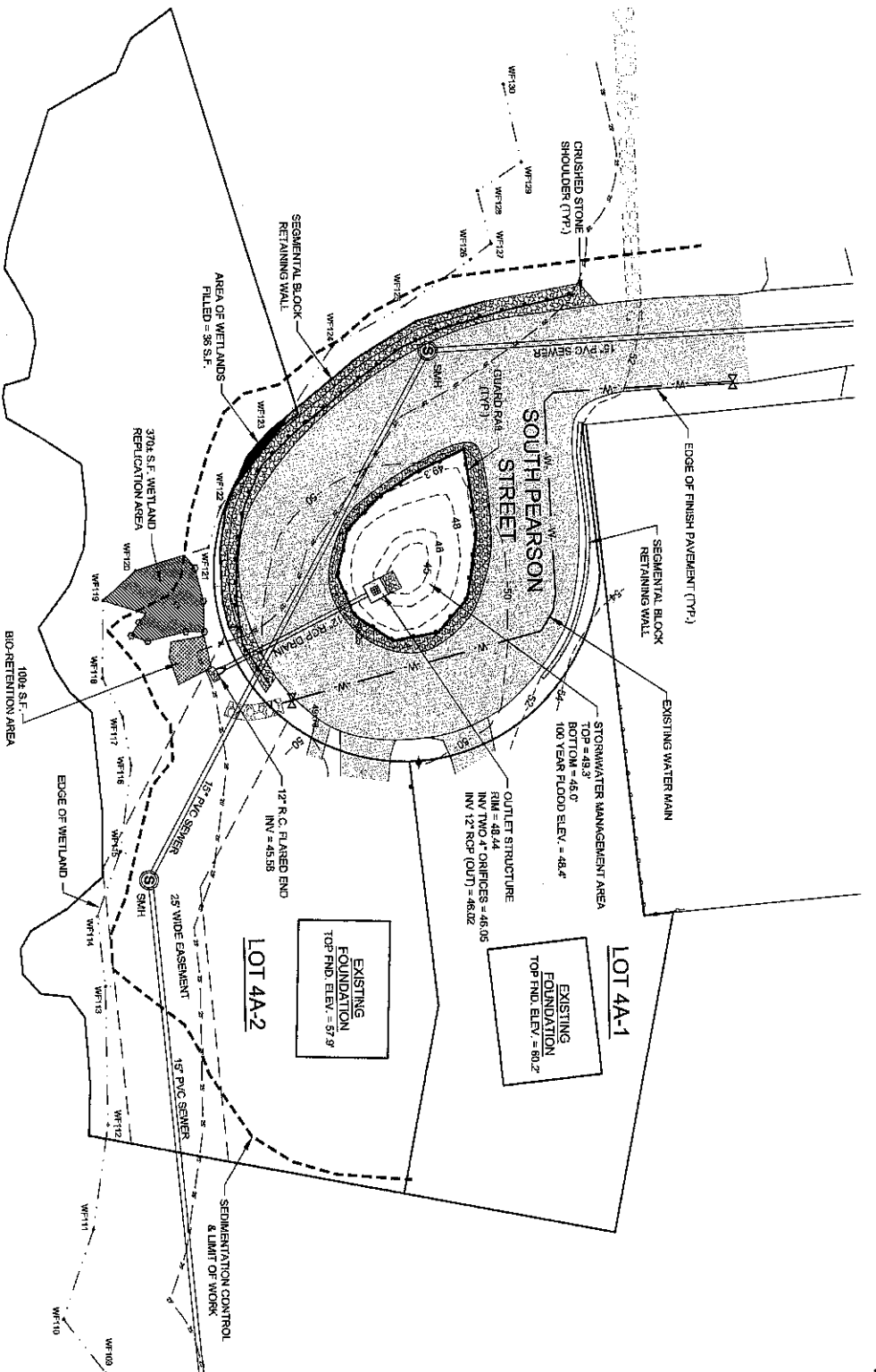
Ms. Koutoulas,

Due to the extenuating circumstances, I realize the City of Haverhill will need an open-ended extension of time for the street acceptance of South Pearson Street, Haverhill, MA.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Hodgson", followed by a horizontal line.

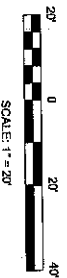
Tom Hodgson
President, Livingstone Dev. Corp.



STORMWATER MANAGEMENT AREA STORAGE AREAS

ELEVATION (FT.)	DESIGN SURFACE AREA (SF)	AS-BUILT SURFACE AREA (SF)
45.0	105	112
46.0	256	267
48.0	759	774
49.3	1,211	1,310

AS-BUILT PLAN



FINAL ROADWAY AS-BUILT PLAN

FOR
SOUTH PEARSON STREET
IN

HAVERHILL, MASS.

DATE: AUGUST 16, 2017

REVISED: DECEMBER 10, 2018



PROFESSIONAL ENGINEERS & LAND SURVEYORS
CHRISTIANSEN & SERGI, INC.
160 SUMMER ST., HAVERHILL, MA 01830 WWW.CS-ENGINEER.COM
TEL. 978-373-0310 FAX. 978-372-3980 COPYRIGHT 2017

NOTES:
1. THE CONDITIONS SHOWN HEREON
ARE BASED ON AN AS-BUILT SURVEY
PERFORMED ON JUNE 10, 2016.

4B 3362

16351

We have submitted documentation as required in the City's online homepage Engineering Department section. Kindly advise as to any further documentation or information you may require.

Thank you again for kind assistance in this matter.

Very truly yours,

Thomas B. Hej. _____

**Street Acceptance, Discontinuance,
Naming, Renaming or Alteration****63476****Status:** Active**Submitted:** Oct 14, 2019**Applicant**

Thomas Hodgson

978-815-4847

@ livingstonedev@icloud.com

Project Information**Specific Type of Request**

Street Acceptance

Current Street Name

South Pearson St

Proposed Street Name

South Pearson St

What is Your Role in this Process?

Developer

Hearing Waiver**Agreement**

Yes

Agreement & Signature

Yes

true

Office Use Only**City Council Initial Decision**

--

City Council Final Decision

--

Planning Board Decision

--

City Council Meeting Date

--

Planning Board Meeting Date

05/13/2020

Attachments (11)pdf **Site Plan**

Oct 09, 2019

docx **Legal Description of Land**

Oct 09, 2019

pdf **"As-Built" Plan**

Oct 09, 2019

pdf **Petition to City Council**

Oct 09, 2019

pdf **Mailing Labels South Pearson.pdf**

Feb 24, 2020

xlsx **Abutters South Pearson.xlsx**

Feb 24, 2020

pdf **South Pearson St. street acceptance extension letter.pdf**

Mar 19, 2020

pdf **South Pearson Street request for May meeting**

Apr 27, 2020

pdf **Stormwater Operations & Maintenance Plan**

May 14, 2020

pdf **Conservation Commission Certificate of Compliance**

May 14, 2020

pdf **portion of south pearson st. planning board meeting minutes.pdf**

Jun 09, 2020

Timeline

☐ **Street Acceptance, Discontinuance, Naming or Renaming Recording Payment**

Status: Paid October 29th 2019, 1:38 pm

☐ **Street Acceptance, Discontinuance, Naming or Renaming Fee Payment**

Status: Paid October 29th 2019, 1:40 pm

☐ **Applicant Submits Mylar**

Status: Completed October 29th 2019, 1:41 pm

Assignee: Tara Lynch

☐ **Engineering Department Approval**

Status: Completed October 29th 2019, 1:41 pm

Assignee: Tara Lynch

☐ **Engineering Submits Council Order**

Status: Completed February 20th 2020, 9:29 am

Assignee: Tara Lynch

☐ **City Clerk Review**

Status: Completed February 24th 2020, 1:43 pm

Assignee: Maria Bevilacqua

Maria Bevilacqua February 24th 2020, 1:43:23 pm

Planning Board Hearing: April 8 & Council Hearing April 28 2020 - to be announced March 10 2020 meeting

☐ **Assessor Compiles Abutters List**

Status: Completed February 24th 2020, 2:13 pm

Assignee: Christine Webb

Christine Webb February 24th 2020, 2:13:08 pm

Please see the attached abutters and mailing list for South Pearson

☐ **Water/Sewer Bill Check**

Status: Skipped March 10th 2020, 8:55 am

Assignee: Beth Remmes

☐ **Tax Check**

Status: Skipped March 10th 2020, 8:56 am

Assignee: Yenise Rozon

☐ **Placed on City Council Agenda**

Status: Completed March 12th 2020, 9:33 am

Assignee: Maria Bevilacqua

Maria Bevilacqua March 12th 2020, 9:33:31 am

Placed on Council Agenda March 10th - Referred to Planning Board & Hearing April 28 2020



City Clerk Notifies Abutters

Status: Skipped April 28th 2020, 12:03 pm

Assignee: Lori Robertson



City Clerk Places First Advertisement

Status: Skipped April 28th 2020, 12:03 pm

Assignee: Lori Robertson



City Clerk Places Second Advertisement

Status: Skipped April 28th 2020, 12:03 pm

Assignee: Lori Robertson



City Council Hearing

Status: Skipped April 28th 2020, 12:04 pm

Assignee: Lori Robertson

Lori Robertson April 28th 2020, 12:05:41 pm

Hi Linda,

Karen Buckley told me to skip the above...abutters, advertisement, advertisement and City Council hearing so it could move to departments for comments. My meeting is May 13th.

Thanks, Lori



Building Inspector Review

Status: Completed April 30th 2020, 3:53 pm

Assignee: Tom Bridgewater



Conservation Department Review

Status: Completed May 14th 2020, 5:40 pm

Assignee: Robert Moore

Robert Moore May 14th 2020, 5:40:12 pm

Conservation Commission issued Certificate of Compliance under DEP File #33-1261, certifying satisfactory completion of work. Certificate is uploaded with Stormwater Operations & Maintenance Plan. With City acceptance of street, City accepts maintenance responsibility for infiltration basin within the cul-de-sac, its outlet control structure, and the bioretention area into which it drains.



Fire Department Review

Status: Completed May 20th 2020, 2:07 pm

Assignee: Eric Tarpy

Eric Tarpy May 20th 2020, 2:07:17 pm

no parking in culdesac do to fire department access requirements



Health Department Review

Status: Completed May 27th 2020, 8:20 am

Assignee: Mark Tolman

Mark Tolman May 27th 2020, 8:20:27 am

Currently no BOH approvals required.



Police Department Review

Status: Skipped June 1st 2020, 2:46 pm

Assignee: Anthony Haugh



DPW Review

Status: In Progress

Assignee: Mike Stankovich

☐ **Community Development Review**

Status: In Progress

Assignee: Andrew Herlihy

☐ **School Superintendent Review**

Status: In Progress

Assignee: Margaret Marotta

☐ **Wastewater Review**

Status: In Progress

Assignee: Paul Jessel

Paul Jessel May 15th 2020, 6:35:49 am

On the "AS-Builts" provide rim and invert elevation include the survey datum

☐ **Water Department Review**

Status: In Progress

Assignee: John Donahue

☐ **Board Clerk Publishes Notice**

Status: Pending

Assignee: Lori Robertson

☐ **Board Clerk Prepares Agenda**

Status: Pending

Assignee: Lori Robertson

☐ **Board Clerk Places First Ad**

Status: Pending

Assignee: Lori Robertson

☐ **Board Clerk Places Second Ad**

Status: Pending

Assignee: Lori Robertson

☐ **Board Clerk Notifies Abutters**

Status: Pending

Assignee: Lori Robertson

☐ **Planning Board Member Review - PaulH**

Status: Pending

☐ **Planning Board Member Review - KarenB**

Status: Pending

☐ **Planning Board Member Review - AlisonC**

Status: Pending

☐ **Planning Board Member Review - KenC**

Status: Pending

☐ **Planning Board Member Review - AprilD**

Status: Pending

☐ **Planning Board Member Review - BobD**

Status: Pending

☐ **Planning Board Member Review - BillE**

6/12/2020

Status: Pending



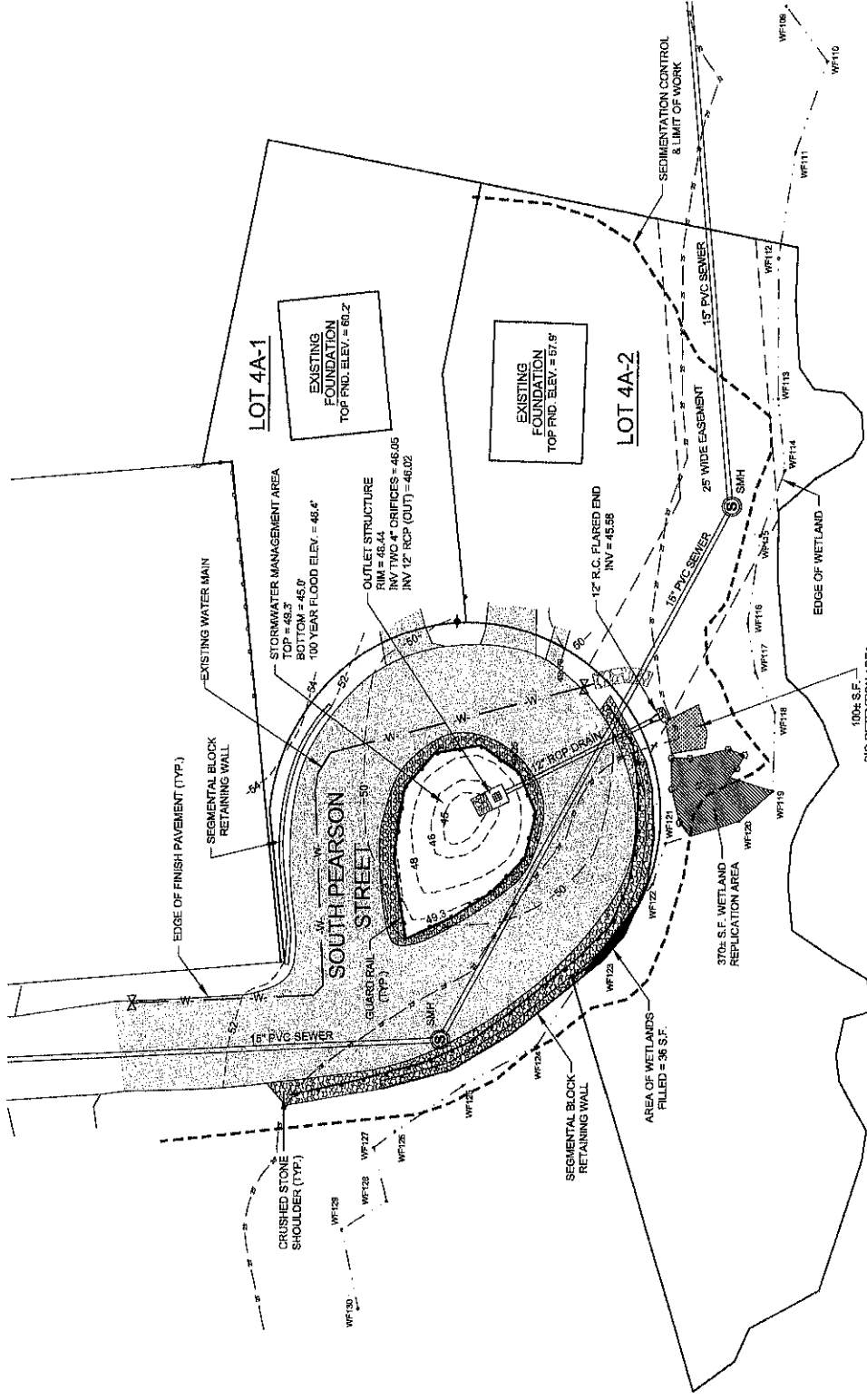
Planning Board Member Review - KarenP

Status: Pending



Planning Board Member Review - NateR

Status: Pending

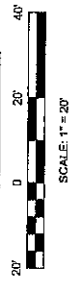


STORMWATER MANAGEMENT AREA STORAGE AREAS

ELEVATION (FT.)	DESIGN SURFACE AREA (SF)	AS-BUILT SURFACE AREA (SF)
45.0	105	112
46.0	256	267
48.0	759	774
49.3	1,211	1,310

NOTES:
1. THE CONDITIONS SHOWN HEREON ARE BASED ON AN AS-BUILT SURVEY PERFORMED ON JUNE 16, 2016.

AS-BUILT PLAN



FINAL ROADWAY AS-BUILT PLAN
FOR
SOUTH PEARSON STREET

IN
HAVERHILL, MASS.
DATE: AUGUST 16, 2017
REVISED: DECEMBER 10, 2018



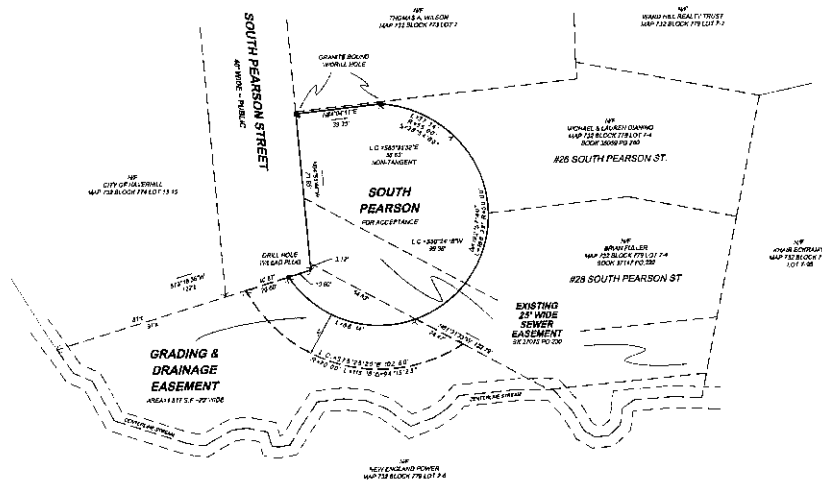
PROFESSIONAL ENGINEERS & LAND SURVEYORS
CHRISTIENSEN & SERGI, INC.
180 SUMMER ST. HAVERHILL, MA 01830 WWW.CS-ENR.COM
TEL. 978-373-0310 FAX. 978-372-3950 COPYRIGHT 2017

4B 3362

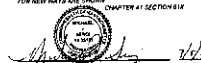
16351

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS

Markus L. ... *1/1/11*
... *...*




I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.



THE CERTIFICATION SHOWN ABOVE IS INTENDED TO MEET
REGISTRATION REQUIREMENTS AND IS NOT A CERTIFICATE
TO TITLE OR OWNERSHIP OR PROPERTY SHOWN OWNERSHIP
OF ADDITIONAL PROPERTIES ARE ACCORDING TO
ACCESSORS RECORDS.

I CERTIFY THAT THE INFORMATION SHOWN IS AS BEST
AS OF 10/26/2014


 MICHAEL J. SERICH #46

LOCATED IN
HAVERHILL, MA

1. BOOK 2015 PAGE 230 RECORDED AT THE SOUTH
ESSEX REGISTRY OF DEEDS.
2. PLAN BOOK 418 PLAN 27 RECORDED AT THE SOUTH
ESSEX REGISTRY OF DEEDS.
3. PLAN BOOK 450 PLAN 42 RECORDED AT THE SOUTH
ESSEX REGISTRY OF DEEDS.
4. PLAN BOOK 468 PLAN 30 RECORDED AT THE SOUTH
ESSEX REGISTRY OF DEEDS.

CS PROFESSIONAL ENGINEERS & LAND SURVEYORS
CHRISTIENSEN & SERGI
A DIVISION OF THE MORIN CAMERON GROUP, INC.
100 SUMMIT STREET, HAYMARK, MASSACHUSETTS 01906
HAYMARK@CS-ENG.COM TEL. 978-373-0310 FAX 978-373-3860

DWG. NO. 10064-001.014

OPERATION & MAINTENANCE PLAN

**Lot 4A - South Pearson Street
Haverhill, MA**

**January 16, 2008
Revised June 6, 2008
Revised June 26, 2008**

City of Haverhill
DEP FILE
331261

CONSERVATION
COMMISSION

The success of the stormwater management plan depends on the proper implementation, operation, and maintenance of several management components. The following procedures shall be implemented to ensure success:

1. The contractor shall comply to the details of construction of the project as shown on the plans.
2. The infiltration basin, culvert, flared end section and bio-retention cell shall be inspected and cleaned as required in Table 1.
3. Effective erosion control measures during and after construction shall be maintained until a stable turf is established on all altered areas.

THE MAINTENANCE PLAN

During Construction:

The Contractor constructing the project and drainage system shall be responsible for maintaining the stormwater system during construction

Routine maintenance of all items shall be performed in order to ensure adequate runoff and pollution control during construction.

Once construction is complete, the owner of the property shall request that the City accept the roadway and assume responsibility to operate and maintain the stormwater management components. If the City does not accept the roadway, the owner of the property shall assume the responsibility to operate and maintain the stormwater management components until such time that the City accepts the roadway. The maintenance schedule shown in Table 1 shall be done in perpetuity.

- Inspections of the infiltration basin, culvert, flared end section and bio-retention cell as required in Table 1
- Maintenance of the infiltration basin, culvert, flared end section and bio-retention cell as required in Table 1

Table 1: Maintenance Schedule for Drainage Structures

Structure	Inspection	Maintenance
Infiltration Basin	<p>Inspect after every storm event of 1 inch of rainfall in a 24 hour period for first 3 months after construction.</p> <p>Thereafter, twice a year (April / October)</p>	<p>Side slopes and bottom to be mowed twice during growing season and accumulated trash and debris removed (May & August).</p> <p>Sediment to be removed as necessary or when it reaches a depth of 6". Sediment removal should not take place until bottom of basin is dry.</p> <p>Deep tilling can be used to break up clogged surface areas.</p>
Culvert & Flared End Section	Quarterly	Remove debris during inspection.
Bio-Retention Cell	Monthly	<ul style="list-style-type: none"> • Inspect and Remove Trash and Repair Eroded Areas (Monthly) • Re-mulch (Spring) (Annually) • Remove Dead Vegetation (Fall or Spring) (Annually) • Replace Dead Vegetation (Spring) (Annually) • Prune (Spring or Fall) (Annually) • Replace Entire Media and All Vegetation (Late Spring/Early Summer) (As needed)

Note: Provide inspection reports of basin after 1 inch rainfall events for the first 3 months to the Conservation Commission.



SO ESSEX #139 Bk:36365 Pg:032
11/29/2017 10:35 AM COMPLI Pg 1/7
eRecorded



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

33-1261
Provided by DEP

A. Project Information

Important:
When filling out
forms on the
computer, use
only the tab key
to move your
cursor - do not
use the return
key.



1. This Certificate of Compliance is issued to:

Livingstone Development Corporation

Name

P.O. Box 50

Mailing Address

Tewksbury

City/Town

MA

State

01876

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of
Conditions issued to:

Livingstone Development Corporation

Name

July 25, 2008

Dated

33-1261

DEP File Number

3. The project site is located at:

South Pearson Street

Street Address

Haverhill

City/Town

Parcel ID: 732-779-7

Assessors Map/Plat Number

Parcel/Lot Number

the final Order of Condition was recorded at the Registry of Deeds for:

Property Owner (if different)

Southern Essex District

County

27999

Book

433

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent,
on:

October 18, 2017

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

33-1261

Provided by DEP

B. Certification

Check all that apply:

- ☒ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- ☐ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:
- _____
- _____
- ☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- ☒ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

See Attachment "A", "Ongoing Conditions", incorporated herein and made part of this Certificate of Compliance.

C. Authorization

Issued by:

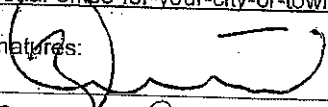
Haverhill

Conservation Commission

October 26,
2017

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Signatures:


CWA Occador
Madelene Morrissey
D. [Signature]
T. [Signature]
H. [Signature]



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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DEP File Number:

33-1261

Provided by DEP

D. Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

Haverhill

Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

South Pearson Street – Parcel ID: 732-779-7

Project Location

33-1261

DEP File Number

Has been recorded at the Registry of Deeds of:

Southern Essex District
County

for:

Property Owner

and has been noted in the chain of title of the affected property on:

Date

Book

Page

If recorded land, the instrument number which identifies this transaction is:

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

33-1261

Provided by DEP

Attachment A: Ongoing Conditions

Certain conditions are ongoing and do not expire upon the completion of the project or the issuance of a Certificate of Compliance. These conditions shall remain in effect after the issuance of a Certificate of Compliance for the project and shall be referenced in the chain of title for the property. These conditions are:

1. The property owners shall ensure that at least one copy of all the plans and documents referenced in condition I.1, this Order of Conditions, the subsequent Certificate of Compliance, all Modifications to the Order and their relevant revised plans and/or documents is maintained on site at all times. This information shall be made available for use by the owners in their implementation of the activities discussed within and by the HCC during any inspections that may be necessary.

GENERAL CONSTRUCTION Condition I.1: Work on this project site shall be performed according to the following listed plans and documents. Should any conflicts be found to exist between these plans and documents and the conditions of this Order, the Haverhill Conservation Commission (HCC) shall be contacted for a clarification.

a) "Definitive Subdivision Plan Showing Lot 4A South Pearson Street" (5 Sheets), site plan prepared by The Neve-Morin Group, Inc. (447 Old Boston Road, Topsfield, MA 01983), dated revised July 11, 2008, and on file with the HCC (Room 210, City Hall, 4 Summer Street, Haverhill, MA 01830); and

**b) "Operation & Maintenance Plan, Lot 4A – South Pearson Street" (2 Pages), document prepared by The Neve-Morin Group, Inc., dated revised June 26, 2008, and on file with the HCC.*

***See Pages 6 and 7 of this Certificate of Compliance**

From Modification 1, Condition 2. For the construction of the homes, work on this project site shall be performed according to the following listed plans on file with the HCC. Should any conflicts be found to exist between these plans and the conditions of this Order, the HCC shall be contacted for a clarification.

a. "Notice of Intent Modification Site Plan" (1 Sheet), site plan prepared by Christiansen & Sergi, Inc. (160 Summer Street, Haverhill, MA 01830), dated June 11, 2015; and

b. "Proposed Foundation Drain Easements" (1 Sheet), site plan prepared by Christiansen & Sergi, Inc., dated October 6, 2015.

2. The drainage systems shall be maintained and repaired as designed and as required in the Operation and Maintenance Plan prepared by The Neve-Morin Group, Inc., dated revised June 26, 2008, and referenced in condition I.1. of this Order. Each component of the drainage systems shall be maintained in compliance with the intent of the maintenance criteria outlined in the Stormwater Technical Handbook, prepared by the Department of Environmental Protection and Office of Coastal Zone Management, for each respective Best Management Practice.

3. The applicant and/or property owner(s) shall maintain the roof runoff recharge system(s) in accordance with the intent of the maintenance criteria outlined in the Stormwater Technical Handbook, prepared by the Department of Environmental Protection and Office of Coastal Zone Management, to ensure their continued function(s).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

33-1261

Provided by DEP

Attachment A: Ongoing Conditions (continued)

4. The City of Haverhill reserves the right to schedule an annual inspection with the property owner(s) as part of the "Operation and Maintenance Plan" program to inspect any and all components of the proposed drainage systems for proper function and maintenance.
5. The Haverhill Conservation Commission reserves the right to enforce any and all restrictions and/or requirements established for this property within this Order of Conditions under the enforcement powers of the City's wetlands protection ordinance, Municipal Ordinance Chapter 253.
6. Plowed snow on the site shall be placed on pervious surfaces whenever possible to allow slow infiltration to occur. Should the amount of snow on site be excessive and be proposed for removal from site, then it shall be disposed of in accordance with the Department of Environmental Protection - Bureau of Resource Protection's "Snow Disposal Guidelines".
7. When de-icing is proposed, alternative compounds such as calcium chloride (CaCl_2) and calcium magnesium acetate (CMA) shall be considered for use.
8. Pesticides, herbicides, and fungicides shall not be used within 100' of any wetland resource area for the purpose of lawn maintenance.
9. Fertilizers utilized for landscaping and lawn care within this property shall be slow-release, low-nitrogen types and shall not be used within 30' of any wetland resource area.
10. Prior to the issuance of occupancy permits for the proposed house, the applicant shall plant vegetated buffer strips and install proposed post-and-rail style fence with signage to prevent possible encroachment into and protect the wetland resource area and associated Buffer Zones. The planting strips and fence shall be located along the 25'-No Disturbance Zone, as identified on Sheet 5 of the referenced site plan. The planting strip shall consist of evergreen trees/shrubs with a minimum height of 4'. Planting spacing shall be no greater than 10' for the species selected. The applicant shall attach to the fences, at intervals of 50' or less, signage identifying the areas beyond their bounds as protected resource areas. The fences, signage, and planting strips shall be maintained by the property owner(s) to ensure their continued functions. Should, at any time, these plantings be found to need replacement due to death, disease, or other circumstance, the owner(s) shall contact the HCC to determine an appropriate course of action to replace their functions.
11. All exterior lighting associated with this project shall be directed away from the wetland resource area.
12. There shall be no unprotected storage of deleterious or hazardous materials (such as auto parts, debris, oil drums, batteries, car washing fluid, etc.) allowed on this site.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

33-1261

Provided by DEP

Attachment A: Ongoing Conditions (continued)

OPERATION & MAINTENANCE PLAN

Lot 4A - South Pearson Street
Haverhill, MA

January 16, 2008
Revised June 6, 2008
Revised June 26, 2008

City of Haverhill
DEP FILE
331261

**CONSERVATION
COMMISSION**

The success of the stormwater management plan depends on the proper implementation, operation, and maintenance of several management components. The following procedures shall be implemented to ensure success:

1. The contractor shall comply to the details of construction of the project as shown on the plans.
2. The infiltration basin, culvert, flared end section and bio-retention cell shall be inspected and cleaned as required in Table 1.
3. Effective erosion control measures during and after construction shall be maintained until a stable turf is established on all altered areas.

THE MAINTENANCE PLAN

During Construction:

The Contractor constructing the project and drainage system shall be responsible for maintaining the stormwater system during construction.

Routine maintenance of all items shall be performed in order to ensure adequate runoff and pollution control during construction.

Once construction is complete, the owner of the property shall request that the City accept the roadway and assume responsibility to operate and maintain the stormwater management components. If the City does not accept the roadway, the owner of the property shall assume the responsibility to operate and maintain the stormwater management components until such time that the City accepts the roadway. The maintenance schedule shown in Table 1 shall be done in perpetuity.

- Inspections of the infiltration basin, culvert, flared end section and bio-retention cell as required in Table 1
- Maintenance of the infiltration basin, culvert, flared end section and bio-retention cell as required in Table 1



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

33-1261

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Attachment A: Ongoing Conditions (continued)

Table 1: Maintenance Schedule for Drainage Structures

Structure	Inspection	Maintenance
Infiltration Basin	Inspect after every storm event of 1 inch of rainfall in a 24 hour period for first 3 months after construction. Thereafter, twice a year (April / October)	Side slopes and bottom to be mowed twice during growing season and accumulated trash and debris removed (May & August). Sediment to be removed as necessary or when it reaches a depth of 6". Sediment removal should not take place until bottom of basin is dry. Deep tilling can be used to break up clogged surface areas.
Culvert & Flared End Section	Quarterly	Remove debris during inspection.
Bio-Retention Cell	Monthly	<ul style="list-style-type: none">• Inspect and Remove Trash and Repair Eroded Areas (Monthly)• Re-mulch (Spring) (Annually)• Remove Dead Vegetation (Fall or Spring) (Annually)• Replace Dead Vegetation (Spring) (Annually)• Prune (Spring or Fall) (Annually)• Replace Entire Media and All Vegetation (Late Spring/Early Summer) (As needed)

Note: Provide inspection reports of basin after 1 inch rainfall events for the first 3 months to the Conservation Commission.



Haverhill

Planning Board

Phone: 978-374-2330 Fax: 978-374-2315

May 14, 2020

City Council President Melinda Barrett
& City Councilors
City of Haverhill

RE: Street Acceptance – portion of South Pearson Street

Members Present: Chairman Paul Howard
Member Robert Driscoll
Member Ismael Matias
Member Kenneth Cram
Member Karen Buckley
Member Karen Peugh
Member Nate Robertson
Member William Evans

Members Absent: Member April DerBoghosian, Esq.

Also Present: William Pillsbury, Jr., Director of Economic Development and Planning
Lori Robertson, Head Clerk

Dear City Council President and Councilors:

Please note at the May 13, 2020 ONLINE Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation for a street acceptance for portion of South Pearson Street.

Planning Director read the rules of public hearing into the record (online version).

Mr. Pillsbury stated the applicant has requested that the above portion of the street to be accepted by the City. This roadway was built pursuant to an approved definitive plan. The City Engineer has reviewed the project and determined it to be complete and in conformity with the definitive plan and recommended that the bond be reduced to zero.

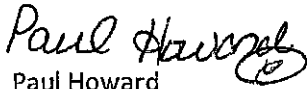
Chairman Howard asked if anyone from the public wished to speak. Hearing none, we will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury stated my recommendation is a favorable conditional recommendation to City Council.

Member William Evans motioned to make a favorable conditional recommendation to the City Council as recommended by the Planning Director, William Pillsbury. The condition being the inclusion of all the comments/letters from city departments. Member Karen Buckley seconded the motion.

Chairman Paul Howard-yes
Member Robert Driscoll-yes
Member Ismael Matias-yes
Member Kenneth Cram-yes
Member Karen Buckley-yes
Member Karen Peugh-yes
Member Nate Robertson-yes
Member April DerBoghosian, Esq.-absent
Member William Evans-yes

Signed:

A handwritten signature in black ink, appearing to read "Paul Howard", with a stylized flourish at the end.

Paul Howard
Chairman

Attachments: City Department Letters

Cc: Street acceptance file portion of South Pearson Street
City Engineer-John Pettis-email
City Departments

**Street Acceptance, Discontinuance,
Naming, Renaming or Alteration**

63476

Status: Active

Submitted: Oct 14, 2019

Applicant



Thomas Hodgson

978-815-4847

@ livingstonedev@icloud.com

Project Information

Specific Type of Request

Street Acceptance

Proposed Street Name

South Pearson St

Current Street Name

South Pearson St

What Is Your Role in this Process?

Developer

Hearing Waiver

Agreement

Yes

Agreement & Signature

Yes

true

Office Use Only

City Council Initial Decision

--

City Council Final Decision

--

Planning Board Decision

--

City Council Meeting Date

--

Planning Board Meeting Date

05/13/2020

Attachments (10)

pdf Site Plan

Oct 09, 2019

docx Legal Description of Land

Oct 09, 2019

pdf "As-Built" Plan

Oct 09, 2019

pdf Petition to City Council

Oct 09, 2019

pdf Mailing Labels South Pearson.pdf

Feb 24, 2020

xlsx **Abutters South Pearson.xlsx**

Feb 24, 2020

pdf **South Pearson St. street acceptance extension letter.pdf**

Mar 19, 2020

pdf **South Pearson Street request for May meeting**

Apr 27, 2020

pdf **Stormwater Operations & Maintenance Plan**

May 14, 2020

pdf **Conservation Commission Certificate of Compliance**

May 14, 2020

Timeline

- ☐ **Street Acceptance, Discontinuance, Naming or Renaming Recording Payment**
Status: Paid October 29th 2019, 1:38 pm
- ☐ **Street Acceptance, Discontinuance, Naming or Renaming Fee Payment**
Status: Paid October 29th 2019, 1:40 pm
- ☐ **Applicant Submits Mylar**
Status: Completed October 29th 2019, 1:41 pm
Assignee: Tara Lynch
- ☐ **Engineering Department Approval**
Status: Completed October 29th 2019, 1:41 pm
Assignee: Tara Lynch
- ☐ **Engineering Submits Council Order**
Status: Completed February 20th 2020, 9:29 am
Assignee: Tara Lynch
- ☐ **City Clerk Review**
Status: Completed February 24th 2020, 1:43 pm
Assignee: Maria Bevilacqua
Maria Bevilacqua February 24th 2020, 1:43:23 pm
Planning Board Hearing: April 8 & Council Hearing April 28 2020 - to be announced March 10 2020 meeting
- ☐ **Assessor Compiles Abutters List**
Status: Completed February 24th 2020, 2:13 pm
Assignee: Christine Webb
Christine Webb February 24th 2020, 2:13:08 pm
Please see the attached abutters and mailing list for South Pearson
- ☐ **Water/Sewer Bill Check**
Status: Skipped March 10th 2020, 8:55 am
Assignee: Beth Remmes
- ☐ **Tax Check**
Status: Skipped March 10th 2020, 8:56 am
Assignee: Yenise Rozon
- ☐ **Placed on City Council Agenda**
Status: Completed March 12th 2020, 9:33 am
Assignee: Maria Bevilacqua
Maria Bevilacqua March 12th 2020, 9:33:31 am
Placed on Council Agenda March 10th - Referred to Planning Board & Hearing April 28 2020
- ☐ **City Clerk Notifies Abutters**
Status: Skipped April 28th 2020, 12:03 pm
Assignee: Lori Robertson
- ☐ **City Clerk Places First Advertisement**
Status: Skipped April 28th 2020, 12:03 pm
Assignee: Lori Robertson
- ☐ **City Clerk Places Second Advertisement**

Status: Skipped April 28th 2020, 12:03 pm

Assignee: Lori Robertson

☐ **City Council Hearing**

Status: Skipped April 28th 2020, 12:04 pm

Assignee: Lori Robertson

Lori Robertson April 28th 2020, 12:05:41 pm

Hi Linda,

Karen Buckley told me to skip the above...abutters, advertisement, advertisement and City Council hearing so it could move to departments for comments. My meeting is May 13th.

Thanks, Lori

☐ **Building Inspector Review**

Status: Completed April 30th 2020, 3:53 pm

Assignee: Tom Bridgewater

☐ **Conservation Department Review**

Status: Completed May 14th 2020, 5:40 pm

Assignee: Robert Moore

Robert Moore May 14th 2020, 5:40:12 pm

Conservation Commission issued Certificate of Compliance under DEP File #33-1261, certifying satisfactory completion of work. Certificate is uploaded with Stormwater Operations & Maintenance Plan. With City acceptance of street, City accepts maintenance responsibility for infiltration basin within the cul-de-sac, its outlet control structure, and the bioretention area into which it drains.

☐ **Fire Department Review**

Status: In Progress

Assignee: Eric Tarry

☐ **Health Department Review**

Status: In Progress

Assignee: Mark Tolman

☐ **Police Department Review**

Status: In Progress

Assignee: Anthony Haugh

☐ **DPW Review**

Status: In Progress

Assignee: Mike Stankovich

☐ **Community Development Review**

Status: In Progress

Assignee: Andrew Herlihy

☐ **School Superintendent Review**

Status: In Progress

Assignee: Margaret Marotta

☐ **Wastewater Review**

Status: In Progress

Assignee: Paul Jessel

Paul Jessel May 15th 2020, 6:35:49 am

On the "AS-Builts" provide rim and invert elevation include the survey datum

☐ **Water Department Review**

Status: In Progress

Assignee: John Donahue

☐ **Board Clerk Publishes Notice**

Status: Pending

Assignee: Lori Robertson

☐ **Board Clerk Prepares Agenda**

Status: Pending

Assignee: Lori Robertson

☐ **Board Clerk Places First Ad**

Status: Pending

Assignee: Lori Robertson

☐

- ☐ **Board Clerk Places Second Ad**
Status: Pending
Assignee: Lori Robertson
- ☐ **Board Clerk Notifies Abutters**
Status: Pending
Assignee: Lori Robertson
- ☐ **Planning Board Member Review - PaulH**
Status: Pending
- ☐ **Planning Board Member Review - KarenB**
Status: Pending
- ☐ **Planning Board Member Review - AlisonC**
Status: Pending
- ☐ **Planning Board Member Review - KenC**
Status: Pending
- ☐ **Planning Board Member Review - AprilD**
Status: Pending
- ☐ **Planning Board Member Review - BobD**
Status: Pending
- ☐ **Planning Board Member Review - BillE**
Status: Pending
- ☐ **Planning Board Member Review - KarenP**
Status: Pending
- ☐ **Planning Board Member Review - NateR**
Status: Pending



Haverhill

Planning Board
Phone: 978-374-2330 Fax: 978-374-2315

(10,1)

May 14, 2020

City Council President Melinda Barrett
& City Councilors
City of Haverhill

RE: Street Acceptance – portion of South Pearson Street

Members Present: Chairman Paul Howard
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Member Ismael Matias
Member Kenneth Cram
Member Karen Buckley
Member Karen Peugh
Member Nate Robertson
Member William Evans

Members Absent: Member April DerBoghossian, Esq.

Also Present: William Pillsbury, Jr., Director of Economic Development and Planning
Lori Robertson, Head Clerk

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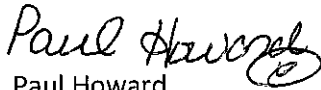
43

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Member Robert Driscoll-yes
Member Ismael Matias-yes
Member Kenneth Cram-yes
Member Karen Buckley-yes
Member Karen Peugh-yes
Member Nate Robertson-yes
Member April DerBoghosian, Esq.-absent
Member William Evans-yes

Signed:



Paul Howard
Chairman

Attachments: City Department Letters

Cc: Street acceptance file portion of South Pearson Street
City Engineer-John Pettis-email
City Departments

43-13



street order

original

10.1.11

DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED:

IT APPEARING that the common convenience and necessity require it,

It is hereby

That a portion of the following street herein described be accepted as a

Public Way

South Pearson Street

A certain parcel of land located on the easterly side of South Pearson Street, Haverhill, Essex County, Massachusetts being shown as "South Pearson, for acceptance" on a plan entitled "Street Acceptance of South Pearson Street in Haverhill, Ma. by Christiansen & Sergi, A Division of The Morin-Cameron Group, Inc., dated March 5, 2019.

Beginning at the northwest corner at a stone bound with drill hole on the easterly side of the existing public portion of South Pearson Street.

Thence N 84°04'11" E a distance of 39.35' to a stone bound with drill hole;

Thence with a curve turning to the right with an arc length of 37.34', with a radius of 55.00', with a delta angle of 38°54'09", with a chord bearing of S 65°31'52" E, with a chord length of 36.63' to a point;

Thence with a compound curve turning to the right with an arc length of 168.39', with a radius of 50.00', with a delta angle of 192°57'40", with a chord bearing of S 50°24'18" W, with a chord length of 99.36' to a drill hole set with lead plug on the existing public portion of South Pearson Street;

Thence along the existing public portion of South Pearson Street N 73°18'36" E a distance of 10.60' to a point;

Thence along the existing public portion of South Pearson Street N 04°51'44" W a distance of 71.65' to a stone bound with drill hole and the point of beginning.

Meaning and intending to describe that parcel labelled as "South Pearson Street For Acceptance" on said plan, and on file at the Haverhill Engineering office as Plan 2B 3717, file #16314, and previously recorded at the Southern Essex District Registry of Deeds as Plan Book 472 Plan 28.

2020
June 16
For Hearing

JOHN J. McKENNA
ATTORNEY AT LAW
572 BOSTON ROAD, SUITE 6
BILLERICA, MA. 01821
978-663-2170
FAX 978-663-2596

Cell # 978-930-1275

Hearing
 April 14, 2020
 Postponed to June 2
 June 16
 10.2

February 27, 2020

City of Haverhill
 City Council
 City Hall – 4 Summer Street
 Haverhill, MA 01832

RE: **Amerco Real Estate Company**
U-Haul Company of Eastern Massachusetts
211-219 Lincoln Avenue, Haverhill, MA
Request for Permit for Storage Containers pursuant to
Zoning Ordinance Section 120-16

Special permit
 under POO ordinance

Dear City Council:

Please be advised that I represent Amerco Real Estate Company and U-Haul Company of Eastern Massachusetts regarding the above referenced request for a permit pursuant to Section 120 Section 16 of the City of Haverhill Zoning Ordinances for the use of more than two regulated storage containers for more than six months. The applicant has a purchase and sale agreement to purchase a portion of the 11 acre parcel at 211-219 Lincoln Avenue shown on Assessors Map 408, Block 2, Lot 5. The parcel currently contains the CVS building along Lincoln Avenue with the former Building 19 in the rear of the property.

The proposal includes proposed 2,000 square feet of self-storage containers in the parking area by Lincoln Avenue, 4,000 square feet self-storage containers in the parking lot on the property line in front of the Former Building 19 along the boundary with the shopping mall and 2,000 square feet of self-storage containers on the northwesterly corner of the parking lot

44 behind CVS. I have attached thirty copies of the site plan and thirty sets of specifications. The proposed storage units require a permit from the City Council.

U-Haul desires to renovate the former Building 19 site into 81,000 square feet of self-storage, 10,000 square feet of warehousing, and 2,600 square feet of showroom. U-Haul proposes to park trucks for rent in a shunting format in the area of the parking lot behind the CVS building. The location of the self-storage containers is crucial to U-Haul's business plan for the success of the self-storage facility.

There currently exists a dimensional variance and special permit for usage as a storage facility. The Applicant will comply with the conditions imposed upon the grant of the variance of the Special permit and variance. The Applicant will also grant an easement for public access along the Merrimack River frontage to Connect Riverside Park trail system with Riverside Avenue and will grant an easement for parking in the parking Lot adjacent to Riverside Park.

Thank you for your attention to this matter, I am available for any questions or concerns.

Please include this request for permit on your next available agenda. *The Applicant waives the 65 day hearing requirement.*

Very truly yours,

John J. McKenna
John J. McKenna, Esq.

IN CITY COUNCIL: March 10 2020

VOTED that COUNCIL HEARING BE HELD APRIL 14 2020

Attest:

City Clerk

IN CITY COUNCIL: April 14 2020

HEARING POSTPONED TO JUNE 2 2020

Attest:

City Clerk

IN CITY COUNCIL: June 2 2020

HEARING POSTPONED TO JUNE 16 2020

Attest:

City Clerk

Exhibit A

Legal Description

Those two parcels of land situated in Haverhill, in the County of Essex and Commonwealth of Massachusetts, bounded and described as follows:

FIRST PARCEL:

NORTHWESTERLY by the southeasterly line of Lincoln Avenue one hundred forty six and 33/100 (146.33) feet;

NORTHEASTERLY on two lines measuring together nine hundred fifty five and 78/100 (955.78) feet;

NORTHWESTERLY two hundred (200) feet; and

SOUTHWESTERLY forty seven and 57/100 (47.57) feet by lot 2, as shown on plan hereinafter mentioned;

NORTHWESTERLY one hundred forty five (145) feet;

SOUTHWESTERLY eighty (80) feet;

NORTHWESTERLY twenty (20) feet, and

SOUTHWESTERLY one and 54/100 (1.54) feet by lot 3, as shown on said plan;

NORTHWESTERLY by lot 4, as shown on said plan, thirteen and 61/100 (13.61) feet;

NORTHEASTERLY by land now or formerly of the City of Haverhill, by the end of Riverside Avenue and by land now or formerly of Mary N. LeGacy, measuring on the upland about two hundred twenty five (225) feet;

SOUTHEASTERLY by the Merrimack River; and

SOUTHWESTERLY by other land now or formerly of said City of Haverhill, measuring on the upland about thirteen hundred nine (1309) feet.

All of said boundaries, except the water line, are determined by the Court to be located as shown upon plan numbered 26922-A, drawn by Clinton F. Goodwin, Engineer, dated July 1957, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with original Certificate of Title 27386 in said Registry, and the above described land is shown as lot 1, sheet 1, thereon.

Said lot 1 is subject to that certain Notice of Activity and Use Limitation dated February 8, 2001

and filed with said Land Court as Document No. 378444.

SECOND PARCEL:

NORTHWESTERLY by the southeasterly line of Lincoln Avenue two hundred (200) feet;

NORTHEASTERLY by lots 3 and 1, shown on above mentioned plan, on two lines measuring together eight hundred sixty and $62/100$ (860.62) feet; and

SOUTHEASTERLY two hundred (200) feet; and

SOUTHWESTERLY on two lines measuring together nine hundred fifty five and $78/100$ (955.78) feet by said lot 1.

Being shown as lot 2, sheets 1 and 2, on said plan.

THERE IS EXCLUDED FROM THIS LEGAL DESCRIPTION THE APPROXIMATELY 1.46 ACRE PARCEL OF LAND AND ALL IMPROVEMENTS THEREON NOW UNDER A GROUND LEASE WITH CVS TO BE LEGALLY SUBDIVIDED FROM THE PARCELS DESCRIBED ABOVE PRIOR TO THE CLOSING AND DESCRIBED IN SECTION 1(i) OF THIS AGREEMENT AS THE "EXCLUDED PARCEL".

13. PROVISIONS OF THE ZONING ORDINANCE UNDER WHICH PETITION FOR VARIANCE IS MADE:

In making its decision, the Board shall specifically find that all of the following conditions have been met: (Findings must be made on all three to have a valid decision). (1) That there are unique circumstances relate to the soil conditions, soil shape, or topography which specifically affect the land of structure in question, but not affecting generally the Zoning District in which the land or structure is located; (2) That the literal enforcement of the ordinance would involve substantial hardship, financial or otherwise; (3) That desirable relief may be granted without substantially derogating from the intent and purpose of the zoning ordinance or by-law. (See zoning ordinance for additional requirements for the granting of a variance).

13A. STATE REASONS FOR VARIANCE:

Applicant is seeking a dimensional variance, parcel has 125' of frontage where 175' is required.

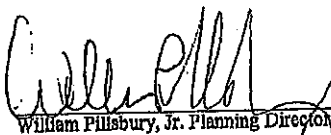
14. PROVISION OF ZONING ORDINANCE UNDER WHICH APPLICATION FOR SPECIAL PERMIT MADE:

14A. STATE REASONS FOR SPECIAL PERMIT:

No application will be acted upon unless the application has been reviewed and signed by the Building Inspector; Filing Fee has been paid to the City Treasurer; is accompanied by a list of "parties in interest" for the property as certified by the City Assessor; time stamped by the City Clerk; and all other requirements completed.

I hereby agree to pay to the City of Haverhill, any additional necessary fee connected with this application.

I hereby authorize the Clerk of the Board of Appeals to file this application upon its completion.


William Pillsbury, Jr. Planning Director

Signature

Address

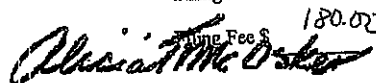
Phone No.

978 373 5003

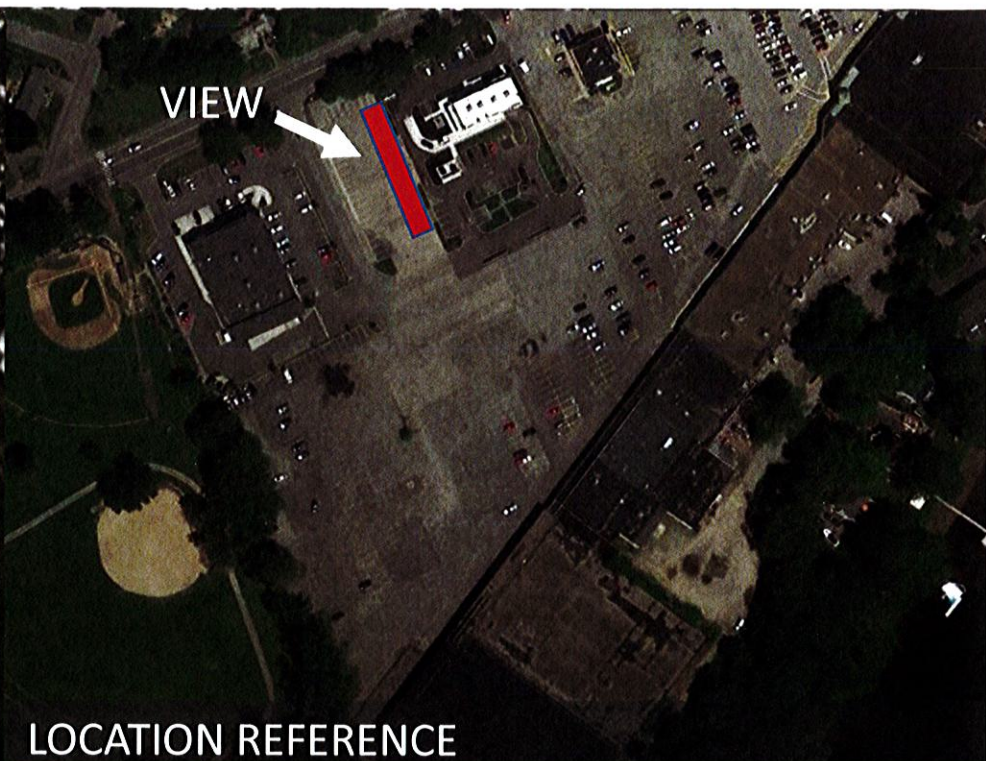
I have reviewed this application
With respect to the responses to
Questions 4, 13-14A

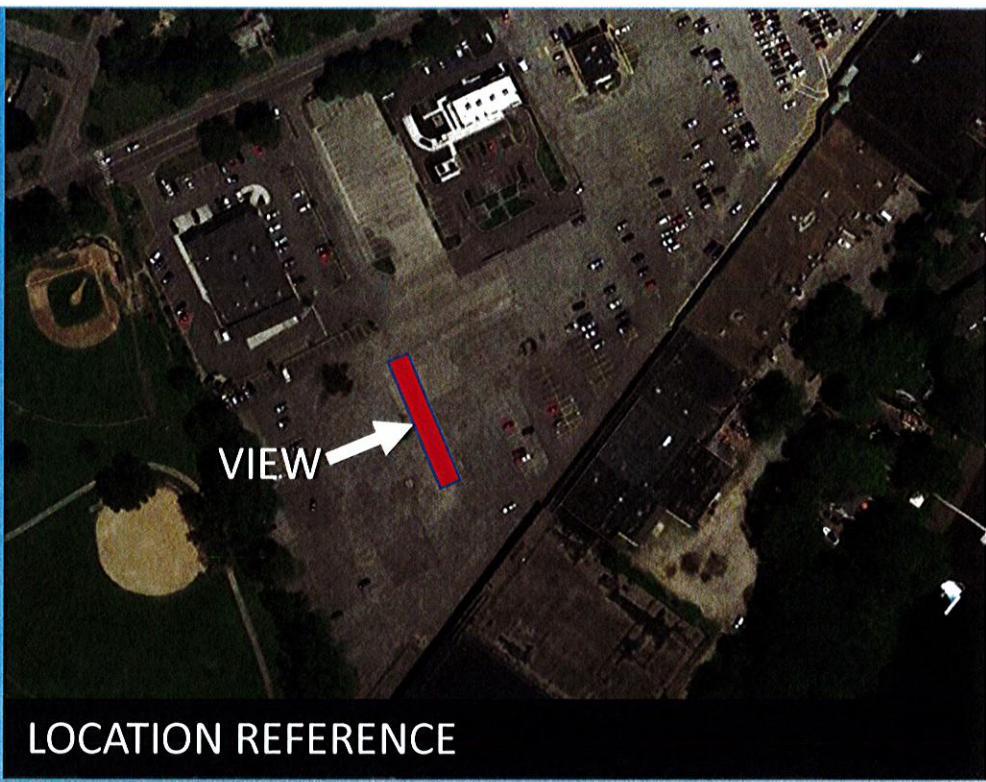
Building Inspector

Filing Fee: \$180.00


Filing Fee \$ 180.00

City Treasurer





MILLER
BUILDING SYSTEMS

1408 BETHLEHEM PIKE
FLOURTOWN, PA 19031
PHONE: 215-233-9300
FAX: 215-836-7358
WWW.MILLERBLDGS.COM

February 7, 2017

John Lorange
U-Haul Co. of Maine
1 Cressey Road
Brunswick, ME 04011

U-Haul Co. of Maine
(Revised from 1/20/17)

EXHIBIT A

Dear John:

Thank you for requesting a quote for a Miller "Relocatable" Module. Attached is the floor plan, unit mix and the specifications.

Miller Buildings, Inc. - Quality Materials and Installations since 1976.

NOTE: Buyer is responsible for removing the "relocatable" module from the trailer with a forklift or crane.

The following unit to be delivered to site in Brunswick, ME

Unit Size	Prefabricated Unit Price	Freight per Load	TOTAL
10' x 50'	\$14,350	\$4,200	<u>\$18,550</u>
4- 5' x 10'			
3- 10' x 10'			

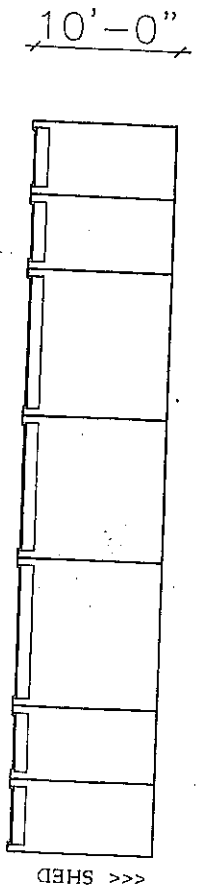
*Please add sales tax of \$985.

Our current lead-time on material delivery is 12-14 weeks after signing a Miller contract, with deposit. (To obtain a contract, please call our office at the number above.) Prices shown above are exclusive of any permits or licenses. Payment terms are 33% of material (with tax) payable upon execution of contract and the remainder of material cost payable by certified check upon delivery.

Prices are subject to change without written notice.

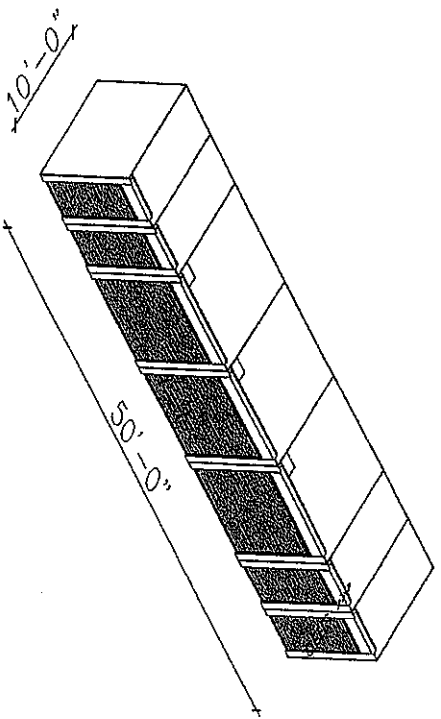
Sincerely,


Louis Gilmore



50'-0"

Miller Building Unit Mix			
Quantity	Style	Sq Ft	Total
3	10x10 - Exterior Rollup	100 SF	300 SF
4	5x10 - Exterior Rollup	50 SF	200 SF
			500 SF



Rev 2-3-17	Job Description		MILLER BUILDING SYSTEMS These drawings have been prepared for building purposes only. They are not to be used for any other purpose without the written consent of Miller Building Inc. Any reproduction or use of these drawings without the written consent of Miller Building Inc. is strictly prohibited.
Drawn By	Unful of Molra		
Scale	Brunswick, ME 04011		
Client No.			
Sheet No.	Relocatable		

INITIAL *AK*
 DATE 3-13-2017

February 3, 2017

MILLER BUILDING SYSTEMS
Uhau of Maine
Relocatable Building

Design Load items

IBC Code 2009 Ground Snow Load 60 PSF; Snow Load Factor of .7; Wind Load 100 MPH.

Design load certification including seismic zone, wind loads and snow loads must be confirmed in writing with local code authorization by Buyer prior to manufacture of the building by Seller. If the above loads change it could affect the price of the building.

Included items

24 gauge galvalume plus standing seam roof with 20 year manufacturer's warranty (galvalume color).
26 gauge rake and eave trim, with 40 year manufacturer's warranty.

Building has a shed roof 1/2" x 12" slope.

26 gauge "R" panel siding with siliconized polyester finish for walls and blank wall areas. There are 15 Signature 200 colors available with a 40 year manufacturer's warranty.

29 gauge galvalume plus interior partitions designed to provide resistance to smudging, staining and corrosion.

Interior structural steel is galvanized.

Jambs between exterior doors are 16 gauge galvanized structural steel covered with pre-painted 26 gauge jamb covers with a 40 year manufacturer's warranty. Available in 15 Signature 200 colors.

Roof is insulated with ply-foi insulation to help prevent condensation.

Eave height is 8'4".

Exterior roll-up doors are 6'10" high x 8' 8" wide on 10' wide units and 6'10" high x 3'8" wide on 5' wide units.

26 gauge exterior roll-up doors with corrugated door headers. 20 colors are available with a 20 year manufacturer's paint warranty.

Tension control and ball-bearings included for all roll up doors.

All unit doors are quoted as roll ups.

Floor system consists of 2x4 and 2x6 pressure treated joists covered with 3/4" exterior grade plywood with the exterior edges wrapped in a 16 gauge galvanized steel sill.

Standard industry latches.

All above manufacturer's warranties are available upon request.

INITIAL

ML

DATE

3-13-2017

44
CITY COUNCIL

MELINDA E. BARRETT
PRESIDENT
COLIN F. LEPAGE
VICE PRESIDENT
JOSEPH J. BEVILACQUA
JOHN A. MICHITSON
THOMAS J. SULLIVAN
TIMOTHY J. JORDAN
MICHAEL S. MCGONAGLE
MARY ELLEN DALY O'BRIEN
WILLIAM J. MACEK



CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

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

April 10, 2020

Norwood Group – Two Nineteen Lincoln Avenue Trust
116 South River Road
Bedford, NH 03110

RE: **Special Permit Hearing – 211-219 Lincoln Avenue**


Dear Norwood Group:

I am writing regarding the hearing scheduled for April 14, 2020 for a special permit for storage containers at 211-219 Lincoln Avenue. Pursuant to Chapter 53 of the Acts of 2020, as Council President and in light of the ongoing pandemic, I am informing you that the hearing on your application for a special permit is hereby ***postponed to 7:00PM June 2, 2020 in the City Council Chamber, Room 202, 4 Summer Street.***

For your information, we received this opinion from KPLaw:

The Chair of a permit granting authority may schedule or reschedule on one or more occasions, a hearing or decision deadline on a permit application, whether or not a quorum of the body is present, to a date not more than 45 days after the termination of the State of Emergency or after a date otherwise prescribed by law, whichever is later. Notice of any rescheduled date shall be provided to the applicant at the applicant's address, and to the general public by posting electronically on the website of the city or town clerk.

Sincerely,


Melinda E. Barrett, President
Haverhill City Council

MEB/bsa

c: Atty. John J. McKenna
Abutters' List
Various City Departments

Linda Koutoulas

From: billcoxlaw@aol.com
Sent: Tuesday, March 03, 2020 3:59 PM
To: Linda Koutoulas
Subject: Re: Pod storage

See highlighted section below. It requires a permit from the Council with 7 days written notice to all abbuters by regular mail.

§ 120-16. Residential or nonresidential accessory uses: storage containers and structures.
[Added 6-5-2018 by Doc. 73]

A. Definitions.

PODS

Portable storage containers intended to be transported to a designated location for storage purposes (typically known as "PODS®," "MODS," etc.).

METAL-FRAMED TRAILERS OR CONTAINERS, WITHOUT WHEELS

Metal frames or totally metal boxes primarily used, intended for, or suitable for the transportation of cargo by road, rail or ship.

MEMBRANE STRUCTURES

Membrane structures, including tents and canopies, erected on a location for a short- or long-term storage or accessory purpose relating to motor or recreational vehicles or personal property.

REGULATED STORAGE CONTAINER(S)

PODS®, metal-framed trailers or containers, without wheels, and membrane structures.

B. The residential or nonresidential accessory uses of regulated storage containers are permitted as follows: With the prior issuance of a regulated storage container permit from the City's Inspectional Service Department, the use of not more than two regulated storage containers for up to six consecutive months in a calendar year at a residential or nonresidential location is permitted. **The use of more than two regulated storage containers, or the use of a regulated storage container for more than six months, shall require the issuance of a permit by the City Council. Prior to hearing any application for a permit, seven days' written notice of the application and the hearing date shall be sent to all immediate abutters by regular mail.** Regulated storage containers must comply with all accessory setbacks requirements of Chapter 255 of this Code.

C. Upon notification of a violation of this section, an owner of the real property upon which the regulated storage container(s) is located shall have 48 hours to remove the offensive regulated storage container(s) from the property. Any owner of a building who fails to comply with this section shall thereafter be subject to a fine of \$100 per day from the original date of written notice from the Building Inspector and/or Local Building Inspector for each day the regulated storage container(s) remains on the property.

Sincerely,

Bill

William D. Cox, Jr., Esq.
145 South Main Street
Bradford, MA 01835
(978) 373-2360



CITY OF HAVERHILL
BOARD OF APPEALS FOR ZONES
CITY HALL - 4 SUMMER STREET

NOTICE OF DECISION

YOU ARE HEREBY NOTIFIED OF THE DECISION OF THE BOARD OF APPEALS ON THE APPLICATION OF:

Norwood Group (Owner: Two Nineteen Lincoln Avenue Trust)

APPLICANT AND (OWNER IF DIFFERENT)

211-219 Lincoln Avenue

408

2

5 & 5A

SITE LOCATION

ASSESSOR'S MAP BLOCK PARCEL NUMBER

DEED OF PROPERTY RECORDED IN: SOUTHERN ESSEX

BOOK: 50732

PAGE: 231

This was filed with the Board on February 22, 2019 as signified by the City Clerk's date stamp.

The BOARD, as authorized by §15, Chapter 40A of the M.G.L. held a PUBLIC HEARING on:

March 20, 2019

DATE OF HEARING (CONTINUANCE IF APPLICABLE)

The BOARD'S DECISION by vote to GRANT ~~REJECT~~ said application is as follows:
RECORD OF PROCEEDINGS: SEE BELOW MOTION*:

STIPULATION (S):

SECOND: Vathally

VOTE ON MOTION (WITH ~~WITHOUT~~ STIPULATIONS):

BOARD	YES	NO	ABSTAIN	ABSENT	NOT SITTING
CHAIRPERSON MORIARTY	✓				
MEMBER SORAGHAN	✓				
MEMBER SULLIVAN	✓				
MEMBER VATHALLY	✓				
MEMBER LAPLUME				✓	
ASSOC. MEMBER BEVILACQUA <i>JB</i>					
ASSOC. MEMBER BROWN				✓	

THE BOARD CITES THE FOLLOWING AS REASON(S) FOR ITS DECISION

The Board (Members Soraghan, Vathally, Sullivan, Bevilacqua, and Chairman Moriarty) granted the Dimensional Variance for the frontage and the Special Permit for usage on a vote of 5-0. The Board determined that the request for a Special Permit was consistent with the rules and regulations as they relate to Special Permits. With stipulations:

1. No use of the deck and no access on Riverside Avenue
2. The business hours of operation to be 9a to 6p, extension of hours of 7a to 9a and 6p to 9p on a case by case
3. Provide formal easement for public parking adjacent to Riverside Park
4. Provide a formal easement for public access and trail development across land of the applicant along the Merrimack River frontage to connect Riverside park trail system and Riverside Avenue.

Motion: Soraghan
Seconded: Vathally

An Appeal of this Decision shall be made pursuant to §17 of Chapter 40A and shall be filed with Superior or District Court within twenty (20) days after the date of filing of the above cited decision with the Office of the City Clerk. Procedural appeals shall be taken in accordance with §17 of Chapter 40A.

March 20, 2019

DATE

Markell P. Soraghan

Louis Bevilacqua
CHAIRPERSON
Joseph A. Sullivan

2019-03-20 14:00:00

*See record of evidence, findings of fact and detailed record of proceedings of the Board of Appeals presented at the hearing and filed with the City Clerk and Planning Board, which is being incorporated herein by reference and considered a part thereof.

Norwood Group (Owner: Two Nineteen Lincoln Avenue Trust)
116 south River Road, Bedford, NH 03110

CERTIFICATION OF DECISION

I, the City Clerk of the City of Haverhill, hereby certify that the Board of Appeals DECISION AND NOTICE OF DECISION on the application of:

Norwood Group (Owner: Two Nineteen Lincoln Avenue Trust)

APPLICANT AND (OWNER IF DIFFERENT)

For a Special Permit and/or Variance for the location at:

211-219 Lincoln Avenue
STREET NAME AND NUMBER


Has been filed with this Office on:

And that;


- (1) Twenty (20) days from the date the decision was filed have elapsed and this Office within the 20-day appeal has received no appeal notice to the District or Superior Court.
(2) If an appeal has been taken, notice has been received that said appeal has been dismissed or denied.
(3) The application was denied.

The Board Clerk will file in this office, evidence that the DECISION, NOTICE OF DECISION, and CERTIFICATION OF DECISION of the Board has been duly recorded and indexed in the Grantor Index under the name of the owner of record (registered land to be noted on the Owner's Certificate of Title) and the Essex County South District Registry of Deeds.

A fee of ten dollars (\$10.00) has been paid by the applicant and a copy of this Certification will be transmitted to the Board of Appeals.


CITY CLERK

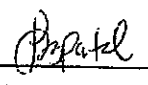
DATE


True Attest Copy
Linda L. Koutoulas

I hereby agree to record this DECISION, NOTICE OF DECISION, and CERTIFICATION OF DECISION at the Registry of Deeds as required and in compliance with Chapter 40A of the M.G.L.

I agree to file evidence with the City Clerk attesting that said DECISION, NOTICE OF DECISION and CERTIFICATION OF DECISION has been duly recorded as cited above.

Lannie Patel


BOARD OF APPEALS CLERK

4.18.19

DATE

NOTE: IF THE RIGHTS AUTHORIZED BY VARIANCE, CERTAIN SPECIAL PERMITS, AND FINDINGS OF THE BOARD OF APPEALS ARE NOT EXERCISED WITHIN ONE YEAR OF THE GRANT OF SUCH BOARDS ACTIONS, SAID RIGHTS SHALL LAPSE.



Application No. _____

Appeal No. _____

Date Filed: _____

CITY OF HAVERHILL
BOARD OF APPEALS
CITY HALL - 4 SUMMER ST.

PETITION FOR VARIANCE under the ZONING ORDINANCE

APPLICATION FOR SPECIAL PERMIT under the ZONING ORDINANCE

Notice: This application must be typewritten; filed in duplicate and accompanied by a plan of the affected premises, a copy of the refusal by the Building Inspector or other authority.

To the Board of Appeals,

DATE February 22, 2019 (DATE FIELD)

The undersigned, petitions the Board of Appeals to vary, in the manner and for the reasons hereinafter set forth, the application of the provisions of the zoning ordinance to the following described premises.

APPLICANT: Norwood Group 116 South River Road, Bedford NH 03110
Full Name Address

OWNER: Two Nineteen Lincoln Ave Trust 233 Needham St., Newton, MA 02464
Full Name Address

LESSEE: n/a _____
Full Name Address

1. LOCATION OF PREMISES: 211-219 Lincoln Ave
Street Number Name of Street

2. ASSESSORS PLAT: 408 2 5 & 5A
Plat No. Block No. Lot No.

2A. DEED OF PROPERTY RECORDED IN: Southern Essex REGISTRY
BOOK: 50732 PAGES: 231

3. DIMENSIONS OF LOT: Lot A: 123.36' Lot B: 222.97' Lot A: 970' Lot B: 270' Lot A: 464.267' Lot B: 63.533'
Frontage Depth Square Feet

4. ZONING DISTRICTS IN WHICH PREMISES ARE LOCATED? CH

5. HOW LONG HAVE YOU OWNED ABOVE PREMISES? 1981 - approx 38 years

6. HOW MANY BUILDINGS ARE NOW ON THE LOT? 2

7. GIVE SIZE OF EXISTING BUILDINGS CVS is 13,103 sf approx. dim of 138' x 96'
Building 19 is 95,214 sf approx. dim of 380' x 248'

PROPOSED BUILDINGS: n/a

8. STATE PRESENT USE OF PREMISES: CVS and vacant building

9. STATE PROPOSED USE OF PREMISES: CVS and storage / warehouse

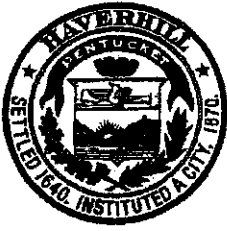
10. GIVE EXTENT OF PROPOSED ALTERATIONS: total rehab of vacant building

11. HAS THERE BEEN A PREVIOUS APPEAL UNDER ZONING ON THESE PREMISES? no

12. NUMBER OF FAMILIES FOR WHICH BUILDING IS TO BE ARRANGED? n/a

NOTE: IF THE APPLICANT IS NOT THE OWNER, A WRITTEN STATEMENT MUST BE SUBMITTED FROM THE OWNER INDICATING THAT IT IS PERMISSIBLE TO SEEK A VARIANCE FOR SPECIAL PERMIT FOR THE PROPERTY.

NOTE: IF YOUR HOUSE IS NOT CLEARLY NUMBERED, THE BOARD OF APPEALS MAY NOT BE ABLE TO LOCATE YOUR PROPERTY, AND THIS COULD CAUSE YOU UNNECESSARY DELAY.



Haverhill

City Clerk's Office, Room 118
Phone: 978-374-2312 Fax: 978-373-8490
cityclerk@cityofhaverhill.com

To: City Councillors

From: City Clerk's Office

Re: **Application** – * Special Permit from Attorney John J McKenna for applicant U-Haul Company of Eastern Massachusetts

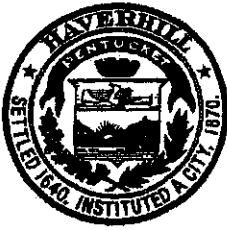
Project Reference – have Storage Containers pursuant to Zoning Ordinance Section 120-16; for use of more than two regulated storage containers for more than six months

Street Location – 211-219 Lincoln av; Assessor's Map 408, Block 2, Lot5

***PUBLIC HEARING – TUESDAY; April 14, 2020** Postponed to June 2 2020

Virtual Meeting – June 2 2020

Enclosed please find reports as received from the various City Departments with respect to this Special Permit



Haverhill

City Clerk's Office, Room 118
Phone: 978-374-2312 Fax: 978-373-8490
cityclerk@cityofhaverhill.com

REQUEST FOR COMMENT

TO: BOARD OF HEALTH CHAIRMAN & MEMBERS – Dr. Romie Mundy
BUILDING INSPECTOR – Thomas Bridgewater
CITY ENGINEER – John Pettis
CONSERVATION COMMISSION CHAIRMAN & MEMBERS
HIGHWAY SUPERINTENDENT – Michael Stankovich
PLANNING DIRECTOR – William Pillsbury
WASTEWATER/WATER ENGINEER – Robert Ward
FIRE DEPARTMENT – Chief William Laliberty
POLICE DEPARTMENT – Chief Alan DeNaro
SCHOOL SUPERINTENDENT – Margaret Marotta

FROM: CITY CLERK: Linda L Koutoulas

DATE: March 16, 2020

RE: APPLICATION – Special Permit from Attorney John J McKenna for applicant U-Haul Company of Eastern Massachusetts

PROJECT REFERENCE – have Storage containers pursuant to Zoning Ordinance Section 120-16; for use of more than two regulated storage containers for more than six months

STREET LOCATION – 211-219 Lincoln av; Assessors Map 408, Block 2, Lot 5

**Please send reports to the City Clerk, Room 118 by April 6, 2020*

The public hearing of the City Council is scheduled for

TUESDAY, APRIL 14, 2020

Postponed to June 2 2020

Virtual Meeting – June 2 2020

4 Summer Street Haverhill, MA 01830 www.ci.haverhill.ma.us



James J. Fiorentini
Mayor

William F. Laliberty
Fire Chief

Haverhill Fire Department

Fire Prevention / Investigation Unit

D/C Eric M. Tarpy
Lt. Michael Picard
Insp. Johnathan W. Pramas
Insp. Richard Wentworth
Insp. Timothy Riley



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

March 23, 2019

Linda Koutoulas
4 Summer Street, Room 118
Haverhill, MA 01830

Re: Special Permit
MBL 408-2-5
Americo Real Estate Company
U-Haul Company of Eastern MA
211-219 Lincoln Ave
Haverhill, MA 01830

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, 9th edition, shall be made in accordance therewith. (527 CMR 1.04(4) and 780 CMR 101.2). Additionally, 780 CMR (901.2.1) Document Submittal Process will be required.

Plans approved by the fire department are approved with the intent they comply in all respects to MSBC, 780 CMR 527, CMR 1.00, 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 application for Special Permit for the address listed above and in the interest of public safety have the following comments:

- Fire Protection Systems to be evaluated and enhanced as required
- Fire Department access around the building and the storage containers to have a minimum width of 18'
- The Fire Department is requesting details of the storage units in the parking lot. Is it cold storage? Will there be power to those units?

- Who will monitor the contents of what will be stored inside of the building and in the outside storage units?
- A key box will be required on the building for Fire Department access.

Respectfully,

Michael Picard

Michael Picard
Lieutenant
Haverhill Fire Prevention Division



Haverhill

Engineering Department, Room 300
Tel: 978-374-2335 Fax: 978-373-8475
John H. Pettis III, P.E. - City Engineer
JPettis@CityOfHaverhill.com

March 19, 2020

**MEMO TO: CITY COUNCIL PRESIDENT MELINDA BARRETT AND
MEMBERS OF THE CITY COUNCIL**

Subject: 219 Lincoln Ave – Special Permit for U-Haul

I have reviewed the submitted material and have the following comments:

1. It would appear that proposed storage buildings B, C, D and E are not approvable. All are within the floodzone, and therefore would require new compensatory storage to offset the loss of floodplain storage. The other alternative would be to consider these structures flow-through, but it is not logical to pay for storage that is subject to flooding.
2. The plan only shows two handicap accessible spaces; 8 would be required based on the proposed total parking spaces.
3. Should the Special Permit be granted I will address other items, such as Design Sewer Flow based on the proposed use, during that review stage.

Please contact me if you have any questions.

Sincerely,

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

C: Mayor Fiorentini, Stankovich, Ward, Cox, Site Plan Review



Haverhill

Conservation Department
Phone: 978-374-2334 Fax: 978-374-2366
rmoore@cityofhaverhill.com
conservation@cityofhaverhill.com

MEMO TO: Linda L. Koutoulas, City Clerk
FROM: Robert E. Moore, Jr., Environmental Health Technician
DATE: April 22, 2020
RE: U-Haul Co of Eastern MA for 211 Lincoln Avenue – Parcel ID: 408-2-5
Special Permit – Storage Containers – Zoning Ordinance Section 120-16

The Conservation Commission reviewed the forwarded information at its April 2nd meeting. The Commission voted to issue the following comments in objection to the proposed special permit:

- The Applicant is proposing to convert the former Building 19 into a storage facility. As part of the overall project, the Applicant is proposing to construct 8000sf of new storage building space within the existing plaza parking lot. The structures would all be located within the 100-year floodplain and would require compensatory storage. As the Commission learned with the CVS and Burger King projects, this plaza is flat and well-below the flood elevation; compensatory storage is not readily available. As rented, storage units, flow-through designs also appear unlikely.
- The Applicant proposes renting trucks at the facility, a fleet storage use that raises stormwater quality concerns under the MA Stormwater Management Regulations.
- The Applicant proposes to construct a 33-space parking area on the side of the building. This area is forested floodplain, a section of which is also within Riverfront Area. This construction raises regulatory concerns for the loss of habitat and the need for a new stormwater management system.
- The provided plan also notes “future residential/condominiums” along the river, behind the existing building. Again, this area is forested floodplain and riverfront area. Condominiums are essentially unpermissible in this location. While a residential component would place the entire plaza more in line with the “village-style” of development outlined in the master plan, it would appear a preferred alternative would be to replace the existing Building 19 footprint with the residential component.

The Conservation Commission objects to the proposed special permit.

June 2

54

Hearing June 16
2020

LAW OFFICES OF

Phillips, Gerstein & Channen, LLP

25 Kenoza Avenue ■ Haverhill, MA 01830

Tel: (978) 374-1131 ■ Fax: (978) 372-3086

www.pgclawoffice.com

10.3

Herbert P. Phillips (1933 - 2017)
 Michael A. Gerstein
 Russell S. Channen
 Lora M. McSherry
 Jane M. Owens Triano

March 13, 2020

City Council
 City of Haverhill
 4 Summer Street
 Haverhill, MA 01830

Re: Petition for Special Permit
 By Atlantis Development, LLC for the
Premises located at 26 Broadway

Assessor's Plat: 517-293-26; 517-293-27; 517-293-28; 517-293-19A; 521-318-4 and 521-318-2-2.

To the Members of the City Council:

Now comes the Applicant, Atlantis Development, LLC and hereby petitions this Council for a Special Permit authorizing a multi-family use within the RU Zone and specifically to allow Atlantis Development, LLC (or its Nominee) to create 36 residential units at the St. Joseph's School located at 26 Broadway, Haverhill, MA.

HISTORY

Atlantis Investments, LLC ("Atlantis Investments") has entered into a Purchase and Sale Agreement with the Roman Catholic Archbishop of Boston, current owner of the property located at 26 Broadway and known to the City of Haverhill as the "St. Joseph School". St. Joseph School has been closed for a number of years and Atlantis Investments believes there is a great opportunity to revitalize the Lafayette Square area. The Sales Agreement is subject to Atlantis Investments' ability to construct a certain number of dwelling units at the property site.

In an effort to minimize the Parking Variance request, Atlantis Investments purchased, prior to the ZBA hearing, property located on Federal Street for the sum of \$125,000.00 to be earmarked solely for parking. Mr. Cody is committed to this Project and is taking as many steps possible to ease any potential burden.

54
Atlantis Investments has been actively involved in revitalizing the local real estate market beginning with the Phoenix House at 20 Newcomb Street along with numerous other properties transformed on its own or through the City's Receivership Program.

A large contingent of Parishioners and former Board Members of the St. Joseph's School appeared at the Board of Appeals and voiced their approval of this Project. Speaking on behalf of the group, Elaine Barker cited Mr. Cody's commitment to the Lafayette Square area; his purchase and renovation of various properties in the surrounding area; and their knowledge that Mr. Cody will bring the School "back to life".

On February 19, 2019, the Zoning Board of Appeals ("ZBA") granted the Applicant's Petition for a number of Variances, those being:

1. Lot Area of 40,560 where 145,000 square feet is required for Multi-Family use purpose in the RH District;
2. Floor area ratio of .98 where .5 is maximum;
3. Open Space of 11.7% where 35% is required;
4. Residential Parking of 39 spaces where 54 is required and
5. Bowling Parking of 20 spaces where 40 is required.

Atlantis Investments is now before this Council seeking a Special Permit allowing for multi-family use within an RH Zone.

Pursuant to Section 255-80(E), an Applicant,...[in applying for a special permit, need not demonstrate hardship since the basis for the action is of general benefit to the City as a whole. In granting a special permit, the Board, with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall require a number of conditions to be fulfilled:

Among those conditions are the following:

1. The requested use is essential or desirable to the public convenience or welfare;
2. The requested use 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; and
3. The use requested is listed in Table of Use and Parking Regulations as a special permit in the district for which application is made.

As noted above, the Standards for a Special Permit differ from an Application for Variance and as noted by the conditions listed above. If we were to just examine the 3 conditions above, which are most relevant to the Petition before this Council, my client would represent the following:

54

The current building is vacant and an attractive nuisance and will fall into disrepair unless someone comes forward. Allowing this Petition would result in a building that is updated to the 21st century and will help to reduce the rental burden in the City. It will also increase the property tax revenue.

The surrounding area consists of single and multi-family homes. Granting this Special Permit would not impair the integrity of the District or the Zone and would not be detrimental to health, safety and welfare of the City residents or the Master Plan. In addition to the residential units, Atlantis Investments intends to refurbish the Gym and possibly the bowling alley(s) which will be beneficial to the neighborhood and the entire Haverhill community.

Finally, the proposed use is allowed for, in the RH Zone, with the granting of a Special Permit.

Atlantis Investments and its Manager, Jonathan Cody, are committed to revitalize the City of Haverhill and this Project is the perfect opportunity to continue with such endeavor.

Atlantis Investments, LLC hereby waives any notice requirement by the Council with respect to this Petition and requests that this Petition be scheduled for the next available Council Meeting and further waives the 120 day hearing requirement.

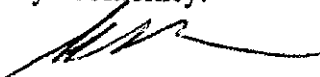
Attached as Exhibit "A" is the Site Plan for the Property
Attached as Exhibit "B" are copies of the various Deeds involved in this Project, and showing their respective legal description of land.

CONCLUSION

For the above reasons, the Applicant, Atlantis Investments, LLC respectfully requests that this Board grants its Petition for a Special Permit allowing for the creation of thirty-six (36) one bedroom and studio units in the RH Zone for the Property located at 26 Broadway, Haverhill, Massachusetts.

Very truly yours,

Atlantis Investments, LLC
By its Attorney:



Russell S. Channen

IN CITY COUNCIL: March 24 2020
REFER TO PLANNING BOARD and VOTED THAT
COUNCIL HEARING BE HELD June 16 2020
Attest:

City Clerk



Haverhill

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

May 14, 2020

City Council President Melinda Barrett
& City Councilors
City of Haverhill

RE: Special permit – 26 Broadway

Members Present: Chairman Paul Howard
Member Robert Driscoll
Member Ismael Matias
Member Kenneth Cram
Member Karen Buckley
Member Karen Peugh
Member Nate Robertson
Member William Evans

Members Absent: Member April DerBoghossian, Esq.

Also Present: William Pillsbury, Jr., Director of Economic Development and Planning
Lori Robertson, Head Clerk

Dear City Council President and Councilors:

Please note at the May 13, 2020 ONLINE Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation for a special permit for 26 Broadway.

Planning Director read the rules of public hearing into the record (online version).

There was a malfunction of the audio. There is no recording of this meeting.

Attorney Russell Channen addressed the board on behalf of the applicant. The applicant Mr. Jonathan Cody is also present tonight. Mr. Cody has entered into a purchase and sale with the Archbishop of Boston for this property. He received the necessary variances from the Board of Appeals. To minimize the parking variance request he purchased property located on Federal Street for \$125,000.00 to be used solely for parking. The last hurdle is the special permit to the City Council. During the Zoning

Board of Appeals meeting Elaine Barker spoke quite favorably at the Board of Appeals. She will be at the City Council hearing. It has been sitting vacant for two years.

Mr. Jonathan Cody: There will be (28) studios and (8) 1 bedroom.

Chairman Howard asked if anyone from the public wished to speak.

Mr. Daniel Brosnon of 51 Monument Street addressed the board. I am a member of the Church Finance Counsel. I am very excited for this project. Mr. Cody does quality work. This project will be beneficial to the neighborhood and City. This will be a community asset with the potential of the bowling alley and basketball court being used by the public. This is taking a large tax-exempt building and putting it back on the tax roll. This is a big boost for the City of Haverhill. Thank you.

Mr. Peter Richardson of 352 Chadwick Road addressed the board. I am also on the church Finance Counsel and I think this is a very good use of the building.

Chairman Howard asked if anyone from the public wished to speak.

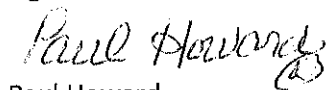
Hearing none, we will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury stated my recommendation is a favorable conditional recommendation to City Council with the conditions being the inclusion of all the comments/letters from city departments. This is an excellent re-use of the building. This is a viable use and need for housing goals and plans for the City. I would make a favorable conditional recommendation with the inclusion of any City Department comments.

Member William Evans motioned to make a favorable conditional recommendation to the City Council as recommended by the Planning Director, William Pillsbury. The condition being the inclusion of all the comments/letters from city departments. Member Nate Robertson seconded the motion.

Chairman Paul Howard-yes
Member Robert Driscoll-yes
Member Ismael Matias-yes
Member Kenneth Cram-yes
Member Karen Buckley-yes
Member Karen Peugh-yes
Member Nate Robertson-yes
Member April DerBoghosian, Esq.-absent
Member William Evans-yes

Signed:



Paul Howard
Chairman

Attachments: City Department Letters

Cc: Special permit 26 Broadway
City Engineer-John Pettis-email
City Departments



Haverhill

Conservation Department

Phone: 978-374-2334 Fax: 978-374-2366

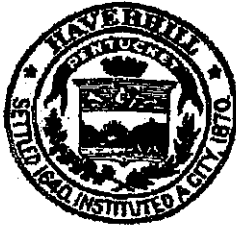
rmoore@cityofhaverhill.com

conservation@cityofhaverhill.com

4/27/20
Email'd
ATHY.

MEMO TO: William Pillsbury, Economic Development & Planning Director
FROM: Robert E. Moore, Jr., Environmental Health Technician
DATE: April 22, 2020
RE: Special Permit – Parcel ID: 517-293-26
Atlantis Development for 26 Broadway, multi-family

The Conservation Commission reviewed the forwarded information at its April 2nd meeting. There are no wetland resource areas associated with this project. The Commission voted to offer no objections to the proposed special permit.



James J. Fiorentini
Mayor

William F. Laliberty
Fire Chief

Haverhill Fire Department

Fire Prevention / Investigation Unit

D/C Eric M. Tarpy
Lieut. Michael H. Picard
Insp. Johnathan W. Pramas
Insp. Richard H. Wentworth
Insp. Timothy Riley



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

March 24, 2020

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

*Emailed
ATHY 3/26/20*

Re: Atlantis Development LLC – "St. Joseph's School" 26 Broadway

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, 9th 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 1.00, 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:

This project is for the renovation of an existing building to 36 residential units. This would be a change of use from an Educational facility.

-An Impairment plan will be required to remove/maintain existing fire protection systems during construction

-This Project will require the update and/or installation of fire protection systems as required by NFPA and NFPA 72

Fire protection systems upgrades or changes need to be permitted before the building permit will be issued.

Respectfully,

Eric M. Tarpy
Deputy Fire Chief
Haverhill Fire Prevention Division

Richard Carter
Carter Construction, LLC
675 Main St
Haverhill, Ma 01830
603-540-0167
rickcarter@rdcarterconstruction.com

Hearing August 11 2020

(12.1)

June 3, 2020

Haverhill City Council
4 Summer St
Haverhill, Ma 01830

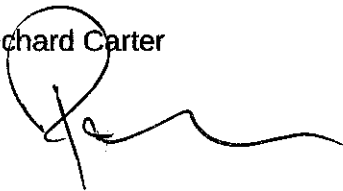
Re: 417 Washington St, Parcel ID 511-276-6

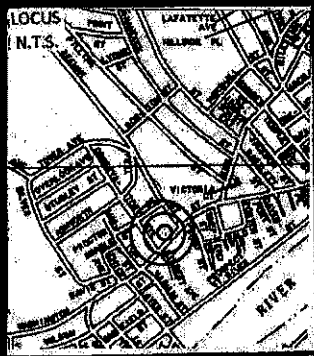
Members of the City Council,

We are requesting special permit approval to convert a building that we own at 417 Washington St in Haverhill into 4 single bedroom apartments. These apartments will be rented. This is only for the back barn section, the conversion will be accomplished within the existing structure, and no work or changes will be made to the existing 3 family building that it is attached to. The plans will show that there is plenty of room for these units, with appropriate egress, and more than enough off street parking. The reuse of this structure will assist in fulfilling the City's need for additional housing and we hope, in a small way, to help improve the Mount Washington neighborhood.

Thank you for your consideration

Richard Carter

A handwritten signature in black ink, appearing to be 'Richard Carter', with a large circular flourish at the start and a long horizontal stroke extending to the right.



ASSESSORS PLAN 511
 BLOCK 276
 LOT 6
 DEED 36214
 PAGE 2
 AREA 16,793 SQ. FT.
 ZONE RU
 N / F TWELVE & TWELVE LLC

PROPOSED SITE PLAN
 OF LAND AT
417 WASHINGTON STREET
 HAVERHILL, MA. 01832

OWNER / APPLICANT

CARTER PROPERTIES, LLC
 675 MAIN STREET
 HAVERHILL, MA. 01830
 DECEMBER 31, 2019

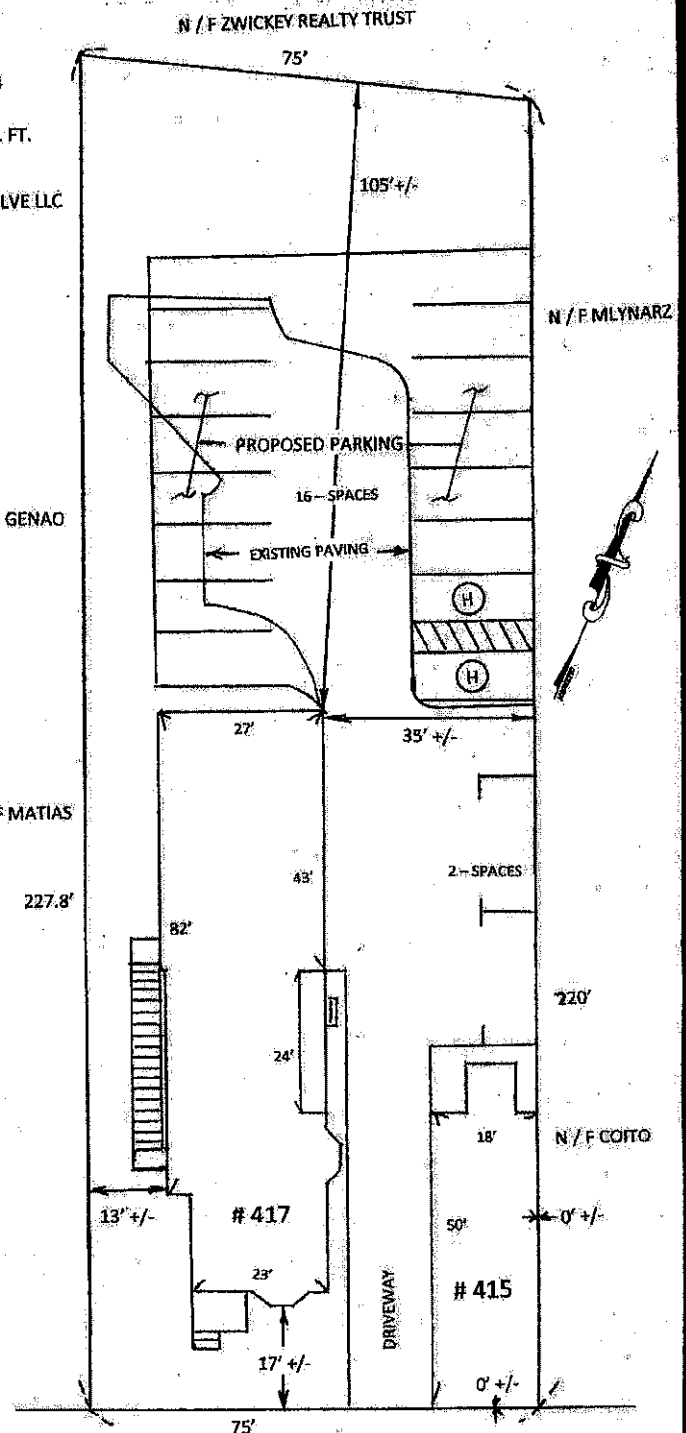
APPLICANT

HAVERHILL
 BOARD OF APPEALS

DATE: _____

ZONING REQUIREMENTS – ZONE RU

	REQUIRED	PROPOSED
<u>LOT</u>		
FRONTAGE	100.0'	75.0' (EXISTING) Variance
DEPTH	100.0'	220.0' (EXISTING)
AREA	25,000 S.F.	16,793 S.F. (EXISTING) Variance
<u>SET BACKS</u>		PRE-EXISTING
FRONT	25.0'	0' & 17' (EXISTING)
SIDE	20.0'	0' & 13' (EXISTING)
REAR	40.0'	105' (EXISTING)
<u>BUILDING COVERAGE</u>		
DWELLING	30% MAX	21.1%
PARKING	10.5 SPACES	18 SPACES



WASHINGTON STREET



SCALE 1" = 20'
 20' 10' 0' 20'



R.A.M. ENGINEERING
 160 Main Street
 Haverhill, Massachusetts 01830
 TEL: (978) 372-0449 FAX: (978) 372-7183

Property Address: 417 Washington Street, Haverhill, MA 01832



SO.ESSEX #221 Bk:36214 Pg:002
08/29/2017 10:37 AM DEED Pg 1/2
eRecorded

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 08/29/2017 10:37 AM
ID: 1206160 Doc# 20170929002210
Fee: \$1,254.00 Cons: \$275,000.00

Quitclaim Deed

I/We, Ian R. McKenna, of 16 Williamine Drive, Newton, NH 03858, in consideration of \$275,000.00 **GRANT TO** Carter Properties, LLC, a Massachusetts Limited Liability Company, of 675 Main Street, Haverhill, MA 01830

With ***QUITCLAIM COVENANTS***

The land with the buildings thereon situated in Haverhill on the northwesterly side of Washington Street and bounded as follows:

Beginning at the southeast corner thereof by said Washington Street and by land now or formerly of Aptaker and thence running

Southwesterly by said Street seventy-five (75) feet to land now or formerly of Mencis; thence

Northwesterly by the land last mentioned, land now or formerly of Shosterman and land now or formerly of Saltz and others, two hundred twenty-seven and eight-tenths (227.8) feet to an angle; thence

Northeasterly by said land of Saltz and others, seventy-five (75) feet to said land of Aptaker; and thence

Southeasterly by land last mentioned two hundred twenty (220) feet to said Washington Street and the point begun at.

The Grantor confirms under the pains and penalties of perjury that the property was never the homestead property of Grantor or my spouse, or a former spouse, partner or former partner in a civil union who can claim the benefit of the Homestead Act and there are no other persons entitled to claim rights of Homestead in and to the property hereby conveyed.

For Grantor's Title, see deed dated 06-05-2012 and recorded in the Southern Essex County Registry of Deeds at Book 31411, Page 500.

CITY COUNCIL

MELINDA E. BARRETT
PRESIDENT
COLIN F. LEPAGE
VICE PRESIDENT
JOSEPH J. BEVILACQUA
JOHN A. MICHITSON
THOMAS J. SULLIVAN
TIMOTHY J. JORDAN
MICHAEL S. MCGONAGLE
MARY ELLEN DALY O'BRIEN
WILLIAM J. MACEK



CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

1511
CITY HALL, ROOM-204
4 SUMMER STREET
TELEPHONE: 978 374-2328
FACSIMILE: 978 374-2329
www.cityofhaverhill.com
citycncl@cityofhaverhill.com

June 12, 2020

TO: Members of the City Council

Council President Barrett and Councillor Michitson request Mayor-Council conference on way ahead for addressing racism and potential policy changes involving Police Department and other city departments.

Council President Melinda Barrett

Councillor John Michitson

CITY COUNCIL

MELINDA E. BARRETT

PRESIDENT

COLIN F. LEPAGE

VICE PRESIDENT

JOSEPH J. BEVILACQUA

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THOMAS J. SULLIVAN

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CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843


1512

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June 12, 2020

TO: President and Members of the City Council:

Councillor Timothy Jordan requests an update on Haverhill's application for the \$5.6M of CARES Act money that our City is eligible for.


City Councillor/Timothy Jordan

CITY COUNCIL

MELINDA E. BARRETT
PRESIDENT
COLIN F. LEPAGE
VICE PRESIDENT
JOSEPH J. BEVILACQUA
JOHN A. MICHITSON
THOMAS J. SULLIVAN
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CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

1513

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June 12, 2020

TO: President and Members of the City Council:

Councillor Bevilacqua requests discussion regarding proposed regional business-educational-residential municipal internet service.


City Councillor Joseph Bevilacqua

CITY COUNCIL

MELINDA E. BARRETT

PRESIDENT

COLIN F. LEPAGE

VICE PRESIDENT

JOSEPH J. BEVILACQUA

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THOMAS J. SULLIVAN

TIMOTHY J. JORDAN

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WILLIAM J. MACEK



CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

15.4

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4 SUMMER STREET
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FACSIMILE: 978 374-2329
www.cityofhaverhill.com
citycncl@cityofhaverhill.com

June 12, 2020

TO: President and Members of the City Council:

Councillor Michael McGonagle requests to refer a request for a pedestrian crossing sign on Washington Street before the crosswalk at Julian Steele Senior housing.


City Councillor Michael McGonagle

CITY COUNCIL

MELINDA E. BARRETT
PRESIDENT
COLIN F. LePAGE
VICE PRESIDENT
JOSEPH J. BEVILACQUA
JOHN A. MICHITSON
THOMAS J. SULLIVAN
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CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

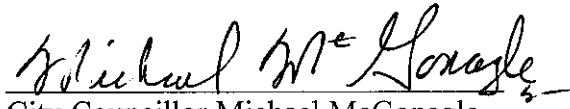
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June 12, 2020

TO: President and Members of the City Council:

Councillor Michael McGonagle requests to have the Traffic and Safety Committee review a request for a "no outlet" sign at the entrance of Booth Street.


City Councillor Michael McGonagle



DOCUMENT 8-D

CITY OF HAVERHILL

In Municipal Council June 2 2020

1611

ORDERED

MUNICIPAL ORDINANCE

CHAPTER 240

AN ORDINANCE RELATING TO VEHICLES AND TRAFFIC

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, be and is hereby further amended as follows:

That the "Central Business District Parking Map dated 08/17/11", as revised and amended, shall be further revised and amended by relocating two (2) handicap parking spaces from the easterly side of the entrance of the Merrimack Street Parking Lot to the two most easterly parking spaces abutting the entrance to the Herbert H. Goecke, Jr. Parking Deck, all as shown on the attached map.

Further, said map shall now reflect "as last revised on 06/02/2020," wherever said words and figures should appear in Chapter 240.

APPROVED AS TO LEGALITY

City Solicitor

PLACED ON FILE for at least 10 days

Attest:

City Clerk

16.1


**CITY OF HAVERHILL
MASSACHUSETTS
CITY SOLICITOR'S OFFICE**

145 South Main Street
Bradford, MA 01835
(978) 373-2360
FAX: 978/891-5424
EMAIL: billcoxlaw@aol.com

**WILLIAM D. COX, JR.
CITY SOLICITOR**

May 29, 2020

TO: Melinda E. Barrett, President and Members of the Haverhill City Council

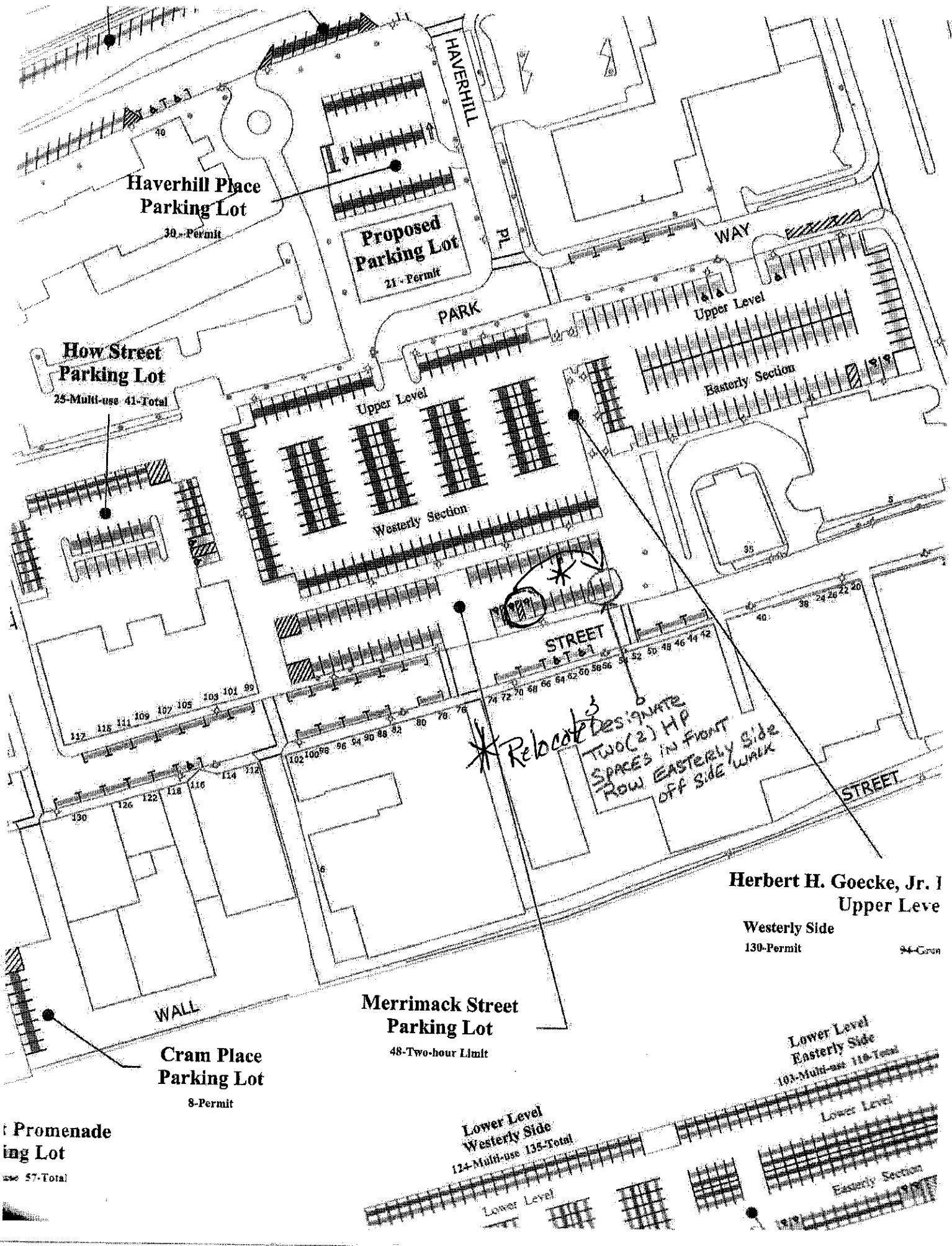
FROM: William D. Cox, Jr., Esq., City Solicitor 

RE: Ordinance - Handicap Parking Spaces in Merrimack Street Parking Lot

In anticipation of the opening of Barrio Restaurant at Harbor Place, two handicap parking spots need to be moved from the entrance to the Merrimack Street Parking Lot to the far easterly corner of the same row of parking spaces. Regulations require that these spaces be a certain distance from the restaurant and the relocation of these spaces will accomplish this and allow for their occupancy permit to be issued by the building inspector.

Should you have any questions or concerns, please do not hesitate to contact me.

cc: James J. Fiorentini, Mayor



Haverhill Place
Parking Lot

30-Permit

Proposed
Parking Lot

21-Permit

How Street
Parking Lot

25-Multi-use 41-Total

Upper Level

Westerly Section

Upper Level

Easterly Section

STREET

STREET

WALL

Merrimack Street
Parking Lot

48-Two-hour Limit

Cram Place
Parking Lot

8-Permit

Promenade
ing Lot

use 57-Total

Lower Level
Westerly Side

124-Multi-use 135-Total

Lower Level

Lower Level
Easterly Side

103-Multi-use 116-Total

Lower Level

Easterly Section

Herbert H. Goecke, Jr. I
Upper Level

Westerly Side

130-Permit

24-Cover

CITY COUNCIL

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CITY OF HAVERHILL HAVERHILL, MASSACHUSETTS 01830-5843

DOCUMENTS REFERRED TO COMMITTEE STUDY

38-W	Communication from Councillor Barrett requesting to give an update on response from MBTA/Keolis & US EPA about idling trains in Bradford	Citizen Outreach	4/5/16 1/31/17
10-B	Communication from President Michitson asking to request from Mayor status of facility improvements to public buildings and parks to comply with American w/ Disabilities Act (ADA)	Citizen Outreach	1/3/17 1/31/17, 8/15/17
10-U	Communication from President Michitson requesting discussion on next steps to provide comprehensive long range plan for Haverhill	Citizen Outreach	1/31/17 8/15/17, 4/23/18
38-D	Communication from Councillors Sullivan and Barrett requesting an update on City's emergency management plan and status of working generators in all public building in City	Public Safety	3/20/18 1/23/19
38-I	Communication from Councillor Macek to refer City's Ch. 255 – Zoning, Article XVIII, Solar Energy Systems, Sec. 255-185 thru 255-194 to Administration & Finance Committee	A & F	3/12/19 4/3/19, 8/5/19
13-Y	Communication from Councillor LePage to discuss accounting of revenue funds received from Licensed Marijuana establishments & their allocation to mitigate costs and impacts to city	A & F	3/12/19 8/5/19
79-F	Communication from Councillor Sullivan requesting to introduce Kathleen Fitts, Gale Park Assoc. to request the city replace the Gale Park Fountain in fiscal year 20	NRPP	6/25/19
79-T	Communication from Councillors Sullivan and Barrett re: discussion with VINFEN & Haverhill Police Dept. regarding incident in neighborhood of 20 Westland Ter. group home on 7/5 and steps being taken to better supervise residents and reduce police calls to residence	Public Safety	7/23/19
89-D	Communication from Councillors LePage, Michitson, Jordan requesting discussion on reducing exposure of persons under 21 yrs. of age to outdoor advertising (billboards) of marijuana products and zoning regulations pertaining to smoke and/or vapor stores in Haverhill	A & F	7/23/19 8/6/19
89-K	Communication from Councillor Macek requesting open discussion relative to the process for Establishing a Charter Commission to review the current City of Haverhill Charter	Citizen Outreach A & F	8/6/19
89-U	Communication from Councillor LePage re: applying for Community Compact Best Practices Program grant for benefit of city and its residents	Citizen Outreach A & F	9/17/19
89-V	Communication from Councillor McGonagle requesting a discussion about school bus safety	Public Safety	9/17/19
11	Communication from Councilor Jordan requesting to introduce Steve Costa of Citizens for Haverhill Fire to discuss Mayor's CIP and occupational cancer	Public Safety	1/7/20
11-S	Communication from Councillor Sullivan requesting a discussion regarding a property owner's request to lease or purchase City land abutting their property at 256 Whittier Rd.	NRPP	2/4/20
34-P	Communication from Councillor Sullivan requesting a discussion regarding the disposal of cremated remains on public property	NRPP	3/17/20

DOCUMENTS REFERRED TO COMMITTEE STUDY

- | | | | |
|-------|---|-------|---------|
| 34- O | Communication from Councillor McGonagle requesting to introduce Donald Jarvis to discuss tax reduction for veterans | A & F | 4/7/20 |
| 58-M | Communication from Councillors LePage and Daly O'Brien re: the possible use of Hale Hospital Trust Funds for ongoing City health care programs and issues | A & F | 4/21/20 |

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LONG TERM MATTERS STUDY LIST

- 38-F Communication from Councillors Barrett and LePage requesting to discuss double poles in the City
A & F 3/15/16, 9/6/16, 11/3/16, 1/17/17, 5/11/17, 10/24/17, 3/6/19
- 26E City of Haverhill – Mayor’s Recommendations, Capital Improvement Program – 2016-2020
A & F 5/31/16, 11/3/16, 5/11/2017, 7/25/17, 2/15/18, 3/6/19, 4/17/19
- 82 Ordinance re: Vehicles & Traffic – Amend Ch. 240-108, Article XVI, Central Business District Parking
– Fees, Rate and Terms
A & F 7/10/18
- 82-B Ordinance re: Vehicles & Traffic – Amend Ch. 240-108, Article XVI, Central Business District Parking
- Chart
A & F 7/10/18
- 93-L Communication from President Michitson requesting to introduce Dave Labrode to discuss street tree
plantings
NRPP 8/7/18, 2/28/19, 2/27/20
- 38-J Communication from Councillor Macek requesting a discussion about reserve parking spaces at City
Hall designated for Registry of Motor Vehicles
NRPP 3/19/19, 2/27/20