



**CITY OF HAVERHILL
CITY COUNCIL AGENDA**

April 9, 2024 at 7:00 PM

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

In-Person/Remote Meeting

This meeting of Haverhill City Council will be held in-person at the location provided on this notice as its official meeting location pursuant to the Open Meeting Law. As the meeting is held in person at a physical location that is open and accessible to the public, the City Council is not required to provide remote access to the meeting. Members of the public are welcome to attend this in-person meeting. Please note that a live stream of the meeting is being provided only as a courtesy to the public, and the meeting will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. Those attending tonight's meeting should be aware that the meeting is being audio and video recorded by HCTV, The Eagle Tribune, and WHAV. Any audience members who wish to record any part of the meeting must inform the Council President who will announce the recording. This is to comply with the MA wiretap statute. Thank you.

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. Mayor Barrett submits Order submitted by the Haverhill School Department regarding Tilton Elementary School
Related communication from Michael Pfifferling, Assistant Superintendent of Finance and Operations

5.1.1. Order – authorization to submit a Statement of Interest (SOI) to the MSBA regarding the Tilton School Elementary Project

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



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7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

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

10. HEARINGS AND RELATED ORDERS:

11. APPOINTMENTS:

11.1. Confirming Appointments:

11.2. Non-Confirming

11.2.1. Conservation Commission - expires 12/31/2026

Fred Clark- *reappointment* 65 Farrwood dr “ “ “

Harmony Wilson-*reappointment*, 1282 Broadway

expires 12/31/2025

Jennifer Rubera – *reappointment* 25 Gale av “ “

Evan Barman, 110 Cogswell st *expires 12/31/2024*

Lisa DeMeo, 15 Lakewood ter “ “

Lisa Marzilli, Conservation Partner, 1153 West Lowell av

expires 12/31/2026

Christine Kwitchoff, Conservation Partner, 14 Colby ln

expires 12/31/2026

*Related communication from Rob Moore,
Environmental Health Technician*

11.3. Constables to expire December 31, 2024

11.4. Resignations:

Conservation Commission

11.4.1. Phillip LaCroix

11.4.2. Neil Frasca

12. PETITIONS:

12.1. **Applications Handicap Parking Sign: with Police approval**



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12.2. Amusement/Event Application - *with Police approval*

12.2.1. James Carbone for *CiderFeast New England* to be held at Harbor Place, outdoors in the courtyard and boardwalk on June 20th from 5 pm to 8:30 pm

12.2.2. Devon Allen for *Vintage Bazaar New England* to be held at Kimball Farm, 725 East Broadway, June 22nd from 8:30 am to 4:00 pm

12.2.3. SPM 24-1, hearing request from Attorney Connor McIsaac for applicant Locke Street Owner LLC – 40 Locke st (f/k/a) Haverhill Mills requesting an amendment to the Plan Approval to reduce the total amount of required parking spaces from 394 spaces to 321 parking spaces by eliminating the parking spaces off site
Hearing April 23 2024

12.2.4. CCSP 24-4, hearing request for Flexible Development from Attorney Migliori for applicant JR Builders, Inc to develop 50 acres of land at O Broadway off Emma Rose Circle, to create 26 new residential single-family homes located on approximately 20 acres of land and provide dedicated open space on the remaining 30 acres deeded to the City of Haverhill

Hearing May 7 2024

12.3. Auctioneer License:

12.4. Tag Days: *with Police approval*

12.4.1. *HHS Boys Volleyball Boosters, May 4 & 5*

12.5. One Day Liquor License – *with License Commission & Police approval*

12.6. ANNUAL LICENSE RENEWALS:

12.6.1. **Hawker Peddlers License- Fixed location** – *w/Police approval*

12.6.2. **Coin-Op License Renewals** – *with Police approval*

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

12.6.4. **Taxi Driver Licenses for 2023:** *with Police approval*



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- 12.6.5. **Taxi/Limousine License** *with Police approval:*
- 12.6.6. **Junk Dealer /Collector License** *with Police approval*
- 12.6.7. **Sunday Pool**
- 12.6.8. **Bowling**
- 12.6.9. **Sunday Bowling**
- 12.6.10. **Buy & Sell Second Hand Articles** *with Police approval*
- 12.6.11. **Buy & Sell Second Hand Clothing**
- 12.6.12. **Pawnbroker license** - *with police approval*
- 12.6.13. **Fortune Teller** *with - Police approval*
- 12.6.14. **Buy & Sell Old Gold** – *with Police approval*
- 12.6.15. **Roller Skating Rink**
- 12.6.16. **Sunday Skating**
- 12.6.17. **Exterior Vending Machines/Redbox Automated
Retail, LLC**
- 12.6.18. **Limousine/Livery License/Chair Cars** *with Police
approval*

13.MOTIONS AND ORDERS:

14.ORDINANCES (FILE 10 DAYS)

15.COMMUNICATIONS FROM COUNCILLORS:

- 15.1. Councillor Lewandowski requests a discussion to establish a bikeshare program in our downtown
- 15.2. Councillors Michitson, LePage and Vice President Jordan request to address the MA Municipal Association's Fiscal 2025 Budget Local Aid recommendations for consideration and to endorse the Haverhill School Committee resolution on Chapter 70 funding
- 15.3. Councillor Michitson requests to address Massachusetts State controversy on whether or not remote access to open meetings shall remain permanent



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16. UNFINISHED BUISINESS OF PRECEEDING MEETING:

**16.1.1. Non-Confirming appts: Conservation Commission
Documents 5-D to 5-J**

Lisa Marzilli, 1153 West Lowell av expires 12/31/2026
Christine Kwitchoff, 14 Colby ln " "
Fred Clark- *reappointment* 65 Farrwood dr " "
Evan Barman, 110 Cogswell st expires 12/31/2024
Lisa DeMeo, 15 Lakewood ter " "
Harmony Wilson-reappointment, 1282 Broadway expires 12/31/2025
Jennifer Rubera – *reappointment* 25 Gale av " "

Continued from April 2 2024 (see new appointments)

17.RESOLUTIONS AND PROCLAMATIONS:

18.COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

19.DOCUMENTS REFERRED TO COMMITTEE STUDY

20.LONG TERM MATTERS STUDY LIST

21.ADJOURN :

MELINDA E. BARRETT
MAYOR



**CITY OF HAVERHILL
MASSACHUSETTS**

5.1
CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CITYOFHAVERHILL.COM

April 4, 2024

City Council President Thomas J. Sullivan and Members of the Haverhill City Council

**RE: Order - Authorization to Submit a Statement of Interest (SOI) to the MSBA
regarding the Tilton Elementary School Project**

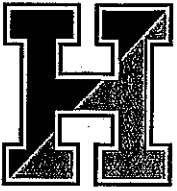
Dear Mr. President and Members of the Haverhill City Council:

Please see attached order, submitted by the Haverhill School Department, giving authorization to submit a Statement of Interest (SOI) to the MSBA regarding the Tilton Elementary School Project. I recommend approval.

Thank you,

Melinda E. Barrett
Mayor

MEB/em



Haverhill Public Schools

Finance & Operations

April 4, 2024

Dear Mayor Barrett and Chief of Staff Lindberg,

Attached is the Massachusetts School Building Authority Statement of Interest submission for the Tilton School which the school department has completed.

Within our discussions with the MSBA around a potential future JG Whittier building project, the MSBA asked us to also submit an SOI for the Tilton School during the 2024 MSBA submission period. This submission does not necessarily mean a future JGW school would include a merge with the Tilton School, what it does is allow the MSBA and City the opportunity to consider that option when we are going through the feasibility study phase. Without this SOI submission, we would not be able to have that as one of the many options. In addition, by submitting this SOI, the MSBA is not committing to including the Tilton as part of the JGW project - it simply adds more options in the feasibility stage.

The School Committee will be asked to vote on this item at a recently posted April 8, 2024 public meeting and we are asking that you move this forward with your support to the City Council for their required vote at the April 9, 2024 public meeting. The submission deadline is April 12, 2024 so this is the last scheduled opportunity for City Council to vote on this prior to the submission date.

I am attaching the back-up documentation as well as the required vote language to be included in the City Council Packet.

Please do not hesitate to contact me with any questions or concerns.

Respectfully,

Michael Pfifferling
Assistant Superintendent of Finance and Operations

Massachusetts School Building Authority

Next Steps to Finalize Submission of your 2024 Statement of Interest("SOI")

Thank you for submitting a 2024 SOI to the Massachusetts School Building Authority (the "MSBA") electronically. **Please note, the District's submission is not yet complete if the District selected Statutory Priority 1 or Statutory Priority 3.** If either of these priorities were selected, the District must post-mark and submit to the MSBA by the Core Program SOI filing period closure date the required supporting documentation to the MSBA, which is described below.

ADDITIONAL DOCUMENTATION REQUIRED FOR SOI STATUTORY PRIORITIES 1 AND 3 IN ORDER TO BE CONSIDERED COMPLETE:

- If the District selects Statutory Priority 1: Replacement or renovation of a building, which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of the school children, where no alternative exists, the MSBA requires a hard copy of the engineering (or other) report detailing the nature and severity of the problem and a written professional opinion of how imminent the system failure is likely to manifest itself. The district also must submit photographs of the problematic building area or system to the MSBA. The SOI will not be considered complete unless this information is provided.
- If the District selects Statutory Priority 3: Prevention of a loss of accreditation, the SOI will not be considered complete unless a summary of the accreditation report focused on the deficiencies as stated in this SOI are provided.

ADDITIONAL INFORMATION: In addition to the information required above, the District may also provide reports, pictures, or other information they feel will give the MSBA a better understanding of the issues identified at a facility. The additional documentation must also be post-marked and submitted to the MSBA by the Core Program SOI filing period closure date.

If you have any questions about the SOI process please contact the MSBA at 617-720-4466 or SOI@massschoolbuildings.org.

Massachusetts School Building Authority

School District Haverhill

District Contact Michael J Pfifferling Title: Assistant Supt. Finance & Operations TEL: (978) 420-1977

Name of School Tilton

School Address 70 Grove Street, Haverhill, MA - 01832

Submission Date 4/4/2024

Statement of Interest ("SOI") CERTIFICATION

To be eligible to submit an SOI, a district must certify the following:

- ☒ The district hereby acknowledges and agrees that this SOI is NOT an application for funding and that submission of this SOI in no way commits the MSBA to accept an application, approve an application, provide a grant or any other type of funding, or places any other obligation on the MSBA.
- ☒ The district hereby acknowledges that no district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c. 70B or the provisions of 963 CMR 2.00.
- ☒ The district hereby acknowledges that the provisions of 963 CMR 2.00 shall apply to the district and all projects for which the district is seeking and/or receiving funds for any portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c. 70B.
- ☒ The district hereby acknowledges that this SOI is for one existing public school in the district that is currently used or will be used to educate public school students in grades Pre-K through 12 as reported to the Department of Elementary and Secondary Education (the "DESE") and that the school for which the SOI is being submitted does not solely serve the district's Pre-K student population.
- ☒ Prior to the submission of the SOI, the district will schedule and hold a meeting at which the School Committee will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is required for cities, towns, and regional school districts.
- ☒ Prior to the submission of the SOI, the district will schedule and hold a meeting at which the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is not required for regional school districts.
- ☒ The district hereby acknowledges that current vote documentation is required for all SOI submissions. The district will use the MSBA's vote template and the required votes will specifically reference the school name and the Statutory Priorities for which the SOI is being submitted.
- ☒ The district hereby acknowledges that it must upload all required vote documentation on the "Vote" tab, in the format required by the MSBA. All votes must be certified or signed and on city, town or district letterhead.
- ☒ The district hereby acknowledges that this SOI submission will not be complete until the MSBA has received all required supporting documentation for Statutory Priority 1 and/or Statutory Priority 3, if either is selected. If Statutory Priority 1 is selected, the district's SOI will not be considered complete unless and until the district provides the required engineering (or other) report, a professional opinion regarding the problem, and photographs of the problematic area or system. If Statutory Priority 3 is selected, the district's SOI will not be considered complete unless and until the district provides a summary of the accreditation report focused on the deficiencies as stated in this SOI. The documentation noted above must be post-marked and submitted to the MSBA by the Core Program SOI filing period closure date.

**LOCAL CHIEF EXECUTIVE OFFICER/DISTRICT SUPERINTENDENT/SCHOOL COMMITTEE CHAIR
(E.g., Mayor, Town Manager, Board of Selectmen)**

Chief Executive Officer *	School Committee Chair	Superintendent of Schools
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_____	_____	_____
(signature)	(signature)	(signature)
_____	_____	_____
Date	Date	Date

* Local Chief Executive Officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.

Massachusetts School Building Authority

School District Haverhill

District Contact Michael J Pfifferling Title: Assistant Supt. Finance & Operations TEL: (978) 420-1977

Name of School Tilton

School Address 70 Grove Street, Haverhill, MA - 01832

Submission Date 4/4/2024

Note

SOI Program: Core

Potential Project Scope: Potential New School

Is this a Potential Consolidation? Yes

If "yes", please describe the potential consolidation and/or grade reconfiguration that is anticipated as a result of this SOI submission; please be specific by including the other school name(s) and grade levels that may be impacted.

Potential consolidation with JG Whittier Middle School Project

The following summary of the Statutory Priorities as set forth in M.G.L. c. 70B, § 8 have been included in the Statement of Interest (for the Core Program, select as many as are applicable):

1. ☐ Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.
2. ☐ Elimination of existing severe overcrowding.
3. ☐ Prevention of the loss of accreditation.
4. ☐ Prevention of severe overcrowding expected to result from increased enrollment.
5. ☒ Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
6. ☐ Short term enrollment growth.
7. ☒ Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.
8. ☐ Transition from court-ordered and approved racial balance school districts to walk-to, so-called, or other school districts.

SOI Vote Requirement

☒ I acknowledge that I have reviewed the MSBA's vote requirements for submitting an SOI, which are set forth in the Vote Tab of this SOI. I understand that the MSBA requires votes from specific governing bodies, in a format **using the language provided by the MSBA**. Further, I understand that the MSBA requires certified and signed vote documentation to be submitted with the SOI. I acknowledge that my SOI will not be considered complete and, therefore, will not be reviewed by the MSBA unless the required accompanying vote documentation is submitted in a form that is acceptable to the MSBA. All SOI vote documentation must be uploaded on the Vote Tab.

Each district must prioritize one Core Program Statement of Interest from all of the Statements of Interest that the district has submitted or prepopulated, including any SOIs that may be in the MSBA's capital pipeline. At no time shall a district have more than one prioritized SOI on file with the MSBA.

Is this SOI the District Priority SOI? Yes

School name of the District Priority SOI: Tilton

Is this part of a larger Master Facilities Plan and/or Educational Plan within the past five years that includes facility goals for this building and all school buildings in the District? No

If "YES", please provide the following:

Facilities Plan Date:

Planning Firm:

Please provide a brief summary of the plan(s) including its goals and how the school facility that is the subject of this SOI fits into that plan:

Provide, if applicable, the most recent budget approval process that resulted in an operating budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities). Please provide a description of the program modifications as a consequence of these teacher and/or staff reductions, including the impact on district class sizes and curriculum. If no recent teacher layoffs and/or staff reductions have occurred, please enter "Does Not Apply".

Does Not Apply

Please provide a description of the local actions and approvals needed to secure both funding for a feasibility study and project funding for a potential building project with the MSBA. Please include schedule information for both funding actions(i.e. Town Meeting, City Council/Town Council meetings, Regional School Committee Meetings).

The Haverhill School Committee is the first approval needed for all building projects. Once approved by the School Committee, it is moved on for City Council approval. The City Council of Haverhill is responsible for approving all funding for capital projects in the city. The Mayor initiates this process by presenting an order to the City Council for approval. If the project required a debt exclusion, it would be presented to the registered voters as a ballot question.

General Description

BRIEF BUILDING HISTORY: Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations including modular units (maximum of 5000 characters).

Original building constructed in 1890. The building received two major additions one in 1924 and one in 1926.

TOTAL BUILDING SQUARE FOOTAGE: Please provide the original building square footage PLUS the square footage of any additions (field one below) and/or modular units (field two below).

Original Building Plus Additions Square Footage 68475
Modular Units Square Footage

SITE DESCRIPTION: Please provide a detailed description of the current site, including confirming the address of the school, who has ownership, control, and use of the site, and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school and/or if there are multiple schools housed within the same building. What is the use(s) of this building(s)? (maximum of 5000 characters).

The Tilton School is located at 70 Grove Street in Haverhill MA. The building and land are owned by the City of Haverhill under the control of the School Department. The school services Haverhill students in grades Kindergarten through 4. Topography is typically flat and there are no known issues that would impact a project at this site.

BUILDING ENVELOPE: Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

The Tilton School is a brick building with a slate roof. The building is based on a relatively flat lot of land with ample parking across the street. The building currently has limited electrical supply and requires an electrical service update. The building is 3 stories with the upper 2 floors utilized for academic classrooms, health services and offices. The lower level consists of an outdated cafeteria, encore classrooms and mechanical rooms.

Has there been a Major Repair or Replacement of the EXTERIOR WALLS? NO

Year of Last Major Repair or Replacement:(YYYY)

Description of Last Major Repair or Replacement:

Total Roof Square Footage 22825

Roof Section A

Is the District seeking replacement of the Roof Section? NO

Area of Section (square feet)

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))

Age of Section (number of years since the Roof was installed or replaced)

Description of repairs, if applicable, in the last three years. Include year of repair:

Total Window Count 317

Window Section A

Is the District seeking replacement of the Windows Section? NO

Windows in Section (count)

Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))

Age of Section (number of years since the Windows were installed or replaced)

Description of repairs, if applicable, in the last three years. Include year of repair:

MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).

Both existing boilers were replaced in 2005. There is no HVAC system other than the boilers. The Electrical Panel was upgraded in 1985, but requires an additional upgrade at this time.

Total Building Boilers 2

Boiler Section Boiler 1

Is the District seeking replacement of the Boiler? NO

Is there more than one boiler room in the Building?

What percentage of the Building is heated by the Boiler?

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)

Age of Boiler (number of years since the Boiler was installed or replaced)

Description of repairs, if applicable, in the last three years. Include year of repair:

Has there been a Major Repair or Replacement of the HVAC SYSTEM? NO

Year of Last Major Repair or Replacement:(YYYY)

Description of Last Major Repair or Replacement:

Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM? NO

Year of Last Major Repair or Replacement:(YYYY)

Description of Last Major Repair or Replacement:

BUILDING INTERIOR: Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).

Hardwood floors in original building, terrazo floors in additions plaster walls and ceilings, T8 flourescent lighting

SPACES AND PROGRAMS: Please provide a description of the number and sizes (in square feet) of all spaces. Please also provide the current grade structure and programs offered. If a vocational or comprehensive high school offering Chapter 74 Programs and/or Career Technical Education, please include the number of programs currently offered (maximum of 5000 characters).

Building currently services students from grades kindergarten through grade 4. General and English language learner programs are offered; special educations programs which do not require handicap accessibility are also offered.

TOTAL SCHOOL STUDENT ENROLLMENT: Please provide the current student enrollment at the school as of the SOI filing. 456

CURRENT GRADES SERVED AT SOI FACILITY: K,1,2,3,4

SCHOOL TYPE: Comprehensive

CAPACITY and UTILIZATION: Please provide the original design capacity and a detailed description of the current capacity and utilization of the school facility. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).

Present capacity is 428 students. Building enrollment is at 456 or 106.5% capacity. With the exception of a couple of Special Education and EL offices, the building has not had space converted from its intended use.

Is there overcrowding at the school facility? NO

If "YES", please describe in detail, including specific examples of the overcrowding and describe steps taken by the administration to address capacity issues.

Please provide the current student to teacher ratios at the school facility that is the subject of this SOI (# students per teacher) 11

Please indicate if the ratio is a goal, practice or a class size policy adopted by the School Committee

The classroom ratio of general education classrooms at Tilton School is currently 22:1. With Special Education, EL, Interventionists and Encore Teachers, the ratio is 11:1. The district expectations are no more than 21 students per teacher for Kindergarten through Grade 3 and no more than 23 students per teacher for Grade 4. These guidelines are utilized when building the budget, but are not always able to be adhered to based on enrollment changes throughout the summer and school year.

Please provide the originally planned student to teacher ratios at the school facility that is the subject of this SOI (# students per teacher) 23

MAINTENANCE and CAPITAL REPAIR: Please provide a detailed description of the district's current maintenance practices within the past five years, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOI. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).

The district utilizes a web based work order system. Custodians generate work orders and work is performed by district maintenance staff. this building received new exterior windows in 1989 as part of a capital repair project.

Priority 5

Question 1: Please provide a detailed description of the issues surrounding the school facility systems (e.g., roof, windows, boilers, HVAC system, and/or electrical service and distribution system) that you are indicating require repair or replacement. Please describe all deficiencies to all systems in sufficient detail to explain the problem.

If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.

The roof, windows and boiler are all currently in acceptable condition. While there is heat in the building, the ventilation system is a gravity system and is based on atmospheric conditions. Aside from a few windows AC units, there is not widespread air conditioning within the building, specifically the classrooms. The electrical system needs a new service in order to accommodate any additional HVAC or Window AC Units. While the boilers are functioning acceptably, the classrooms have steam radiators that do not bring in any fresh outside air. In addition, the steam radiators often get hot to the touch and are a safety concern for students and staff. Balancing the heat in this building is often difficult and results in warmer or cooler spaces within the building based on location to the exterior and from the boiler systems.

Priority 5

Question 2: Please describe the measures the district has already taken to mitigate the problem/issues described in Question 1 above.

If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.

The district is currently working with National Grid to upgrade our electrical system. We are also working to bring new wiring to each classroom in order to accommodate additional classroom window AC units. The district consistently works with the maintenance department and contractors to balance the heating systems. The district is currently working with a contractor to cover the radiators in many of our classrooms.

Priority 5

Question 3: Please provide a detailed explanation of the impact of the problem/issues described in Question 1 above on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.

Balancing the heat and lack of AC in the building is our largest challenge in relationship to this priority. Classrooms which are too warm or too cool creates learning environments which are not ideal for students or staff. Often, classrooms need to be relocated to available spaces within the building when temperatures are extremely high or extremely low.

Priority 5

Question 4: Please describe how addressing the school facility systems you identified in Question 1 above will extend the useful life of the facility and how it will improve your district's educational program.

If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.

Having a new or fully renovated building would ensure that our students receive the same equitable environment as students attending school in our other district school buildings.

If not located elsewhere in this SOI, please also provide the following information:

Have the systems identified above been examined by an engineer or other trained building professional?:

NO

If "YES", please provide the name of the individual and his/her professional affiliation (maximum of 250 characters):

The date of the inspection:

A summary of the findings (maximum of 5000 characters):

Priority 7

Question 1: Please provide a detailed description of the programs not currently available or in substandard spaces due to facility constraints, the state or local requirement for such programs, and the facility limitations precluding the programs from being offered.

If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.

The Tilton School is not able to offer certain special education services to students who have mobility issues as there is no elevator or lifts within building. The only ground entrance is through the lower level (basement level) which has no access to the majority of the classroom spaces on the 1st and 2nd floors. The cafeteria is not large enough to accommodate efficient breakfast and lunch service. Due to the space limitations of the cafeteria, lunch service starts as early as 10:30 and runs through as late as 1:30 each day to ensure every student has access to nutritional meals within our limited facility. The school gymnasium is not typical size for an elementary school and does not allow the district to offer Tilton students the same physical education curriculum as other K-4 students in the district. The Tilton does not have a single space large enough to hold a grade level assembly.

Priority 7

Question 2: Please describe the measures the district has taken or is planning to take in the immediate future to mitigate the problem(s) described above.

If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.

The district continues to enroll Special Education Students whose home district is Tilton to other schools in the district which are able to meet their mobility issues. The Tilton school opens their cafeteria earlier in the morning to allow all students to have access to breakfast. The students are also allowed to eat their breakfast in the classroom if cafeteria space is not sufficient. Lunch periods start earlier and later than ideal and often students report they have to wait too late in the day to eat lunch or if they have the early service, are not hungry at that time, or again hungry later in the day.

Assemblies are typically held outside in the play area - weather permitting or are held in smaller groups within the limited cafeteria or gymnasium space.

Priority 7

Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.

Students should be able to attend their local community-based school for all educational needs and should not have to be transported across the city to another school in order to receive these services. The Tilton School is located in one of the most depressed sections of Haverhill and as such, parents cannot always get transportation to attend meetings and events at their child's school if they are placed outside of their home district due to Special Education service offerings.

For evening activities, we need to host different grade levels on different evenings or move events to other schools in the district. For example, many evening family events need to be held at Consentino School in order to accommodate the entire student / family population.

CERTIFICATIONS

The undersigned hereby certifies that, to the best of his/her knowledge, information and belief, the statements and information contained in this statement of Interest and submitted hereto are true and accurate and that this Statement of Interest has been prepared under the direction of the district school committee and the undersigned is duly authorized to submit this Statement of Interest to the Massachusetts School Building Authority. The undersigned also hereby acknowledges and agrees to provide the Massachusetts School Building Authority, upon request by the Authority, any additional information relating to this Statement of Interest that may be required by the Authority.

Chief Executive Officer * **School Committee Chair** **Superintendent of Schools**

(signature)	(signature)	(signature)
Date	Date	Date

* Local Chief Executive Officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.



Document

CITY OF HAVERHILL

In Municipal Council

Ordered:

HAU CITY CLERK APR 5/24 AM 8:43

Resolved: Having convened in an open meeting on April 9, 2024, prior to the SOI submission closing date, the City Council of Haverhill, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 4, 2024 for the Tilton Elementary School located at 70 Grove Street, Haverhill Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority 5 Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility; and Priority 7 Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Haverhill to filing an application for funding with the Massachusetts School Building Authority.



JAMES J. FIORENTINI
MAYOR

**CITY OF HAVERHILL
MASSACHUSETTS**

new

11.2.1

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

HAU CITY CLERK APR 5/24 AM 8:45

April 4, 2024

City Council President Thomas J. Sullivan & Members of the City Council

HAU CITY CLERK APR 5/24 AM 8:45

RE: - Conservation Commission Reappointment-Fred Clark

Dear Mr. President and Members of the City Council:

Please be advised that I hereby reappoint Fred Clark, 65 Farrwood Drive, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2026.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician



JAMES J. FIORENTINI
MAYOR

**CITY OF HAVERHILL
MASSACHUSETTS**

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HAU CITY CLERK APR 5/24 AM 8:46

April 4, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Reappointment-Harmony Wilson

Dear Mr. President and Members of the City Council:

Please be advised that I hereby reappoint Harmony Wilson, 1282 Broadway, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2025.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician



MELINDA E. BARRETT
MAYOR

**CITY OF HAVERHILL
MASSACHUSETTS**

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HAU CITY CLERK APR 5'24 AM 8:46

April 4, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Reappointment-Jennifer Rubera

Dear Mr. President and Members of the City Council:

Please be advised that I hereby reappoint Jennifer Rubera, 25 Gale Avenue, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2025.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician



MELINDA E BARRETT
MAYOR

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MASSACHUSETTS**

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HAU CITY CLERK APR 5'24 AM 8:46

April 4, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Appointment-Evan Barman

Dear Mr. President and Members of the City Council:

Please be advised that I hereby appoint Evan Barman, 110 Cogswell Street, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2024.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician



JAMES J. FIORENTINI
MAYOR

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MASSACHUSETTS**

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HAV CITY CLERK APR 5'24 AM 8:48

April 4, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Appointment-Lisa DeMeo

Dear Mr. President and Members of the City Council:

Please be advised that I hereby appoint Lisa DeMeo, 15 Lakewood Terrace, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2024.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician



JAMES J. FIORENTINI
MAYOR

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MASSACHUSETTS**

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HAU CITY CLRK APR 5'24 AM 8:46

April 4, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Partner-Lisa Marzilli

Dear Mr. President and Members of the City Council:

Please be advised that I hereby appoint Lisa Marzilli, 1153 West Lowell Avenue, Haverhill, MA as Conservation Partner.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2026.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician



MELINDA E. BARRETT
MAYOR

**CITY OF HAVERHILL
MASSACHUSETTS**

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HAU CITY CLERK APR 5/24 AM 8:46

April 4, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Partner-Christine Kwitchoff

Dear Mr. President and Members of the City Council:

Please be advised that I hereby appoint Christine Kwitchoff, 14 Colby Lane, Haverhill, MA as Conservation Partner.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2026.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician



Related Communication
Haverhill

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

MEMO TO: Mayor Melinda E. Barrett

FROM: Robert E. Moore, Jr., Environmental Health Technician *REM*

HAVERHILL CITY CLERK APR 5/24 AM 8:44

DATE: April 1, 2024

RE: City Council Agenda Item #11.2.1., April 2, 2024

Please find a clarification of the upcoming Conservation Department appointments, below.

Under item #11.2.1., we are seeking the reappointment of the following Commissioners:

Fred Clark, 65 Farrwood Drive, expires 12/31/2026
Harmony Wilson, 1282 Broadway, expires 12/31/2025
Jennifer Rubera, 25 Gale Avenue, expires 12/31/2025

We are also appointing the following new Commissioners:

Evan Barman, 110 Cogswell Street, expires 12/31/2024
Lisa DeMeo, 15 Lakewood Terrace, expires 12/31/2024

We are also appointing the following volunteers to the newly created positions of Conservation Partners. This might be better reflected as a new item - #11.2.2.

Lisa Marzilli, 1153 West Lowell Avenue, expires 12/31/2026
Christine Kwitchoff, 14 Colby Lane, expires 12/31/2026

Lastly, the City will accept the resignations of the following Conservation Commissioners under item #11.4:

Phillip LaCroix, 20 years of service
Neil Frasca, 4 years of service

I have attached an email confirmation from Mr. Frasca. During the Conservation Commission's March 28th meeting, it was noted that the meeting would be Mr. LaCroix's last in serving on the Commission. We thank them both for their volunteer commitments to the City of Haverhill.

MELINDA E BARRETT
MAYOR



**CITY OF HAVERHILL
MASSACHUSETTS**

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HAU CITY CLERK APR 5/24 AM 8:47

11.4.1

April 5, 2024

City Council President Thomas J. Sullivan and Members of the Haverhill City Council

RE: Conservation Commission Resignation

Dear Mr. President and Members of the Haverhill City Council:

Please be advised Phillip LaCroix has resigned from the Conservation Commission.

Thank you,

Melinda E. Barrett, Mayor

meb/em

Cc: Rob Moore

MELINDA E BARRETT
MAYOR



**CITY OF HAVERHILL
MASSACHUSETTS**

11.4.2
CITY HALL, ROOM 100
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HAU CITY CLERK APR 5/24 AM 8:47

April 4, 2024

City Council President Thomas J. Sullivan and Members of the Haverhill City Council

RE: Conservation Commission Resignation

Dear Mr. President and Members of the Haverhill City Council:

I want to inform you that Neil Frasca has resigned from the Conservation Commission. His letter of resignation is attached for your review.

Thank you,

Melinda E. Barrett, Mayor

meb/em

Cc: Rob Moore

City of Haverhill Conservation Commission Resignation

Frasca, Neil <NFrasca@trccompanies.com>

Mon 4/1/2024 1:50 PM

To: Rob Moore <rmoore@cityofhaverhill.com>

Hi Rob,

Just wanted to send you an email confirming my resignation from the Haverhill Conservation Commission. I appreciate the opportunity assisting the city on matters before the conservation commission and the city asking me to provide my input.

Thank you

Neil

Neil Frasca, PG
Senior Project Manager



650 Suffolk Street, Wannalancit Mills, Lowell, MA 01854

M 978.973.5167 | nfrasca@trccompanies.com

[LinkedIn](#) | [Twitter](#) | [Blog](#) | TRCcompanies.com



City of Haverhill, MA

4/2/2024

12.2.1

EVNT-24-3**Event Permit**

Status: Active

Submitted On: 3/14/2024

Primary Location

2 MERRIMACK ST Unit

Boardwalk

Haverhill, MA 01830

Owner

Harbor Place

Merrimack St 44 Haverhill,

MA 01830

Applicant

JAMES CARBONE

917-386-8357

jimmypotsandpans@gmail.com

29 Rutherford ave

Haverhill, MA 01830

HAV CITY CLERK APR 02 2024 4:50

APR 2 4:50
HAV CITY CLERK**Organization Information****Organization***CiderFeast New England/James
Carbone**Organization Phone***

9173868357

Organization Address*

Washington Square #1866

Organization City*

Haverhill

Organization State*

MA

Organization Zip*

01831

Is the Organization Tax Exempt?*

No

Is the Organization Non-Profit?*

No

Is the Organization a House of Worship?*

No

Contact Information

Contact Name*

James Carbone

Contact Title*

event producer

Contact Phone*

917 386 8357

Contact Email*

jimmypotsandpans@gmail.com

Contact Address*

Washington Square #1866

Contact City*

Haverhill

Contact State*

MA

Contact Zip*

01831

Property Owner Information

Property Owner Name*

Harbor Place

Property Owner Phone*

6177190893

Property Owner Address*

44 Merrimack St owner

Property Owner City*

Haverhill

Property Owner State*

MA

Property Owner Zip*

01830

Is the Applicant the Property Owner? ⓘ

No

Event Information

Description of event* ⓘ

hard cider tasting event with food

Type of Event*

Festival

Event Date*

06/20/2024

Event Location*

Harbor Place courtyard and boardwalk

is the Event on Bradford Common?* ⓘ

No

Is the Event on City Property?*

Yes

Event Venue*

Outdoor

Number of Anticipated Attendees*

150

Are You Requesting Additional Fees Be Waived?
(APPLICATION FEE IS NOT WAIVABLE)*

No

Event Start Time*

5:00pm

Event End Time*

8:30pm

Will Food Be Served/Sold at the Event?*

Yes

IF YES TO FOOD, By What Means?*

Caterer

IF YES To FOOD, How Will it be Cooked?*

Prepared Off-site

Any Helpful Comments about Food

La Pizza di Forno will be the caterer, leading food service and prep, same as last year's event

Special Considerations (i.e. fireworks)* ?

N/A

Parking Information

Number of Parking Spaces Onsite*

0

Have Off-site Parking Arrangements Been Made?*

Yes

IF YES, Please Provide Details of Offsite Arrangements*

waiting on parking deck situation, will work with available parking downtown as well as the MBTA commuter parking garage to be determined in June due to construcion on Merrimack St parking deck

Are There Charges/Fees for Parking?*

No

Sanitation Information

Number of Public Restrooms Available*

5

Type of Toilets*

Portable

Please Describe Plans for Solid Waste Disposal & Recycling*

Harbor Place carting and recycling service

IF PORTABLE TOILETS, Who is the Vendor?*

Throne Depot, 21 Republic Road,
Billerica MA

General Release & Indemnity Agreement

Yes*






Terms of Understanding

Yes*



Attachments

	General Release & Indemnity Agreement Indemnify 2024.docx Uploaded by JAMES CARBONE on Mar 12, 2024 at 11:14 PM	REQUIRED
	Property Owner's Written Consent doc04336120240314111002.pdf Uploaded by JAMES CARBONE on Mar 14, 2024 at 4:05 PM	REQUIRED
	Proof of Insurance Insurance Accord end May 2024.pdf Uploaded by JAMES CARBONE on Mar 12, 2024 at 11:44 PM	REQUIRED



City of Haverhill, MA

Apr 2, 2024

EVNT-24-3

Health Inspector Approval

Event Permit

Status: Complete**Became Active:** Mar 15, 2024**Assignee:** Mark Tolman**Completed:** Mar 19, 2024

Applicant

JAMES CARBONE
jimmypotsandpans@gmail.com
29 Rutherford ave
Haverhill, MA 01830
9173868357

Primary Location

2 MERRIMACK ST Unit Boardwalk
Unit Boardwalk
Haverhill, MA 01830

Owner:

Harbor Place
44 Merrimack St Haverhill, MA 01830

Comments

Mark Tolman, Mar 19, 2024

All food vendors will be required to obtain temporary food permits.

Porta potties must be used if required per the size of event.

JAMES CARBONE, Mar 19, 2024

Mark, thank you. Ok each restaurant/ food vendor will obtain own temp food permit. Yes we will have portapotties. Is that a separate permit?



City of Haverhill, MA

Apr 2, 2024

EVNT-24-3

Police Department Approval

Event Permit

Status: Complete**Became Active:** Mar 15, 2024**Assignee:** Kevin Lynch**Completed:** Mar 22, 2024

Applicant

JAMES CARBONE
jimmypotsandpans@gmail.com
29 Rutherford ave
Haverhill, MA 01830
9173868357

Primary Location

2 MERRIMACK ST Unit Boardwalk
Unit Boardwalk
Haverhill, MA 01830

Owner:

Harbor Place
44 Merrimack St Haverhill, MA 01830

Comments

Kevin Lynch, Mar 15, 2024

Insurance binder ends in 5/12/24 and the event is occurring June 24.

JAMES CARBONE, Mar 15, 2024

Kevin. Yes. It's an annual policy, I'll update the renewal ending May 2025 when it's issued in May.

Kevin Lynch, Mar 22, 2024

The event will require one police detail and with update insurance binder.

JAMES CARBONE, Mar 22, 2024

Thank you. 1 detail. Insurance is annual and renewal will be issued.



City of Haverhill, MA

Apr 2, 2024

EVNT-24-3

Public Works Director Approval

Event Permit

Status: Active

Became Active: Mar 15, 2024

Assignee: Robert Ward

Completed:

Applicant

JAMES CARBONE
jimmypotsandpans@gmail.com
29 Rutherford ave
Haverhill, MA 01830
9173868357

Primary Location

2 MERRIMACK ST Unit Boardwalk
Unit Boardwalk
Haverhill, MA 01830

Owner:

Harbor Place
44 Merrimack St Haverhill, MA 01830

Comments

Kaitlin Wright, Mar 22, 2024

@Robert Ward please review and approve accordingly.

Kaitlin Wright, Apr 2, 2024

@Robert Ward Bob please review as soon as possible. We are waiting on you to send this to council.

CiderFeast New England/James Carbone
Event June 20,2024
Indemnify

The Above organization in consideration of the permit granted by the City Council as above requested hereby remises, releases and forever discharges the City of Haverhill, its respectful employees, agents and attorneys from all manner of actions, causes of actions, debts,, dues, claims and demands both in law and in equity, more especially any and all claims as a result of the issuance of this permit or use of any City Property, including, but not limited to, property damages and personal injuries

Licensee is solely responsible for the cost of any damage that occurs to public property or extraordinary expense necessary for the public safety as a result of the public event, exhibition, show or amusement. Licensee shall be responsible for the cost of any police or fire official(s) required by the City Council to be attendance at the event.

To the City of Haverhill,

As the manager of Harbor Place, I give permission to James Carbone to produce the 4th annual CiderFeast taste event on June 20, 2024, and to apply for a 1-day liquor permit for that date with the City of Haverhill.

Complying with any requirements set forth by the police department and other city agencies.

Chris Lesites
Harbor Place Property Manager

3/14/2024
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/28/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hiscox Inc. 520 Madison Avenue 32nd Floor New York, New York 10022	CONTACT NAME: PHONE (A/C No. Ext): (888) 202-3007 E-MAIL ADDRESS: contact@hiscox.com FAX (A/C No): INSURER(S) AFFORDING COVERAGE INSURER A: Hiscox Insurance Company Inc INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 10200
INSURED Rutherford Food Resources Inc 65 East 4th Street #34 New York, NY 10003		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			P100.259.182.3	05/12/2023	05/12/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ S/T Gen. Agg. \$	
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$	
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input type="checkbox"/> RETENTION \$	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A							PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.











AUTHORIZED REPRESENTATIVE

History

Date	Activity
4/2/2024, 10:41:07 AM	Kaitlin Wright assigned approval step City Council Approval to Kaitlin Wright on Record EVNT-24-3
3/22/2024, 12:46:52 PM	Ben Delaware approved approval step Recreation Department Approval on Record EVNT-24-3
3/22/2024, 10:56:51 AM	Kevin Lynch approved approval step Police Department Approval on Record EVNT-24-3
3/19/2024, 9:03:51 AM	Mark Tolman approved approval step Health Inspector Approval on Record EVNT-24-3
3/18/2024, 10:19:20 AM	Eric Tarpy approved approval step Fire Inspector Approval on Record EVNT-24-3
3/18/2024, 10:13:03 AM	Eric Tarpy assigned approval step Fire Inspector Approval to Eric Tarpy on Record EVNT-24-3
3/18/2024, 10:02:11 AM	altered payment step Event Permit Payment, changed sequence from "1" to "0" on Record EVNT-24-3
3/18/2024, 10:02:11 AM	Eric Tarpy assigned approval step Fire Inspector Approval to Robert Irvine on Record EVNT-24-3
3/16/2024, 12:59:52 PM	Tom Bridgewater approved approval step Building Inspector Approval on Record EVNT-24-3
3/15/2024, 2:03:34 PM	approval step Building Inspector Approval was assigned to Tom Bridgewater on Record EVNT-24-3
3/15/2024, 2:03:34 PM	approval step Public Works Director Approval was assigned to Robert Ward on Record EVNT-24-3
3/15/2024, 2:03:34 PM	approval step Recreation Department Approval was assigned to Ben Delaware on Record EVNT-24-3
3/15/2024, 2:03:34 PM	approval step Health Inspector Approval was assigned to Mark Tolman on Record EVNT-24-3
3/15/2024, 2:03:34 PM	approval step Police Department Approval was assigned to Kevin Lynch on Record EVNT-24-3
3/15/2024, 2:03:34 PM	approval step Fire Inspector Approval was assigned to Eric Tarpy on Record EVNT-24-3
3/15/2024, 2:03:33 PM	Kaitlin Wright approved approval step City Clerk Approval on Record EVNT-24-3
3/14/2024, 4:06:09 PM	approval step City Clerk Approval was assigned to Kaitlin Wright on Record EVNT-24-3

Date	Activity
3/14/2024, 4:06:07 PM	completed payment step Event Permit Payment on Record EVNT-24-3
3/14/2024, 4:05:20 PM	JAMES CARBONE submitted Record EVNT-24-3
3/14/2024, 4:05:02 PM	JAMES CARBONE added file doc04336120240314111002.pdf to Record EVNT-24-3
3/12/2024, 11:44:30 PM	JAMES CARBONE added file Insurance Accord end May 2024.pdf to Record EVNT-24-3
3/12/2024, 11:35:16 PM	JAMES CARBONE removed file GL_ACORD_CityofHaverhill_02_13_2023_P100259182-820126492756 (1).PDF from Record EVNT-24-3
3/12/2024, 11:34:51 PM	JAMES CARBONE added file GL_ACORD_CityofHaverhill_02_13_2023_P100259182-820126492756 (1).PDF to Record EVNT-24-3
3/12/2024, 11:14:42 PM	JAMES CARBONE added file Indemnify 2024.docx to Record EVNT-24-3
3/12/2024, 10:54:20 PM	JAMES CARBONE altered Record EVNT-24-3, changed ownerEmail from "" to "ghfoundation@gmail.com"
3/12/2024, 10:54:20 PM	JAMES CARBONE altered Record EVNT-24-3, changed ownerName from "" to "Harbor Place"
3/12/2024, 10:54:20 PM	JAMES CARBONE altered Record EVNT-24-3, changed ownerPhoneNo from "" to "617 719 0893"
3/12/2024, 10:54:20 PM	JAMES CARBONE altered Record EVNT-24-3, changed ownerPostalCode from "" to "01830"
3/12/2024, 10:54:20 PM	JAMES CARBONE altered Record EVNT-24-3, changed ownerState from "" to "MA"
3/12/2024, 10:54:20 PM	JAMES CARBONE altered Record EVNT-24-3, changed ownerStreetName from "" to "Merrimack St"
3/12/2024, 10:54:20 PM	JAMES CARBONE altered Record EVNT-24-3, changed ownerStreetNo from "" to "44"
3/12/2024, 10:54:20 PM	JAMES CARBONE altered Record EVNT-24-3, changed ownerUnit from "" to "office"
3/12/2024, 10:54:20 PM	JAMES CARBONE altered Record EVNT-24-3, changed ownerCity from "" to "Haverhill"
3/12/2024, 10:47:32 PM	JAMES CARBONE started a draft of Record EVNT-24-3

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
 Event Permit Payment	3/14/2024, 4:05:20 PM	3/14/2024, 4:06:07 PM	JAMES CARBONE	-	Completed
 City Clerk Approval	3/14/2024, 4:06:08 PM	3/15/2024, 2:03:33 PM	Kaitlin Wright	-	Completed
 Building Inspector Approval	3/15/2024, 2:03:34 PM	3/16/2024, 12:59:52 PM	Tom Bridgewater	-	Completed
 Fire Inspector Approval	3/15/2024, 2:03:34 PM	3/18/2024, 10:19:20 AM	Eric Tarp	-	Completed
 Health Inspector Approval	3/15/2024, 2:03:34 PM	3/19/2024, 9:03:51 AM	Mark Tolman	-	Completed
 Police Department Approval	3/15/2024, 2:03:34 PM	3/22/2024, 10:56:51 AM	Kevin Lynch	-	Completed
 Public Works Director Approval	3/15/2024, 2:03:34 PM	-	Robert Ward	-	Active
 Recreation Department Approval	3/15/2024, 2:03:34 PM	3/22/2024, 12:46:52 PM	Ben Delaware	-	Completed
 City Council Approval	4/2/2024, 10:41:08 AM	-	Kaitlin Wright	-	Active
 Event Permit Issued	-	-	-	-	Inactive



City of Haverhill, MA

4/2/2024

12.2.2

EVNT-24-2**Event Permit**

Status: Active

Submitted On: 3/6/2024

Primary Location

791 EAST BROADWAY

Haverhill, MA 01830

Owner

Tyler Kimball - KIMBALL

FARM

East Broadway 791 Haverhill,

MA 01830

Applicant

Devon Allen

978-518-0128

@ thevintagebazaar@live.com

 12 Heath Rd
Merrimac, MA 01860

HAY CITY CLERK APR 3/24 AM 9:38

Organization Information

Organization*

Vintage Bazaar New England

Organization Phone*

19785180128

Organization Address*

12 Heath Rd

Organization City*

Merrimac

Organization State*

Massachusetts

Organization Zip*

01860

Is the Organization Tax Exempt?*

No

Is the Organization Non-Profit?*

No

Is the Organization a House of Worship?*

No

Event Information

Description of event* ?

Vintage Bazaar - a vintage and craft show event with food trucks and music on June 22 & 23, 2024. This will be our 3rd year hosting at Kimball Farm. ALL PARKING will be off the street and held at the GPS address of 725 East Broadway.

Type of Event*

Show

Event Date*

06/22/2024

Event Location*

Kimball Farm - 725 East Broadway is the GPS address.

is the Event on Bradford Common?* ?

No

Is the Event on City Property?*

No

Event Venue*

Outdoor

Number of Anticipated Attendees*

2500

**Are You Requesting Additional Fees Be Waived?
(APPLICATION FEE IS NOT WAIVABLE)***

No

Event Start Time*

8:30am

Event End Time*

4pm

Will Food Be Served/Sold at the Event?*

Yes

IF YES TO FOOD, By What Means?*

Food Trucks

Sanitation Information

Number of Public Restrooms Available*

18

Type of Toilets*

Portable

Please Describe Plans for Solid Waste Disposal & Recycling*

We use portable toilets and hand washing stations from Mr Portable Restroom and onsite dumpster by Pistone Dumpster. Both located in Haverhill.

IF PORTABLE TOILETS, Who is the Vendor?*

Mr Portable Restroom

General Release & Indemnity Agreement

Yes*



Terms of Understanding

Yes*



Attachments



Event Agreements, Leases & Contracts

VB JUNE VENDOR APP - 2024.pdf

Uploaded by Devon Allen on Mar 6, 2024 at 1:04 PM

REQUIRED



City of Haverhill, MA

Apr 2, 2024

EVNT-24-2

Building Inspector Approval

Event Permit

Status: Complete**Became Active:** Mar 7, 2024**Assignee:** Tom Bridgewater**Completed:** Mar 9, 2024

Applicant

Devon Allen
thevintagebazaar@live.com
12 Heath Rd
Merrimac, MA 01860
978-518-0128

Primary Location

791 EAST BROADWAY
Haverhill, MA 01830

Owner:

Tyler Kimball - KIMBALL FARM
791 East Broadway Haverhill, MA 01830

Comments

Devon Allen, Mar 8, 2024

Our event will be the same as the last two years. No vendor tents will be larger than a 20x20. Location is exactly the same on the hilltop of Kimball Farm.



City of Haverhill, MA

Apr 2, 2024

EVNT-24-2

City Clerk Approval

Event Permit

Status: Complete**Became Active:** Mar 6, 2024**Assignee:** Kaitlin Wright**Completed:** Mar 7, 2024

Applicant

Devon Allen
thevintagebazaar@live.com
12 Heath Rd
Merrimac, MA 01860
978-518-0128

Primary Location

791 EAST BROADWAY
Haverhill, MA 01830

Owner:

Tyler Kimball - KIMBALL FARM
791 East Broadway Haverhill, MA 01830

Comments

Devon Allen, Mar 18, 2024

Hi Kaitlin. I hope this message finds you well. I'm the process of applying for our event permit for Vintage Bazaar again (at Kimball Farm). I have approval from all departments except for Public Works. I haven't heard from them yet. The last couple of times we have done this, I believe you may approved the PWD's approval. If there is a particular person that I should contact directly for this - please let me know and I will reach out. Thank you!! Devon

Kaitlin Wright, Mar 18, 2024

Hi Devon, I just put a comment under the DPW approval. Hope that will ping them to review. If they do not reply within two weeks (3/21/2024), I will go ahead and skip their approval step as I have done in the past.

Devon Allen, Mar 18, 2024

Thank you very much! Greatly appreciated.

Devon Allen, Apr 1, 2024

Hi Kaitlin. I hope this message finds you well. I wanted to touch base with you in regard to the pending approval from Public Works for our event permit. Thank you. Devon



City of Haverhill, MA

Apr 2, 2024

EVNT-24-2

Health Inspector Approval

Event Permit

Status: Complete**Became Active:** Mar 7, 2024**Assignee:** Mark Tolman**Completed:** Mar 11, 2024

Applicant

Devon Allen
thevintagebazaar@live.com
12 Heath Rd
Merrimac, MA 01860
978-518-0128

Primary Location

791 EAST BROADWAY
Haverhill, MA 01830

Owner:

Tyler Kimball - KIMBALL FARM
791 East Broadway Haverhill, MA 01830

Comments

Devon Allen, Mar 8, 2024

Hi. Just wanted to let you know that the event set-up will be same as last year. We will obtain portable toilet permit, dumpster permit and ALL food related vendors will obtain a temporary food permit with the City of Haverhill.

Mark Tolman, Mar 11, 2024

Hi Devon,

Same as years past, have vendors pull their permits at least a month before and not at the last minute.

Any other questions let me know.

Mark



City of Haverhill, MA

Apr 2, 2024

EVNT-24-2

Police Department Approval

Event Permit

Status: Complete

Became Active: Mar 7, 2024

Assignee: Kevin Lynch

Completed: Mar 8, 2024

Applicant

Devon Allen
thevintagebazaar@live.com
12 Heath Rd
Merrimac, MA 01860
978-518-0128

Primary Location

791 EAST BROADWAY
Haverhill, MA 01830

Owner:

Tyler Kimball - KIMBALL FARM
791 East Broadway Haverhill, MA 01830

Comments

Kevin Lynch, Mar 8, 2024

The event will require 4 Police Details each day. Please call Lt. Powell at 978 722-1512 to schedule police detail.

Devon Allen, Mar 8, 2024

Thank you.



City of Haverhill, MA

Apr 2, 2024

EVNT-24-2

Public Works Director Approval

Event Permit

Status: Skipped**Became Active:** Mar 7, 2024**Assignee:** Robert Ward**Completed:** Apr 2, 2024

Applicant

Devon Allen
thevintagebazaar@live.com
12 Heath Rd
Merrimac , MA 01860
978-518-0128

Primary Location

791 EAST BROADWAY
Haverhill, MA 01830

Owner:

Tyler Kimball - KIMBALL FARM
791 East Broadway Haverhill, MA 01830

Comments

Devon Allen, Mar 12, 2024

Please advise if there is any information you need from me in regards to the event approval from the Public Works Department. Thank you. Devon

Kaitlin Wright, Mar 18, 2024

@Robert Ward please review and approve accordingly.

Kaitlin Wright, Mar 22, 2024

@Robert Ward
(<https://haverhillma.workflow.opengov.com/#/explore/users/auth0|5c8fe4335cc88d2eac43245e>) please review and approve accordingly.

Devon Allen, Apr 1, 2024

@Kaitlin Wright - Good Morning. Any updates available from the Public Works? Thank you. Devon

Kaitlin Wright, Apr 2, 2024

Closing file as this has been active for review by DPW Director for a month with no response.

Date	Activity
3/7/2024, 8:43:58 AM	approval step Public Works Director Approval was assigned to Robert Ward on Record EVNT-24-2
3/7/2024, 8:43:58 AM	approval step Health Inspector Approval was assigned to Mark Tolman on Record EVNT-24-2
3/7/2024, 8:43:58 AM	approval step Police Department Approval was assigned to Kevin Lynch on Record EVNT-24-2
3/7/2024, 8:43:58 AM	approval step Fire Inspector Approval was assigned to Eric Tarpay on Record EVNT-24-2
3/7/2024, 8:43:57 AM	Kaitlin Wright approved approval step City Clerk Approval on Record EVNT-24-2
3/6/2024, 1:06:21 PM	approval step City Clerk Approval was assigned to Kaitlin Wright on Record EVNT-24-2
3/6/2024, 1:06:21 PM	completed payment step Event Permit Payment on Record EVNT-24-2
3/6/2024, 1:05:15 PM	Devon Allen submitted Record EVNT-24-2
3/6/2024, 1:04:45 PM	Devon Allen added file COI - Vintage Bazaar - CITY OF HAVERHILL DOC.pdf to Record EVNT-24-2
3/6/2024, 1:04:39 PM	Devon Allen added file Property Constant Agreement - 2024.pdf to Record EVNT-24-2
3/6/2024, 1:04:29 PM	Devon Allen added file INDEMINIFICATION AGREEMENT.pdf to Record EVNT-24-2
3/6/2024, 1:04:15 PM	Devon Allen added file VB JUNE VENDOR APP - 2024.pdf to Record EVNT-24-2
3/6/2024, 12:53:41 PM	Devon Allen altered Record EVNT-24-2, changed ownerState from "NH" to "MA"
3/6/2024, 12:53:41 PM	Devon Allen altered Record EVNT-24-2, changed ownerStreetName from "NORTH EAST POND RD" to "East Broadway"
3/6/2024, 12:53:41 PM	Devon Allen altered Record EVNT-24-2, changed ownerStreetNo from "272" to "791"
3/6/2024, 12:53:41 PM	Devon Allen altered Record EVNT-24-2, changed ownerUnit from "" to ""
3/6/2024, 12:53:41 PM	Devon Allen altered Record EVNT-24-2, changed ownerCity from "MILTON" to "Haverhill"
3/6/2024, 12:53:41 PM	Devon Allen altered Record EVNT-24-2, changed ownerEmail from "" to ""
3/6/2024, 12:53:41 PM	Devon Allen altered Record EVNT-24-2, changed ownerName from "JUDITH KIMBALL FARM, LLC" to "Tyler Kimball - KIMBALL FARM"
3/6/2024, 12:53:41 PM	Devon Allen altered Record EVNT-24-2, changed ownerPhoneNo from "" to ""

**General Release & Indemnity Agreement****REQUIRED**

INDEMINIFCATION AGREEMENT.pdf

Uploaded by Devon Allen on Mar 6, 2024 at 1:04 PM

**Property Owner's Written Consent****REQUIRED**

Property Constent Agreement - 2024.pdf

Uploaded by Devon Allen on Mar 6, 2024 at 1:04 PM

**Proof of Insurance****REQUIRED**

COI - Vintage Bazaar - CITY OF HAVERHILL DOC.pdf

Uploaded by Devon Allen on Mar 6, 2024 at 1:04 PM

History

Date	Activity
4/2/2024, 10:06:04 AM	Kaitlin Wright assigned approval step City Council Approval to Kaitlin Wright on Record EVNT-24-2
4/2/2024, 10:05:36 AM	Kaitlin Wright waived approval step Public Works Director Approval on Record EVNT-24-2
3/22/2024, 12:39:08 PM	Kaitlin Wright unassigned approval step City Council Approval from Kaitlin Wright on Record EVNT-24-2
3/22/2024, 12:39:06 PM	altered payment step Event Permit Payment, changed sequence from "1" to "0" on Record EVNT-24-2
3/22/2024, 12:39:06 PM	Kaitlin Wright assigned approval step City Council Approval to Kaitlin Wright on Record EVNT-24-2
3/11/2024, 3:16:42 PM	Mark Tolman approved approval step Health Inspector Approval on Record EVNT-24-2
3/11/2024, 10:57:11 AM	Eric Tarpy approved approval step Fire Inspector Approval on Record EVNT-24-2
3/9/2024, 7:56:39 PM	Tom Bridgewater approved approval step Building Inspector Approval on Record EVNT-24-2
3/8/2024, 11:46:23 AM	Kevin Lynch approved approval step Police Department Approval on Record EVNT-24-2
3/7/2024, 10:13:53 AM	Eric Tarpy reactivated approval step Fire Inspector Approval on Record EVNT-24-2
3/7/2024, 10:13:30 AM	Eric Tarpy approved approval step Fire Inspector Approval on Record EVNT-24-2
3/7/2024, 8:43:58 AM	approval step Building Inspector Approval was assigned to Tom Bridgewater on Record EVNT-24-2

IF YES To FOOD, How Will it be Cooked?*

Truck Stoves/Grills

Any Helpful Comments about Food

All food vendors will obtain their temporary food permit with the Board of Health.

Special Considerations (i.e. fireworks)* ?

Event Date: June 22nd from 8:30am to 4pm and June 23rd from 10am to 3pm.
All parking will be off the street.

Parking Information**Number of Parking Spaces Onsite***

1500

Have Off-site Parking Arrangements Been Made?*

Yes

IF YES, Please Provide Details of Offsite Arrangements*

All parking will be off the street. Parking will only be Kimball Farm (using access road on 725 East Broadway).

Are There Charges/Fees for Parking?*

No

Contact Information

Contact Name*

Devon L Allen

Contact Title*

Founder/Director

Contact Phone*

978-518-0128

Contact Email*

thevintagebazaar@live.com

Contact Address*

12 Heath Rd

Contact City*

Merrimac

Contact State*

MA

Contact Zip*

01860

Property Owner Information

Property Owner Name*

Tyler Kimball

Property Owner Phone*

978-807-3214

Property Owner Address*

791 East Broadway

Property Owner City*

Haverhill

Property Owner State*

MA

Property Owner Zip*










01830

Is the Applicant the Property Owner? ?

No

Date	Activity
3/6/2024, 12:53:41 PM	Devon Allen altered Record EVNT-24-2, changed ownerPostalCode from "03851" to "01830"
3/6/2024, 12:51:10 PM	Devon Allen started a draft of Record EVNT-24-2

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
 Event Permit Payment	3/6/2024, 1:05:17 PM	3/6/2024, 1:06:21 PM	Devon Allen	-	Completed
 City Clerk Approval	3/6/2024, 1:06:21 PM	3/7/2024, 8:43:57 AM	Kaitlin Wright	-	Completed
 Building Inspector Approval	3/7/2024, 8:43:58 AM	3/9/2024, 7:56:39 PM	Tom Bridgewater	-	Completed
 Fire Inspector Approval	3/7/2024, 8:43:58 AM	3/11/2024, 10:57:11 AM	Eric Tarpy	-	Completed
 Health Inspector Approval	3/7/2024, 8:43:58 AM	3/11/2024, 3:16:42 PM	Mark Tolman	-	Completed
 Police Department Approval	3/7/2024, 8:43:58 AM	3/8/2024, 11:46:23 AM	Kevin Lynch	-	Completed
 Public Works Director Approval	3/7/2024, 8:43:58 AM	4/2/2024, 10:05:36 AM	Robert Ward	-	Skipped
 City Council Approval	3/22/2024, 12:39:08 PM	-	Kaitlin Wright	-	Active
 Event Permit Issued	-	-	-	-	Inactive



VINTAGE BAZAAR NEW ENGLAND
VENUE: KIMBALL FARM
HAVERHILL, MA

THEVINTAGEBAZAAR@LIVE.COM

~ 2024 ~
VENDOR
APPLICATION
JUNE 22 & 23
Summer Edition

VENDOR RATES

10x10 SPACE: \$325
20x10 SPACE: \$600
30x10 SPACE: \$875
20x20 SPACE: \$1150

LARGER SPACES ARE AVAILABLE.
UPON REQUEST

***APPLICATION
DEADLINE:
MAY 22ND**

**APPLY EARLY TO ENSURE YOUR
APPLICATION IS CONSIDERED.
MANY VENDOR CATEGORIES FILL
VERY QUICKLY. WE MAY BE FULL
BY MAY 22ND*

GROUP TENT INFO

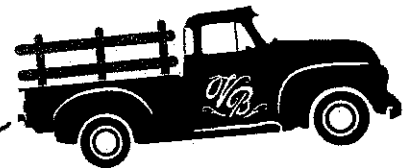
WANT TO BE A VENDOR BUT DON'T WANT TO BRING A TENT
OR RENT A TENT? YOU ARE IN LUCK! JOIN OUR GROUP TENT.
LIMITED SPACE AVAILABLE!

10x10 SPACE = \$440 20x10 SPACE = \$820

BE IN THE KNOW

- Applications will be reviewed promptly. Applicants will be notified of their acceptance by or before **MAY 22nd**. Vendors not accepted will be notified and payment will be returned.
- New Vendors **MUST** submit photos or web links showing their work and/or booth display.
- **FULL PAYMENTS** must be submitted with application to be considered or to reserve your space.
- Space Requests — First Come, First Serve!
- See page 2 and 3 for our vendor set-up & breakdown times and our cancellation policy.
- **VENDOR PAYMENTS:** we accept Venmo & Paypal. Check payments may be allowed upon request.

APPLY HERE & RETURN TO SENDER



NAME: _____

BUSINESS NAME: _____

ADDRESS: _____ ZIP: _____

PHONE: _____ EMAIL: _____

WEBSITE: _____

PRODUCT DESCRIPTION: _____

PAYMENT TYPE:

☐ VENMO: @DEVON-CHOUINARD (VERIFY CODE: 0128)

☐ PAYPAL: @HEIRLOOMMARKETING@OUTLOOK.COM

IMPORTANT:

When paying via venmo or paypal, please be sure to include your full name, business name & which Bazaar you are applying for.
EX: Jane Smith. ABC Gifts. June 2024.

MAKE YOUR SELECTIONS

- ☐ 10x10 SPACE: \$325
☐ 20x10 SPACE: \$600
☐ 30x10 SPACE: \$875
☐ GROUP/OTHER: _____

- 2 WAYS TO APPLY -

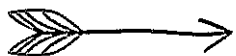
EMAIL APPLICATION TO:
THEVINTAGEBAZAAR@LIVE.COM

TEXT APPLICATION TO:
SNAP A PHOTO AND TEXT TO
978-518-0128

PLEASE SIGN TO CONFIRM VENDOR CONTRACT, RULES & EVENT TERMS ON PAGE 2 & 3

SIGNATURE

DATE



RECAP OF BAZAAR DETAILS



ABOUT VBNE - SUMMER EDITION: Vintage Bazaar is returning to the picturesque KIMBALL FARM! We are excited to host our 13th bazaar year at Kimball Farm! This show is completely outside (rain or shine). Vendors may bring their own tents, rent tents or join our "group" tent. Thoughtfully curated booth displays are expected and draw in more customers. We encourage our vendors to get creative with their set-up. Bazaar attendees and press travel far and wide to be inspired by our vendors (and SHOP)....this is an opportunity to knock some socks off!

SHOW HOURS: **Saturday, June 22nd 8:30am to 4pm**

Sunday, June 23rd 10am to 3pm

Notes: Our EARLY BIRD Hours are SATURDAY ONLY from 8:30am to 10am. General Admission begins at 10am on both days.

VENDOR CHECK-IN, SET-UP & BREAKDOWN:

Vendor Check-In Hours are Thursday & Friday from 9am to 5pm. Once a vendor "checks in" they may continue setting up until 7pm. You must arrive to check-in by or before 5pm. All vendors must participate both Saturday and Sunday. During Vendor Check-In our Bazaar Staff will show vendors to their space(s). Please note: We do not provide dollies, carts or wagons - vendors are allowed to bring their own. *Vendor Breakdown is June 23rd from 3pm to 8pm and June 24th from 9am to 1pm.* All vendors must be packed up and leaving the venue space by 1pm...unless other arrangements have been made and approved by VBNE (ahead of time).

IMPORTANT TENT/BOOTH SETUP INFO—All vendors must properly stake and/or weight their tent(s).

VBNE is not responsible for staking/weighing down tents. VBNE is not responsible of any damages OR injuries that may occur from tents (regardless if weighted/staked). Vendors are responsible for any damages and injuries caused by their tents. Vendor space boundaries must be obeyed by. We allocate approx. 2 ft of extra space in front of each vendors booth. We follow all fire/emergency/health codes. If these rules change, you will be notified.

****TENT REQUIREMENTS.**** Due to previous weather experiences, we no longer allow sunshade style tents (for example: Ozark Trail and similar brands). We recommend the following pop-style tent brands: EZUP and ABC Canopy and other like brands. This are more expensive but they hold up much better and are often a much safer option. *We prefer all tents be WHITE. NOT REQUIRED BUT PREFERRED

VENDOR ARRIVAL & PARKING: All vendor vehicles must be in the designated vendor parking area by 7am on Saturday 6/22 and by 9:30am on 6/23. This gives our parking staff time to set-up before we open each day and ensures safety of arriving customers. Vehicles not in vendor parking by the times listed— may be subject to towing at their expense. PLEASE arrive to the Bazaar at least a hour before the bazaar begins. If you are not able to arrive on time, you must text Devon Chouinard and let her know.

CARRY IN - CARRY OUT: We have a strict Carry In—Carry Out Policy. All vendors MUST remove their own trash and unwanted items from the venue during breakdown. Items must be hauled away by the vendor. We have an onsite dumpster that can be used as well. Please do not leave piles of trash in your booth. If your tent breaks, please bring it home with you—do not use the dumpster. Dumpster is to be used for trash and smaller items. Not discarded furniture and such.

****IMPORTANT**** JOIN OUR "VBNE VENDOR" GROUP ON FACEBOOK.

Once you have been accepted as a vendor—please join our vendor group. This is a private group where we post important show updates, reminders, tips and ideas. It is important that you join this group—as this is how we spread news to all our vendors before/during/after the show. Please follow the link below. If you are not accepted into the group with 24 hrs, please DM us or email us. www.facebook.com/groups/vbnevendors

THE FINE PRINT

RULES & REGULATIONS:

Vendor acknowledges receipt of Vintage Bazaar New England's Information, Rules and Regulations. Vendor agrees to read and abide by the Rules and Regulations and any subsequent amendments to the Rules & Regulations posted via email and/or the VBNE Vendor Facebook page. Failure to comply with the Rules and Regulations is a material breach of this Agreement and will result in the immediate revocation of any space in favor of another seller.

COMPLIANCE WITH LAWS & HOLD HARMLESS:

Vendor agrees to comply with all Federal, State, and Local laws, rules, regulations, and ordinances. Vendor agrees to conduct activities at the Vintage Bazaar so as not to endanger any person or damage any property. The Vendor also agrees to forever indemnify, save, defend and hold Vintage Bazaar New England, Devon Chouinard, Heirloom Marketing, Kimball Farm, Tyler Kimball, City of Haverhill, MA and it's departments— such as City of Haverhill Fire and Police Department, Health Dept. etc. In addition all affiliated agents, officials, representatives, beneficiaries, employees, interns, and volunteers harmless from and against any and all claims, damages, injuries, liabilities, losses, suits, costs and expenses (including attorney fees) for anything and everything whatsoever arising from or out of Vendor's participation at Vintage Bazaar New England at Kimball Farm in Haverhill and/or any other event promoted by Vintage Bazaar New England.

CONTRACT:

Vendor exercises all rights under this agreement at the Vendor's own risk and voluntarily assumes all risks attendant to such use, including without limitation, the risk of property damage and personal injury or death to the Vendor, to any of the Vendors officials, agents, representatives, employees, or volunteers.

NOTE: By signing page 1 of this application, Vendor agrees to all rules & terms of this contract indicated on pages 1-3.

SELLER CANCELLATIONS & NO SHOWS:

Vendor cancellations must contact Devon Chouinard. Email thevintagebazaar@live.com or via call/text to 978.518.0128 by or before June 1st. These cancellations will receive a CREDIT for an additional bazaar of the seller's choice. Refunds will not be given for any reason. Cancellations after June 1st will not receive a credit or a refund. No shows will forfeit their opportunity to sell at future shows. Rain or Shine Event. No Rain Checks. Early breakdown is strictly prohibited and will result in being banned from future Vintage Bazaar plus at \$150 FINE (due within 10 days after the show).

PROTECTION OF PROPERTY & SHOW POLICY:

Vintage Bazaar New England and it's associates assumes no responsibility or liability whatsoever to ensure the Vendors property from damage, theft, fire, malicious mischief, accident, wind, rain or other. Devon Chouinard, Brian Mulvany, Heirloom Marketing, Kimball Farm, Vintage Bazaar NE employees, venue landlords/employees, volunteers, officials, etc are neither responsible nor liable for any damages, theft, fire, malicious mischief, accident, wind, rain, or other that may occur to or related to the Seller. **IMPORTANT NOTE:** IF VINTAGE BAZAAR IS CANCELLED FOR ANY REASON (For example but not limited to: Weather Related, Health/ Safety Reasons, Pandemics, Natural Disasters, Town/State Restrictions, Personal Emergencies or any other) THERE ARE NO REFUNDS and CREDITS ONLY will be issued. CREDITS MUST BE USED WITHIN 1 YEAR. VBNE reserves the right to cancel a vendor contract for any reason they deem as inappropriate behavior or as vendor negligence without a refund or credit issued. By signing this contract, you are agreeing to all of the above.

SALES TAX:

Reporting of a vendor's sales and obtaining TAX ID numbers is the sole responsibility of each vendor. VBNE is not involved nor gives advice on taxes.

* SHOW INFO *

SHOW HOURS: JUNE 22ND AND 23RD

SATURDAY SHOW HOURS: 830AM-4PM

SUNDAY SHOW HOURS: 10AM-3PM

VENDOR SET-UP TIMES:

THURSDAY JUNE 20TH 9AM TO 7PM

FRIDAY JUNE 21ST : 9AM TO 7PM

VENDOR CHECK-IN CLOSES PROMPTLY AT 5PM

EACH DAY! YOU MUST ARRIVE BY 5PM DURING SET-UP DAYS. ALL VENDORS MUST BE SET-UP BY OR BEFORE 7PM ON FRIDAY 6/24.

NO VENDOR SET-UP HOURS ON SATURDAY.

NO EXCEPTIONS. RAIN OR SHINE!

VENDOR BREAKDOWN TIMES:

SUNDAY 3PM TO 8PM. MONDAY 9AM TO 1PM.

NO LATER. PLEASE PLAN ACCORDINGLY.

SHOW GATES WILL OPEN AT 3PM ON SUNDAY TO ALLOW FOR VENDORS TO PACK UP. EARLY BREAKDOWN IS NOT ALLOWED.

SHARING SPACE(S):

UP TO 2 APPROVED VENDORS MAY SHARE A SINGLE SPACE. EACH VENDOR MUST SUBMIT AN APPLICATION. 3+ VENDORS MAY SHARE LARGER SPACES (INQUIRE FOR MORE DETAILS).

VENDOR PARKING:

DURING SHOW DAYS, ALL VENDOR VEHICLES MUST BE PARKED IN OUR VENDOR PARKING AREA. SUBJECT TO TOWING IF NOT FOLLOWED.

SPACES & ASSIGNMENTS:

SPACES ARE FIRST COME. FIRST SERVE UNTIL VENDOR CATEGORY IS FULL. VENDOR SPACE REQUESTS ARE TAKEN INTO CONSIDERATION BUT NOT GUARANTEED.

CANCELLED

DEVON CHOUINARD

978-518-0128

THEVINTAGEBAZAAR@LIVE.COM

VENMO: DEVON-CHOUINARD

**PAYPAL: HEIRLOOMMARKETING
@OUTLOOK.COM**

INDEMINIFCATION AGREEMENT

Vintage Bazaar New England, Kimball Farm and City of Haverhill, MA

Location: Kimball Farm, 725 East Broadway, Haverhill MA

Dates: June 22 & 23, 2024

This Indemnity Agreement made as of 6th day of March, 2024 (the execution date) between Vintage New England and the City of Haverhill, Massachusetts.

The above organization (Vintage Bazaar New England) in consideration of the permit granted by the City Council of Haverhill as above requested hereby remises, releases and forever discharges the City of Haverhill, it's respective employees, agents and attorneys from all manner of actions, causes of action, debts, dues, claims and demands boy in law and in equity, more especially any and all claims as the result of issuance of this permit or use of any City Property, including but not limited to, property damage and personal injuries resulting from the same.

Licensee is solely responsible for the cost of any damage that occurs to the public property or extraordinary expense necessary for the public safety as a result of the public event, exhibition, show or amuse. Licensee shall be responsible for the cost of any police or fire officials required by the City Council to be in attendance at the event.

Date: 3/6/24

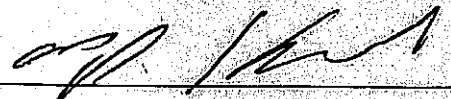
Devon Allen 3/6/24

Devon Allen, Founder/Director

Vintage Bazaar New England

PROPERTY CONSENT AGREEMENT:

I, Tyler Kimball, give written consent and permission to Devon Allen and Vintage Bazaar New England to use a portion of my property at Kimball Farm. 725 East Broadway in Haverhill, MA for the Vintage Bazaar event on June 22 & 23 and October 5 & 6, 2024

A handwritten signature in black ink, appearing to read 'Tyler Kimball', is written over a horizontal line.

Tyler Kimball

3/1/24

Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/6/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER R.V. Nuccio & Associates Insurance Brokers, Inc. 10148 Riverside Drive Toluca Lake, CA 91602	CONTACT NAME: Robert V. Nuccio	
	PHONE (A/C, No, Ext): (800) 364-2433 FAX (A/C, No): (818) 980-1595	
	E-MAIL ADDRESS: support@rvnuccio.com	
INSURED Devon Allen 12 Heath Road Merrimac, MA 01860	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Fireman's Fund Insurance Company	21873
	INSURER B: Axis Insurance Company	37273
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Host Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	<input checked="" type="checkbox"/>		UST022072230 NAEP116225	6/20/2024	6/24/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES \$ 75,000 MEDICAL EXPENSE \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability			UST022072230	6/20/2024	6/24/2024	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured: City of Haverhill

CERTIFICATE HOLDERCity of Haverhill
4 Summer Street
Haverhill, MA 01830**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Robert V. Nuccio

March 27, 2024

12.2.3
Haverhill City Clerk March 28, 2024 PM 3:12

VIA HAND DELIVERY AND ELECTRONIC MAIL

Haverhill City Council
4 Summer Street, Room 204
Haverhill, MA 01830

Re: Halstead Haverhill (f/k/a Haverhill Mills) – Plan Approval Decision
Amendment to Eliminate Off-Site Parking

Dear Members of the City Council:

On behalf of Locke Street Owner LLC, an affiliate of DSF Advisors LLC (the “Proponent”), the record title owner of the Halstead Haverhill (f/k/a Haverhill Mills) multifamily development located at 262 Winter Street, 38 Locke Street, 10 Duncan Street and 108-113 Essex Street in the City of Haverhill, also known as Assessing Parcels #304-57-1, #304-58-20, #304-58-11 and #304-58-4 (the “Project”), we respectfully submit a proposed amendment to that certain 40R Plan Approval Decision “Forest City – Haverhill Mills Building Redevelopment” dated as of June 26, 2007 (“Plan Approval”), granted by the City Council of the City of Haverhill (the “City Council”), acting as the Plan Approval authority pursuant to Section 9.8 of the Haverhill Zoning Code, entitled the Downtown Smart Growth Overlay District (the “DSGOD”), to Forest City Residential Group, Inc. (the Proponent’s predecessor-in-interest).

The Plan Approval reflects that Section 9.8.9.2(a) of the DSGOD requires the Project provide 389 minimum off-street parking spaces based on the following requirements for residential use: (i) 1.2 parking spaces per one-bedroom unit; and (ii) 1.4 parking spaces per two-bedroom and three-bedroom unit. The Plan Approval indicates that the off-street parking requirement was met by providing that the Project maintain a total of 394 parking spaces to service the Project through a combination of (i) parking spaces located on-site at the Project and (ii) parking spaces located off-site via a long-term ground lease with the City of Haverhill. There are currently 321 parking spaces located on-site at the Project and 72 parking spaces located off-site in the adjacent municipal parking garage with an address of 43 Granite Street.

Pursuant to this letter, the Proponent is seeking an amendment to the Plan Approval to reduce the total amount of required parking spaces from 394 parking spaces to 321 parking spaces by eliminating the need for the parking spaces located off-site (the “Application”). For the avoidance of doubt, no other change to the Plan Approval is being sought, other than a reduction in the total amount of required parking spaces; and the requested relief, if granted, would not otherwise change the zoning compliance of the Project, as allowed by the Plan Approval.

In connection with the Application, the Proponent enlisted Vanasse & Associates, Inc. to prepare that certain Parking Demand Assessment dated December 14, 2023 (the “Parking Assessment”) in order to determine the current actual parking demands and evaluate the parking availability for the Project. The Parking Assessment indicates that during peak demand hours for parking spaces, (i) approximately twenty-five percent (25%) or 82 out of the 321 on-site parking spaces were available and not occupied during the weekdays and (ii) approximately twenty-one percent (21%) or 69 out of the 321 on-site parking spaces were available and not occupied during the weekends. The Parking Assessment concludes that the on-site parking supply of 321 parking spaces is more than sufficient to accommodate the peak parking demands of residents and visitors of the Project, including reserve capacity to accommodate parking demand fluctuations that may occur.

In order to reduce the minimum off-street parking space requirement to eliminate the need for the 72 off-site parking spaces under the Plan Approval, the City Council will need to amend the Plan Approval. Under Section 9.8.14 of the DSGOD, a waiver may be sought to vary (reduce) the required minimum parking zoning requirements for the Project. This section provides that:

“...upon the request of the applicant, the Plan Approval Authority [City Council] may waive dimensional and other requirements of this section in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the DSGOD, or if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses, and/or physical character allowable under this section.”

Procedurally, we anticipate that this request for an additional waiver from the minimum parking requirements under the DSGOD is best made by seeking a Major (vs. a Minor) Change to the Plan Approval per Section 9.8.15.2 of the DSGOD, as the City Council can be assured, in this way, that the public hearing requirements have been met. However, after review of this Application, the City Council can determine, in their discretion, to administer this Application as a Minor Change to the Plan Approval per Section 9.8.15.1 of the DSGOD. Accordingly, on behalf of the Proponent, we hereby request a Major Change to the Plan Approval to receive a waiver reducing the required total amount of parking spaces from 394 parking spaces to 321 parking spaces in order to eliminate the need for off-site parking spaces.

Enclosed with this Application are the following materials:

- 1) 40R Plan Approval Decision “Forest City – Haverhill Mills Building Redevelopment” dated as of June 26, 2007; and
- 2) Parking Demand Assessment dated December 14, 2023.

We have also provided a digital copy of all materials listed above. We look forward to continuing our discussion on the Project and reviewing our Application with the City Council at

March 27, 2024
Page 3

the next available meeting. I would appreciate being notified at (617) 574-0572 or CMacIsaac@goulstonstorrs.com as soon as the hearing date on this matter is scheduled, or if there are any questions. Thank you.

Sincerely,

Connor MacIsaac


Connor A. MacIsaac
Attorney for Proponent

Enclosures

cc: Kaitlin M. Wright, City Clerk
Ryan Ball
Molly Porter
Peter Tamm, Esq.

MEMORANDUM

TO: Mr. Ryan Ball
Vice President, Investments
The DSF Group
341 Newbury Street, 5th Floor
Boston, MA 02115

FROM: Mr. Jeffrey S. Dirk, P.E.*, PTOE, FITE 
Managing Partner and
Mr. Andrew J. Arseneault
Senior Transportation Engineer
Vanasse & Associates, Inc.
35 New England Business Center Drive
Suite 140
Andover, MA 01810-1066
(978) 269-6830
jdirk@rdva.com

**Professional Engineer in CT, MA, ME, NH, RI and VA*

DATE: December 14, 2023

RE: 9873

SUBJECT: Parking Demand Analysis
Halstead Haverhill - 40 Locke Street
Haverhill, Massachusetts

Vanasse & Associates, Inc. (VAI) has prepared a Parking Demand Assessment in order to determine the parking demands and evaluate parking availability for the Halstead Haverhill multifamily residential community located at 40 Locke Street in Haverhill, Massachusetts (hereafter referred to as the Project). The purpose of this study is to identify the peak parking demands for the Project and to evaluate the available parking supply as it relates to the identified peak demand period.

Based on this analysis, we have determined the following:

1. On-site parking is provided for 321 vehicles, including six (6) handicapped accessible spaces. In addition, 72 off-site parking spaces are leased in the adjacent municipal parking garage located at 43 Granite Street in accordance with the Decision by the City approving the Project;
2. Parking demand observations conducted for the on-site parking supply on three (3) consecutive weekdays and one (1) Saturday in November 2023 between 5:00 and 7:00 AM, the peak parking demand period for a multifamily residential development, indicates that approximately 25 percent, or 82 of the 321 on-site parking spaces, were available (not occupied) on a weekday and approximately 21 percent, or 69 total parking spaces, were available during a Saturday; and
3. With consideration to the four (4) parking spaces reserved for use by the ground floor commercial space, a minimum of 78 on-site parking spaces are available for use by residents of the Project and their visitors on an average weekday during the peak parking demand period, with 65 on-site parking spaces available on a Saturday.

It is apparent based on the parking demand observations that the on-site parking supply of 321 parking spaces is more than sufficient to accommodate the peak parking demands of residents and visitors of the Project, with reserve capacity to accommodate parking demand fluctuations that may occur. In fact, the reserve capacity observed during the peak parking demand period (i.e., the number of unoccupied parking

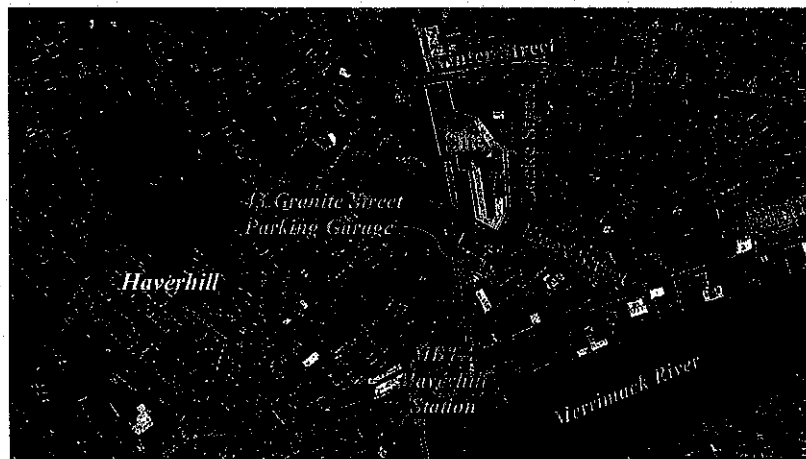


spaces) was found to be similar to the number of off-site parking spaces that are leased for the Project at 43 Granite Street (72 parking spaces). Accordingly, this assessment has indicated that the 72 leased off-site parking spaces are not required to meet the parking requirements of the Project. It should be noted that while this assessment does not provide a measurement of the off-site parking activity, the property manager identified that the residents of the Project had collectively requested and used a total of 15 of the leased off-site parking spaces during the period observed of this assessment (November 2023).

The following details our assessment of the parking demands of the Project.

EXISTING CONDITIONS CONTEXT

The Project site is located at 40 Locke Street in Haverhill, Massachusetts, and consists of two (2) buildings that contain a total of 304 multifamily residential units with two (2) ground-floor tenant spaces that are currently occupied by Myrna's Lash and Brow and 109 Gallery, respectively. The Project site contains approximately 5.46± acres of land that is bounded by Winter Street and Duncan Street to the north; Essex Street and commercial properties to the south; Locke Street and Duncan Street to the east; and the Massachusetts Bay Transit Authority (MBTA) Commuter Rail/Amtrak railroad tracks to the west.



Imagery ©2023 Google

Access to the Project site is provided by way of five (5) driveways configured as follows: a one-way, entrance-only driveway that intersects the north side of Essex Street opposite Batchelders Court; a one-way, exit-only driveway that intersects the west side of Locke Street approximately 325 feet north of Essex Street; a one-way, entrance-only driveway that intersects the west side of Locke Street approximately 425 feet north of Essex Street; a full-access driveway that intersects the southwest side of Duncan Street approximately 230 feet northwest of Locke Street; and a full access driveway that intersects the south side of Winter Street, opposite Hale Street.

On-site parking is provided for 321 vehicles, including six (6) handicapped accessible spaces, four (4) parking spaces that are reserved for the commercial uses and 15 visitor parking spaces. The main parking field is situated to the west of the residential buildings and accessed by way of the driveways located along Essex Street, Duncan Street, and Winter Street. The visitor parking is located to the east of the residential buildings and is accessed by way of the Locke Street driveways.



As required as a part of the City's approval for the Project, an additional 72 parking spaces are leased within the municipal parking lot located at 43 Granite Street, an approximate 3-minute walking distance (approximately 650 feet) to the south of the Project site.

PARKING DEMAND OBSERVATIONS

In order to determine the parking demands of the Project, parking demand observations were conducted between 5:00 AM and 7:00 AM on Tuesday, November 7, 2023; Wednesday, November 8, 2023; Thursday, November 9, 2023; and on Saturday, November 11, 2023. It should be noted that the peak-parking demand for a residential community generally occurs on a weekday after 10:00 PM and before 6:00 AM. The parking observations were completed in half-hour intervals during the observation period and included both the number of vehicles parked and the general location within each of the two (2) parking fields. Table 1 summarizes the overall observed parking demands for each of the observation days, with the peak parking demand period shaded for identification. The detailed observations provided as an attachment.

Table 1
PARKING DEMAND OBSERVATIONS

Time	Tuesday, November 7, 2023		Wednesday, November 8, 2023		Thursday, November 9, 2023		Saturday, November 11, 2023	
	Number of Vehicles Parked	Occupancy (%) ^a	Number of Vehicles Parked	Occupancy (%)	Number of Vehicles Parked	Occupancy (%)	Number of Vehicles Parked	Occupancy (%)
5:00 AM	234	72.9	238	74.1	239	74.5	252	78.5
5:30 AM	232	72.3	227	70.7	238	74.1	251	78.2
6:00 AM	215	67.0	211	65.7	229	71.3	250	77.9
6:30 AM	211	65.7	214	66.7	219	68.2	250	77.9
7:00 AM	199	62.0	199	62.0	208	64.8	252	78.5

^aBased on 321 available parking spaces.

As can be seen in Table 1, the observed peak-parking demand on a weekday was identified to occur at 5:00 AM on Thursday, November 9, 2023, with 239 parking spaces occupied, or approximately 75 percent occupancy of the on-site parking supply (321 total spaces). During the Saturday observation period, the peak-parking demand was also identified to also occur at 5:00 AM, with 252 parking spaces occupied, or approximately 79 percent occupancy of the on-site parking supply.

Based on the parking demand observations, there were 82 unoccupied and available parking spaces within the Project site on a weekday during the peak parking demand period and 69 available parking spaces on a Saturday during the peak parking demand period. After accounting for the four (4) parking spaces that are reserved for the commercial space within the Project site, the number of additional parking spaces that are available for use by residents and their guests is 78 parking spaces on a weekday and 65 parking spaces on a Saturday.



SUMMARY AND CONCLUSIONS

VAI has prepared a Parking Demand Assessment in order to determine the parking demands and evaluate on-site parking availability for the Halstead Haverhill multifamily residential community located at 40 Locke Street in Haverhill, Massachusetts. This assessment included the completion of parking demand observations on three weekdays and one Saturday in November 2023. Based on this analysis, we have determined the following:

1. On-site parking is provided for 321 vehicles, including six (6) handicapped accessible spaces. In addition, 72 off-site parking spaces are leased in the adjacent municipal parking garage located at 43 Granite Street in accordance with the Decision by the City approving the Project;
2. Parking demand observations conducted for the on-site parking supply on three (3) consecutive weekdays and one (1) Saturday in November 2023 between 5:00 and 7:00 AM, the peak parking demand period for a multifamily residential development, indicates that approximately 25 percent, or 82 of the 321 on-site parking spaces, were available (not occupied) on a weekday and approximately 21 percent, or 69 total parking spaces, were available during a Saturday; and
3. With consideration to the four (4) parking spaces reserved for use by the ground floor commercial space, a minimum of 78 on-site parking spaces are available for use by residents of the Project and their visitors on an average weekday during the peak parking demand period, with 65 on-site parking spaces available on a Saturday.

Based on the parking demand observations, the on-site parking supply of 321 parking spaces is more than sufficient to accommodate the peak parking demands of residents and visitors of the Project, with reserve capacity to accommodate parking demand fluctuations that may occur. Accordingly, this assessment has indicated that the 72 leased off-site parking spaces are not required to meet the parking requirements of the Project. Residents and guests of the Project will continue to have access to the parking that is available at the public parking lot located at 43 Granite Street.

Attachments



ATTACHMENTS

PARKING DEMAND OBSERVATIONS



TDC

*Transportation Data Corporation
P.O. Box 486 Norwood, MA 02062
tel (781) 587-0086 cell (781) 439-4999*

Hamel Mill Lofts Parking Accumulation Study
Mixed-Use Apartment Complex (Halstead Haverhill)

40 Locke Street, Haverhill, MA

Tuesday, 11/7/2023

5:00 AM-7:00 AM

Client: VAI #9873/A. Arseneault

TDC #05787

Vehicles	Corresponding Zones		
Time	1	2	3
5:00 AM	214	7	13
5:30 AM	209	11	12
6:00 AM	194	9	12
6:30 AM	191	10	10
7:00 AM	178	10	11

Zone Key:

1. Rear Lot access at Duncan St. & Winter St.
2. One-way Alley btwn Essex St. & Rear Lot
3. Front Doors Visitor & Staff Parking at Locke St.

TDC

Transportation Data Corporation
P.O. Box 486 Norwood, MA 02062
tel (781) 587-0086 cell (781) 439-4999

Hamel Mill Lofts Parking Accumulation Study
Mixed-Use Apartment Complex (Halstead Haverhill)

40 Locke Street, Haverhill, MA

Wednesday, 11/8/2023

5:00 AM-7:00 AM

Client: VAI #9873/A. Arseneault

TDC #05787

Vehicles	Corresponding Zones		
Time	1	2	3
5:00 AM	213	11	14
5:30 AM	207	7	13
6:00 AM	190	9	12
6:30 AM	191	10	13
7:00 AM	177	10	12

Zone Key:

1. Rear Lot access at Duncan St. & Winter St.
2. One-way Alley btwn Essex St. & Rear Lot
3. Front Doors Visitor & Staff Parking at Locke St.

TDC

Transportation Data Corporation
P.O. Box 486 Norwood, MA 02062
tel (781) 587-0086 cell (781) 439-4999

Hamel Mill Lofts Parking Accumulation Study
Mixed-Use Apartment Complex (Halstead Haverhill)

40 Locke Street, Haverhill, MA

Thursday, 11/9/2023

5:00 AM-7:00 AM

Client: VAI #9873/A. Arseneault

TDC #05787

Vehicles	Corresponding Zones		
Time	1	2	3
5:00 AM	215	12	12
5:30 AM	214	12	12
6:00 AM	207	11	11
6:30 AM	197	11	11
7:00 AM	185	11	12

Zone Key:

1. Rear Lot access at Duncan St. & Winter St.
2. One-way Alley btwn Essex St. & Rear Lot
3. Front Doors Visitor & Staff Parking at Locke St.

TDC

Transportation Data Corporation
P.O. Box 486 Norwood, MA 02062
tel (781) 587-0086 cell (781) 439-4999

Hamel Mill Lofts Parking Accumulation Study
Mixed-Use Apartment Complex (Halstead Haverhill)

40 Locke Street, Haverhill, MA

Saturday, 11/11/2023

5:00 AM-7:00 AM

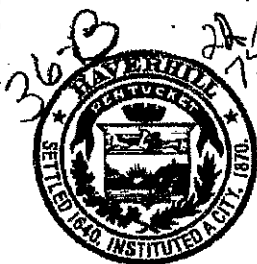
Client: VAI #9873/A. Arseneault

TDC #05787

Vehicles	Corresponding Zones		
Time	1	2	3
5:00 AM	229	10	13
5:30 AM	228	10	13
6:00 AM	227	10	13
6:30 AM	227	10	13
7:00 AM	229	10	13

Zone Key:

1. Rear Lot access at Duncan St. & Winter St.
2. One-way Alley btwn Essex St. & Rear Lot
3. Front Doors Visitor & Staff Parking at Locke St.



Return Box 11
R. Harb, Esq.

36-B

CHAPTER 40R APPLICATION FORM
DOWNTOWN SMART GROWTH OVERLAY DISTRICT

Hearing June 26

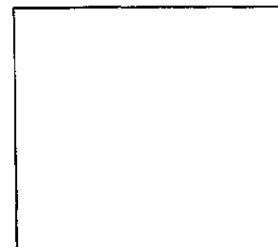
City of Haverhill
Permit Approval Authority/City Council



File No.
Fee Paid 250.00
Date Rec'd.

Applicants should file applications for plan approval with the City Clerk in Haverhill City Hall, Room 118. Copies of the application including the date of filing will then be filed with the Plan Approval Authority (PAA) and appropriate departments. Applications must be submitted with twenty (20) full sets of certified plans, including rehabilitation plans if applicable.

PROJECT NAME: Haverhill Mills
PROJECT ADDRESS: 109 Essex Street, 10 Duncan Street
262 Winter St., Locke St.
Haverhill, MA 01830



MAP/BLOCK/LOT: Map 304, Block 57, Lot 1 (109 Essex St.)
Map 304, Block 58, Lot 11 (10 Duncan St.)
Map 304, Block 58, Lot 20 (Locke St.)
Map 304, Block 61, Lot 6 (262 Winter St.)

DSGOD SUBZONE: ☐ A ☐ B ☒ C ☒ D ☐ E

(For Office Use Only)

APPLICANT NAME: Forest City Residential, Inc.
CONTACT PERSON: Douglas Arsham
TELEPHONE/FAX NO.: (t) 617-914-2542 (f) 617-494-9615
ADDRESS: 38 Sidney St
Cambridge, MA 02139

OWNER NAMES: Charlotte Stoller, Trustee of Essex Street Haverhill Nominee Realty Trust (109 Essex), City of Haverhill (Locke St. Parcel), Saturn Realty Inc. (262 Winter St.), Duncan Realty Inc. (10 Duncan St.).

(If Other Than Applicant)

GENERAL INFORMATION:

36-13

New Construction or Rehabilitation: Rehabilitation

Total Area of Site: 4.73 Ac Bldg SF (if existing): 350,618 Proposed Commercial SF: 2,700 sf

No. of Dwelling Units: 306

No. of Affordable Units: 61

Project Density: _____

(Please See Attached Documentation for Calculation)

No. of Parking Spaces: 399

No. of Units by Size: 194 (1) Bedrooms

112 (2) Bedrooms

0 (3) Bedrooms

Washington Street

Historic District: ☐ Yes ☒ No

DETAILED NARRATIVE DESCRIBING PROPOSED PROJECT:

See Filing Brief attached hereto and made a part hereof.

PLEASE DEMONSTRATE THAT PROPOSED PROJECT MEETS DSGOD DESIGN STANDARDS:

See Filing Brief attached hereto and made a part hereof.

REQUESTED WAIVERS (If Applicable):

* Please note: No affordability waivers can be granted by the PAA.

Density waivers are only required when proposed density exceeds the maximum by-right number of units.

☒ Density No. of Units Allowed in Subzone C: 160 No. of Units Requested by Waiver: 234

☒ Density No. of Units Allowed in Subzone D: 70 No. of Units Requested by Waiver: 72

☐ Parking No. of Parking Spaces Required: No. of Spaces Requested by Waiver:

☒ Design Standards (see attached Filing Brief for requested waivers)

Chapter 40B
Downtown
Smart Growth
Overlay District

☐ Permitted Commercial Use/s

PROVIDE DESCRIPTION AND REASON FOR REQUESTED WAIVERS:

See attached Brief for Requested findings, description, and reason for said findings

APPLICATION CHECKLIST:

- ☒ Review DSGOD Regulations Section 255-98 of the Haverhill Zoning Code
- ☒ Review the PAA's Recommended Design Guidelines
- ☒ Meet with the Planning Director prior to submission (Recommended, Not Required)
- ☐ Assemble the following required materials. Full descriptions are included in the DSGOD
 - ☒ Housing Marketing and Selection Plan
 - ☒ Evidence that Project complies with cost and eligibility requirements
 - ☒ Affordable Housing Restriction
 - ☒ Twenty (20) Copies of Certified Plans
 - ☒ Twenty (20) Copies of Certified Rehabilitation Plans (When Applicable)

I hereby certify that I have read and understand the required submittals of the Downtown Smart Growth Overlay District (Chapter 40R), Section 255-98 L.1 / L.19 and L.2 for Rehabilitation Projects.

APPLICANT SIGNATURE: [Signature]

DATE: 5/18/07

OWNER SIGNATURE: (See attached letters of consent to file from owners)

DATE: _____

IN CITY COUNCIL: May 22 2007

VOTED: that COUNCIL HEARING BE HELD JUNE 26 2007

Attest:

[Signature]
City Clerk

Doug Arslan / Forest City
Planning
Engineer
Rdwy Insp
water/wastewater
Public Dept
Police
Council
Fire

IN CITY COUNCIL: June 26 2007

HEARING CLOSED and

40R WAIVERS AND FINDINGS, and,

40R PLAN APPROVAL DECISION PASSED and ALLOWED

Attest:

[Signature]
City Clerk

Ch. 40R/DSGOD Application - Draft 02.05.07

4 Summer Street, Haverhill, MA 01830

Purpose

Forest City proposes to redevelop said properties into a mixed income, partially mixed use development (the "Project") that will provide a range of affordable workforce housing opportunities along with some ground floor commercial use which will contribute to the continued revitalization of the Downtown and the abandoned mill buildings in the City.

Consistent with the purpose of the DSGOD, the Project will provide a range of housing opportunities and choices for households of various incomes, ages, and sizes which will preserve the municipal character and diversity of Haverhill and increase the production of housing units to meet existing and anticipated housing needs.

Applicant

Forest City Enterprises, Inc., a \$9 billion publicly traded real estate company, is principally engaged in the ownership, development, acquisition and management of premier commercial and residential real estate throughout the United States. An NYSE-listed real estate company (NYSE: FCEA and FCEB), based in Cleveland, Ohio, its portfolio includes interests in retail centers, apartment communities, office buildings and hotels throughout the United States.

Established in 1921, Forest City operates under three strategic business units: Commercial, Residential, and Land Development. It is committed to building superior, long-term value through a consistent strategic focus on projects in markets with high-growth potential and challenging barriers to entry.

Project Description and History

The L.H. Hamel Leather Company Complex is significant for its associations with the City of Haverhill's shoe making industry. By the mid-nineteenth century in Haverhill, the manufacture of shoes was the predominant industry of Haverhill. The L.H. Hamel Leather Company Complex represents the resurgence of the shoe manufacturing industry in Haverhill following the devastating fire of 1882 in the City that destroyed nearly 10 acres of the shoe district and put over 75 firms out of business. Established by Louis H. Hamel, the LH Hamel Leather Company became a major producer of leather goods for the shoe industry during the first half of the twentieth century. By 1928, the L.H. Hamel Leather Company was the largest producer of shoe linings in the United States. The success of the Company was largely based on the innovation of Louis Hamel, who created and patented a new method of manufacture known as the Nu-Process System. L.H.

Hamel Leather Company Complex was built between 1911 and 1916. The Complex currently includes four major manufacturing buildings (the Burgess, Lang, Essex, and Tilton Buildings), two small outbuildings, and the original brick smokestack that was utilized for power generation. Forest City's project includes the Essex and Tilton buildings, each standing 8-9 stories tall, a 2-story outbuilding, the Pentucket Building (10 Duncan) and smokestack. The three buildings are interconnected, and form a "G" shape around a central courtyard space, while the Pentucket Building is a stand alone structure. The Little River Aqueduct runs under the site from the railroad right-of-way to Locke Street, but as development pressures within the City increased, the River was partially filled, and the banks on the north side of the island minimized. By 1944, an underground aqueduct completely submerged the Little River beneath the site. The buildings are currently used as office space, storage and light industrial manufacturing. Many former industrial buildings in the area have either been converted to residential projects or are in the process of being converted.

The project is situated at the corner of Essex and Locke Streets, and Duncan and Winter Streets, approximately 280 yards from the Haverhill Commuter Rail station. The four buildings will contain 305 residential rental units and amenity space, with a total finished square footage of 281, 448. The project is programmed for 112 two-bedroom units and 193 one-bedroom units, 20% of which are affordable. On and off site surface parking will be provided for the project providing 394 spaces. Approximately 1700 s.f. of retail space will be provided along Essex Street in the original storefront section of the building. Forest City is seeking a "historic" designation by the Commonwealth of Massachusetts and the National Park Service. We have a preliminary tax credit allocation of \$6M by the Massachusetts Historic Commission and are seeking the maximum possible allocation from the state, and federal government, of up to 20% of the total cost of construction, which is currently estimated at \$64 million.

The Project fosters housing opportunities and is a distinctive and attractive site development that will promote compact design and a variety of transportation options. The Project is in conformity with the objectives of the DSGOD, including but not limited to the following:

1. It will promote public health, safety and welfare by encouraging diversity of housing opportunities.
2. It will provide a full range of housing choices for households of all incomes, ages and sizes to meet the goal of preserving municipal character and diversity.
3. It will contribute directly to increasing the supply and diversity of housing.
4. The Project is a use permitted As Of Right in the DSGOD Sub zones.
5. The Project promotes smart growth in accordance with the purposes of G.L. Chapter 40R.

Currently the building located on 262 Winter St. will remain in its current use under the local zoning guidelines and is not presently intended to be rehabilitated under this project.

Housing and Housing Affordability

Reference is hereby made to the Affirmative Fair Housing Marketing Plan and Residential Selection Criteria filed herewith.

20% of the housing units, or 61 housing units, shall be Affordable Housing to be rented and occupied only by Eligible Households. Because of practicability, there are 55 one-bedroom units, and 6 two-bedroom units proposed.

As set forth in the Marketing Plan, the affordable units will be marketed to achieve a diverse, integrated residential pool.

The affordable units will be similar to other units, will be dispersed throughout the Project and will be equivalent in design and materials to the other housing units.

Density

1) High Density 65 - Subzone C. The density in Subzone C shall be 65 dwellings as of right per acre. In the alternative, where an existing building is rehabilitated, the density (number of dwelling units) shall be the gross square feet contained in the existing building, minus twenty-five percent, divided by 1200 square feet.

Our project is an existing building, therefore, the existing building calculation is applicable here. The subzone only encompasses buildings 1 and 2, so these are the square footages we must use.

Gross Square Feet of Buildings 1 & 2: 255,764 sf
255,764 - 25%: 191,823 s.f
191,823 sf / 1,200: 159.85

The allowable density in this subzone is 159.85, or 160 units rounded up. We are proposing a total of 234 units in this subzone, and as an increase in downtown density is the core of the smart growth program, and leaving entire floors vacant is not a viable option, a waiver is requested for relief of density requirements in Subzone C

2) Multifamily 20 - Subzone D: The density in Subzone D shall be 20 dwellings as of right per acre.

Building 3 and 10 Duncan St. are both located in Subzone D, which requires 20 units/ Acre. There are currently 3.48 acres of land on the proposed project located in this subzone. By using the provided calculations of 20 units/ acre, the allowable unit count would be 69.6, or 70 Rounded up.

$$(20 \text{ units/ acre}) \times (3.48 \text{ acres}) = 69.6 \text{ units}$$

We are proposing 71 units in these two buildings. Although the difference is minimal, we do exceed the allowable number of units, and as an increase in downtown density is the core of the smart growth program, and leaving units undeveloped is not a financially viable option, we are requesting a waiver for relief of density requirements in Subzone D.

Parking Requirements

1) Minimum Off-Street Parking Space Requirements.

Residential Use:	1.2 Spaces per one bedroom unit
	1.4 spaces per two bedroom unit

Pursuant to our unit bedroom count, the following is the calculation regarding our parking count.

193 one bedroom units x 1.2 spaces per one bedroom unit	= 231.6 spaces
112 two bedroom units x 1.4 spaces per two bedroom unit	= 156.8 spaces

Total: 388.4 spaces

We currently have 394 planned surface parking spaces. 322 spaces are located onsite, with an additional 72 to be provided through a long term lease with the City of Haverhill (should we win the RFP) that will locate spaces at the Locke St. Lot. These 72 off site spaces will be within 800 feet of our project (directly adjacent), therefore we will not need a waiver for this provision.

Findings

DSGOD G. 4. states in part: "The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the

number of bedrooms in all units in the Project of which the Affordable Housing is part."

Applicant's Affirmative Fair Housing Marketing Plan proposes, as required, that 20% of the proposed 305 residential units (61 units) will be affordable rental units made available to Eligible Households. Applicant proposes that 55 of the Affordable Units will be one-bedroom units, and 6 Affordable units will be two-bedroom units. Although this is not proportionate to the overall distribution of units, a proportionate amount of two bedroom units as Affordable Units (22) would add unreasonable costs and unreasonably impair the economic feasibility of the proposed Project. Wherefore, Applicant requests a finding by the Permit Approval Authority that the allocation proposed by Applicant is insofar as practicable.

Design Standards (All Buildings)

General Design Standards

1) The design of the new building shall preserve existing views to the Merrimack river, and incorporate site and building design features that may help to preserve those views from public rights-of way.

The project in question is an adaptive re-use of an existing mill building that is not adjacent to the river, therefore this standard does not apply.

2) New buildings shall be sited to preserve view corridors, particularly to the Merrimack river.

The project in question is an adaptive re-use of an existing mill building that is not adjacent to the river, so new design and construction standards do not apply.

3) Drive in facilities shall not have driveways entering or exiting over the main frontage sidewalk.

The project in question is not a drive in facility, so this standard does not apply.

4) Signs shall conform to the requirements for C districts set forth in Article VII of the Zoning ordinance dated in effect as of August 8, 2006; provided, however, that sections 255-33c. and 255-34.i shall not apply in the DSGOD.

As of the design reflected in the attached drawings dated March 16, 2007, the project signage will be in full compliance with Ordinance 255-37 (Designs permitted in any C district) of Article VII in the Haverhill Zoning ordinance.

5) When dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they shall be screened from view and shall not be located in the pedestrian right-of-way.

The project dumpsters, utility meters, mechanical units and service areas are all located inside the building, or in the back alley. The project complies with this guideline.

6) Lighting shall not create overspill onto adjacent properties or into the night sky.

The project lighting has been designed with the local police department and will localize all exterior lighting to shine strictly on the property. As such, no lighting will overspill into the night sky.

Subzone C Design Standards (Building 1 and 2)

1) Some mixed use is required on the first floor, restricted to allowed non residential uses, where oriented towards the street. No mixed use shall take place other than on the first floor. Not more than 5% of the gross floor area of the structure shall be devoted to such mixed use.

Approximately 1,700 sf of the 350,618 gross square feet (.48%) of the first floor is mixed use, non residential. There are no other planned/ designed commercial spaces in the entire complex, therefore the project complies with this provision.

2) Maximum height of the building shall be no greater than the height of the existing structure in the subzone.

No building on the property will be higher than the existing structure in the sub zone.

Subzone D Design Standards (Building 3 and 10 Duncan)

1) Mixed use is required, with first floor restricted to allowed nonresidential uses on street frontage.

The first floor of Building 3 and 10 Duncan is planned for residential dwellings, with mixed use located on Essex St., as required by the DSGOD guidelines. Mixed use at Locke St. and Duncan St. would not work, as Locke/ Duncan St. are not commercial thoroughfares, therefore residential units are the only financially viable option, and Forest City is requesting a waiver for relief of this design standard.

2) New construction in this subzone shall provide public access and view corridors to the Merrimack River from Washington St.

The project in question is an adaptive re-use of an existing mill building that is not adjacent to the river, therefore this standard does not apply.

3) Buildings shall be oriented perpendicular to the riverfront, or in such a fashion as to maximize view corridors to the river.

The project in question is an adaptive re-use of an existing mill building that is not adjacent to the river, therefore this standard does not apply.

4) Buildings shall be designed in a manner so as to prevent a "front" façade to both the Washington Street streetscape as well as to the riverfront. Dual entries from Washington Street and from the riverfront façade are required to promote the city's vision for an active, public downtown waterfront.

The project in question is an adaptive re-use of an existing mill building that is not adjacent to the river or located on Washington St., therefore this standard does not apply.

5) First Floor use along Washington Street and along the riverfront shall be of public and/ or commercial nature.

The project in question is an adaptive re-use of an existing mill building that is not adjacent to the river or located on Washington St., therefore this standard does not apply.

6) Maximum height shall not exceed 6 stories overall, with a 4 story maximum at Washington St. If higher than 4 stories, building shall step from Washington Street frontage from the front cornice line along 45 degree bulk control plane which begins at the cornice height at the front of the lot line.

The project is 8 stories high and is an existing historic mill building. Removing floors is not a viable option, therefore Forest City is requesting a waiver for relief of this design standard.

7) In exchange for an easement for the public's right to pass from Washington Street to the City's planned Riverwalk, a proposed project may request an increase in height and density from standard dimensional regulations contained herein. No building shall exceed a maximum height of 8 stories under any circumstances. The PAA will weigh the value of the proposed public benefit against any potential impacts when deciding whether to grant such a request.

The project in question is an adaptive re-use of an existing mill building that is not adjacent to the river or located on Washington St., therefore this standard does not apply.

Design Guidelines

Height, Bulk, and Scale; Design Guidelines

Many of the design guidelines outlined in the Plan Approval Authority's Recommended Design Guidelines are in reference to new construction. The project in question is an adaptive re-use redevelopment of an old mill structure, so new building design and siting guidelines do not apply here.

Streetscape Compatability; Design Guidelines

The project will reinforce desirable characteristics, such as street trees, planters, and paving materials that are different and complimentary to the natural streetscape.

Human Activity; Design Guidelines

Real activities on Essex St. have an opportunity to display goods to pedestrians.

Residential Open Space; Design Standards

Project incorporates a courtyard entrance on Locke St.

Parking and Vehicle Access; Design Guidelines

The parking solution for the proposed project will be adequate and convenient. Surface parking at the front of the building, which will service both residents and prospective residents at the turn-around, will consist of pavers. Parking at the surface lot located on Locke St and Duncan St. will

not face the main streets of Essex or Winter. This lot will be tucked away behind 10 Duncan and the Main LH Hamel Project.

Corner Lots; Design Guidelines

The project is located on the corner of Locke and Essex St., and Duncan and Winter St. Parking is located away from the corners, and the retail space is located on the corner as well, as per design guidelines.

Pedestrian Environment; Design Guidelines

The project has currently designed a drop off area that will incorporate at the front of the building that has planters, trees, benches, and greenspace that will enhance the aesthetic of the complex. All residential main entrances will be located off of the main streets where commercial activity will take place. All open spaces for pedestrians will be well lit, and under the surveillance of a security system. All pedestrian environment areas will have a pleasing aesthetic that will drastically improve the nature of the neighborhood that currently surrounds the project.

Blank Walls; Design Guidelines

The project currently has very few blank walls that would require treatment as described in the design guidelines. All walls are currently broken up by windows that are of historic nature. Those walls that do not contain windows are similarly of historic nature, and cannot be modified, as the modification would jeopardize our Historic Tax Credit application.

Screening of Dumpsters, Utilities, and Service Areas; Design Guidelines

All dumpsters, and service elements will be centrally located and accessed by the back alley between the large concrete building and the Lang (Nopfsker) Building. These elements will be as shielded from the street fronts and pedestrian environments as possible.

Personal Safety and Security/ Lighting; Design Guidelines

The project will promote safety and security of the residents and surrounding areas by implementing a security system that incorporates cameras and monitoring equipment that will record site activities 24/7. There will also be a design lighting plan that will keep all areas of the site well lit, and under close monitor. Besides the safety lighting, a complex architectural lighting plan will be employed, highlighting the architectural history of the complex. Lighting will be consistent in nature with lighting in the immediate neighborhood.

Landscaping: Design Guidelines

Street trees and existing trees will be used to enhance the planting areas of the project.

Conclusion

Wherefore, the Applicant respectfully requests that the Permit Approval Authority approve the Project and the Plans filed with the Application and find the following:

1. The Applicant filed the proper Application and Plans with the PAA.
2. The PAA has conducted a properly convened and advertised hearing.
3. The Application has been reviewed by the PAA for consistency with the purpose and intent of the DSGOD and such plan review is an as-of-right review and approval process as required in accordance with the Enabling Laws.
4. The Applicant has submitted all required fees and information as set forth in Section 255-98 of the DSGOD.
5. The Project and the Approved Plans meet the requirements and standards set forth in Section 255-98 of the DSGOD, and where they do not, at the request of the Applicant, the PAA grants a waiver there from, waiving the dimensional and other requirements of the Enabling Laws in the interests of design flexibility and overall project quality, and finds that such variations do not materially vary or substantially conflict with the consistency of the Project and Approved Plans and do not materially vary and are consistent with the overall purpose and objectives of the DSGOD. The PAA further finds that such waivers will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowed under the Enabling Laws.
6. The PAA find that that any extraordinary adverse potential impacts that the Project may have on neighboring properties has been adequately mitigated, and that the Project and the Approved Plans therefore satisfy the requirements of the DSGOD.
7. The total number of bedrooms in the Affordable Housing is, insofar as practicable, proportionate to the number of bedrooms in all units in the Project of which the Affordable Housing is part.

40R Plan Approval Decision

Forest City- Haverhill Mills Building Redevelopment

June 26, 2007

Grant of Plan Approval

The City Council of Haverhill, acting as the Plan Approval Authority pursuant to the DSGOD, hereby approves, by majority vote, the Approved Plans for the Project. based on the Findings of Fact stated below.

A copy of this Plan Approval Decision will be filed with the City Clerk of the City of Haverhill, Massachusetts. All existing plans referred to in this Decision, including without limitation the Approved Plans, are on file with the Plan Approval Authority.

Basic Defined Terms and Information

Applicant:	Forest City Residential Group, Inc. c/o Doug Arsham 38 Sidney St. Cambridge, MA 02139 and its successors and assigns as developer and/or owner of the Project.
Application	The application for Plan Approval filed by the Applicant on May 18, 2007, as supplemented and updated by the Applicant at the request of City officials.
Approved Plans	Plans entitled "Haverhill Mills 113 Essex Street, Haverhill, MA 01832" prepared by DiMella Shaffer and dated March 16, 2007, which have been reviewed by the PAA and are the subject of this Decision. Revised plans which are in substantial conformity with said Approved Plans, which do not materially alter the Approved Plans shall not require further review or approval by the PAA, but shall also be treated as Approved Plans.
Current Property Owners:	Charlotte Stoller, Trustee of Essex Street Haverhill Nominee Realty Trust (109 Essex St.); City of Haverhill (Locke St.); Saturn Realty, Inc. (262 Winter St.), and Duncan Realty Inc. (10 Duncan St.)
Decision	This Plan Approval Decision is issued pursuant to the DSGOD.

A True Copy Attest

Margaret A. Toomey
Margaret A. Toomey
City Clerk, Haverhill

Property:	MAP 304 Block 57 Lot 1 (109 Essex Street) MAP 304 Block 58 Lot 11 (10 Duncan St.) MAP 304 Block 58 Lot 20 (Locke St.) MAP 304 Block 58 Lot 4 (262 Winter Street)
Plan Approval Authority or PAA	The City Council of the City of Haverhill.
Project	The redevelopment of the Essex and Tilton Buildings and a 2 story outbuilding (part of the L.H. Hamel Leather Company Complex shown as Buildings 1,2, and 3 on Approved Plans) and the Pentucket Building (10 Duncan Street) into 305 units of residential housing with some ground floor commercial space, together with signage, parking, drives, drainage and utility facilities, landscaping and other amenities, materially consistent with those shown on the Approved Plans.
DSGOD	The Downtown Haverhill Smart Growth Overlay District Chapter 40R adopted as Section 255-98 of the Zoning Ordinance of the City of Haverhill on December 19, 2006 by City Council.

Other terms used but not defined in this Decision shall have the meaning stated in the DSGOD.

Findings of Fact

- A. The Applicant filed the Application with the PAA on May 18, 2007.
- B. The PAA has conducted a properly convened and advertised hearing on the Project.
- C. The Application has been reviewed by the PAA for consistency with the purpose and intent of the DSGOD and such plan review is an as-of-right review and approval process as required by and in accordance with the Enabling Laws.
- D. The PAA finds that the Applicant has submitted all required fees and information as set forth in Section 255-98 of the DSGOD.
- E. The Project and the Approved Plans meet the requirements and standards set forth in Section 255-98 of the DSGOD and where they do not, at the request of the Applicant, the PAA grants a waiver therefrom, waiving the dimensional and other requirements of the Enabling Laws in the interests of design flexibility and overall project quality

and finds that such variations do not materially vary or substantially conflict with the consistency of the Project and Approved Plans and do not materially vary and are consistent with the overall purpose and objectives of the DSGOD pursuant to its authority in Section 255-98 of the DSGOD. The PAA further finds that such waivers will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowed under the Enabling Laws and therefore satisfy the requirements of the DSGOD. Not in limitation hereof, see also the chart attached hereto and incorporated in this Decision as Exhibit A.

- F. The PAA finds that any extraordinary adverse potential impacts that the Project may have on neighboring properties have been adequately mitigated, and that the Project and the Approved Plans therefore satisfy the requirements of the DSGOD.
- G. The PAA finds that the total number of bedrooms in the Affordable Housing is, insofar as practicable, proportionate to the number of bedrooms in all units in the Project of which the Affordable Housing is part.
- H. Prior to issuance of any building permit for the project, Applicant will conclude all final long-term lease arrangements with the City of Haverhill for the off site parking spaces.

[The remainder of this page is intentionally blank.]

VOTED by the City Council of the City of Haverhill, acting as the Plan Approval Authority under the DSGOD, as of the date first written above.

David E Hall

Name:
Member

Kristine Hall

Name:
Member

David J Swartz

Name:
Member

Michael J. Hall

Name:
Member

Robert L. Eaton

Name:
Member

William J. Macle

Name:
Member

William R. Pappas

Name:
Member

Name:
Member

Name:
Member

Exhibit A
DSGOD ZONING TABLE

Assessor's Map #, Block # and Lot#	Address:		
304-57-1	109 Essex Street		
304-58-11	10 Duncan Street		
304-58-20	Locke Street		
304-58-4	262 Winter Street		
	Required/Allowed	Existing	Proposed
Affordable Housing	20%		20% ****
Subzone D	Mixed Use First Floor		All Residential
Maximum Stories	6 in Subzone D	8 in Subzone D	8 in Subzone D
Building Coverage	None	N/A	N/A
Density *	N/A See Subzone Requirements Below		*
Minimum Open Space	None	N/A	N/A
Parking Spaces			394 ** ***
Accessible Spaces			
Loading Spaces			1
Compact Spaces	35% maximum		
One Bedroom Dwelling Units			193
Two Bedroom Dwelling Units			112
Total Dwelling Units			305
**** 61 Total Affordable Housing Units: 55 One Bedroom and 6 Two Bedroom Units Proposed			
*Overlay District High Density (65) Subzone C) Requirements			
The Density in Subzone C shall be 65 dwellings as of right per acre. In the alternative, where an existing building is being rehabilitated, the density (number of dwelling units) shall be the gross square feet contained in the existing building, minus twenty-five percent, divided by 1,200 square feet			
Gross SF of Buildings 1&2	Minus 25%	Yield	Divided by 1,200 SF
255,764 SF	-25%	191,823 SF	160 allowable units
			234 Proposed
Overlay District Multifamily (20) Subzone D) Requirements			
The Density in Subzone D shall be 20 dwellings as of right per acre.			
3.48 Acres		70 allowable units	71 Proposed
** Minimum off-street parking requirements			
Residential use: 1.2 spaces per one bedroom unit and 1.4 spaces per two bedroom unit and three bedroom unit			
Required parking: 193 one bedroom units = 231.6 spaces; 112 two bedroom units = 156.8 spaces; Total: 388.4 required. 394 Proposed			
On-site parking includes designated accessible spaces			
*** The Proposed Development will include on-site and off-site parking with the Applicant having site control for 394 parking spaces through a combination of 1) parking spaces located on the premises and 2) parking spaces via a long-term ground lease with the City of Haverhill, which will provide for the possible relocation of the spaces into a parking garage facility, which may include shared parking for those spaces at some point in time.			

FOREST CITY RESIDENTIAL GROUP

HAVERHILL MILLS REDEVELOPMENT

40R WAIVERS AND FINDINGS

REQUESTED WAIVERS

Density - Subzones C and D

1.

High Density 65 - Subzone C. The density in Subzone C shall be 65 dwellings as of right per acre. In the alternative, where an existing building is rehabilitated, the density (number of dwelling units) shall be the gross square feet contained in the existing building, minus twenty-five percent, divided by 1200 square feet.

Our project is an existing building, therefore, the existing building calculation is applicable here. Subzone C encompasses buildings 1 and 2, so these are the square footages we must use.

Gross Square Feet of Buildings 1 & 2: 255,764 sf
255,764 - 25%: 191,823 s.f
191,823 sf / 1,200: 159.85

The allowable density in this subzone is 159.85, or 160 units rounded up. 234 units in this subzone are proposed. **A waiver is requested for relief of density requirements in Subzone C**

2.

Multifamily 20 - Subzone D: The density in Subzone D shall be 20 dwellings as of right per acre.

Building 3 and 10 Duncan St. are both located in Subzone D, which requires 20 units/ Acre. There are currently 3.48 acres of land on the proposed project located in this subzone. By using the provided calculations of 20 units/ acre, the allowable unit count would be 69.6, or 70 Rounded up.

$(20 \text{ units/ acre}) \times (3.48 \text{ acres}) = 69.6 \text{ units}$

71 units in these two buildings are proposed. **A waiver is requested for relief of density requirements in Subzone D.**

Subzone D Design Standards (Building 3 and 10 Duncan)

3. *Mixed use is required, with first floor restricted to allowed nonresidential uses on street frontage.*

A waiver for relief of the design standard requiring mixed use with first floor restricted to allowed nonresidential uses on street frontage in Zone D is requested.

4. *Maximum height shall not exceed 6 stories overall, with a 4 story maximum at Washington St. If higher than 4 stories, building shall step from Washington Street frontage from the front cornice line along 45 degree bulk control plane which begins at the cornice height at the front of the lot line.*

In Zone D, the project is 8 stories high and is an existing historic mill building. Removing floors is not a viable option, therefore Forest City is requesting **a waiver for relief of this design standard regarding height of 6 stories in Zone D.**

Requested Finding Housing and Housing Affordability

The council finds that :

The total number of bedrooms in the Affordable Housing is, insofar as practicable, proportionate to the number of bedrooms in all units in the Project of which the Affordable Housing is part (55 one-bedroom units and 6 two bedroom units).

NOTE: a finding is necessary on this point as pursuant to the 40R regulations there can be no waivers granted on issues of affordability.

The council is finding that the applicants proposal insofar as practical based on the economics of the project is proportionate. This request has been approved in the same way by the State Dept of Housing and Community Development (DHCD).

**CITY OF HAVERHILL
MASSACHUSETTS**

CERTIFICATION OF DECISION

I, the City Clerk of the City of Haverhill, hereby certify that the NOTICE OF PLAN APPROVAL DECISION of the City Council, the Plan Approval Authority, on the application of:

Forest City Residential Group, Inc., the Applicant, and

Charlotte Stoller, Trustee of the Essex Street Haverhill Nominee Realty Trust,
City of Haverhill, Saturn Realty, Inc. and Duncan Realty, Inc.,
the Owners of Record

for Plan Approval for 305 units of residential housing and commercial space on the ground floor

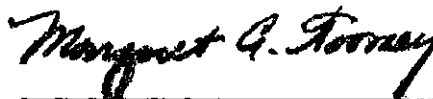
at: 109 Essex Street, MAP 304 Block 57 Lot 1;
10 Duncan Street, MAP 304 Block 58 Lot 11 ;
Locke Street, MAP 304 Block 58 Lot 20 ; and
262 Winter Street, MAP 304 Block 58 Lot 4

has been filed with this office on June 27 , 2007 and that all plans for the Project are on file with the Plan Approval Authority, and that twenty (20) days have elapsed from the date the Decision was filed and no appeal notice to the District or Superior Court has been received by this office.

As a condition of the Plan Approval becoming effective, the applicant must record this PLAN APPROVAL DECISION and CERTIFICATION OF DECISION at the Registry of Deeds as required and in compliance with Chapter 40R of the M.G.L. and Section 255-98 of the Haverhill Zoning Ordinance.

July 26 2007

Date



City Clerk

certificationofdecision



City of Haverhill, MA

4/1/2024

SPMM-24-1

City Council Special
Permit MAJOR
MODIFICATION

Status: Active

Submitted On: 3/27/2024

Primary Location

107 ESSEX ST
Haverhill, MA 01832

Owner

LOCKE STREET OWNER LLC
C/O THE DSF GROUP
NEWBURY ST, SUITE 5 341
BOSTON, MA 02115

Applicant

Connor MacIsaac

617-574-0572

cmacisaac@goulstonstorrs.com

400 Atlantic Ave.
Boston, Massachusetts
02110

Applicant Information

What is Your Role in This Process?*

Attorney/Agent

Applicant Business/Firm Name*

Goulston & Storrs

Applicant Business/Firm Phone*

617-574-0572

Applicant Business/Firm Address*

400 Atlantic Avenue

Applicant Business/Firm City*

Boston

Applicant Business/Firm State*

Massachusetts

Applicant Business/Firm Zip*

02110

Client Name*

Locke Street Owner LLC, a Delaware
limited liability company

Client Business Name*

co/ The DSF Group

Client Phone*

617-675-3604

Client Email*

rball@dsfadvisors.com

Client Address*

341 Newbury Street, 5th Floor

Client City*

Boston

Client State*

Massachusetts

Client Zip*

02115

Client County*

Suffolk

Client Business Structure*

Limited Liability Corporation (LLC)

Modification Information

Original Application Number*

40R Plan Approval Decision "Forest City
– Haverhill Mills Building
Redevelopment" dated as of June 26,
2007

New Field

40R Plan Approval Decision "Forest City – Haverhill Mills Building Redevelopment" dated as of June 26, 2007, granted by the City of Haverhill City Council, acting as the Plan Approval authority pursuant to the Downtown Smart Growth Overlay District, to Forest City Residential Group, Inc. (the Proponent's predecessor-in-interest).

Hearing Waiver

Agrees*

No

Agreement & Signature

Agrees*

☒

Office Use Only

 City Council Decision

—

 City Council Hearing Date

—

 Reason for Council's Decision

 City Council Members Absent

 City Council Members Present

 Continuance Meeting Date

—

 Also Present

 City Councilor Who Seconded Motion

 City Councilor Who Made Motion

 City Councilors Who Voted Against


 City Councilors Who Abstained

 Continuation Motion Decision

—

 Who Submitted Continuation Request?


—

 City Councilors Who Voted in Favor Number of 12"x18" Mylar Copies


—

 Appeal Expiration Date

—

 Number of 24"x36" Mylar Copies

—

 Number of 18"x24" Mylar Copies

—

Attachments



Property Owner's Permission

REQUIRED

DSF - Halstead Haverhill - Letter Requesting Plan Approval Descision
Amendment.pdf

Uploaded by Connor MacIsaac on Mar 27, 2024 at 11:13 AM



Description of Project

REQUIRED

DSF - Halstead Haverhill - Letter Requesting Plan Approval Descision
Amendment.pdf

Uploaded by Connor MacIsaac on Mar 27, 2024 at 11:12 AM



Zoning Opinion

REQUIRED

DSF - Halstead Haverhill - Letter Requesting Plan Approval Descision
Amendment.pdf

Uploaded by Connor MacIsaac on Mar 27, 2024 at 11:12 AM



Halstead Haverhill Parking Observations 12.14.23.pdf

Halstead Haverhill Parking Observations 12.14.23.pdf

Uploaded by Connor MacIsaac on Mar 27, 2024 at 11:12 AM

**Zoning Decision (Permit Approval) recorded June 26 2007.pdf**

Zoning Decision (Permit Approval) recorded June 26 2007.pdf

Uploaded by Connor MacIsaac on Mar 27, 2024 at 11:13 AM

**Abutters 40 Locke St 304.57.1.xlsx**

Abutters 40 Locke St 304.57.1.xlsx

Uploaded by Christine Webb on Mar 27, 2024 at 1:00 PM

**Mailing Lists 40 Locke St 304.57.1.pdf**

Mailing Lists 40 Locke St 304.57.1.pdf

Uploaded by Christine Webb on Mar 27, 2024 at 1:00 PM

History



Timeline

Label	Activated	Completed	Assignee	Due Date	Status
Special Permit Filing Fee	3/27/2024, 11:14:54 AM	3/27/2024, 11:33:45 AM	Connor MacIsaac	-	Completed
Planning Director Review	3/27/2024, 11:14:54 AM	4/1/2024, 11:58:20 AM	William Pillsbury	-	Completed
City Clerk Review - Hearing Dates Set	3/27/2024, 11:14:54 AM	-	Maria Bevilacqua	-	Active
City Council Clerk Notified	3/27/2024, 11:14:54 AM	3/27/2024, 1:29:14 PM	Laurie Brown	-	Completed
Assessor for Abutter's List	3/27/2024, 11:14:54 AM	3/27/2024, 1:02:02 PM	Christine Webb	-	Completed
Conservation Department Review	3/27/2024, 11:14:54 AM	3/27/2024, 12:19:11 PM	Robert Moore	-	Completed

Label	Activated	Completed	Assignee	Due Date	Status
✓ DPW Review	3/27/2024, 11:14:54 AM	-	Robert Ward	-	Active
✓ Engineering Department Review	3/27/2024, 11:14:54 AM	-	John Pettis	-	Active
✓ Health Department Review	3/27/2024, 11:14:54 AM	-	Mark Tolman	-	Active
✓ Police Department Review	3/27/2024, 11:14:54 AM	-	Kevin Lynch	-	Active
✓ Storm Water Review	3/27/2024, 11:14:54 AM	3/27/2024, 12:19:47 PM	Robert Moore	-	Completed
✓ Wastewater Review	3/27/2024, 11:14:54 AM	-	Robert Ward	-	Active
✓ Water Department Review	3/27/2024, 11:14:54 AM	3/28/2024, 7:40:03 AM	Andrew Carvalho	-	Completed
✓ Water Supply Review	3/27/2024, 11:14:54 AM	3/27/2024, 12:00:46 PM	John D'Aoust	-	Completed
✓ Building Inspector Approval for Agenda	3/27/2024, 11:14:54 AM	-	Tom Bridgewater	-	Active
✓ First Ad Placement	-	-	-	-	Inactive
✓ Second Ad Placement	-	-	-	-	Inactive
✓ City Councilor A Review	-	-	-	-	Inactive
✓ City Councilor B Review	-	-	-	-	Inactive
✓ City Councilor C Review	-	-	-	-	Inactive

Label	Activated	Completed	Assignee	Due Date	Status
✓ City Councilor D Review	-	-	-	-	Inactive
✓ City Councilor E Review	-	-	-	-	Inactive
✓ City Councilor F Review	-	-	-	-	Inactive
✓ City Councilor G Review	-	-	-	-	Inactive
✓ City Councilor H Review	-	-	-	-	Inactive
✓ City Councilor I Review	-	-	-	-	Inactive
✓ City Council Meeting	-	-	-	-	Inactive
✓ Meeting Minutes & Decision Filed w/City Clerk	-	-	-	-	Inactive

Hearing May 7, 2024

City Council Special Permit - Add to a project



Expiration Date

Active

Request Changes

(/#/explore/request-changes/171421)



CCSP-24-4

12.2.4

Details

Submitted on Mar 10, 2024 at 12:31 pm



Attachments

7 files



Activity Feed

Latest activity on Mar 28, 2024



Applicant

michael migliori



Location

0 BROADWAY - OFF EMMA ROSE CIR Unit Main Building, Haverhill, MA 01832

View

Edit Workflow



Special Permit Filing Fee

Paid Mar 10, 2024 at 12:33 pm



Planning Director Review

Completed Mar 28, 2024 at 10:22 am



WP



City Clerk Review - Hearing Dates Set

































Completed Mar 28, 2024 at 2:46 pm



MB



City Council Admin Notified

	In Progress	
	Assessor for Abutter's List Completed Mar 28, 2024 at 12:48 pm	
	Conservation Department Review In Progress	
	DPW Review In Progress	
	Engineering Department Review In Progress	
	Fire1 Department Review Skipped Mar 28, 2024 at 2:26 pm	
	Fire2 Department Review Completed Mar 28, 2024 at 2:31 pm	
	Health Department Review In Progress	
	Police Department Review In Progress	
	School Department Review In Progress	
	Storm Water Review In Progress	
	Water/Wastewater Review In Progress	
	Water Supply Review In Progress	
	Building Inspector Review In Progress	
↓		
	First Ad Placement Review	
	Placed on Agenda Review	



Abutter Notification

Review



Second Ad Placement

Review



City Council Meeting

Review



Meeting Minutes & Decision Filed w/City Clerk

Review



Details

Important: Please Read Before Starting Your Application

THE CITY COUNCIL HAS CHANGED THE DEADLINE FOR SUBMITTING APPLICATIONS FOR SPECIAL PERMITS. IT IS NOW APPROXIMATELY 6 WEEKS PRIOR TO THE HEARING DATE. ALSO, ALL APPLICATIONS MUST BE COMPLETE, HAVING SATISFIED ALL OF THE REQUIREMENTS - BOTH INFORMATION AND ATTACHMENTS - FROM THE BUILDING INSPECTOR, CITY TREASURER, CITY ASSESSOR AND CLERK OF THE BOARD. INCOMPLETE OR LATE APPLICATIONS WILL NOT BE HEARD UNTIL AT LEAST 1 MEETING LATER

Applicant Information

[Edit](#)

IMPORTANT NOTE: ALL DOCUMENTS THAT ARE ATTACHED TO THIS APPLICATION MUST BE SUBMITTED AS ORIGINALS TO THE CITY CLERK BEFORE THE APPLICATION IS CONSIDERED COMPLETE AND PROCEEDS TO REVIEW. THESE

DOCUMENTS WILL LATER BE FILED WITH THE COUNTY REGISTRY WHICH REQUIRES ORIGINAL DOCUMENTS.

What is Your Role in This Process?*

Attorney/Agent

Applicant Business/Firm Name*

Fiorello & Migliori

Applicant Business/Firm Phone*

978 884 6431

Applicant Business/Firm Address*

280 Merrimack Street

Applicant Business/Firm City*

Methuen

Applicant Business/Firm State*

MA

Applicant Business/Firm Zip*

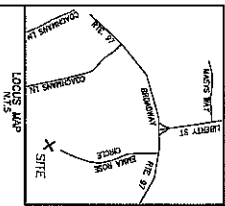
01844

Client Name*

JR Builders Inc

Client Business Name*

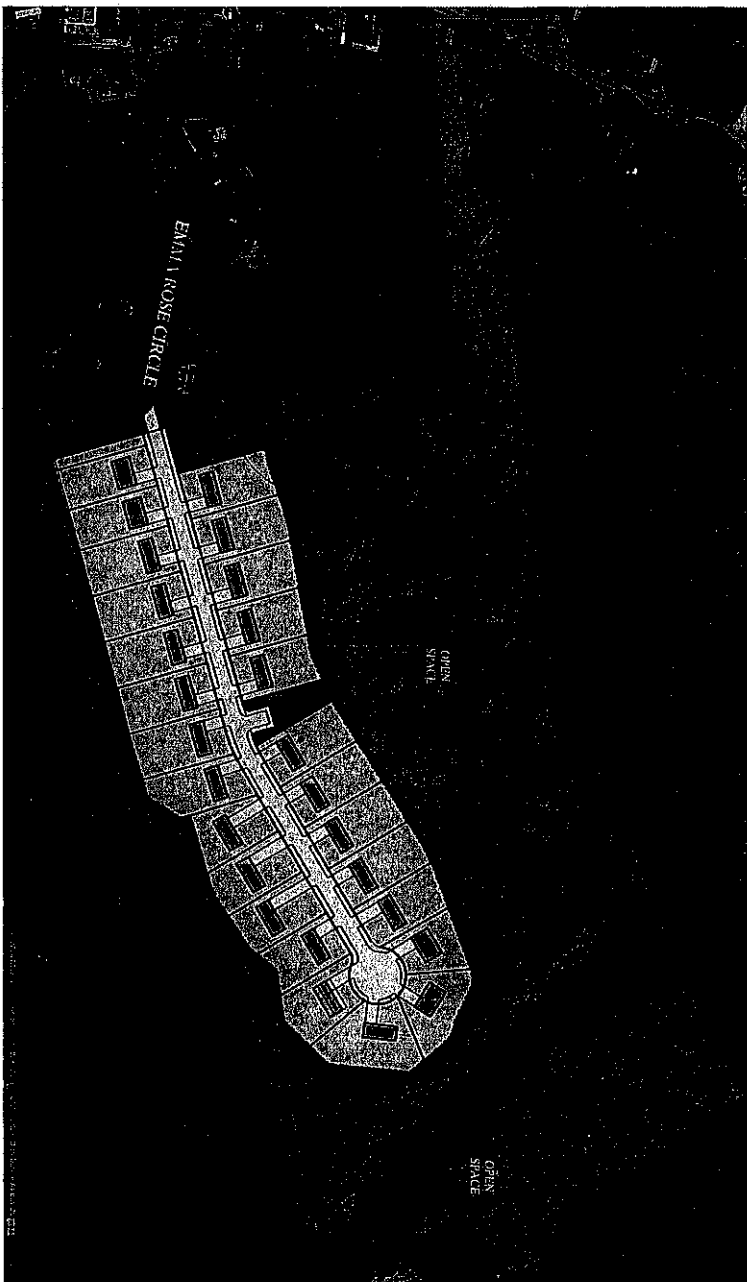
Client Phone*



FLEXIBLE DEVELOPMENT IN HAVERHILL, MA FEBRUARY 2024



PLAN INDEX	
SHEET NO.	TITLE
1	COVER SHEET
2	EXISTING CONDITIONS
3	CONVENTIONAL YIELD PLAN
4	SITE PLAN
5-8	GRADING & DRAINAGE PLAN
7-8	PLAN & PROFILE
9-10	EROSION AND SEDIMENTATION CONTROL PLAN



THIS PLAN IS FOR PERMITTING
PURPOSES ONLY AND IS NOT
INTENDED FOR CONSTRUCTION.



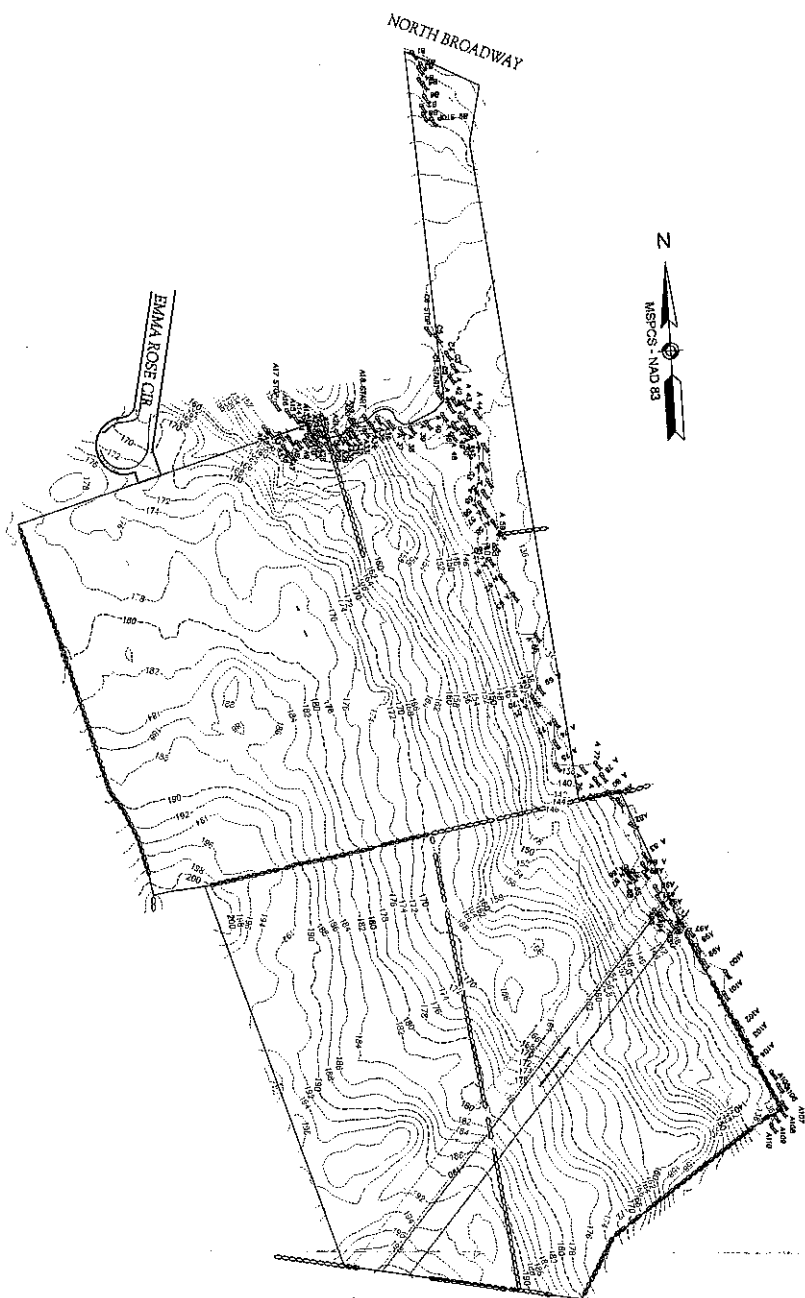
PREPARED FOR
JR BUILDERS, INC.
18 INDUSTRIAL WAY
SALEM, NH 03079

NO.	DATE	DESCRIPTION	BY	DATE	SCALE	DATE	SCALE	DATE	SCALE
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2									
3									
4									
5									
6									
7									
8									
9									
10									

MEI **MILLENNIUM ENGINEERING, INC.**
ENGINEERING AND LAND SURVEYING
62 BLM ST SUITE 200, HAVERHILL, MA 01830 (978) 451-5880
13 HADLEY RD, CHICPEA, NH 03263 (603) 775-0589

SITE PLAN
IN
HAVERHILL, MA
AT
BROADWAY

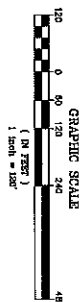
COVER
SHEET
SHEET C-1



LEGEND


□ C.B.	CONCRETE BOLLARD
□ S.B.	STONE BOLLARD
● D.H.	DRILL HOLE
● P.K.	MASSWART NAIL
● L.P.	IRON PIPE
● I.R.O.D.	IRON ROD
● F.N.D.	FOLIO D.
● M.F.N.D.	MOT FOLIO D.
0	ASBESTOS MAP

THIS PLAN IS FOR PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.



PREPARED FOR
JIR BUILDERS, INC.
16 INDUSTRIAL WAY
SALEM, NH 03075

NO.	DATE	DESCRIPTION	BY	SCALE	DATE	NO.
10						
9						
8						
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6						
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3						
2						
1						



MEI

MILLENNIUM ENGINEERING, INC.
 ENGINEERING AND LAND SURVEYING
 64 BAY ST. SUITE 500
 13 HAWTHORN RD. E. STEER, IN. 46383 (800) 778-8288

DATE: MAY 5, 2024	CADC: BT U.S.	PROJECT: M24-072	
CHECKED BY: TLL			

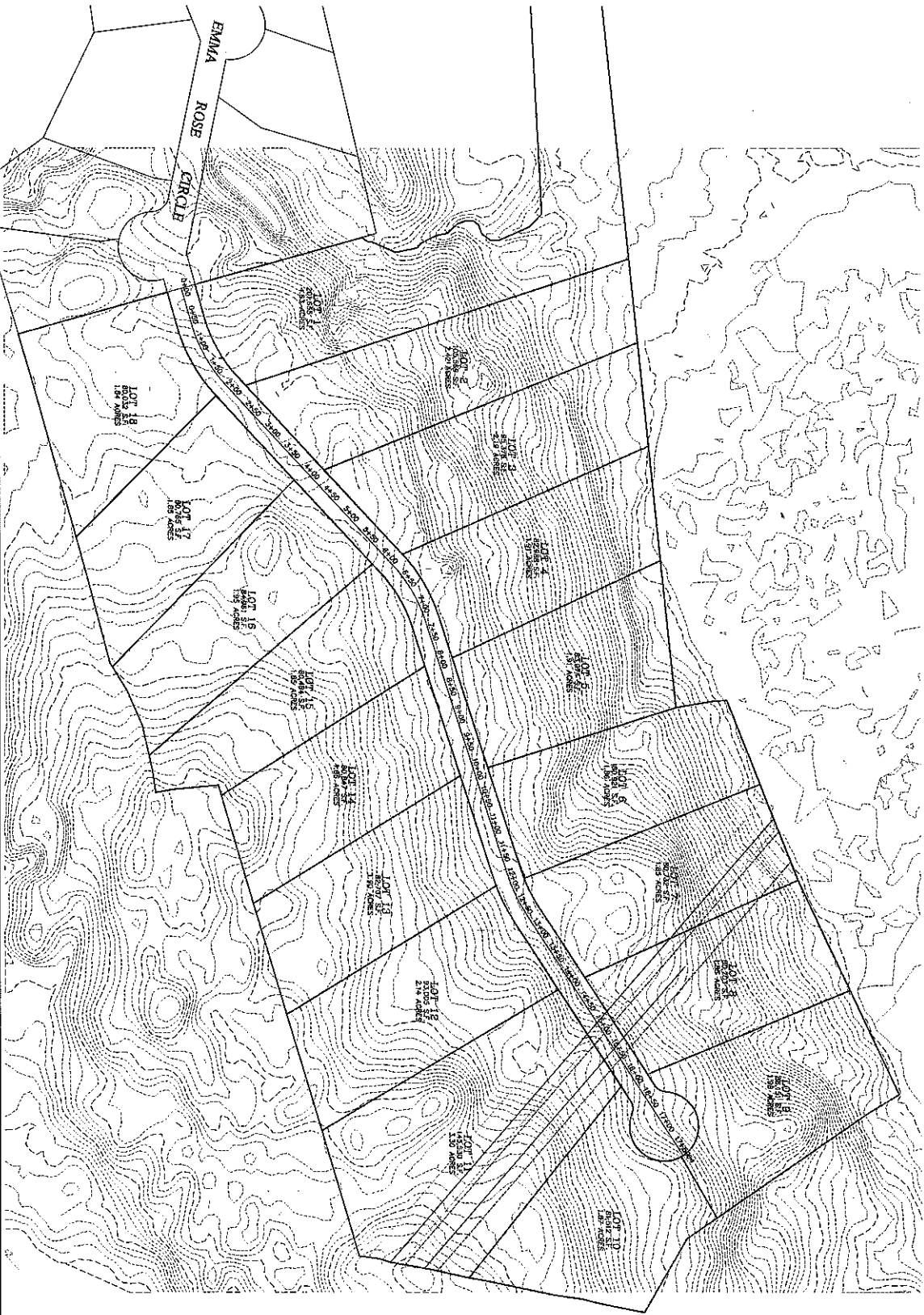
MILLENNium ENGINEERING, INC.
ENGINEERING AND LAND SURVEYING
62 ELM ST. SUITE 201, MA 01922 (978) 463-6900
13 HAMPTON RD. EXETER, NH 03833 (603) 778-0526

SITE PLAN
IN
HAVERHILL, MA
AT
BROADWAY

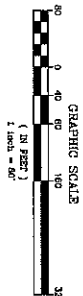
EXISTING
CONDITIONS

ZONING DISTRICT - R2

LOT AREA: 80,000 S.F.
 LOT FRONTAGE: 200 FEET
 LOT DEPTH: 400 FEET
 FRONT SETBACK: 40 FEET
 SIDE SETBACK: 25 FEET
 REAR SETBACK: 40 FEET
 MIN. LOT AREA: 100,000 S.F.
 MIN. LOT FRONTAGE: 250 FEET
 MIN. LOT DEPTH: 100 FEET
 MIN. LOT AREA: 100,000 S.F.
 MIN. LOT FRONTAGE: 250 FEET
 MIN. LOT DEPTH: 100 FEET



THIS PLAN IS FOR PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.



PREPARED FOR
 JN BUILDERS, INC.
 16 INDUSTRIAL WAY
 SHELTON, NH 03075

NO.	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY
1						
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MEI MILLENNium ENGINEERING, INC.
 ENGINEERING AND LAND SURVEYING
 82 OLD ST. SUITE 101, (978) 453-8800
 13 HAWORTH RD. DEER, NH 03033 (603) 778-0258

SCALE: 1"=80'
 DATE: MAR. 5, 2024
 DRAWN BY: E.W.B.
 PROJECT: M24072

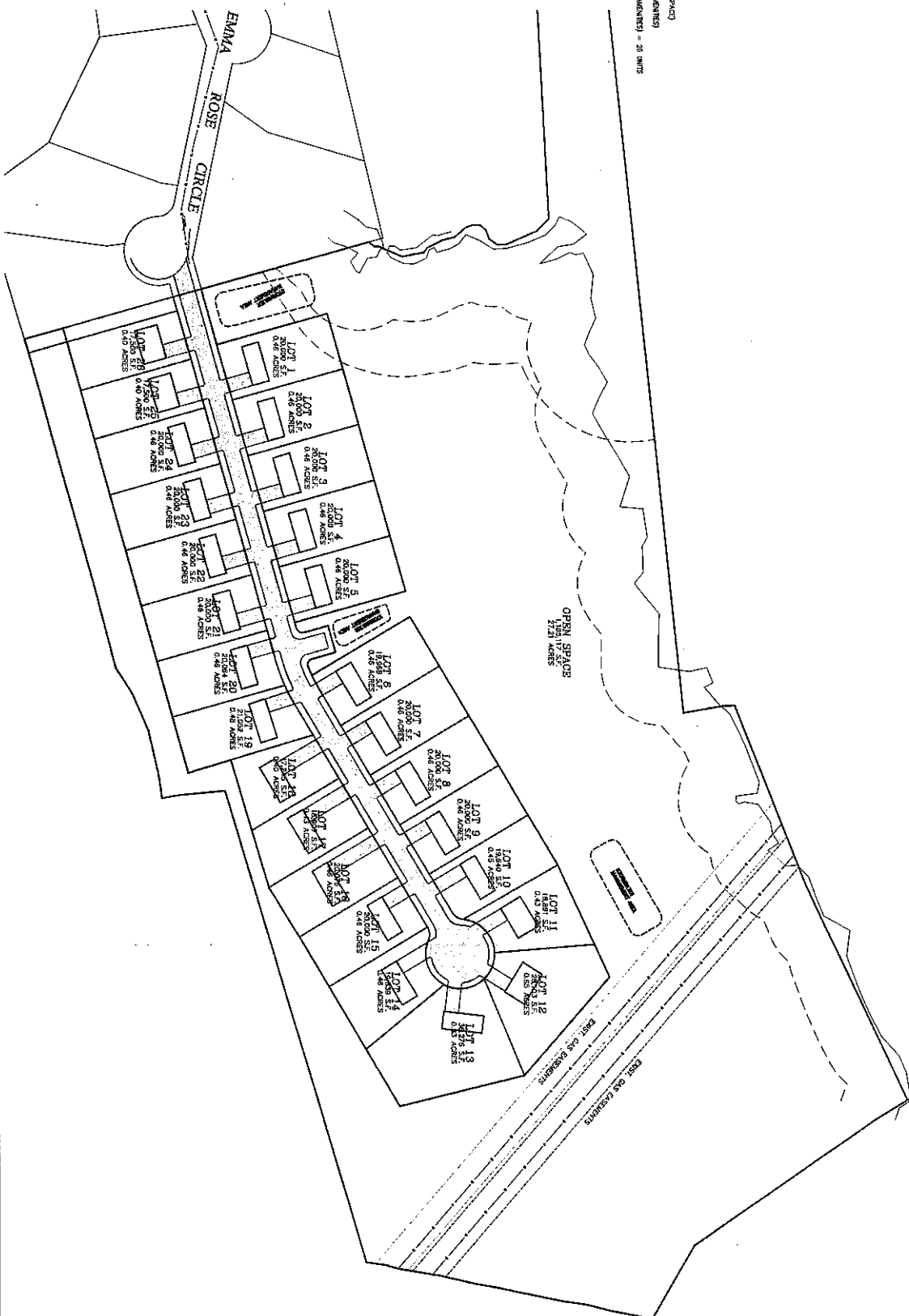
SITE PLAN
 IN
 HAVERHILL, MA
 AT
 O BROADWAY

YIELD PLAN
 SHEET C-3

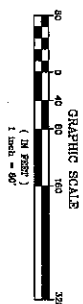
LOT FRONTAGE	200 FT.
REQUIRED SETBACKS	40 FT. (F.R.D.)
FRONT	40 FT. OR
SIDE	15 FT. OR 12.5 FT. (F.R.D.)
REAR	30 FT. OR 15 FT. (F.R.D.)
LOT COVERAGE	25%
OPEN SPACE	45%
BUILD. HEIGHT	35 FT.

COMINGIOUS OPEN SPACE PROVIDED = 1,185,117 S.F.


$1,155.17$ S.F. / $1,700.724$ S.F. = 0.68 = 68.05%
 MAX. OPEN SPACE REQUIRED = 20%
 MAX. ROBERTY BONUS / 11% ADDITIONAL OPEN SPACE
 MAX. OPEN SPACE ROBERTY BONUS = 20%
 MAX. ROBERTY DENSITY BONUS = 20%
 12 BLOCK NUMBER OF LOTS \times 0.2 = 4 UNITS (OPEN SPACE)
 12 BLOCK NUMBER OF LOTS \times 0.2 = 4 UNITS (CITY ADJACENT)
 12 LOTS \times 4 UNITS (OPEN SPACE) + 4 UNITS (CITY ADJACENT) = 20 UNITS



THIS PLAN IS FOR PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.



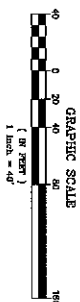
PREPARED FOR
J.R. BUILDERS, INC.
16 INDUSTRIAL WAY
SALEM, NH 03079

 MILLENNIUM ENGINEERING, INC. ENGINEERING AND LAND SURVEYING 62 ELM ST. SUITE 501, MA 01822 (978) 453-8880 13 HAWTHORN RD. DEXTER, ME 05033 (603) 778-5259		DATE: MAY 5, 2024 CADD BY: JTM CHECKED BY: JTB PROJECT: M240727	
NO. DATE DESCRIPTION BY			

SITE PLAN
IN
HAVERTHILL, MA
AT
BROADWAY

**SITE
PLAN**

THIS PLAN IS FOR PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.

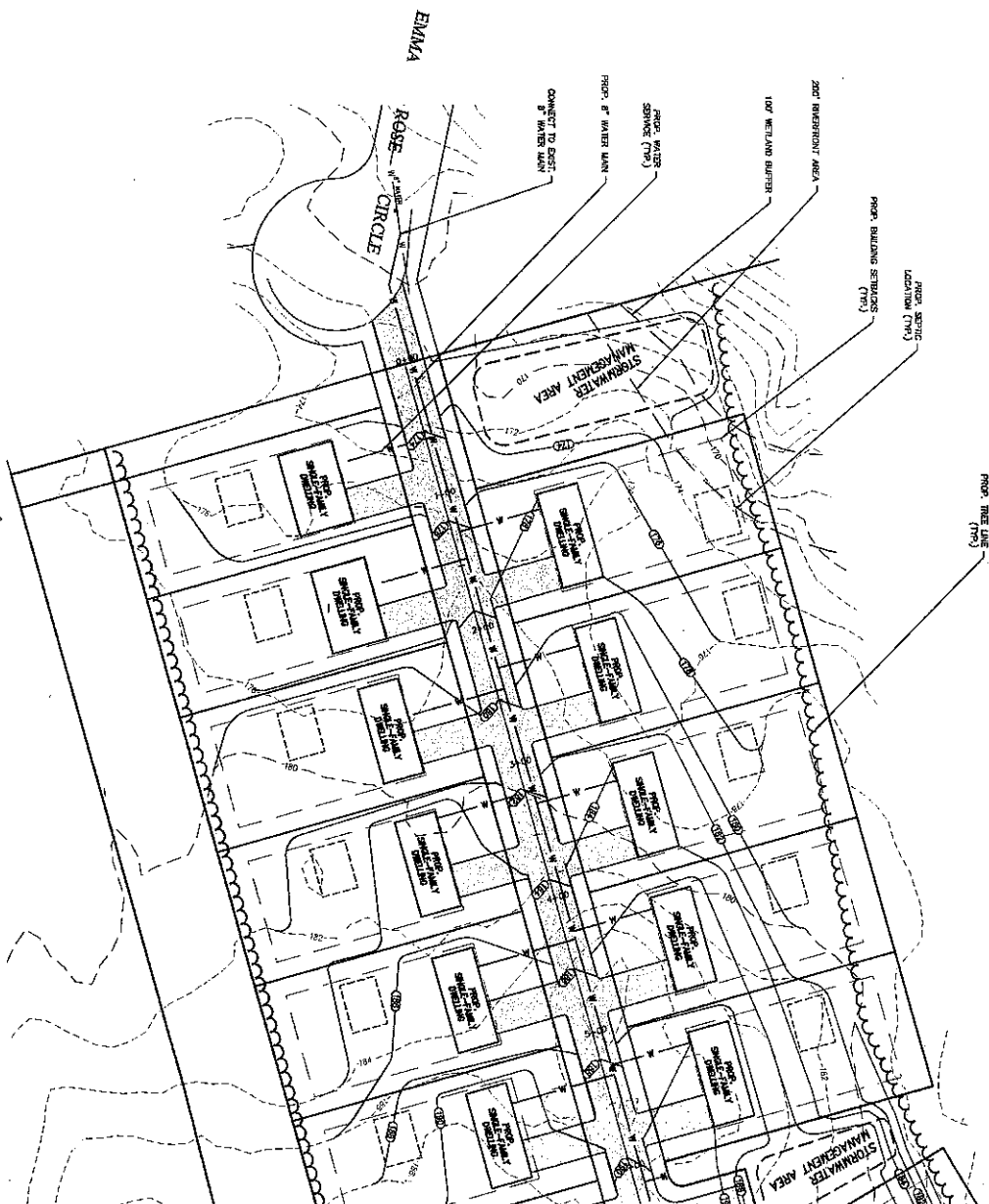


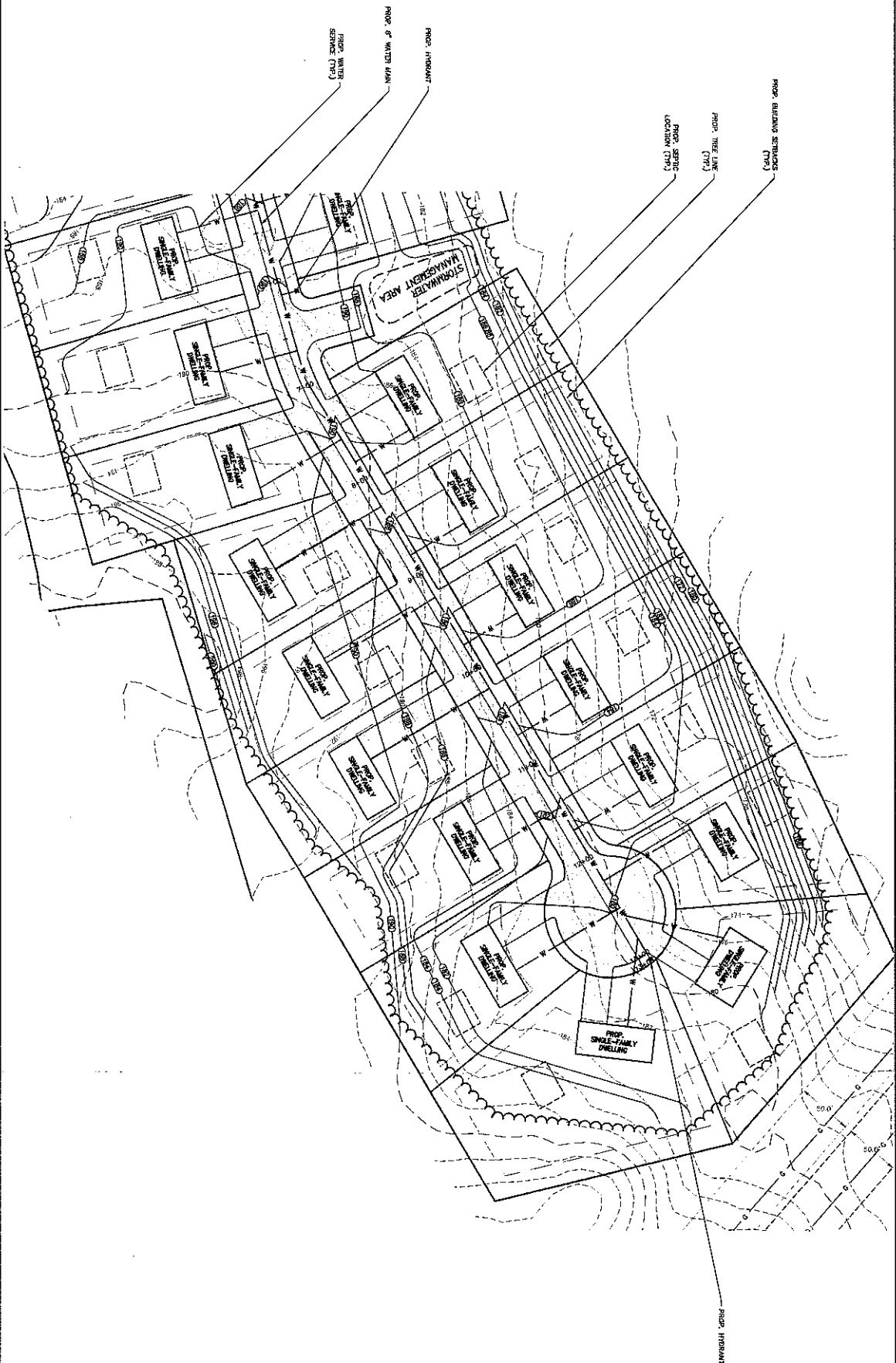
PREPARED FOR
JW BUILDERS, INC.
18 INDUSTRIAL WAY
SALDEN, NY 02075

NO.	DATE	DESCRIPTION	BY	DATE	CHKD. BY	EXTD.	PROJECT
1							MEI
2							ENGINEERING AND LAND SURVEYING
3							62 ELM ST. SUITE 201, (978) 453-8850
4							13 HAWTHORN RD. EXETER, NH 03833 (603) 776-0566
5							SCALE: 1"=40'
6							CAD: BT, JTL
7							DATE: MAR 5, 2024
8							CHGK: BT, EXTD.
9							PROJECT: M21472

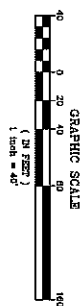
SITE PLAN
IN
HAVERHILL, MA
AT
O BROADWAY

GRADING &
DRAINAGE
PLAN
SHEET: C-5





THIS PLAN IS FOR PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.



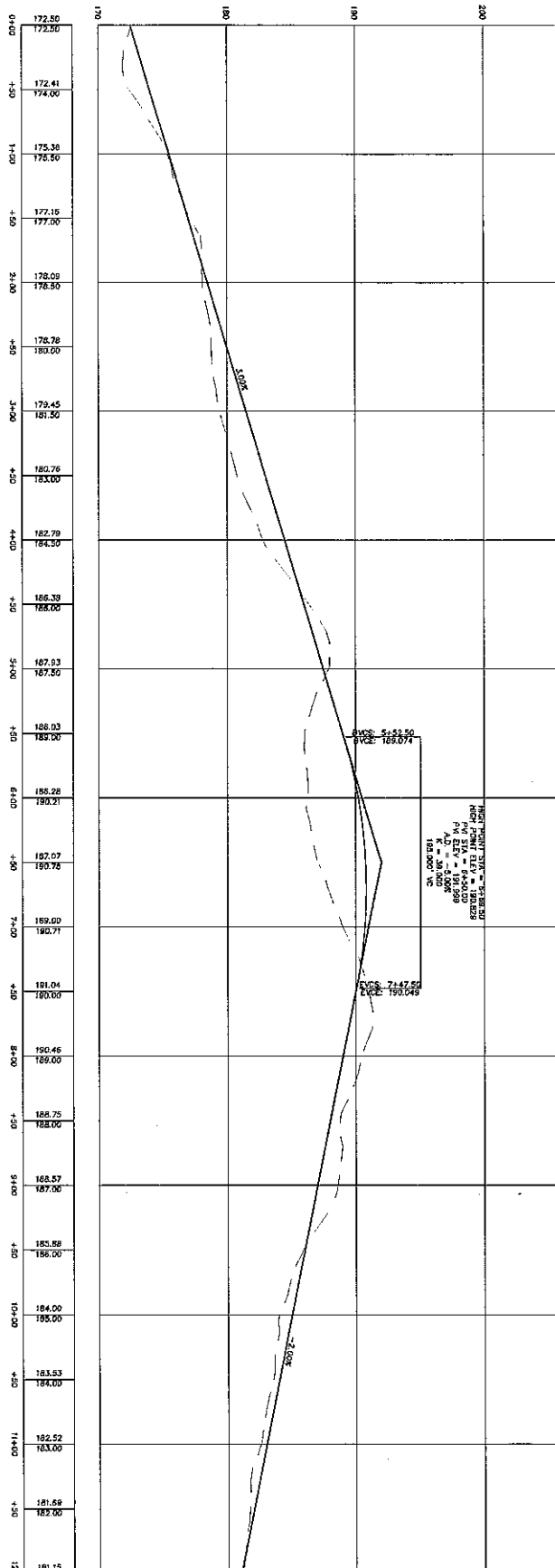
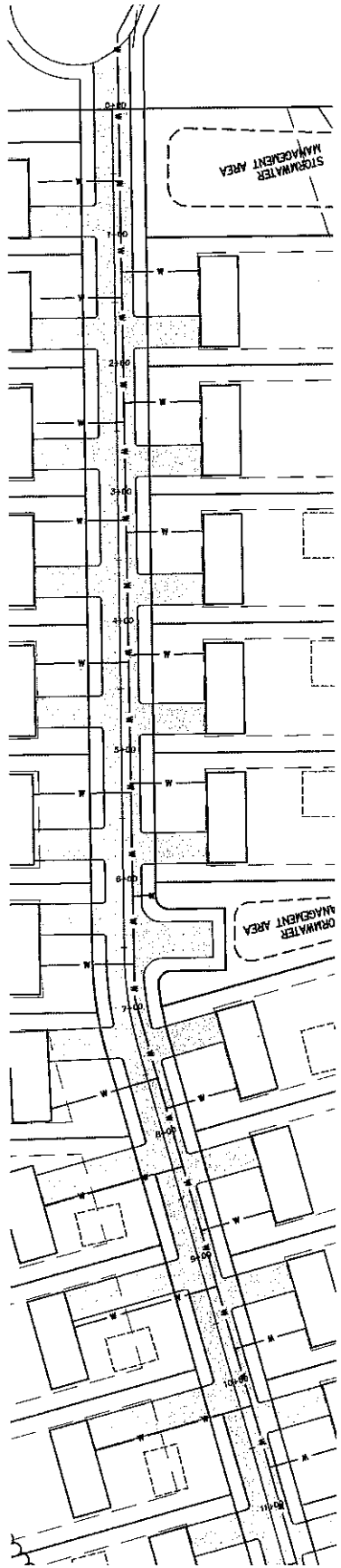
PREPARED FOR
JR BUILDERS, INC.
16 INDUSTRIAL WAY
SALON, NH 03075

NO.	DATE	DESCRIPTION	BY	DATE	SCALE	CALC.	CHECK	PROJECT
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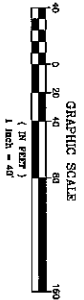
MEI MILLENNIUM ENGINEERING, INC.
ENGINEERING AND LAND SURVEYING
65 ELM ST. SUITE 200, WILMINGTON, MA 01890
12 HAWTHORNE RD. EXETER, NH 03823 (603) 778-0528

SITE PLAN
IN
HAVERHILL, MA
AT
O BROADWAY

GRADING &
DRAINAGE
PLAN
SHEET: C-6



THIS PLAN IS FOR PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.



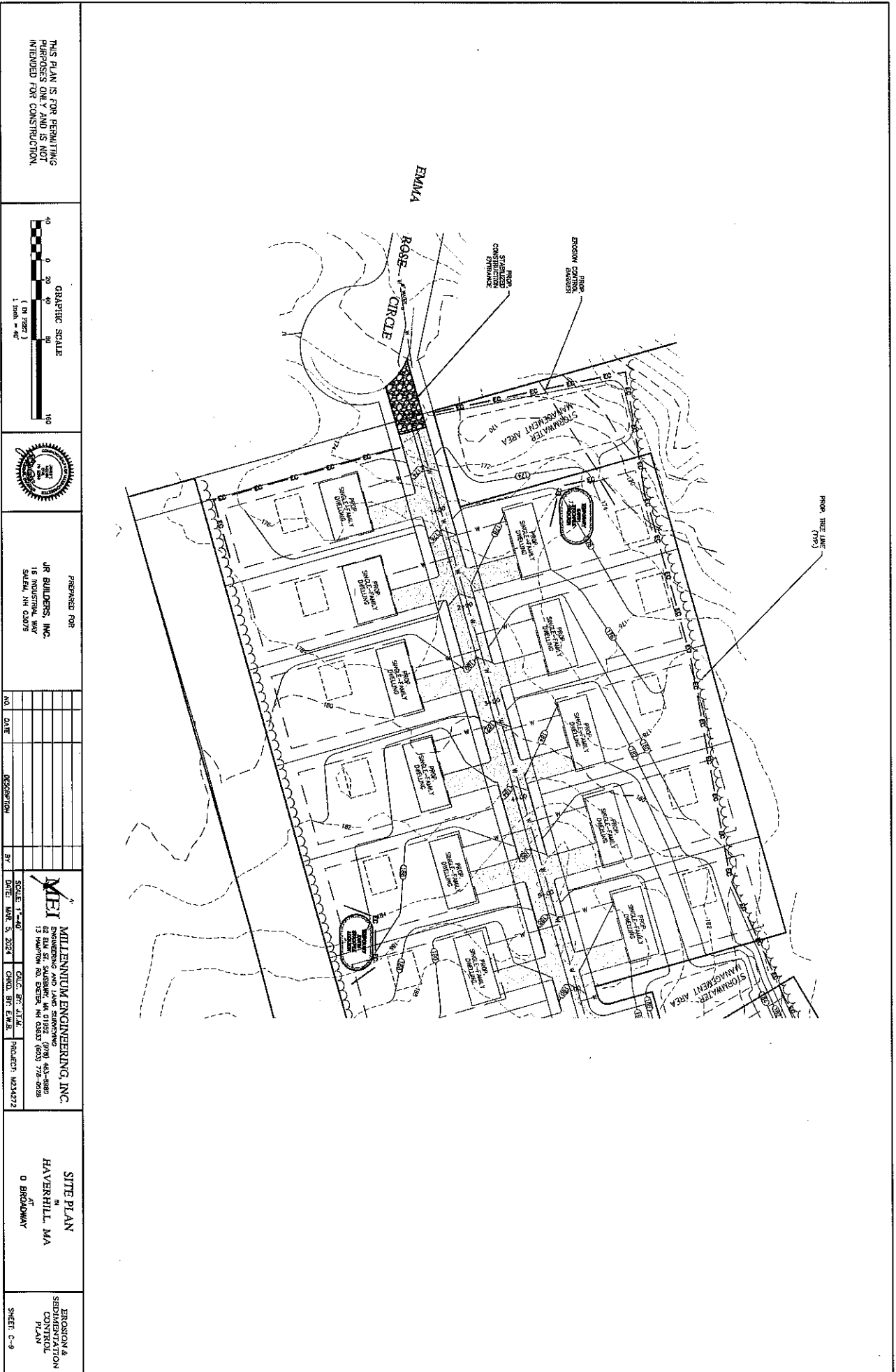
PREPARED FOR
JR. BUILDERS, INC.
16 INDUSTRIAL WAY
SHELTON, NH 03075

NO.	DATE	DESCRIPTION

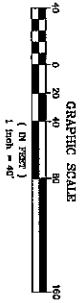
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DATE: MAR. 5, 2024
CADD: BT, EWA
PROJECT: M232722

SITE PLAN
IN
HAVERHILL, MA
AT
O BROADWAY

PLAN
&
PROFILE
SHEET C-7



THIS PLAN IS FOR PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.



PREPARED FOR
J.R. BUILDERS, INC.
15 INDUSTRIAL WAY
Salem, MA 02075

NO.	DATE	DESCRIPTION	BY	DATE	REVISION
1	05/20/2024	ISSUED FOR PERMIT	MEI		

SCALE: 1"=40'

MEI
ENGINEERING AND LAND SURVEYING
22 Elm St., Suite 200, Haverhill, MA 01830 (978) 463-8888
15 Madison Ave., Suite 200, Haverhill, MA 01830 (978) 778-5555

DATE: MAR 5, 2024
PROJECT: MA24272

SITE PLAN
HAVERHILL, MA
O BROADWAY

EROSION & SEDIMENTATION CONTROL PLAN
SHEET C-9

FIORELLO & MIGLIORI
ATTORNEYS AT LAW

KAREN L. FIORELLO
(Retired)

MICHAEL J. MIGLIORI
mmigliori@fmlaw.com

280 Merrimack Street
Suite B
Methuen, Massachusetts 01844
FAX 978-849-5191

March 7, 2024

Mr. Thomas Sullivan

Haverhill City Council President

Haverhill City Hall 4 Summer Street

Haverhill, MA 01830

RE: Special Permit (SPGA):

Owner: Frank Dudley c/o Nancy O'Neill, Essex Properties Trust

Applicant: JR Builders, INC

Location: 0 Broadway

Parcel ID: 539-439-9A, 539-439-D

Chapter 255 Section 8.4 JR Builders, INC

Brief in Support of a Flexible Development at Broadway,
Haverhill, Massachusetts

Pursuant to the Code of the City of Haverhill, Chapter 255 sec. 8.4 (Flexible Development), the applicant, JR Builders, INC., wishes to develop 50 acres of land currently comprised of two parcels owned by two separate owners. The project planned would create 26 new residential single-family homes located on approximately 20 acres of land and provide dedicated open space to be deeded to the City of Haverhill on the remaining 30 acres. The development is designed to preserve open land, protect the natural environment, protect the value of real property, promote more sensitive siting of buildings, perpetuate the appearance of the City's traditional New England landscape, facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner, and offer an alternative to standard subdivision development.

Background

The land to be developed abuts Emma Rose Circle. The Emma Rose subdivision, which consists of ten beautiful homes, was developed by Mr. Palmisano about six years ago.

Since that time Larry has been in discussions with the owners of the larger parcel in our plans for many years trying to purchase the land due to its location abutting Emma Rose Circle and due to the success the Emma Rose subdivision became. It seemed logical to continue Emma Rose Circle into the site subject of this Special Permit and create another beautiful subdivision using the Flex Zoning Ordinance because of the size of the parcel.

By using the Flex Development process, it allows Larry to donate 30 Acres of open space land to the city for trails, hiking and all outdoor activities while leaving it in its natural state as undeveloped forever.

While we were working with the city departments through the Preliminary Project Review process, we were advised that one of the sellers, Mr. Shinberg who owns the rear parcel that makes up this development, also owned a parcel of land on Amesbury Road located in the WSOPD and directly abuts the Whittier Homestead property. Mr. Shinberg was in the process of selling the parcel, which is almost 9 acres, for development.

We had discussions about the importance and value of the parcel if the city was able to pursue the purchase of the parcel.

The city apparently was unable to purchase the parcel.

Mr. Palmisano decided he would purchase the parcel and donate it to the city if his project is approved.

**Special Permit
Pursuant to Chapter 255
sec. 8.4 (Flexible Zoning)**

Special Permits are granted upon the City Council's written determination that the proposed use or structures shall not cause substantial detriment to the neighborhood or the City, taking into account the characteristics of the site and of the proposal in relation to that site.

The Applicant, in support of his application for a Special Permit, meets the requirements of Ch. 255-8.4 and meets the requirements to develop 26 residential homes. Pursuant to the Table of Dimensional and Density Regulations the Lot can be developed with 18 homes. Chapter 255 sec 8.4.7, allows for a density bonus which brings us to the 26 lots we are requesting.

"The SPGA may award a density bonus to increase the number of dwelling units beyond the basic maximum number. The density bonus for the flexible development shall not, in the aggregate, exceed 40% of the basic maximum number.

1. *For each additional 10% of the site over the open space required below and set aside as contiguous open space, a bonus of 5% of the basic maximum number may be awarded; provided, however, that this density bonus shall not exceed 20% of the basic maximum number.*
2. *Where the SPGA determines that the applicant has offered significant amenities to the city, including but not limited to infrastructure improvements, equipment, or technical assistance, a bonus of up to 20% of the basic maximum number may be awarded."*

The plan submitted by Mr. Palmisano was developed to meet the express purpose and intent of section 8.4 and the density bonus requirements of 8.4.7.

Mr. Palmisano has been very generous with his open space offering of 30 acres at the site of the development, allowing for a trail system around the development for public recreational use. These offerings are significant when compared with other developments that incorporate large portions of wetlands. The wetlands located on this site are minimal.

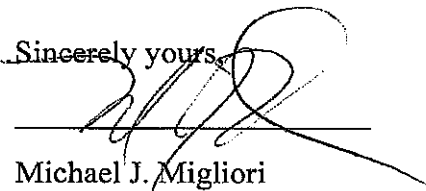
Further, the purchase of the Amesbury Road parcel located in the WSOPD and which abuts the Whittier Homestead which the city will receive can be viewed as a significant amenity being given to the city.

Additionally, Mr. Palmisano is providing other enhancements such as fire suppression systems and infrastructure improvements to the city's water system.

The Flexible Development plan Mr. Palmisano has submitted for this site, in addition to addressing the purpose and intent of the ordinance, also significantly reduces a number of adverse environmental impacts that would be seen in a conventional 18 lot subdivision that can be developed on the site by right.

The Flexible Development plan as presented complies with the requirements of the ordinance and clearly addresses the goals sought to be achieved by the Flexible Development Ordinance.

Sincerely yours,



Michael J. Migliori

FIORELLO & MIGLIORI
ATTORNEYS AT LAW

KAREN L. FIORELLO
(Retired)

MICHAEL J. MIGLIORI
mmigliori@fivilaw.com

280 Merrimack Street
Suite B
Methuen, Massachusetts 01844
FAX 978-849-5191

March 7, 2024

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Haverhill City Council President

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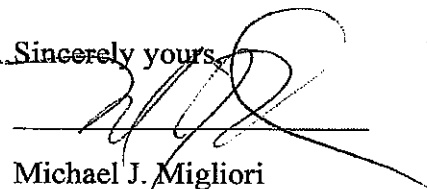
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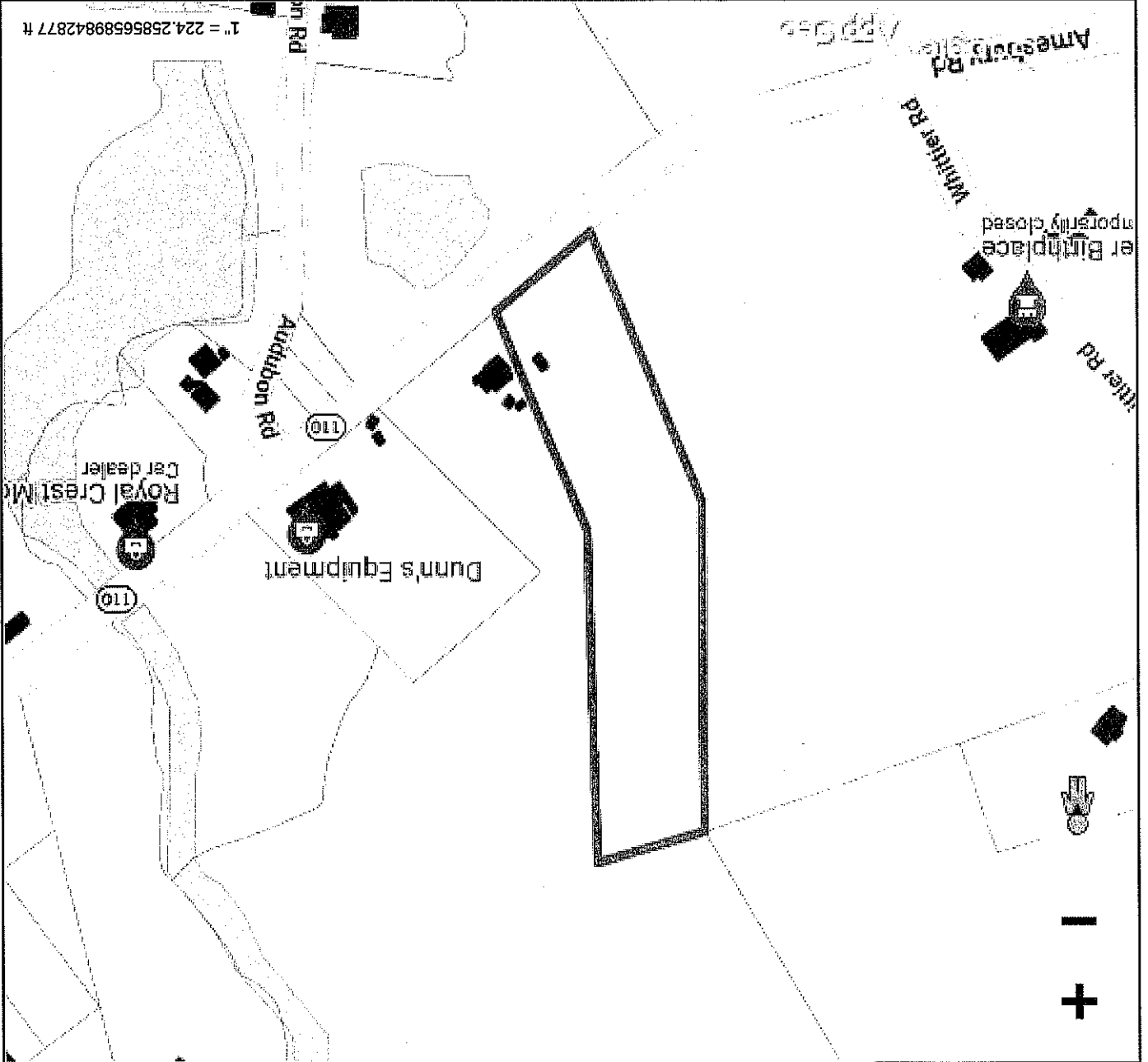
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Sincerely yours,



Michael J. Migliori



Property Information

Property ID 440-2-6
Location AMESBURY RD
Owner ESSEX PROPERTIES TRUST



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT
City of Haverhill, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
Geometry updated February 5, 2019
Data updated February 4, 2019

Print map scale is approximate.
Critical layout or measurement activities should not be done using this resource.

PURCHASE AND SALE AGREEMENT

This Agreement made this 31st day of August, 2023 by and between:

1. Parties and Mailing Addresses

Nancy O'Neill, as Personal Representative of the Estate of Frank J. Dudley, Essex County Probate Court Docket # ES16P0034EA and Individually, Carol Szpuk, Robert Dudley and Frank J. Dudley, Jr., hereinafter collectively called the SELLER, agrees to sell and

JR Builders, Inc, a corporation organized under laws of the Commonwealth of Massachusetts with a principal office located at 599 Canal Street, Lawrence, MA 01840, hereinafter called the BUYER, agrees to buy

upon the terms hereinafter set forth, the following described Premises:

2. Description of Premises

The land located on Broadway, Haverhill, Essex County, Massachusetts, known as Parcel ID 539-439-9A, with the City of Haverhill Assessor's Office. The above described premises being a portion of the premises conveyed to Frank J. Dudley and Patricia A. Dudley by deed dated August 29, 1961 and recorded with Essex South Registry of Deeds at Book 4811, Page 301, consisting of approximately 31.84 acres. See attached Exhibit "A" for a more particular description of the premises

3. Title Deed

The Premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven (7) days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except

- (a) Provisions of existing building and zoning laws;
- (b) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
- (c) Any liens for municipal betterments assessed after the date of this Agreement;
- (d) Easements, restrictions, and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said Premises;
- (e) NONE

4. Plans

If said deed refers to a plan necessary to be recorded therewith, the SELLER shall deliver such plan with the deed in form adequate for recording or registration.

5. Registered Title

In addition to the foregoing, if the title to the Premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of the Premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

6. Purchase Price

The purchase price hereunder shall be a minimum of One Million and 00/100 Dollars (\$1,000,000.00) of which \$5,000.00 has been paid as a deposit with the Offer, \$45,000.00 has been paid as an additional

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deposit this day, and \$950,000.00 are to be paid at the time of delivery of the deed by certified, cashier's, treasurer's, bank check(s), Closing Attorney's Trust Account check, or electronic funds transfer. Said price is based on Buyer obtaining approvals for ten (10) single-family house lots ("Lots"). The purchase price shall be increased by One Hundred Thousand and 00/100 Dollars (\$100,000.00) for each Lot approved above and beyond ten (10) Lots. Notwithstanding any language to the contrary, the minimum Purchase Price shall be One Million (\$1,000,000.00) Dollars. In the event that Buyer is not approved for at least ten (10) Lots then Seller shall have the unconditional right to terminate this Agreement. In the event of such termination, the Deposit shall be returned to Buyer forthwith, and then this Agreement shall become void and have no effect, without any liability on the part of any party hereto or its officers, members, managers, employees, agents, and representatives, in respect of this Agreement.

7. Time for Performance; Delivery of Deed

Such deed is to be delivered on the earlier of the following events to occur: (1) forty-five (45) days after Buyer obtains all required approvals from the City of Haverhill with all appeal periods having lapsed; or (2) May 31, 2024. The Parties agree that as long as the Buyer has been diligently pursuing its obligation to obtain the necessary permits from the City of Haverhill referenced in the attached rider but has not received the required permits by May 31, 2024, then the Buyer shall be granted appropriate extensions for time of performance up to December 31, 2024. The Closing shall take place at the location designated by Buyer's Counsel. If any date on which the Closing would occur by operation of this Agreement is not a business day in Essex County, Massachusetts, the Closing shall occur on the next business day. IT IS AGREED THAT TIME IS OF THE ESSENCE OF THIS AGREEMENT. Neither SELLER nor SELLER's attorney will be required to physically attend closing, but instead may deliver the deed, and such other documents as SELLER may be obligated to produce, to the closing attorney on or before the closing date, and the non-attendance at the closing by SELLER or any representative of SELLER shall not be considered a breach of the terms of this Agreement. For purposes of this Agreement, Buyer's obligation to diligently pursue all necessary permits from the City of Haverhill shall be defined as Buyer having submitted complete Applications to all necessary Land Use Boards in the City of Haverhill including, but not limited to the City Council, Planning Board, Zoning Board of Appeals and the Conservation Commission no later than December 1, 2023.

8. Possession and Condition of Premises

Full possession of the Premises, free of all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, the Premises to be then be in compliance with the provisions of any instrument referred to in clause 3 hereof.

9. Extension to Perfect Title or Make Premises Conform

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the Premises, all as herein stipulated, or if at the time of the delivery of the deed the Premises do not conform with the provisions hereof, then the SELLER shall to use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the Premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. provided, however, that SELLER shall not be required to expend in excess of one-half of one percent of the purchase price, inclusive of attorney's fees, in order to meet its obligations under this paragraph.

10. Failure to Perfect Title or Make Premises Conform

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If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the Premises conform, as the case may be, all as herein agreed, then any payments made under this Agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this Agreement shall be void without recourse to the parties hereto.

11. Buyer's Election to Accept Title

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the Premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.

12. Acceptance of Deed

The acceptance and recording of a deed by the BUYER or his nominee, as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

13. Use of Money to Clear Title

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed, except that discharges of mortgages or other liens held by banks or other institutional lenders, and discharges of liens for municipal taxes, or of liens for municipal taxes and liens under M.G.L. c. 61A including those for roll back taxes need not be furnished at the time for performance provided that arrangements consistent with customary conveyancing practice are made for the payoff of same from the sale proceeds at closing and for the subsequent procurement and recordation thereof in due course.

14. Adjustments

Taxes for the then current fiscal year shall be apportioned as of the day of performance of this Agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed.

15. Adjustment of Unassessed and Abated Taxes

If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless otherwise herein agreed.

16. Broker's Fee

A Facilitator's fee for professional services as per listing agreement is due from the SELLER to One Group Realty Nest, the Broker(s) herein, but only if, as and when BUYER accepts and records SELLER's deed and SELLER receives the full purchase price under this Agreement, and not otherwise.

BUYER and SELLER understand that Keller Williams Realty, a real estate broker, is seeking a fee from Realty One Group Nest for services rendered as buyer's agent.

17. Broker's Warranty

The Broker(s) named herein, Realty One Group Nest and Keller Williams Realty warrant(s) that the Broker(s) is(are) duly licensed as such by the Commonwealth of Massachusetts.

18. Deposit

All deposits against the purchase price made hereunder shall be held in escrow by Realty One Group Nest as escrow agent (the "Escrow Agent") in a federal or state commercial bank account and shall be duly accounted for at closing. There is no requirement hereunder that the deposit be held in an interest-bearing account. In the event of any disputes as to disposition of the deposits thereon, the Escrow Agent shall, without liability, retain the deposits until directed by the parties in writing as to disposition thereof, and shall upon the written request of either Seller or Buyer, or may at said Escrow Agent's election, pay the deposits into court in an action (commenced by the Buyer or Seller or the Escrow Agent) to determine disposition thereof and, upon any payment into court, the Escrow Agent will be relieved of liability for the amount so paid in. Buyer specifically acknowledges and agrees that Geary & Geary, LLP shall not be disqualified from representing Seller in any dispute regarding this Agreement or the deposit held hereunder by virtue of its acting as escrow agent hereunder.

19. Buyer's Default; Damages

In the event of a default by Buyer, the retention by the Seller of the deposit and the acquisition of ownership and possession of the plans, documents, applications, surveying, engineering, permits, approvals, reports, engineering and third-party provider work product, if any, shall be the Seller's sole remedy at law and in equity for any default by the Buyer under this Agreement.

20. Release by Husband or Wife

The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in the Premises.

21. Broker as Party

The Broker(s) named herein join(s) in this Agreement and becomes a party hereto, insofar as any provisions of this Agreement expressly apply to the Broker(s), and to any amendments or modifications of such provisions to which the Broker(s) agree in writing.

22. Liability of Trustee, Shareholder, Beneficiary

If the SELLER or BUYER executes this Agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER nor the BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

23. Warranties and Representations

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has the BUYER relied upon any warranties or representations not set forth or incorporated in this Agreement,

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except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s): **NONE**

Except for the representations and warranties contained herein or in any documents delivered by Seller to Buyer at Settlement, the Property is being acquired by Buyer in an "AS IS", "WHERE IS" condition, "WITH ALL DEFECTS" and "WITH ALL FAULTS". Buyer acknowledges that it will be acquiring the Property on the basis of its own investigations. Except as expressly set forth in this Agreement or in any documents delivered by Seller to Buyer at Settlement, no representations or warranties, whether express, implied or statutory, have been made or are made and no responsibility has been or is assumed by Seller or by any officer, person, firm, agent or representative acting or purporting to act on behalf of the Seller as to condition or repair of the Property or the value, expense of operation, existence of oil or hazardous materials on environmental matters, or income potential thereof, the reliability of any information furnished to Buyer or as to any other fact or condition which has or might affect the Property or any portion thereof. Except for the representations and warranties by Seller as provided herein, Buyer hereby expressly releases the Seller from any and all claims, losses, proceedings, damages, causes of action, liability, costs or expenses (including attorneys' fees) arising from, in connection with or caused by Hazardous Substances.

24. Mortgage Contingency Clause

INTENTIONALLY DELETED

25. Construction of Agreement

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes, if any, are used only as a matter of convenience and are not to be considered a part of this Agreement or used in determining the intent of the parties to it. In the event that any deadline or date for performance or providing notice contained herein (including, without limitation, any contingencies or extensions of the time for performance under this Agreement), falls on a Saturday, Sunday or legal holiday, as the case may be, such deadline or other date shall be automatically extended to the immediately following business day. Any matter or practice which has not been addressed in this Agreement and which is the subject of a title Standard or Practice Standard of the Real Estate Bar Association of Massachusetts at the time for performance shall be governed by the Standards and Practices of the Real Estate Bar Association of Massachusetts.

26. Additional Provisions

The Buyer believes that based upon the size of the Premises to be conveyed by the Seller and applying the zoning by-laws in place at the time of execution of this Agreement, including conventional subdivision and flex zoning by-laws, that Buyer may be able to obtain approval for 15 Lots or more on the Premises.

Buyer is also negotiating to purchase an additional contiguous parcel of land situate at Broadway, Haverhill, MA containing approximately 8.74 acres of land (Parcel 539-439-39D) not owned by the Seller (the "Additional Land"), to include with the Premises in its subdivision application to the City which may allow the Buyer to obtain approval for additional lots from the City.

In the event Buyer enters into an agreement to purchase the Additional Land and obtains approval from the City for a plan which includes both the Premises and Additional Land, then the provisions regarding the per lot computation of the Purchase Price for each Lot approved above and beyond ten (10) Lots provided for in Paragraph 6 hereinabove shall not apply, and the Purchase Price paid from Buyer to Seller shall be fixed at \$1,500,000.00.

The provisions of said Paragraph 6 regarding the minimum purchase price shall apply in all events.

27. Riders

The below listed Riders, if any, are hereby incorporated into this Agreement by reference:

See Addendum A to Purchase and Sale Agreement

SELLER: Estate of Frank J. Dudley
By: Nancy O'Neill, P.R. and
idwv128 8/23

BUYER: JR Builders, Inc.,
By: Lawrence Palmisano
Larry R. Palmisano, President
dotloop verified
08/28/23 11:22 AM EDT
HH8A-B57E-EF5X-XPSP

SELLER: Carol Szpuk 5/29/23
Carol Szpuk

SELLER: Robert Dudley
Robert Dudley
September 1, 2023

SELLER: Frank J. Dudley, Jr.
Frank J. Dudley, Jr.
August 28, 2023

ADDENDUM A TO PURCHASE AND SALE AGREEMENT

SELLER: Nancy O'Neill, Personal Representative of the Estate of Frank J. Dudley, Essex County Probate Court Docket # ES16P0034EA and individually, Carol Szpuk, Robert Dudley and Frank J. Dudley, Jr.

BUYER: JR Builders, Inc.

PREMISES: The land located on **Broadway, Haverhill, Essex County, Massachusetts, known as Parcel ID 539-439-9A, with the City of Haverhill Assessor's Office.** The above described premises being a portion of the premises conveyed to Frank J. Dudley and Patricia A. Dudley by deed dated August 29, 1961 and recorded with Essex South Registry of Deeds at Book 4811, Page 301, consisting of approximately 31.84 acres.

DATE: August 31, 2023

The following provisions supplement and amend the Purchase and Sale Agreement of even date simultaneously signed between the parties identified above, and are included within said Agreement for all purposes. If any term or provision contained in this addendum conflicts in any way with the terms of the Purchase and Sale Agreement to which it is attached, then the terms and provisions of this Addendum shall supersede the terms of the Purchase and Sale Agreement and control.

1. **Project:** Buyer's intent is to obtain all necessary approvals in order to construct a single-family home residential subdivision with associated infrastructure including, but not limited to drainage structures, roadways and utilities (the "Project"). Buyer shall have until **July 31, 2023** in order for Buyer to confirm the feasibility of Project. Thereafter, Buyer shall diligently pursue all necessary municipal approvals with the City of Haverhill, Massachusetts. In pursuit of the Project approvals, Buyer shall:

(a) (i) to file plans and documents for approval by municipal, state or federal boards, commissions, authorities or entities (collectively, "Authorities") including, without limiting the generality of the foregoing, plans and documents under the Massachusetts Subdivision Control Law, M.G.L. c. 41 §§81K through 81GG inclusive (collectively, "Subdivision Filings"); (ii) to file one or more notices of intent, applications, requests, plans and the like for approval by municipal, state or federal Authorities including plans and documents under the Massachusetts Wetlands Protection Act, M.G.L. c. 131 § 40 *et. seq.*, the regulations thereunder and under any municipal ordinances relating thereto (collectively, "Wetland Filings"; and (iii) to file Requests/Petitions with the Haverhill Board of Appeals and/or City Council and Plans with the Haverhill Planning Board).

(b) Buyer may inspect and test the land for chemicals and environmental hazards by records check, observation, and either digging or boring in order to obtain a report or reports ordered by Buyer from engineers, scientist, lawyers and similar professionals engaged by Buyer at its sole expense to ascertain that no hazardous material or oil (as those terms are defined in

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M.G.L. c. 21E, Sec. 2), has been released or is unlawfully stored in unlawful quantities or concentrations in or on any portion of the premises and that the condition of the premises, following such testing and evaluation as required by such professional, will permit a responsible environmental engineering firm to issue an environmental site assessment report sufficient to reasonably satisfy Buyer that the condition of the premises at the time of closing will not give rise to a lien, an assessment, or liability to the Commonwealth of Massachusetts pursuant to M.G.L. C. 21E; and

(c) Seller authorizes Buyer, individually and through its employees, representatives, agents, consultants and contractors, to enter upon the premises from time to time between the execution of this Agreement and the date of delivery of the deed at reasonable times upon prior notice to Seller for the purposes of surveying, engineering, inspections, soil tests, and the like in connection with Buyer's due diligence and elected permitting activities, provided that Buyer promptly restores the premises to its prior conditions. The Buyer, for itself, its employees, representatives, agents and consultants and contractors and its successors and assigns, agrees to defend, indemnify and hold harmless the Seller, and its successors and assigns, and all persons claiming by, through and under the Seller from and against all claims, losses, costs, expenses, damage or liability of any nature resulting from any actions, injury or damage, however caused, including personal injuries and property damage in connection with the Buyer's access to and activities on the premises, resulting from the acts or omissions of Buyer, or its independent contractors or agents. This indemnity and hold harmless agreement shall include indemnity against all expenses and liabilities incurred in or in connection with any such claim or proceeding brought thereon; and the defense thereof with counsel acceptable to the Seller or counsel selected by an insurance company that has accepted liability for any such claim.

2. Title. Within ten (10) days of the execution of this Agreement, at Buyer's sole cost and expense, Buyer will order a title search in order to determine that the Seller can convey good and marketable title in and to the Property, subject only to standard title exceptions and such non-standard title exceptions as may be reasonably acceptable to Buyer. In the event title is not in conformity with the foregoing standards, Buyer shall notify Seller in writing of any title objections or defects on or before 5:00 p.m. on the sixtieth (60th) Business Day following the date of this Agreement, and Seller shall have the option of correcting such title deficiencies or providing evidence or documentation for the title company to insure over such title deficiencies. In the event Seller is unable to remedy the title deficiencies prior to Closing, or is unwilling to correct the title deficiencies or provide evidence or documentation for the title company to insure over such title deficiencies, Buyer may accept title "as is", without a reduction in the Purchase Price, and Buyer shall not have any action or claim for Damages with regard to any such deficiencies. If Buyer decides not to take title "as is," Buyer's sole remedy at law or in equity shall be termination of this Agreement, with each party being released from any liability or cause of action arising from this Agreement.

3. Permits, Plans, Test Results and Reports. If Buyer fails to obtain subdivision approval as provided for in Paragraph 1 above or if the transaction contemplated by this Agreement is terminated or is otherwise not consummated at the time for performance for any reason other than Seller's default, then Buyer hereby assigns and transfers to Seller all right, title and interest

NO'N FAD CDZ RMD



of Buyer in and to all plans, surveys, engineering studies, reports, test results and the like relating to Seller's premises, all without cost to Seller.

4. Assignment; Recording. This Agreement may not be assigned or recorded by the Buyer without the prior written consent of the Seller and any recordation by Buyer (including a recording of notice hereof) or purported assignment by Buyer in violation of this paragraph shall be considered a default by Buyer under this Agreement, whereupon all deposits hereunder shall be paid to the Seller and shall become the Seller's property and this Agreement shall terminate without further recourse to the Parties hereto. This provision is not in derogation of the Buyer's rights under paragraph four (4) to designate a nominee to take title.

5. Seller Representations. All of Seller's representations under this Agreement and any Rider or Addendum hereto are to the Seller's actual knowledge, made without conducting any independent investigation or inquiry and are not intended to imply or create any obligation for the Seller to take additional actions or make further inquiry with regard to any topics contained within this Agreement, and are not intended to survive the delivery of the deed. Furthermore, it is acknowledged and agreed by the Parties that any such representations shall not constitute a representation or warranty against the existence of such conditions about which Seller has no knowledge.

6. Representations and Warranties of Buyer. Buyer represents and warrants to Buyer as follows:

(a) Power and Authority: This Agreement has been duly executed and delivered by Buyer and is the legal, valid, and binding obligation of Buyer, enforceable in accordance with its terms. Buyer has all requisite corporate power and authority, and has taken all necessary corporate action, to purchase and accept such Property from Seller as contemplated hereby, to execute and deliver this Agreement, and to perform its obligations hereunder.

(b) Organization: Buyer is a Corporation validly existing under laws of the Commonwealth of Massachusetts.

(c) Due Authorization: The execution and delivery of this Agreement and the performance by Buyer of its obligations hereunder have been duly authorized by all necessary corporate action or other appropriate governance action, and no other company proceedings on the part of Buyer are necessary to approve and authorize the execution and delivery of this Agreement and the consummation of the transactions contemplated hereby.

(d) Non-Contravention: The execution and delivery of this Agreement by Seller, and the performance of its obligations hereunder, will not: (i) breach or violate any of the provisions of, constitute a default under, or conflict with, the governing documents of Buyer; (ii) create or impose any Encumbrance on the Property; (iii) violate any Law to which Buyer is subject; or (iii) violate or result in a breach in any material respect any agreement to which Buyer is a party.

(e) Consents and Approvals: No authorization, consent, or approval of, or filing with or notice to, any Governmental Body or other Person is required to be obtained by

NOV 13 2023 CDZ RMD



Buyer in connection with the execution and delivery of this Agreement by Buyer or the performance of its obligations hereunder.

7. **Notice.** All notices required or permitted to be given under the terms of this Agreement shall be in writing and delivered by hand, by certified mail, postage prepaid, by express courier service or by facsimile transmission and electronic mail, in the case of SELLER to the address above or to SELLER's attorney, John C. Geary, Geary & Geary, LLP, 32 Church Street, Lowell, MA 01852, Facsimile # 978-458-1337, email: jcg@gearyandgeary.com provided if any such notice is sent to SELLER a copy shall be sent to SELLER's attorney, and in the case of BUYER to the address above or to BUYER's attorney, Michael Migliori, Esq., 18 Essex Street, Haverhill, MA 01830; Facsimile # _____; email: mmigliori@fimidlaw.com, provided if any such notice is sent to BUYER, a copy shall be sent to BUYER's attorney, or in the event of either party to such other address as shall be designated by notice given to the other party in compliance with this paragraph. Except as otherwise provided for herein, notice shall be deemed given on (a) the date of receipt if delivered by hand, if sent by express courier service, and the date transmitted (provided proof of transmission is retained) if by facsimile or email transmission or (b) the earlier of the date of receipt and the date of first attempted delivery by the U.S. Postal Service, if transmitted by mail as aforesaid.

8. **Electronic and Facsimile Signatures.** In order to facilitate the execution and delivery of certain documents contemplated hereby; the Parties acknowledge that any signatures obtained electronically or by facsimile shall be relied upon by the parties as original signatures to any such document.

Executed under seal as of the date of the Agreement, by

Estate of Frank J. Dudley
By:

SELLER: Nancy O'Neill, PR
Nancy O'Neill, P.R. and
August 28, 2023

JR Builders, Inc.,
By:

BUYER:

Lawrence Palmisano
Larry R. Palmisano, President

SELLER: Carol Szpuk 8/29/23
Carol Szpuk

SELLER:

Robert Dudley
Robert Dudley
September 1, 2023

SELLER: Frank J. Dudley, Jr.
Frank J. Dudley, Jr.
August 28, 2023

FIGRELLO & MIGLIORI
ATTORNEYS AT LAW

KAREN L. FIGRELLO
(Retired)

MICHAEL J. MIGLIORI
mmigliori@fmlaw.com

280 Merrimack Street
Suite B
Methuen, Massachusetts 01844
FAX 978-849-5191

March 7, 2024
Mr. Thomas Sullivan
Haverhill City Council President
Haverhill City Hall 4 Summer Street
Haverhill, MA 01830

RE: Special Permit (SPGA):
Owner: Frank Dudley c/o Nancy O'Neill, Essex Properties Trust
Applicant: JR Builders, INC
Location: Broadway and Emma Rose Circle
Parcel ID: 539-439-9A, 539-439-D
Chapter 255 Section 8.4 JR Builders, INC

Brief in Support of a Flexible Development at Broadway,
Haverhill, Massachusetts

Pursuant to the Code of the City of Haverhill, Chapter 255 sec. 8.4 (Flexible Development), the applicant, JR Builders, INC., wishes to develop 50 acres of land currently comprised of two parcels owned by two separate owners. The project planned would create 26 new residential single-family homes located on approximately 20 acres of land and provide dedicated open space to be deeded to the City of Haverhill on the remaining 30 acres. The development is designed to preserve open land, protect the natural environment, protect the value of real property, promote more sensitive siting of buildings, perpetuate the appearance of the City's traditional New England landscape, facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner, and offer an alternative to standard subdivision development.

Background

The land to be developed abuts Emma Rose Circle. The Emma Rose subdivision, which consists of ten beautiful homes, was developed by Mr. Palmisano about six years ago.

Since that time Larry has been in discussions with the owners of the larger parcel in our plans for many years trying to purchase the land due to its location abutting Emma Rose Circle and due to the success the Emma Rose subdivision became. It seemed logical to continue Emma Rose Circle into the site subject of this Special Permit and create another beautiful subdivision using the Flex Zoning Ordinance because of the size of the parcel.

By using the Flex Development process, it allows Larry to donate 30 Acres of open space land to the city for trails, hiking and all outdoor activities while leaving it in its natural state as undeveloped forever.

While we were working with the city departments through the Preliminary Project Review process, we were advised that one of the sellers, Mr. Shinberg who owns the rear parcel that makes up this development, also owned a parcel of land on Amesbury Road located in the WSOPD and directly abuts the Whittier Homestead property. Mr. Shinberg was in the process of selling the parcel, which is almost 9 acres, for development.

We had discussions about the importance and value of the parcel if the city was able to pursue the purchase of the parcel.

The city apparently was unable to purchase the parcel.

Mr. Palmisano decided he would purchase the parcel and donate it to the city if his project is approved.

**Special Permit
Pursuant to Chapter 255
sec. 8.4 (Flexible Zoning)**

Special Permits are granted upon the City Council's written determination that the proposed use or structures shall not cause substantial detriment to the neighborhood or the City, taking into account the characteristics of the site and of the proposal in relation to that site.

The Applicant, in support of his application for a Special Permit, meets the requirements of Ch. 255-8.4 and meets the requirements to develop 26 residential homes. Pursuant to the Table of Dimensional and Density Regulations the Lot can be developed with 18 homes. Chapter 255 sec 8.4.7, allows for a density bonus which brings us to the 26 lots we are requesting.

"The SPGA may award a density bonus to increase the number of dwelling units beyond the basic maximum number. The density bonus for the flexible development shall not, in the aggregate, exceed 40% of the basic maximum number.

1. *For each additional 10% of the site over the open space required below and set aside as contiguous open space, a bonus of 5% of the basic maximum number may be awarded; provided, however, that this density bonus shall not exceed 20% of the basic maximum number.*
2. *Where the SPGA determines that the applicant has offered significant amenities to the city, including but not limited to infrastructure improvements, equipment, or technical assistance, a bonus of up to 20% of the basic maximum number may be awarded."*

The plan submitted by Mr. Palmisano was developed to meet the express purpose and intent of section 8.4 and the density bonus requirements of 8.4.7.

Mr. Palmisano has been very generous with his open space offering of 30 acres at the site of the development, allowing for a trail system around the development for public recreational use. These offerings are significant when compared with other developments that incorporate large portions of wetlands. The wetlands located on this site are minimal.

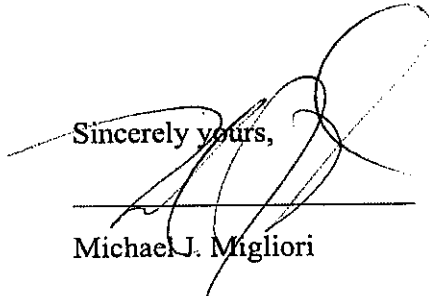
Further, the purchase of the Amesbury Road parcel located in the WSOPD and which abuts the Whittier Homestead which the city will receive can be viewed as a significant amenity being given to the city.

Additionally, Mr. Palmisano is providing other enhancements such as fire suppression systems and infrastructure improvements to the city's water system.

The Flexible Development plan Mr. Palmisano has submitted for this site, in addition to addressing the purpose and intent of the ordinance, also significantly reduces a number of adverse environmental impacts that would be seen in a conventional 18 lot subdivision that can be developed on the site by right.

The Flexible Development plan as presented complies with the requirements of the ordinance and clearly addresses the goals sought to be achieved by the Flexible Development Ordinance.

Sincerely yours,



Michael J. Migliori

12,4,1

Tag Day Permit · Add to a project

 **Expiration Date**

Active

Request Changes

(/#/explore/request-changes/173235)

⋮

TAGD-24-3

Details

Submitted on Mar 25, 2024 at 2:36 pm



Attachments

2 files



Activity Feed

Latest activity on Mar 26, 2024

HAU CITY CLRK APR 5'24 AM 8:25



Applicant

Tara Holmes

 0

Location

6 RUTH CIR, Haverhill, MA 01832

View ▼

Edit Workflow



City Clerk Review

Completed Mar 25, 2024 at 2:36 pm

MB



Tag Day Fee Payment

Waived Mar 25, 2024 at 2:37 pm



City Clerk Approval

Completed Mar 25, 2024 at 2:37 pm

MB





+holmes72@comcast.net
Haverhill

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

Date: 3-25-24
MAR 25 2024

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks to receive a license for **TAG DAYS**
pursuant to Chapter 227 of Haverhill City Code

Organization: HHS Boys Volleyball Applicant's Name: Tara Holmes
Applicant's Residence (must be Haverhill resident): 6 Rother Cr. Haverhill, MA
Applicant's Signature: Tara Holmes

(3 CONSECUTIVE DAYS ONLY)

Date of Tag Day Request(s): May 4th and 5th

Canister: ☒ Tag: ☒ Fee: \$ 0 NA

ON STREET LOCATIONS ARE NO LONGER PERMITTED - SEE DOC. 47 OF 2017

OFF STREET LOCATIONS - PLEASE SPECIFY Market Basket
one stop
Heavenly Donuts

***A LETTER FROM THE PRIVATE PROPERTY OWNER GRANTING PERMISSION FOR
USE OF THE LISTED LOCATIONS IS REQUIRED AT THE TIME OF THE APPLICATION**

**A sample of the badge being used by those tagging and a sample of the tag being issued by the
Organization must be filed with the City Clerk's Office at the time of the application**

Office Use Only

Recommendation by Police Chief: Approved
Denied Police Chief

In Municipal Council, _____

Attest: _____
City Clerk

On Viewpoint

Organization*

HHS BOYS VOLLEYBALL BOOSTERS

Organization Phone*

978-914-4813

Organization Address*

137 MONUMENT ST

Organization City*

HAVERHILL

Organization State*

MA

Organization Zip*

01832

**TAGD-24-3**

Tag Day Permit

Status: Active

Submitted On: 3/25/2024

Primary Location

6 RUTH CIR

Haverhill, MA 01832

Owner

HOLMES ADAM C ETUX

HOLMES TARA M

RUTH CIRCLE 6 HAVERHILL,

MA 01832

Applicant

Tara Holmes

978-914-4813

tholmes@comcast.net

 6 Ruth cir
HAVERHILL, MA 01830**Organization Information****Organization***

HHS BOYS VOLLEYBALL BOOSTERS

Organization Phone*

978-914-4813

Organization Address*

137 MONUMENT ST

Organization City*

HAVERHILL

Organization State*

MA

Organization Zip*

01832

Is the Organization Tax Exempt?*

Yes

Is the Organization Non-Profit?*

Yes

**Is your organization affiliated with the Haverhill
Public School system?**

Yes

Is the Applicant a Haverhill Resident* ?

Yes

Off-Street Locations Information [OFF-STREET LOCATIONS NOT PERMITTED]

How Many Locations Will You Cover?*

3

Location 1* 

MARKET BASKET

Location 2*

ONE STOP

Location 3*

HEAVENLY

Date Information -MAXIMUM 3 CONSECUTIVE DAYS

How Many Dates Will the Event Include?*

2

Date #1*

05/04/2024

Date #2*

05/05/2024

Attachments



Property Owner Permission Letter

blank.pdf

Uploaded by Maria Bevilacqua on Mar 25, 2024 at 2:35 PM

~~REQUIRED~~



Sample of Badge Used by Those Tagging

blank.pdf

Uploaded by Maria Bevilacqua on Mar 25, 2024 at 2:36 PM

~~REQUIRED~~

15.1

CITY COUNCIL

Thomas J. Sullivan, President
Timothy J. Jordan, Vice President
John A. Michitson
Colin F. LePage
Melissa J. Lewandowski
Catherine P. Rogers
Shaun P. Toohey
Michael S. McGonagle
Katrina Hobbs Everett
Devan Ferreira
Ralph T. Basiliere



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 2, 2024

To: President and Members of the City Council:

Councilor Lewandowski requests a discussion to establish a bikeshare program in our downtown.

Melissa J. Lewandowski /lab

Councilor Melissa J. Lewandowski

(meeting 4.9.2024)

CITY COUNCIL

Thomas J. Sullivan, President
Timothy J. Jordan, Vice President
John A. Michitson
Colin F. LePage
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Shaun P. Toohey
Michael S. McGonagle
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Devan Ferreira
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CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

152
CITY HALL, ROOM 204

4 SUMMER STREET

TELEPHONE: 978-374-2328

FACSIMILE: 978-374-2329

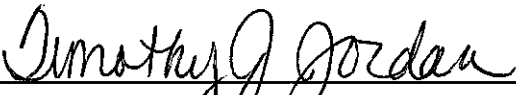
WWW.CITYOFHAVERHILL.COM

CITYCOUNCIL@CITYOFHAVERHILL.COM

April 4, 2024

To: President and Members of the City Council:

Councilors Michitson, LePage, and Vice President Jordan wish to address MA Municipal Association's Fiscal 2025 Budget Local Aid recommendations for consideration and to endorse the Haverhill School Committee resolution on Chapter 70 funding.


Vice President Timothy J. Jordan


Councilor John A. Michitson


Councilor Colin LePage

(meeting 4.9.2024)

MMA Legislative Alert: Discuss Top FY25 Budget Priorities with Legislators

March 28, 2024

With the Legislature preparing for the FY25 Budget, this is a critical time to talk about local aid funding with your state legislative delegation.

The Governor's budget proposal (House 2), submitted in January, included several positive investments in municipal government, despite planning for more modest revenue expectations than in recent years. This changing fiscal landscape underscores the need for coordinated advocacy from local officials in several essential areas.

Please review the key accounts below and reach out to your local legislators. It is critical that they hear about how these accounts impact your municipality, and your ability to deliver essential services.

Unrestricted General Government Aid – Increase by at least 3%

Gov. Healey's budget includes a \$38.1 million increase in the Unrestricted General Government Aid account, a 3% increase over fiscal 2024 levels. This is above the consensus revenue forecast figure of 2% for fiscal 2025, but would keep the UGGA account still below 2008 funding levels without adjusting for inflation. An increase to UGGA of at least 3% over fiscal year 2024 is critically important for all cities and towns.

Chapter 70 School Aid – Increase Minimum Aid to \$100 Per Student

The Governor's budget recommendation continues implementation of the funding schedules in the 2019 Student Opportunity Act (SOA) to stay on track with the law's intended implementation schedule. House 2 represents funding the Student Opportunity Act in year four of the law's six year rollout. Unfortunately, 211 of 318 districts (66%) would remain minimum aid districts, receiving increases over fiscal 2024 of only \$30 per pupil. An additional 17 districts would receive less than \$100 per student. The total amount needed to bring all districts to \$100 per student increase over last year's aid is \$35.4 million.

Supplemental Local Road and Bridge Funding – Increase to \$150m

The Governor's proposal includes \$124 million total of surtax revenue from the Fair Share amendment for supplemental local road and bridge funding. This amount would be supplemental to the yearly Chapter 90 bond authorization. As municipalities continue to struggle to maintain local roads and bridges with high construction inflation, please ask your legislators to support \$150 million total for supplemental funding for local roads and bridges.

Charter School Reimbursements – Fully Fund

The Governor's budget would fund the charter school reimbursement account at \$199 million, intended to meet the commitment to fund the state's statutory obligation to mitigate Chapter 70 losses to charter schools. Please encourage your legislators to support fully funding the state's statutory obligation for charter schools.

Rural School Aid – Build on the Governor's Investment

The Governor's budget would level-fund Rural School Aid for eligible towns and regional school districts at \$15 million. The grant program helps districts facing the challenge of declining enrollment to identify ways to form regional school districts or regionalize certain school services to create efficiencies. Please ask your legislators to continue to build on this key account to bring it closer to the special legislative commission's recommendation of \$60 million.

Special Education Circuit Breaker – Fully Fund

The Governor's budget would fund the Special Education Circuit Breaker program at \$492.2 million. The Administration also has announced that by leveraging the recently passed fiscal 2023 supplemental budget funds of \$75 million, it will bring the overall amount in fiscal year 2025 to \$567M. Please ask your legislators to support full funding of the Special Education Circuit Breaker program using the most recent estimates from the Department of Elementary and Secondary Education.

Regional School Transportation – Fully Fund

Gov. Healey's budget submission would fund regional transportation reimbursements at \$99.4 million for fiscal 2025. According to the Administration, this represents 80% reimbursement of anticipated claims.

Out of District Vocational Transportation – Fully Fund

Reimbursements for transportation of out-of-district vocational students remains funded at \$1 million in this proposal. During fiscal 2024 this amount represented reimbursement for 17% of anticipated claims as calculated by the Department of Elementary and Secondary Education.

McKinney-Vento Reimbursements – Fully Fund

The Governor's budget would fund reimbursements for the transportation of homeless students at \$28.6 million for fiscal 2025. The impact of this funding level by community will depend on the number of homeless families that remain sheltered in local hotels and motels. According to the Administration, this represents 93% of anticipated claims for fiscal 2025.

Payments-in-Lieu-of-Taxes (PILOT) – Build on the Governor's Investment

The Governor's budget would fund PILOT payments at \$51.8 million, an increase of \$334,000. The Administration indicates that this amount should hold communities harmless from recent valuations.

Please share with your legislators the impact of the state-owned land in your municipality and ask for additional support for this account.

iLottery – Dedicate Proceeds Solely for Local Aid

The Governor's budget includes an outside section of the bill that would allow the Massachusetts Lottery to create an online, or iLottery, platform. Any proceeds from an iLottery must not undercut the traditional Lottery proceeds, as the mission of the Lottery for more than 50 years has been to directly support cities and towns. The Governor's proposal simply allows for the creation of the platform but does not specify how proceeds would be allocated. Please ask your legislators to be sure any lottery platform expansion would dedicate additional funds only to local aid.

Create New Disaster Relief Fund

The Governor's budget also includes an outside section to establish a permanent Disaster Relief and Resiliency Fund, which intends to provide relief to municipalities impacted by extreme weather events. Please ask your legislators to support the creation of a disaster relief and resiliency fund.

Next Steps

The House is expected to pass its plan in April and the Senate in May, with the goal of having a final bill on the Governor's desk in time for the July 1 start of the fiscal year. The MMA will be reaching out to local officials in the weeks and months ahead to continue advocating for many critical municipal and school aid programs.

Please review the full letter of testimony that the MMA submitted to the Joint Committee on Ways & Means. If you have any questions, please contact Deputy Legislative Director Jackie Lavender Bird at 617-426-7272 ext.123 or jlavenderbird@mma.org.

Please Call Your Legislators Today!

The Honorable Aaron Michlewitz, House Chair
The Honorable Michael J. Rodrigues, Senate Chair
The Honorable Ann-Margaret Ferrante, House Vice Chair
The Honorable Cindy F. Friedman, Senate Vice Chair
The Honorable Patricia A. Haddad, House Assistant Vice Chair
The Honorable Joanne M. Comerford, Senate Assistant Vice Chair
The Honorable Todd M. Smola, Ranking House Minority Member
The Honorable Patrick M. O'Connor, Ranking Senate Minority Member
Joint Committee on Ways and Means
State House, Boston

Delivered electronically

Dear Chair Michlewitz, Chair Rodrigues, and Distinguished Members of the Joint Committee on Ways and Means:

On behalf of the cities and towns of the Commonwealth, the Massachusetts Municipal Association very much appreciates your strong support of local government. We look forward to working with you and your colleagues in the House and Senate in developing and finalizing a state spending plan for fiscal 2025 that reflects your continued commitment to a strong state and local partnership.

In every region of Massachusetts, cities and towns rely on a strong and supportive state-local relationship to maintain critical services. With a tightly capped property tax that limits municipal revenues, cities and towns require predictable and adequate state revenue sharing in order to provide world-class education and municipal services, ensure safe streets and neighborhoods, and maintain local roads and vital infrastructure.

We are writing today to provide you with information on important priorities in key municipal and school aid programs, and ask that you incorporate these

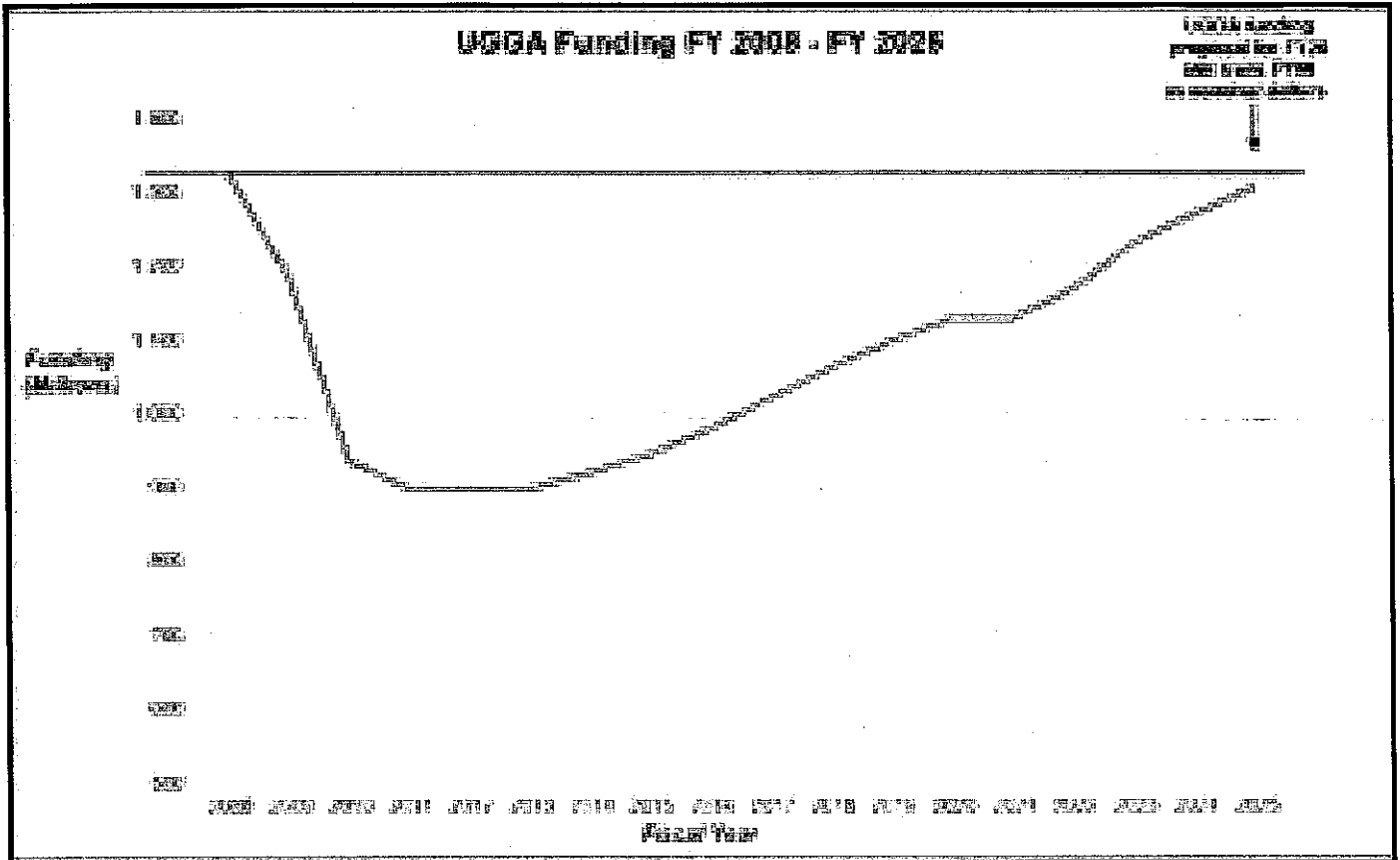
requests into the fiscal 2025 state budget bill that you are preparing for House and Senate debate in April and May.

Unrestricted General Government Aid and iLottery

Cities and towns across the state are asking the Legislature to provide a strong and effective commitment to revenue sharing by increasing Unrestricted General Government Aid (1233-2350) for fiscal 2025 by at least 3%, as well as protecting the main source of dedicated revenue for UGGA: the Massachusetts State Lottery.

Over the last two fiscal years, the Legislature made the critically important decision to increase UGGA *above* the percentage increase in forecasted state revenue growth. In fact, the last two years increased by double the consensus revenue figure, which was an essential investment by the Commonwealth that directly supports each and every community in Massachusetts. This funding helped to make steady progress back from the devastating funding cuts during the Great Recession — funding that still has not recovered. For every city and town across the Commonwealth, this means that municipal budgets rely even more heavily on the local property tax, which is capped under Proposition 2½. Even with the Governor's strong proposal of a 3% increase to UGGA for fiscal year 2025, the UGGA account still remains *below* pre-Great Recession levels, without adjusting for inflation.

The following chart shows the UGGA funding allocations from fiscal year 2008 through the Governor's proposal for fiscal year 2025:



UGGA provides essential funding for vital municipal and school services, allowing communities to deliver core services to residents and businesses. As the state continues to address a statewide housing crisis, it is worth noting that underfunding UGGA exacerbates the challenges regarding housing affordability due to an overreliance on property taxes.

Being mindful of the state's cautious fiscal outlook for 2025, we respectfully ask for your consideration of an UGGA increase of at least 3%.

As we discuss the need for a strong state-local fiscal partnership, the conversation also involves the largest revenue source that the state uses to fund local aid: the Massachusetts State Lottery. More than 50 years ago, the Lottery was established for the sole purpose of supporting cities and towns. According to the State Lottery Commission, in the most recently completed fiscal year (fiscal 2023) the Lottery generated \$1.193 billion in net proceeds to

the state, which represented approximately 97% of the funding provided by the Commonwealth's for Unrestricted General Government Aid.

In House 2, the Governor has included an outside section that would provide for the creation of an online lottery platform, or iLottery. Estimates from the Administration have contemplated roughly \$75 million initially to be generated from iLottery, with future projections to be much higher.

It is *imperative* that any new platforms of the Lottery continue to support the original mission of the Massachusetts Lottery, to directly support cities and towns through funding of local aid. Dedicating all revenue from the iLottery platform to cities and towns will provide a needed source of funding for the Commonwealth as it seeks to maintain its commitment to stable revenue sharing through UGGA. Conversely, allowing iLottery revenues to be siphoned off for other purposes could threaten existing revenue options for revenue sharing should traditional Lottery proceeds suffer as lottery users move to newer online options. With many of these operational uncertainties and concerns over the state's overall revenue picture, it will be essential for the Commonwealth to strengthen this important revenue stream for budget writers while insulating existing lottery proceeds from any potential future impacts.

UGGA is the only source of discretionary local aid that cities and towns use to fund foundational services for the residents of Massachusetts, including public safety, public health, public works, senior, youth and veterans services, water and sewer services, solid waste disposal and recycling collection, park and recreation services, libraries, and much more. Local aid funding is needed more than ever, as communities are struggling to balance their budgets and maintain these services. With inflationary pressures and supply chain shortages, communities are faced with costs that are rising much faster than local revenues.

Chapter 70 School Aid

We support funding for Chapter 70 school aid (7061-0008) that matches the

promise of the Student Opportunity Act (SOA). Through the SOA, the state committed to investing an additional \$1.5 billion in Chapter 70 education aid, intending to reach its goal in fiscal 2027. We applaud the Legislature in maintaining its commitment to funding the SOA on schedule despite the concerns of the pandemic in previous years.

We support funding year four (of six) of the Student Opportunity Act schedule, increasing the Chapter 70 account by \$263 million. However, 211 of 318 operating districts (66%) would remain "minimum aid" districts, and would receive new aid of only \$30 per student.

Each school district continues to rely on Chapter 70 school aid for existing annual operating expenses. As such, we respectfully request that minimum aid be set so that all districts receive an increase of at least \$100 per student in fiscal 2025. Higher minimum aid will be necessary to ensure that no school district or student falls behind. There are 228 districts receiving new aid of less than \$100 per student in House 2, with only 90 districts seeing increases of higher than \$100 per student. Bringing all districts up to the \$100 per student threshold would require an additional \$35.4 million, but would make a lasting positive impact in the lives of students in Massachusetts.

Another aspect of Chapter 70 that calls for attention is the very high increase in mandated local contributions in the foundation budget formula. In cities and towns all across Massachusetts, the increase in local contribution required by Chapter 70 is far above the growth in municipal revenues. The result puts a major strain on municipal budgets, regardless of whether they are large beneficiaries of the new SOA rates or minimum aid districts. Without addressing this aspect of the Student Opportunity Act funding challenge, districts with required increases in local contributions that exceed the percentage growth in their own local revenues could be forced to cut funding for essential municipal services, a harmful zero-sum process that would weaken their capacity to deliver critical non-school services to students and families outside the classroom.

One solution would be to limit the growth in required contributions to a community's municipal revenue growth rate, or to provide "pothole" funding to prevent painful cuts in essential non-school programs.

Special Education "Circuit Breaker"

We support full funding for the special education circuit breaker program (7061-0012), through which the state provides a measure of support for services provided to high-cost special education students. This is an essential program that provides critical funding to assist all school districts with the increasingly burdensome and volatile cost of complex and expensive special education services. We ask for full funding of the state's share of eligible educational costs with the schedule included in the Student Opportunity Act, which added transportation expenses as an eligible cost. House 2 would provide \$492.2 million for this account and would leverage \$75 million that was included in the fiscal year 2023 supplemental budget. We ask you to confirm the full funding requirement using the most recent data available from DESE, and close any funding gap that may result from an updated analysis.

Charter School Impact Mitigation Payments

As a start, we support funding the charter school impact mitigation account (7061-9010) to reimburse school districts at 100%, which fulfills the state's statutory obligation under the Student Opportunity Act.

The sharp increase in assessments levied on local school districts to pay tuition to charter schools has imposed a major financial burden on cities and towns, a problem made more acute as the state grants more charters and existing charter schools expand. Rising charter school assessments are forcing local public schools to cut programs and services to make up the difference.

Because the great majority of K-12 students attend local public schools, this means that the diversion of Chapter 70 funds to charter schools has a directly negative impact on the vast majority of schoolchildren. Even fully funded, the charter school impact mitigation account is still insufficient to address the deep cuts facing many districts. After receiving mitigation payments, many

communities and school districts may still see their charter assessments increase more than their total new Chapter 70 aid. For this reason, we ask that you implement a "circuit breaker" system to prevent any "net negative" situations, so that each community or school district receives a minimum aid increase, after charter payments, based on the number of students remaining in the traditional, non-charter, public school system.

Student Transportation Reimbursements

Funding to assist cities, towns and school districts with the cost of transporting school children is another critical priority, and we respectfully urge full funding of the state's reimbursement obligations.

Regional Schools: We respectfully urge full funding for transportation reimbursements to regional school districts (7035-0006). House 2 proposes \$99.4 million for fiscal 2025 and, according to the Administration, that amount reflects an 80% reimbursement rate. These reimbursements are vital to all regional districts and their member cities and towns, particularly in smaller communities and in more rural parts of the state. We respectfully ask that you increase funding for this key account to reflect higher transportation costs for communities and to move the state to its full reimbursement commitment.

Homeless Students: Under the McKinney-Vento program (7035-0008), municipalities and school districts are providing costly transportation services to bus homeless students to schools outside of the local school district. House 2 would allocate \$28.6 million to this program, reflecting a reimbursement rate of approximately 93%. We ask you to confirm the full funding requirement using the most recent data available from DESE, and close any funding gap that may exist, especially in light of the ongoing emergency shelter crisis.

Vocational Schools: In addition, we support funds to reimburse communities for a portion of the cost of transporting students to out-of-district placements in vocational schools (7035-0007), as mandated by state law. This account recognizes the significant expense of providing transportation services for out-of-district placements, as these students must travel long distances to

participate in vocational programs that are not offered locally. House 2 provides level funding of this line item at \$1 million, which represents a 17% reimbursement rate. We respectfully ask that the House and Senate support full funding of this account.

Rural School Aid

The Student Opportunity Act established a special commission to study the long-term fiscal health of rural districts, as the special financial and operational challenges facing rural districts were not addressed in the legislation. The Commission on the Fiscal Health of Rural School Districts issued its report, "A Sustainable Future for Rural Schools," in July 2022. We support the recommendation in the report to fund the rural schools assistance program (7061-9813) at \$60 million. We respectfully ask that you fulfill the recommendation in the Commission's excellent report.

Payments In Lieu Of Taxes (PILOT)

We support full funding of the Commonwealth's obligations and commitments to the program for payments in lieu of taxes for state-owned land (PILOT) (1233-2400). The House 2 proposal funds this account at \$51.8 million. According to the Administration, this amount holds municipalities harmless from recent valuations, but the account essentially remains level funded. We appreciate the progress that has been made on PILOT in recent years and ask that you continue to support this important funding for municipalities and consider the different ways in which municipalities are impacted by state-owned land.

Surtax Funding for Local Roads and Bridges

Last year, the Legislature provided \$100 million from surtax revenue for desperately needed investments in supplemental funding to support local roads and bridges (1596-2428). There are more than 30,000 miles of roads under municipal control, which represents nearly 90% of all road miles statewide. This funding is put to use immediately by cities and towns to repair crumbling local roads, advance critically needed projects, and improve safety on our neighborhood roadways. It also complements the important funding provided each year through the Chapter 90 road program.

House 2 proposes a continuation of this investment, recommending \$124 million for local roads and bridges, with \$24 million dedicated solely to rural communities. However, based on the MMA's survey, cities and towns still needed approximately \$715 million for fiscal 2024 alone to ensure that local roads and bridges are maintained in a state of good repair. Given the loss of purchasing power of existing sources of funding and other local budget pressures, we respectfully request at least \$150 million of funding for this incredibly important funding for fiscal 2025. This program provides fundamental support for core municipal infrastructure and will benefit every municipality in the Commonwealth.

Disaster Relief Fund

House 2 establishes a state disaster relief fund, intended to provide relief to cities and towns impacted by extreme weather events. A 2022 study by UMass Boston highlights the likelihood that the intensity of storms and amount of precipitation in Greater Boston and Massachusetts will only increase as the 21st century advances. We strongly support the creation of the Disaster Relief and Resiliency Fund as an important first step in ensuring that municipalities have resources immediately available to help when disaster strikes.

Summary

This is a critical time for cities, towns, and local taxpayers. We know that you and your colleagues in the House and Senate continue to be outstanding partners for communities across the Commonwealth, and we look forward to working with you on these key municipal priorities. The critical investments highlighted above will alleviate the local budget pressures being felt in every corner of the state, and protect the essential local services that build our economy and ensure a high quality of life for our residents.

If you have any questions, please do not hesitate to have your office contact me or MMA Deputy Legislative Director Jackie Lavender Bird at jlavenderbird@mma.org at any time.

Thank you very much for your support, dedication and commitment to the cities and towns of Massachusetts.

Sincerely,

Adam Chapdelaine
MMA Executive Director and CEO

Resolution Calling for Fully Adjusting Chapter 70 Aid for Inflation for Fiscal Year 2025 and Beyond

WHEREAS, Chapter 70 of the General Laws provides a structure for allocation of school aid based on Foundation Budgets that reflects the needs and costs for Massachusetts school districts, and

WHEREAS the "Foundation inflation index" is an essential element of the school aid formula needed to maintain the purchasing power of district Foundation Budgets, and

WHEREAS, the Chapter 70 Section 2 definition of the Foundation inflation index limits each annual adjustment to no more than 4.5 percent when inflation exceeds that amount, and

WHEREAS, application of that limit or cap on the Foundation inflation index in fiscal years 2023 and 2024 has reduced the base used to calculate Foundation Budgets for fiscal year 2025 and future years by about 6 percent below what is needed to maintain the purchasing power of Massachusetts schools, and

WHEREAS, a legislative change is needed (1) to fully reflect recent inflation in the Chapter 70 definition of the Foundation inflation index for fiscal year 2025 and (2) to eliminate the cap in future years, so as to restore the purchasing power of district Foundation budgets to reflect the intended resource allocations of the Student Opportunity Act,

THEREFORE: be it

RESOLVED, that the Haverhill School Committee calls on the Massachusetts Legislature and the Governor to (1) amend Chapter 70 Section 2 of the General Laws (i) to provide a Foundation Inflation Index for Fiscal Year 2025 that fully adjusts for inflation occurring since the start of the Student Opportunity Act and (ii) to eliminate the upper limit on the Foundation inflation index for all future years, and (2) for fiscal year 2025, to fully fund the Student Opportunity Act including Foundation aid that fully accounts for inflation that has occurred since the passage of that act.

RESOLVED further, that the Haverhill School Committee calls on the Massachusetts Association of School Committees to work to advance legislation that would ensure that Chapter 70 Foundation Budgets for fiscal year 2025 and forward, are fully adjusted for all inflation that has occurred since the start of the Student Opportunity Act.

VOTED: Unanimously 9-0

DATE: March 14, 2024

BY: The Haverhill School Committee, Haverhill, Massachusetts

Melish E Baumb

Thomas Brammerman

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Sam M. Sullivan

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Richard Foster

Resources on Fixing the Chapter 70 Inflation Index

**Prepared for School Committees
in the Gateway Cities**

March 28, 2024

**Compiled by:
Thomas Grannemann, Ph.D.
Member, Haverhill School Committee
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978-241-2944**

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We Must Fix the School Funding Formula

School districts need funding that keeps up with inflation

By Thomas Grannemann

Local officials across the Commonwealth are grappling with recent news of an unexpectedly low allocation of state funding for schools for the upcoming fiscal year. Despite the state's well-conceived and robust system of financial support for public education, local officials this year are seeing surprisingly low aid allocations that do not keep up with costs. A longstanding, if rarely acknowledged, flaw in the Chapter 70 school aid formula is putting at risk both continued recovery from COVID learning loss and the core commitment of the Student Opportunity Act – to “ensure that every student in the state experiences high-quality learning opportunities.” Fixing this problem should be a top priority as our legislators complete their work on the Commonwealth's budget for fiscal year 2025.

How did this sudden shortfall in school aid sneak up on our state and local leaders? In 2020 and 2021 the attention of school officials was focused on COVID-related school closures. Then came the initial excitement over new aid flowing from the Student Opportunity Act (SOA) for fiscal year 2022, followed by an infusion of federal COVID recovery funds under the American Rescue Plan Act's Elementary and Secondary School Emergency Relief (ESSER) program. As long as local administrators and officials had sufficient funds in hand and were busy organizing COVID recovery measures, they hardly noticed the latent problem being created by two years of inadequate inflation adjustments to state aid – a problem driven by a technical flaw in the Chapter 70 aid formula that imposes a hard upper limit on inflation adjustments at 4.5 percent.

In low-inflation years, this cap is not a problem. However, for fiscal years 2023 and 2024 the relevant inflation measures were 7% and 8% respectively, and the Chapter 70 formula allowed only a 4.5 percent adjustment each year. Cumulatively, the purchasing power of school aid fell behind by 6 percent over those two years. Additionally, aid in future years will be lower, as the lower inflation base from those two years is carried forward into subsequent state allocations. This represents a major setback in the funding needed to reach Student Opportunity Act goals.

The Healey-Driscoll administration proposes a 4 percent increase in Chapter 70 funding for fiscal year 2025, a figure that includes both funds to implement fourth-year requirements of the SOA and a 1.35 percent inflation adjustment. That is not sufficient for districts that now see costs rising, federal ESSER funds ending, and budget demands continuing for recovery from COVID learning loss. Only now, as districts prepare their fiscal year 2025 budgets, are local officials feeling the full effect of the shortfall in purchasing power created by the inflation cap over two successive years.

The necessary legislative fix would include two elements: (1) A bump up of about 6% to the proposed Foundation Inflation Index for fiscal year 2025, to fully account for

cumulative inflation to date, and (2) Elimination of the 4.5% cap on inflation adjustments, so that school district Foundation Budgets and Chapter 70 aid would fully adjust for inflation in future years.

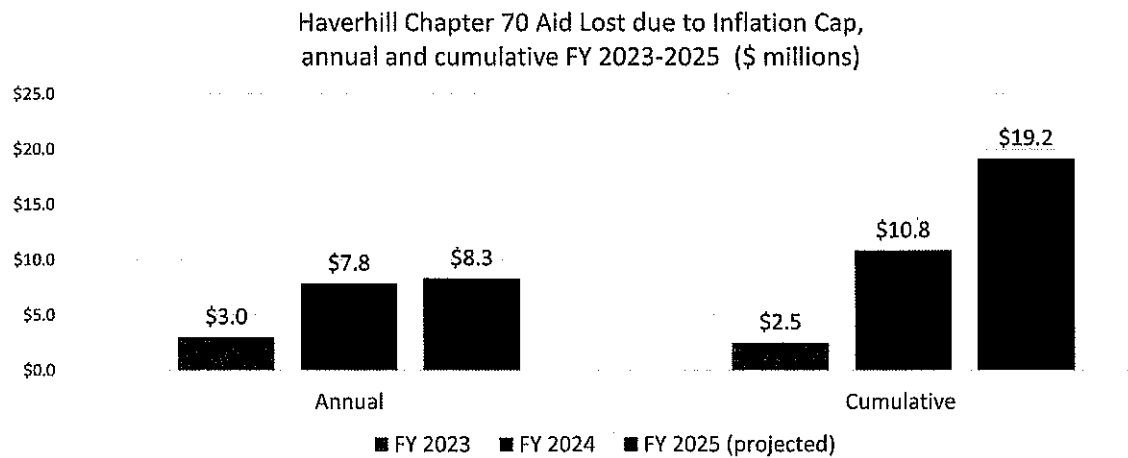
The Commonwealth is headed toward a major failure to meet its Student Opportunity Act promise to fund quality public education for all Massachusetts students. It is leaving local school districts, particularly those in the Gateway Cities, without the resources they need to complete their recovery from COVID learning loss, maintain their workforce in a tight labor market, and retain recent gains in education quality and equity. It just does not make sense that our school funding formula reduces school district purchasing power every time inflation rises above 4.5 percent. To fulfil the Commonwealth's commitment, legislators need to act now to fix the Chapter 70 aid formula to provide school funding that keeps up with recent and future inflation.

Thomas Grannemann, Ph.D., is a retired economist and a member of the Haverhill School Committee.

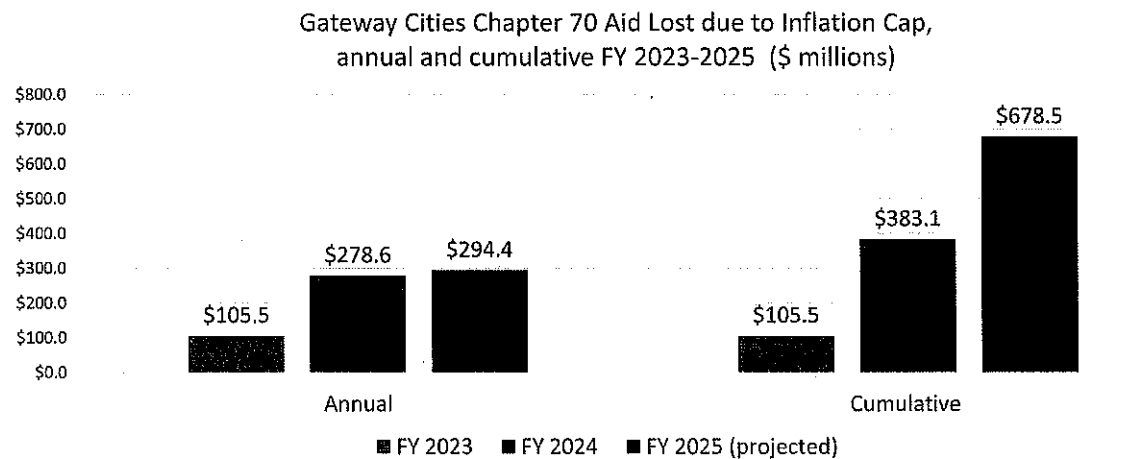
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Estimated Impact of Inflation Cap on Haverhill



Estimated Impact of Inflation Cap on 26 Gateway Cities



Estimated Aid Lost to Inflation Cap by District, Gateway Cities
(\$ millions)

	Lost due to cap FY 2023	Lost due to cap FY 2024	Lost due to cap FY 2025	Total FY 2023- 2025
Attleboro	\$2.2	\$5.7	\$6.0	\$14.0
Barnstable	\$1.9	\$5.0	\$5.2	\$12.1
Brockton	\$6.8	\$17.5	\$18.6	\$42.9
Chelsea	\$3.1	\$8.2	\$8.7	\$20.0
Chicopee	\$2.8	\$7.3	\$7.6	\$17.7
Everett	\$3.2	\$9.0	\$9.6	\$21.8
Fall River	\$5.1	\$13.4	\$14.4	\$32.8
Fitchburg	\$2.2	\$5.7	\$6.0	\$13.9
Haverhill	\$3.0	\$7.8	\$8.3	\$19.2
Holyoke	\$2.5	\$6.5	\$6.7	\$15.7
Lawrence	\$6.3	\$16.5	\$17.8	\$40.6
Leominster	\$2.3	\$5.9	\$6.1	\$14.3
Lowell	\$6.4	\$17.1	\$18.2	\$41.6
Lynn	\$7.4	\$19.5	\$20.8	\$47.7
Malden	\$2.6	\$7.0	\$7.2	\$16.7
Methuen	\$2.5	\$6.5	\$6.8	\$15.7
New Bedford	\$5.8	\$15.4	\$16.2	\$37.3
Peabody	\$2.1	\$5.4	\$5.6	\$13.1
Pittsfield	\$2.1	\$5.5	\$5.6	\$13.2
Quincy	\$3.6	\$9.7	\$9.9	\$23.2
Revere	\$3.1	\$8.4	\$8.9	\$20.4
Salem	\$1.5	\$4.1	\$4.4	\$10.1
Springfield	\$12.0	\$31.1	\$32.9	\$75.9
Taunton	\$2.9	\$7.8	\$8.3	\$19.0
Westfield	\$1.7	\$4.4	\$4.6	\$10.7
Worcester	\$10.6	\$28.2	\$29.8	\$68.7
Gateway total	\$105.5	\$278.5	\$294.4	\$678.4

Proposal to Fully Adjust Chapter 70 Foundation Aid for Inflation

March 2024

This proposal calls for fully adjusting Chapter 70 school aid for recent and future inflation. Chapter 70 includes a 4.5-percent upper limit or cap on the Foundation inflation index used to calculate school aid. This cap, applied in Fiscal Years 2023 and 2024, carries forward to reduce preliminary foundation budgets by 6 percent for fiscal year 2025. It threatens to underfund future school aid as well. This cap is a flaw in the formula that presents a serious ongoing impediment to meeting the needs of schools following the recent period of high inflation and will continue to restrict aid for years to follow until corrected.

Proposal

We propose to adjust the foundation budget calculations to fully account for inflation in Chapter 70 aid in fiscal year 2025 and future years.

Specifically, we propose: In General Laws Chapter 70 section 2 (a) replace the definition of the Foundation Inflation Index with:

“Foundation Inflation Index,” For fiscal years 2024 and earlier, the lesser of: (i) the ratio of the value of the implicit price deflator for state and local government purchases in the third quarter of the prior fiscal year to its value in the third quarter of the fiscal year 2 years prior; and (ii) 1.045.

For fiscal year 2025, the ratio of the value of the implicit price deflator for state and local government purchases in the third quarter of 2023 to its value in the third quarter of 2020, divided by the product of the Foundation inflation indexes applied in FY 2023 and FY 2024.

For subsequent fiscal years, the ratio of the value of the implicit price deflator for state and local government purchases in the third quarter of the prior year to its value in the third quarter 2 years prior.

Intent and Calculations

Our intent is to replace the fiscal year 2025 preliminary Foundation inflation index of 1.0135 with an index that fully accounts for inflation from the time of the implementation of the Student Opportunity Act.

The proposed Foundation index for fiscal year 2025 is 1.0734 based on our calculations using quarter-3 U.S. Department of Commerce Bureau of Economic Analysis figures for the implicit price deflator for GDP. For fiscal year 2025 using BEA price deflators, the Foundation inflation index would be $1.0734 = (127.71/108.95)/(1.045*1.045)$. This change would provide a one-time adjustment in fiscal year 2025 to bring that year's

Chapter 70 aid into line with recent inflation and would eliminate the cap on inflation adjustments for future years.

Table 1 provides data used in the calculation and shows the foundation inflation index results. The righthand column shows that, cumulatively in the period of the Student Opportunity Act, the index allowed under current law accounts for inflation of only 10.68 percent; the actual inflation in that period was 17.22 percent. The last row of the table shows that the proposed applicable indexes produce the same compound adjustment for inflation for FY 2025 that would have been in place if the Foundation inflation index had not been capped and fully represented inflation in fiscal years 2023 and 2024.

Table 1

Bureau of Economic Analysis Implicit Price Deflator, State and Local government and Chapter 70 Foundation inflation index, allowed and proposed

	2020 deflator	2021 deflator/ FY 2023 index	2022 deflator/ FY 2024 index	2023 deflator/ FY 2025 index	Cumulative compound % change from 2020
BEA deflator Quarter 3	108.95	116.66	126.01	127.71	17.22%
% change from prior 3 rd quarter		7.08%	8.01%	1.35%	17.22%
Index allowed by current law		1.045	1.045	1.0135	10.68%
Index with proposed fix		1.045	1.045	1.0734	17.22%

Does not seek to recapture lost aid for fiscal years 2023 and 2024

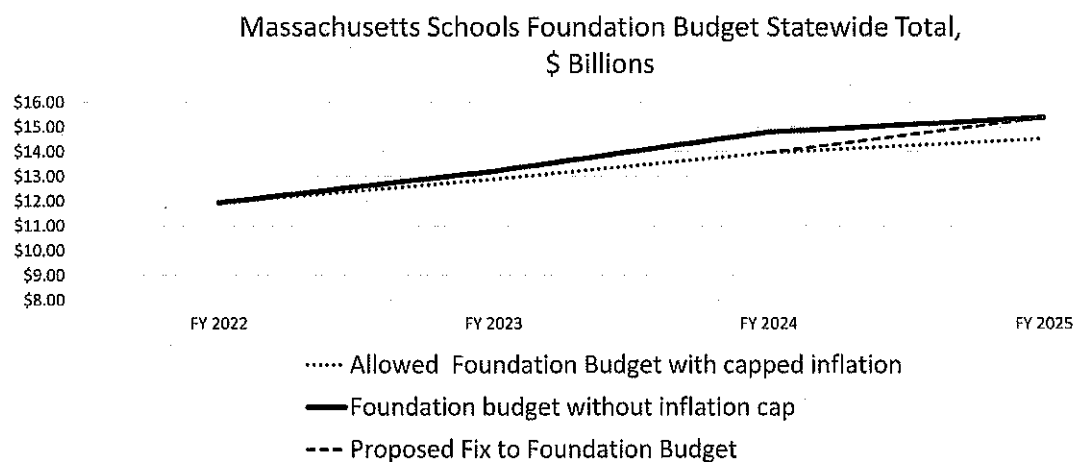
This proposal **does not** attempt to recapture Chapter 70 aid that was curtailed due to the inflation caps applied in FY 2023 and 2024. If funds are available, districts could greatly benefit from an appropriation of funds to compensate for the inflation cap applied in those periods. However, it is much more important that we get Chapter 70 back on track, so that aid allotments for fiscal year 2025 and future periods fully reflect the rise in cost that has occurred over the period of the Student Opportunity Act. Figure 1 below shows that this proposal would bring the foundation budget for fiscal year 2025 into line with what it would be if fully adjusted for inflation, but it would not for adjust aid lost to

school districts due to the capped inflation adjustment for past fiscal years 2023 and 2024.

Full adjustment for inflation is needed this year

This year school districts are facing rising contract costs, continued recovery from COVID learning loss, and the end of federal ESSER funding. To avoid reducing services districts need the state to step forward to fully fund the Student Opportunity Act with full adjustment for recent inflation.

Figure 1



Cost estimates

We are seeking cost estimates for this proposal from the Department of Elementary and Secondary Education. This proposal would require recomputing FY 2025 Preliminary Chapter 70 Aid announced by DESE on January 24, 2024. We defer to DESE for these calculations. However, without the benefit of DESE methodology, our very rough "back-of-the-envelope" preliminary estimate of the cost to implement this proposal is on the order of \$550 million in additional Chapter 70 aid statewide for fiscal year 2025.

Proposal prepared by:
Thomas Grannemann, PhD.
Member, Haverhill School Committee
Thomas.Grannemann@comcast.net

AVOIDING THE FISCAL CLIFF

Fixing the Inflation Calculation

The Chapter 70 aid amounts in the FY25 House 2 budget do not account for the actual costs of recent inflation because of a flaw in the way inflation adjustments are calculated in Chapter 70. Fixing that flaw would increase Chapter 70 by about \$217 million. Inflation has, of course, been very high in recent years.

The inflation rate for the time period that determined the FY24 Chapter 70 inflation adjustment was 8.01% and for FY23 it was 7.08%. But the law caps the annual inflation adjustment of the foundation budget at 4.5%. As a result, districts did not receive funds to cover a significant portion of inflation that they had to pay for in expenses.

The way the Chapter 70 formula originally worked, that would not be a long-term problem because the lost inflation would automatically be added back to the foundation budget in the following year. But a technical change made almost a decade after the law was passed inadvertently changed that. Now when the cap reduces aid below the level needed to keep pace with inflation, that reduction is locked in forever and reduces future aid.

A simple fix that maintains the 4.5% cap but makes sure that the formula makes up for lost inflation would solve the problem. That would increase Chapter 70 aid by \$217 million, with additional under-inflation "catch-ups" in future years. It is important to make a permanent change in the law so that all of the aid lost is eventually made up. That is necessary to allow the Commonwealth to meet the real-dollar targets in the Student Opportunity Act.

To implement the change, the legislature could use an updated version of the language in the original Education Reform Act along these lines: *The dollar amounts specified in this subsection, other than those for employee benefits and fixed charges, shall be adjusted for inflation by multiplying the amounts for fiscal year two thousand twenty-one and subsequent years by the ratio of the value of the implicit price deflator for state and local government consumption expenditures and gross investment in the second quarter of the prior fiscal year to the value of that same deflator in the third quarter of two thousand eighteen. The annual 4.5% cap would be preserved, as would the separate inflation adjustment for employee benefits and fixed charges.*

We can provide data on how these changes would affect specific districts.



Three Proposals for Chapter 70 Inflation Adjustment for Fiscal Year 2025

Governor's Budget (1/24/2024)

- Follows Current law requiring a 1.35 percent adjustment for FY 2025.
- Retains inflation adjustment limit of 4.5% maximum for past and future years.
- Haverhill's preliminary Chapter 70 Aid for 2025 is \$87.8 million (DESE).

AFT-MASS-MASC-MTA proposal (3/20/2024)

- Requires change in law to implement 4.5 percent inflation adjustment for FY 2025 and future years.
- Calls for making up for past shortfalls back to start of SOA with inflation adjustments of up to 4.5 percent.
- Retains inflation adjustment limit of 4.5% maximum for past and future years.
- Haverhill's estimated Chapter 70 Aid for FY 2025 is \$92.3 million (\$4.4 million over the DESE preliminary estimate.)

Haverhill Resolution (3/14/2024)

- Requires change in law to implement 7.35 percent catch-up inflation adjustment for FY 2025 and eliminate inflation cap for future years.
- Foregoes retroactive recoupment for cap applied in FYs 2023 & 2024.
- Eliminates inflation cap of 4.5 to avoid similar problems in future years.
- Haverhill's estimated Chapter 70 Aid for 2025 is \$96.3 million (\$8.4 million over the DESE preliminary estimate).

Table 1
Proposed Changes in Inflation index and Estimated Chapter 70 Aid
for FY 2024 and Beyond

	Inflation adjustment for FY 2025	Catch up for past caps on inflation adjustment	Haverhill Chapter 70 aid FY 2025	Cap on inflation adjustment in future years
Governor's Budget	1.35%	none	\$87.8 million	4.5%
AFT-MASS- MASC-MTA proposal	4.5%	Catch up 3.25% in FY 2024 and likely more in future years with low inflation	\$92.3 million	4.5%
Haverhill Resolution	7.34%	Fully catch up 5.99% in FY 2025	\$96.3 million	None

Resolution Calling for Fully Adjusting Chapter 70 Aid for Inflation for Fiscal Year 2025 and Beyond

WHEREAS, Chapter 70 of the General Laws provides a structure for allocation of school aid based on Foundation Budgets that reflects the needs and costs for Massachusetts school districts, and

WHEREAS the "Foundation inflation index" is an essential element of the school aid formula needed to maintain the purchasing power of district Foundation Budgets, and

WHEREAS, the Chapter 70 Section 2 definition of the Foundation inflation index limits each annual adjustment to no more than 4.5 percent when inflation exceeds that amount, and

WHEREAS, application of that limit or cap on the Foundation inflation index in fiscal years 2023 and 2024 has reduced the base used to calculate Foundation Budgets for fiscal year 2025 and future years by about 6 percent below what is needed to maintain the purchasing power of Massachusetts schools, and

WHEREAS, a legislative change is needed (1) to fully reflect recent inflation in the Chapter 70 definition of the Foundation inflation index for fiscal year 2025 and (2) to eliminate the cap in future years, so as to restore the purchasing power of district Foundation budgets to reflect the intended resource allocations of the Student Opportunity Act,

THEREFORE: be it

RESOLVED, that the Haverhill School Committee calls on the Massachusetts Legislature and the Governor to (1) amend Chapter 70 Section 2 of the General Laws (i) to provide a Foundation Inflation Index for Fiscal Year 2025 that fully adjusts for inflation occurring since the start of the Student Opportunity Act and (ii) to eliminate the upper limit on the Foundation inflation index for all future years, and (2) for fiscal year 2025, to appropriate funds to fully fund the Student Opportunity Act including Foundation aid that fully accounts for inflation that has occurred since the passage of that act.

RESOLVED further, that the Haverhill School Committee calls on the Massachusetts Association of School Committees to work to advance legislation that would ensure that Chapter 70 Foundation Budgets for fiscal year 2025 and forward, are fully adjusted for all inflation that has occurred since the start of the Student Opportunity Act.

VOTED: Unanimously 9 to 0

DATE: March 14, 2024

BY: The Haverhill School Committee, Haverhill, Massachusetts

Uncap School Aid

Let's remove the arbitrary "Foundation inflation index" cap on Massachusetts school funding.

Problem: Massachusetts' Chapter 70 school funding formula includes a cap on the annual inflation adjustment at 4.5%. That cap reduced state funding for schools in the high-inflation fiscal years 2023 and 2024. It continues arbitrarily to reduce state funding in future years – reducing expected state aid for schools for next year (FY 2025) by about 6 percent. This is a serious problem for many school districts.

This year, as federal COVID-related assistance ends, Massachusetts school districts need additional state funds to pay rising costs for teacher contracts and services. Especially hard-hit are the Gateway Cities with lower incomes and many high-needs students who rely heavily on Chapter 70 funding.

Solution: We need to remove that cap on the "Foundation inflation index" so that state assistance fully compensates for recent inflation and provides the funds needed to meet the goals for education for all promised by the Student Opportunity Act.

Fixing this problem requires state legislation to fix the school aid formula. The legislative fix needs to:

- Provide a corrected catch-up inflation adjustment of 7.34 percent for fiscal year 2025, to bring FY 2025 aid into line with recent inflation,
- Eliminate the 4.5 percent cap on the inflation adjustment to state aid for future years, and
- Appropriate funds for fiscal year 2025 needed to fully fund the Student Opportunity Act *fully adjusted for inflation* during the period of that act.

Expected result: Fixing the Foundation inflation index will bring state aid into line with what was intended by the Student Opportunity Act and prevent undue hardship on many school districts struggling to cope with post-COVID learning demands and higher costs in a tight labor market.

School groups warn lawmakers of “funding cliff”

<https://www.wwlp.com/news/massachusetts/school-groups-warn-lawmakers-of-funding-cliff/>

by: Sam Drysdale

Posted: Mar 8, 2024 / 01:22 PM EST Updated: Mar 8, 2024 / 01:22 PM EST

Rising costs flagged as statewide concern, rural schools say formula puts them at disadvantage

BOSTON (SHNS) – School districts across Massachusetts are facing a fiscal cliff that could result in staff and service cuts, according to education advocacy groups that are calling on lawmakers to rethink school funding approaches.

In her fiscal 2025 budget, Gov. Maura Healey calls for a 4 percent increase to public education aid, called Chapter 70 funding, from \$6.5 billion to \$6.85 billion. This proposed \$263 million increase for K-12 schools would follow a \$594 million, or 9.9 percent increase in Chapter 70 funding in the fiscal 2024 budget. In fiscal 2021, the account stood at \$5.3 billion.

Despite these injections of aid, school budgets haven't been able to keep up with inflation, the Massachusetts Association of School Superintendents and Massachusetts Association of School Committees told lawmakers at a recent budget hearing.

In addition, they say rural schools have taken a hit as declining enrollments have left their coffers dry under the current school funding formulas, and the \$1.5 billion Student Opportunity Act, meant to close education funding gaps, is mostly focused on plugging holes in urban districts.

The school groups are making their case to House Democrats, who plan in April to unveil their rewrite of Healey's spending bill.

Not Keeping Up With Inflation

“We are hearing widespread reports that our districts are describing a cliff effect in the decline of budget revenue, largely due to inflation rates calculated over the past three years, which will result in significant reductions in programs and services for our students this year,” said Mary Bourque, co-executive director of the Massachusetts Association of School Superintendents.

Bourque said school costs have “increased dramatically” over the last few years due to high inflation rates, affecting everything from special education and transportation to building maintenance, curriculum costs and cost of living increases for staff.

While inflation was at 7 percent in fiscal 2023 and 8 percent in fiscal 2024, the foundation budget for schools was increased by only 4.5 percent, she said.

This year, Healey's Chapter 70 allocation applied a 1.35 percent inflation rate to foundation budget rates, based on the U.S. Department of Commerce's state and local government price deflator, according to the administration.

With the national inflation rate closer to 3 percent, the application of the lower inflation rate "leaves many districts desperately short of real cost increases, including negotiated personnel costs," said Mildred Lefebvre, president of the Massachusetts Association of School Committees and Holyoke School Committee member.

The superintendent and school committee groups and the two largest teachers unions in the state — the Massachusetts Teachers Association and the state branch of the American Federation of Teachers — all backed a request for lawmakers to "fix a flaw in how the Chapter 70 formula treatment of inflation" that "is causing a steep funding cliff in our school districts."

"The way that Chapter 70 originally worked, the value lost to inflation in those years would have been made up in future years. But because of a glitch that was an unintended consequence of a change in the formula, value lost to the cap in one year is no longer made up in future years. And this is having serious consequences in our schools. We need to fix this," Bourque said.

The school-based groups suggest adding an additional 2.58 percent inflation in fiscal 2025 to make up for value lost in fiscal 2023, and to change the law so value lost in fiscal 2024 will be made up for in future years.

Asked by Rep. Andy Vargas how much increasing the inflation rate to their suggested amount would cost, Bourque replied, "We do admit it's somewhere around \$400 million."

Low-Income Formula

At the March 1 public hearing in Greenfield, advocates also raised concerns about how Chapter 70 counts low-income students, and directs more funding to districts that serve greater low-income populations, as the end of the pandemic emergency has shifted who qualifies for certain income-eligible programs.

Healey's budget reinstates a stricter definition of low-income — restricting the label to families below 185 percent of the federal poverty level — and replacing the "economically disadvantaged" designation based on 133 percent of the federal poverty level used from fiscal 2017 through fiscal 2022. The Chapter 70 funding formula directs money towards districts with higher percentages of low-income students, who may need more resources and support.

Additionally, the formula determines a district's low-income enrollment based on how many students participate in state public assistance programs, including Supplemental Nutrition Assistance Program (SNAP), Transitional Aid to Families with Dependent Children (TAFDC), MassHealth, and foster care.

These programs, however, have seen significant declines in enrollment over the past year as pandemic-era freezes on program eligibility have expired.

Massachusetts is now almost finished with its campaign to determine how many of the 2.4 million people on MassHealth rolls last April still qualify for the publicly funded health insurance. The federal government prohibited people from losing Medicaid coverage during the pandemic. That policy has ended, requiring all 50 states to embark on similarly gargantuan reviews.

Since the number of students on MassHealth is one of the Chapter 70 determinants, education advocates argued that some districts where students are getting “redetermined” off of the public health insurance are also losing school funding.

“Over 6,000 students have fallen off the low-income count in one year. That argues to me that it is not that we actually have that many fewer students who are low income, but that something has gone wrong with the count,” said Tracy Novick, a field director for the Massachusetts Association of School Committees and Worcester School Committee member.

In Pittsfield, two students changed income classification this year, and there was a \$1 million impact to the district’s foundation budget, Novick said.

“Are you suggesting that — if they lost it because the family income is above the threshold, are you saying they should still be counted as a low-income student? Even if their family’s income is actually above the threshold defined for low-income students?,” Sen. Jason Lewis, who chairs the Joint Committee on Education, responded.

Lewis added that districts can manually certify low-income students.

Families are hesitant to share their financial information and self-identify as low income, Novick responded.

“Something that districts have long found, and I suspect that we perhaps probably are seeing even more of an effect now is ... whether or not families are willing to actually put forward any kind of information in order to get themselves certified,” Novick said.

Lewis said he would sit down with the education advocates to discuss the changes they proposed, but needed more information.

Rural School Aid and Minimum Aid

With questions raised about the Chapter 70 formula as a whole, individuals from western Massachusetts also argued at the March 1 budget hearing that the current funding system has led rural districts into “a financial crisis.”

“The situation that rural schools are facing is dire, and it was detailed in the 2022 rural schools report as such, that I’m quoting: ‘Rural school districts in Massachusetts struggle with a set of

challenges that have left many students with less than they need and deserve. Some rural high schools have cut most of their AP courses, business programs, arts offerings, social studies, electives and oral languages,” said Rep. Natalie Blais of Deerfield.

In these rural areas with flat population growth, small town governments must fund higher percentages of their school budgets from a stagnant tax base, according to the Special Commission on Rural School Districts’ 2022 report that Blais referenced.

Meanwhile, their enrollment is declining as young families move out of rural areas — which has an effect on districts’ Chapter 70 funding. Between 2012 and 2020 rural district enrollment went down by 13.9 percent, according to the commission’s report.

The state’s biggest education funding injection of the last decade, the \$1.5 million Student Opportunity Act being phased into Bay State schools over six years, was designed to direct the most funds to districts with high percentages of low-income students and English language learners. Districts in so-called gateway cities have received a significant boost.

“We know that probably 96 districts get about 80 percent of the dollars,” K-12 Commissioner Jeffrey Riley said last year. “We also know there’s probably more districts, probably 115 or thereabouts, that are just getting minimum aid. So in a time of inflationary pressures, this is something we need to really keep our eye on going forward.”

This year, 212 districts are projected to receive minimum aid from the state due to declining enrollment, according to Northampton Superintendent Portia Bonner. Bonner, along with MASCS and MASS, requested that minimum aid be funded at \$100 per student. Last year these districts got \$60 per head.

“This is incredibly important for districts in the western part of the state. The ratio between low enrollment and staffing is still a considerable cost to districts. Overall, school costs are increasing faster than cities and towns can keep up with while state funding stagnates,” she said. “Northampton strongly rallied to support the Student Opportunity Act, recognizing the important goal to increase the amount of aid to districts serving the highest needs students. However, Northampton nor our neighbor Amherst have realized any funding from SOA. I ask that you consider the financial needs of all districts.”

Sen. Jo Comerford of Northampton added that she was disappointed that the administration’s new early education and care proposal — to expand a universal preschool program into all 26 “gateway cities” by 2026 — again focused on urban centers.

“I would say with deep respect that the new initiative on early child care that begins solely in gateway cities was a deep disappointment for western Mass. providers,” Comerford said. “It’s not that we don’t love our gateway city colleagues. It is really that we here voted for the Student Opportunity Act that is really beginning to revolutionize, especially gateway cities... it’s really hard to get to rural communities if we don’t start with them as well at the table.”

Education Secretary Patrick Tutwiler, representing Healey's administration, responded that the governor's proposal would prioritize these lower income cities, but "that does not exclude other communities from applying."

Comerford asked Tutwiler if he would be willing to look at redesigning the Chapter 70 formula and minimum aid for districts.

"We are, I think, looking at a declining spiral in districts that I represent," she said.

The secretary replied that he was "willing to follow the Legislature on this."

"If this is something that it decides or determines is an appropriate next step, then we're willing to sit down at the table and have the conversation and be a partner in that effort," Tutwiler said.

He added, when pressed by Comerford, that he would be willing to join a working group to examine school funding.

"I think that's a beautiful offer," Comerford replied.

Massachusetts school funding overhaul hits an inflation glitch

By James Vaznis

Globe Staff, Updated March 12, 2024, 5:57 p.m.

<https://www.bostonglobe.com/2024/03/12/metro/massachusetts-school-funding-budget-cuts/>



Neighbors expressed opposing opinions on question one in Belmont. Craig F. Walker/Globe Staff

Nearly five years after Massachusetts lawmakers overhauled the state's school funding formula, districts are struggling to balance their budgets for the upcoming school year, prompting many to consider cutting programs and staff or asking taxpayers to dig deeper.

The chief culprit, district leaders and advocates say, is the high rate of inflation that hit the US economy in recent years, much higher than the adjustments used in the new funding formula that was revamped to reflect modern-day costs.

The failure of the new formula to accurately capture inflation could be collectively costing districts hundreds of millions of dollars in aid, according to Colin Jones, deputy policy director at the Massachusetts Budget and Policy Center, a nonpartisan research institute.

Voters in Belmont, Harvard, and Westford will be considering hefty property tax hikes at the polls this spring, which, if they fail to pass, could result in significant cuts to school and town services. In Belmont, for example, if voters reject an \$8.4 million override on April 2, school leaders have said they will need to close the Mary Lee Burbank Elementary School, eliminate dozens of teaching and other positions, and make deep cuts to extracurricular activities.

“It’s heartbreaking,” said Samantha Thu, who went to the Burbank as a child and has a daughter in second grade there and another daughter who will attend kindergarten this fall. “It’s definitely been a turbulent few months for us.”

If the override fails, the school would close for the 2025-26 school year. Thu said she doesn’t know yet which school her children would be assigned to. Belmont currently has five elementary schools.

The biggest cost increases hitting school districts include health insurance premiums, school bus contracts, special education services, and utilities. Many began feeling the fiscal pinch soon after schools reopened after the pandemic shutdown, and were initially able to mitigate it to varying degrees with federal stimulus dollars that are now running out. Other districts have already enacted cuts or asked voters to override the state’s cap on annual property tax increases.

“Many districts feel like they are going off a fiscal cliff,” said Karen Crebase, the school superintendent in Hopedale. Town voters in 2023 approved a \$1.35 million tax hike to maintain school programs and prevent the closing of the town library, the parks department, and the council on aging. Town leaders contemplated seeking another override this year, but now believe they can get by without one.

The financial difficulties are flaring up even though Governor Maura Healey has proposed nearly \$7 billion for state education aid for the next school year, an increase of more than \$260 million over this year’s allocations.

Related: Brockton Public Schools faces a deficit up to \$25 million, new report says

The rising costs have even ensnared districts the formula was engineered to benefit the most: those with large portions of high-need students and low household-income levels and property tax bases. Almost half of school funding goes to those districts, which include Brockton and a few dozen others.

Brockton school leaders recently warned of a budget shortfall between \$19 million and \$25 million for the current year due largely to unanticipated costs, including more than \$22 million in transportation spending — more than double the budgeted amount. The shortfall comes on the heels of an \$18.3 million deficit last year, which forced the city to bail out the school system.

Brockton is receiving \$241 million in state education aid this year — the fifth highest in the state — and is expected to receive an additional \$15 million next year. The aid amount covers about 80 percent of Brockton’s required school spending under the state formula.

However, a third-party consulting report, commissioned by the state Education Department, found evidence of financial mismanagement, including inadequate controls, failure to quickly address unexpected spending gaps, and poor record keeping. The problems are so severe that the budget shortfall for the next school year could reach \$19 million.

Mayor Robert F. Sullivan called the problems “unacceptable” and vowed to establish “safeguards to ensure that nothing like this happens again.”

The Healey administration defended its proposed aid, saying it is “delivering historic levels of funding to ensure our K-12 schools have equitable access to the resources their students and educators need,” said a spokesperson for the executive office of education.

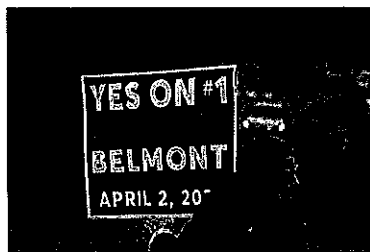
When state lawmakers overhauled school funding in November 2019, the formula had been shortchanging districts by about \$1 billion a year by failing to accurately project school costs. That forced districts, especially in economically distressed areas, to cut teachers, classrooms supplies, and building maintenance.

The overhaul, known as the Student Opportunity Act, aimed to remedy that by revamping the formula to reflect actual school spending and devoting more money to schools. So far, the law has generated more than \$1.3 billion in extra funding to local districts. It also guarantees districts will receive at least \$30 more per student each year, according to state Education Department memos. Under Healey’s budget proposal, 212 districts would receive the minimum, according to data compiled by the Massachusetts Association of School Superintendents.

But for the last two years, the superintendents association said, the inflation rate the state used to calculate most required costs was far too low, 4.5 percent. That’s the highest allowed under the school funding law, excepting employee health benefits, which have no cap, according to the state notices on the inflation rates.

But actual inflation for schools was 8 percent for this fiscal year and 7 percent for the last fiscal year, according to the superintendents association.

While inflation for the next school year is projected to be much lower, about 1.35 percent, the association said, the budget problems persist because those earlier higher costs are now built into their expenses.



Hannah Fischer is supporting an \$8.4 million override to support Belmont school and town services. Voters will decide on April 2. Craig F. Walker/Globe Staff

In Dedham, school leaders are confronting potential budget cuts for next year, even though it is poised to receive a 39 percent increase in state aid. Driving the increase is student enrollment growth. But the town is still struggling to overcome inflation from previous years.

“The district will have to make significant personnel reductions,” said Dedham superintendent Nan Murphy.

Some residents in the towns with overrides oppose paying higher taxes for the schools.

“Enough is enough,” said Dawn MacKerron, a volunteer with the no override campaign in Belmont. “They can’t keep tapping taxpayers to bail them out.”

But Erin Rowland of the Invest in Belmont campaign said the stakes of a rejection are too high.

“Our community will be permanently changed for the worse,” she said. “The town will have to implement very devastating service cuts across the board — public safety, the schools, and other critical services.”

The ripple effects of override rejections can be huge. In Newton, the defeat of a \$9.2 million tax override last year repeatedly came up during the course of a two-week teachers strike this winter, as their union pressed for pay raises. Newton would receive a 1.8 percent increase in state aid, or \$42 more per student, under Healey’s budget proposal, bringing its total to nearly \$28 million.

Beacon Hill lawmakers are debating potential remedies, said Senator Jason Lewis, cochair of the Joint Education Committee. In the short term, he said, the Legislature might double the minimum per-student increase in aid in Healey’s budget proposal to \$60 just for the next fiscal year, which lawmakers also did for this fiscal year.

Long-term solutions, he said, are more complicated and could include doing more to help districts that currently receive minimum increases, noting that the part of the formula that measures a community’s ability to pay, based largely on household income levels and property tax revenue, is outdated.

But he added, “no funding formula is going to be perfect.”

James Vaznis can be reached at james.vaznis@globe.com. Follow him [@globevaznis](https://twitter.com/globevaznis).

Magliocchetti, Grannemann Tell Beacon Hill State Left Haverhill Estimated \$19.2 Million Behind

<https://whav.net/2024/03/28/magliocchetti-grannemann-tell-beacon-hill-state-left-haverhill-estimated-19-2-million-behind/>

By Jacob Posner | 8 hours ago



At the State House, from left, Haverhill School Committee member Thomas Grannemann, Rep. Andy X. Vargas and School Committee Vice Chairman Paul A. Magliocchetti. (Courtesy photograph.)

Arguing a faulty state funding formula has left Haverhill Public Schools with a potential \$11.1 million deficit for next year's budget, School Committee Vice Chairman Paul A. Magliocchetti and member Thomas Grannemann met with Beacon Hill lawmakers to explain their proposed fix Tuesday.

Magliocchetti told WHAV he was spurred into action after people mocked his declaration he would march on Beacon Hill if the district did not receive additional money, which he made at a recent School Committee meeting, as WHAV reported. "It inspired me to do this, because, you know, I'm that passionate about this," he said.

The two committee members were well received, meeting first with state Rep. Andy X. Vargas Tuesday morning, according to Magliocchetti. He said he is confident more discussions will follow.



From left, Haverhill School Committee member Thomas Grannemann, state Auditor Diana DiZoglio and School Committee Vice Chairman Paul A. Magliocchetti. (Courtesy photograph.)

In his proposal to the state, Grannemann, a former economist, argued Haverhill should have received around \$19.2 million more since 2023. He made clear he is not asking for the entire sum, rather the 2025 budget should be adjusted to reflect the high inflation of recent years. If the state follows his recommendation, he estimates Haverhill will receive an extra \$8.4 million this year, roughly the amount administrators expected.

“It is much more important that we get Chapter 70 back on track, so that aid allotments for fiscal year 2025 and future periods fully reflect the rise in cost that has occurred over the period of the Student Opportunity Act,” he wrote.

Though each school district receives a different amount of money from the state, due to factors like student population, education aid increases yearly relative to inflation, a metric estimating the rate at which costs across the economy grow. The 2019 Student Opportunity Act changed how Chapter 70 of state law, which sets the formula for education money, takes inflation into account.



From left, Haverhill School Committee Vice Chairman Paul A. Magliocchetti, rep. Ryan Hamilton and School Committee member Thomas Grannemann. (Courtesy photograph.)

In a resolution adopted by the School Committee, Grannemann pointed out Chapter 70 caps inflation used for the aid formula at 4.5%, even though inflation was 7% and 8% in fiscal years 2023 and 2024. If the state had accounted for inflation, Haverhill would have received an extra \$3 million in fiscal year 2023, \$7.8 million in 2024 and a projected \$8.3 million for this coming year. He called on the state to get rid of the 4.5% cap going forward and calculate its 2025 budget according to how much costs have actually grown since 2020.

Responding to criticism that the school district wasted extra money from the American Rescue Plan Act, which expired this year, Magliocchetti said the federal infusion only “masked” insufficient state money. “It really was nothing extra because it was just backfilling the money we lost,” he said.

With districts across the state contemplating staff and program cuts, education advocates called on House Democrats for a boost to state public school money earlier this month, as WHAV reported. Their proposed increase is more modest than Grannemann’s.

Magliocchetti told WHAV, “We need a correction here, otherwise communities like Haverhill get disproportionately affected.” While wealthier communities like Andover can make up the difference by raising property taxes, he explained the same move would more greatly burden Haverhill’s taxpayers.

Grannemann has shared his resolution with the state’s other gateway cities, defined as communities with populations greater than 35,000 but less than 250,000. Barnstable, Holyoke, and Pittsfield adopted Grannemann’s resolution.

During today’s School Committee meeting, Grannemann and Magliocchetti are set to give an update on their proposed fixes to state education aid.

CITY COUNCIL

Thomas J. Sullivan, *President*
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Melissa J. Lewandowski
Catherine P. Rogers
Shaun P. Toohey
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Katrina Hobbs Everett
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April 4, 2024

To: President and Members of the City Council:

Councilor Michitson wishes to address Massachusetts State controversy on whether or not remote access to open meetings shall remain permanent.


Councilor John A. Michitson

(meeting 4.9.2024)



JAMES J. FIORENTINI
MAYOR

5-D

HAU CITY CLERK MAR29/24 04:027

**CITY OF HAVERHILL
MASSACHUSETTS**

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March 28, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Appointment-Lisa Marzilli

Dear Mr. President and Members of the City Council:

Please be advised that I hereby appoint Lisa Marzilli, 1153 West Lowell Avenue, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2026.

Sincerely,

Melinda E. Barrett

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician

IN CITY COUNCIL: April 2 2024

CONTINUED TO APRIL 9 2024

Attest:

City Clerk



**CITY OF HAVERHILL
MASSACHUSETTS**

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ME
MELINDA E. BARRETT
MAYOR

HAU CITY CLERK MAR29/24 AM 8:27

March 28, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Appointment-Christine Kwitchoff

Dear Mr. President and Members of the City Council:

Please be advised that I hereby appoint Christine Kwitchoff, 14 Colby Lane, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2026.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician

IN CITY COUNCIL: April 2 2024

CONTinued to APRIL 9 2024

Attest:

City Clerk



**CITY OF HAVERHILL
MASSACHUSETTS**

JAMES J. FIORENTINI
MAYOR

HAVERHILL CITY CLERK MAR 28 2024 AM 8:27

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March 28, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Reappointment-Fred Clark

Dear Mr. President and Members of the City Council:

Please be advised that I hereby reappoint Fred Clark, 65 Farrwood Drive, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2026.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician

IN CITY COUNCIL: April 2 2024

CONTINUED TO APRIL 9 2024

Attest;

City Clerk



MELINDA E BARRETT
MAYOR

5-G

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MASSACHUSETTS**

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MAU CITY CLERK MAR28/24 AM 8:27

March 28, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Appointment-Evan Barman

Dear Mr. President and Members of the City Council:

Please be advised that I hereby appoint Evan Barman, 110 Cogswell Street, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2024.

Sincerely,

Melinda E Barrett

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician

IN CITY COUNCIL: April 2 2024
CONTINUED TO APRIL 9 2024
Attest:

City Clerk



**CITY OF HAVERHILL
MASSACHUSETTS**

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MAYOR

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March 28, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Appointment-Lisa DeMeo

Dear Mr. President and Members of the City Council:

Please be advised that I hereby appoint Lisa DeMeo, 15 Lakewood Terrace, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2024.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician

IN CITY COUNCIL: April 2 2024

CONTINUED TO APRIL 9 2024

Attest;

City Clerk



JAMES J. FIORENTINI
MAYOR

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March 28, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Reappointment-Harmony Wilson

Dear Mr. President and Members of the City Council:

Please be advised that I hereby reappoint Harmony Wilson, 1282 Broadway, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2025.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician
IN CITY COUNCIL: April 2 2024
CONTINUED TO APRIL 9 2024
Attest:

City Clerk



**CITY OF HAVERHILL
MASSACHUSETTS**

MELINDA E. BARRETT
MAYOR

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March 28, 2024

City Council President Thomas J. Sullivan & Members of the City Council

RE: - Conservation Commission Reappointment-Jennifer Rubera

Dear Mr. President and Members of the City Council:

Please be advised that I hereby reappoint Jennifer Rubera, 25 Gale Avenue, Haverhill, MA to the Haverhill Conservation Commission.

This is a non-confirming appointment. This appointment takes effect immediately and expires December 31, 2025.

Sincerely,

Melinda E. Barrett
Mayor

MEB/em

cc: Robert Moore, Jr., Environmental Health Technician

IN CITY COUNCIL: April 2 2024
CONTINUED TO APRIL 9 2024

Attest:

City Clerk

CITY COUNCIL

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Timothy J. Jordan, *Vice President*
John A. Michitson
Colin F. LePage
Melissa J. Lewandowski
Catherine P. Rogers
Shaun P. Toohey
Michael S. McGonagle
Katrina Hobbs Everett
Devan Ferreira
Ralph T. Basiliere



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CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

DOCUMENTS REFERRED TO COMMITTEE STUDY

12	Communication from Councilor Michitson and President Sullivan for a comprehensive Approach to pedestrian crossing improvements.	Public Safety	1/9/24
12-H	Communication from Councilors Toohey and Basiliere to discuss truck exclusion on 8 th Avenue.	Public Safety	2/13/24
40	Motion by Councilor Lewandowski to send updated Cannabis Social Equity Best Practices for the Cannabis Control Commission to A&F for further review.	A&F	4/2/24
37	Motion by Councilor to send Ordinance regarding Officers and Employees – Article IV City Solicitor to A&F for further review.	A&F	4/2/24