



**CITY OF HAVERHILL
CITY COUNCIL MINUTES –**

Tuesday, September 22, at 7:00 PM

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

In-Person/Remote Meeting: <https://meet.google.com/fpn-zkxh-xax>

Present: Councilors Jordan, Michitson, Basiliere, Diodati, Sullivan, Ferreira, Lewandowski, Toohey, and Rogers

Remote: Councilors McGonagle and LePage

Absent: None

City Clerk: Kaitlin M. Wright-Esposito

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

COUNCILOR FERREIRA STATED SHE REVIEWED THE MINUTES AND FINDS THEM IN ORDER, SECOND BY COUNCILOR TOOHEY

PASSED

YEAS 11, NAYS 0, ABSENT 0

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING:

PRESIDENT JORDAN ASSIGNED THE MINUTES TO COUNCILOR MICHITSON

5. COMMUNICATIONS FROM THE MAYOR:

5.1. Mayor Barrett submits an ordinance relating to amending Chapter 222 Article XI Recreational Motorized Vehicles of the Haverhill City Ordinance restricting the use of motorized bicycles and scooters

32-q

File 10 Days

MOTION BY VICE PRESIDENT MICHITSON, SECOND BY COUNCILOR SULLIVAN

PASSED

YEAS 10, NAYS 0, ABSENT 1 (MCGONAGLE)

5.2. Mayor Barrett submits an order relating to the Water Use Restriction Ordinance – Ch. 250 Article VI of the Code of the City of Haverhill

32-r

5.2.1. Order- That the City Council hereby votes to repeal and replace Chapter 250, Article VI of the Code of the City of Haverhill, entitled Water Restriction, in its entirety, with the following revised ordinance

File 10 Days

MOTION BY COUNCILOR SULLIVAN TO RECEIVE AND PLACE ON FILE, SECOND BY COUNCILOR TOOHEY

PASSED

YEAS 10, NAYS 0, ABSENT 1 (MCGONAGLE)

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

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28:

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

8.1. Angel A. Perkins, *City Auditor and Chief Financial Officer*, submits the revenue and expense reports for the month of August 2026

3-q

MOTION BY COUNCILOR SULLIVAN TO RECEIVE AND PLACE ON FILE, SECOND BY VICE PRESIDENT MICHITSON

PASSED

YEAS 10, NAYS 0, ABSENT 1 (MCGONAGLE)



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

10. PUBLIC HEARINGS AND RELATED ORDERS:

- 10.1. **Doc 21-D - CCSP-26-3** - Attorney Jonathan Stark-Sachs for Maryam Salehi-Ala-Yamin requests approval to operate “Mariam’s Cottage” a family run bed and breakfast at 421 East Broadway allowed with a special permit in the RR (Rural Residential) zoning district and seeks to host small-scale weddings and similar outdoor events of up to 50 guests packaged with overnight stays

Continued from August 25, 2026

President Jordan reopened the hearing.

Attorney Donald Borenstein addressed the council. He provided an overview of the request for a Bed & Breakfast including the property’s historic significance and extensive renovations undertaken by the applicant. He stated that the applicant intends to operate the B&B while also allowing limited accessory gatherings, and noted that she has worked with City departments, neighbors, and the Council to address concerns. Proposed conditions include limiting gatherings to 30 people, operating hours of 9:00 AM to 9:00 PM, no DJs or live music, no event tents, additional parking and screening, landscaping, and appropriate signage. Attorney Borenstein emphasized that the intent is for small, intimate gatherings associated with the B&B rather than a late-night event venue and asked the Council to consider these conditions as part of the special permit.

President Jordan asked if anyone would like to speak in favor.

Phil Rice (427 East Broadway), a direct abutter, spoke in favor, praising the applicant’s integrity, work on the property, and proposed project. Lynn O’Neill Clark (3 Worcester Street) also spoke in favor, describing the property as beautiful and stating that the proposed tea events would not burden the neighbors. Pam Daggett (East Broadway) noted that the applicant had made significant changes to address prior concerns, including reducing attendance and limiting events to the building or deck, and said she hoped the Council would recognize her commitment to the business.

President Jordan asked if anyone would like to speak in opposition.

Attorney Philip Graeter, representing Timothy Sturgeon and Judith Biewener, stated that his clients do not oppose the bed and breakfast itself but raised concerns regarding the proposed accessory event uses, including outdoor events, guest capacity, parking, noise, traffic, and tents. Atty. Graeter noted that the property is located in both the RR and RS zoning districts and argued that accessory uses should remain subordinate to the bed and breakfast and be limited to the portion of the property where the use is permitted. Kathleen McCormack (455 East Broadway) spoke in opposition, stating that nearby residents’ concerns have not been adequately represented on submitted maps. Kathleen McCormack raised concerns about traffic and safety at the nearby curve, the impact of 30-person events, neighborhood character, property values, and the appropriateness of hosting events in the residential neighborhood, while stating that she did not oppose the owner-occupied bed and breakfast itself.

Rebuttals: Attorney Borenstein stated that the map identifies the eight statutory abutters within 300 feet and noted the applicant’s efforts to obtain neighborhood input. He also addressed traffic and sight-distance concerns, stating that the driveway has adequate site lines and that the City’s traffic and safety officer had expressed no concerns. He referenced the City Solicitor’s opinion regarding the Council’s authority to determine accessory uses. Attorney Graeter stated that accessory uses must be related and incidental to the principal B&B use and should be consistent with the neighborhood character. He stated that outdoor events involving approximately 30 people would not be appropriate for the property.



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President Jordan closed the hearing.

MOTION BY COUNCILOR SULLIVAN FOR APPROVAL WITH CONDITIONS, SECOND BY COUNCILOR FERREIRA

Councilor Basiliere supported the project, noting the revised conditions, owner-occupancy agreement, and parking and traffic controls, and referenced six crashes on East Broadway this year. Councilor Sullivan supported the project and 30-person event limit, stating that the revised conditions addressed concerns regarding gatherings, including limiting activities primarily to the house and porch and prohibiting use of the rear conservation area, loud music, bands, and DJs. Councilor Ferreira expressed strong support and asked whether the special permit would remain with the property if sold; Solicitor Steve Chaplin explained that a special permit typically runs with the property. Councilor Lewandowski supported the project but questioned whether 30-person gatherings qualified as an accessory use, suggesting a 12-person limit and requesting that owner occupancy be included as a condition. Vice President Michitson also questioned whether the proposed events constituted an accessory use, and Solicitor Chaplin explained that the determination was ultimately for the Council and depended on whether the activity was customarily incidental to the principal use, with the argument stronger at lower attendance levels. Councilor Diodati supported the project, stating that 30 people was a reasonable compromise from the previous limit of 50, as did Councilor Toohey. Councilor Rogers, who had previously expressed concerns about tents, DJs, and bands, supported the revised proposal and felt that a 12-person limit was too restrictive. President Jordan stated that the revised proposal was significantly improved and supported the scaled-down conditions as reasonable, confirming that owner occupancy was included as a condition, subject to any variance granted by the Zoning Board of Appeals.

MOTION BY COUNCILOR SULLIVAN TO APPROVE THE FOLLOWING CONDITIONS: (1) Small gatherings may take place primarily within the structure and/or on the porch and shall be limited to a maximum of 30 guests; (2) no tents requiring a City permit shall be erected; (3) gatherings shall not include bands or DJs and must comply with the City's noise ordinance; (4) gatherings shall be limited to the hours of 9:00 A.M. to 9:00 P.M., except for use of the house, porch, and grounds by overnight guests; (5) in addition to the privacy screening shown on the submitted site plan, additional screening panels shall be installed between the property and 419 East Broadway where vegetation is thinner; (6) the applicant shall pay the cost of installation of road signage notifying drivers of the speed limit and curve on East Broadway, in locations determined in consultation with City staff; and (7) the property shall remain owner-occupied. **SECOND BY COUNCILOR FERREIRA.**

President Jordan stated Madam Clerk please call the roll.

City Clerk Wright-Esposito: Vice President Michitson-yes, Councilor Basiliere-yes, Councilor Diodati-yes, Councilor Sullivan-yes, Councilor Ferreira-yes, Councilor Lewandowski-yes, Councilor Toohey-yes, Councilor McGonagle-yes Councilor LePage-yes, Councilor Rogers-yes, President Jordan-yes

PASSED

YEAS 11, NAYS 0, ABSENT 0

President Jordan that passes.

MOTION BY COUNCILOR BASILIERE FOR APPROVAL OF PROJECTS WITH CONDITIONS, SECOND BY COUNCILOR TOOHEY

President Jordan stated Madam Clerk please call the roll.

City Clerk Wright-Esposito: Vice President Michitson-yes, Councilor Basiliere-yes, Councilor Diodati-yes, Councilor Sullivan-yes, Councilor Ferreira-yes, Councilor Lewandowski-yes, Councilor Toohey-yes, Councilor McGonagle-yes Councilor LePage-yes, Councilor Rogers-yes, President Jordan-yes

PASSED

YEAS 11, NAYS 0, ABSENT 0

President Jordan that passes.



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11. APPOINTMENTS:

11.1. Confirming Appointments:

11.2. *Haverhill Cultural Council*, expires on September 30, 2029 24-j

- 11.2.1. Tatana Burgos-Espinal, 16 Chandler St
Nicole Heena, 49 Mount Vernon St
Nancy Zlotsky, 70 Washington St Unit 502
Emilee Hopkins, 28 Haverhill St

MOTION BY COUNCILOR SULLIVAN TO CONFIRM, SECOND BY COUNCILOR BASILIERE

PASSED

YEAS 10, NAYS 0, ABSENT 1 (MCGONAGLE)

11.3. Non-Confirming Appointments:

12. PETITIONS:

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

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

12.3. EVNT-26-29- Anastasia Dimopoulos for the *Hellenic Orthodox Community* located at 154 Winter St requests to hold a two-day Annual festival fundraiser on Friday, November 6th, 2026 from 11:00AM - 10:00 PM & Saturday November 7th from 11:00 AM - 1:00AM 29-y

MOTION BY VICE PRESIDENT MICHITSON TO APPROVE, SECOND BY COUNCILOR SULLIVAN

PASSED

YEAS 10, NAYS 0, ABSENT 1 (MCGONAGLE)

12.4. EVNT-26-26 - Cynthia Graham for the *Haverhill Firefighting Museum* located at 75 Kenoza Ave to hold a Chili/ Chowder Cookoff on Sunday October 25th, 2026 from 5:00 -10:00 PM 29-z

MOTION BY COUNCILOR SULLIVAN FOR PASSAGE, SECOND BY COUNCILOR FERREIRA

PASSED

YEAS 10, NAYS 0, ABSENT 1 (MCGONAGLE)

12.5. Auctioneer License:

12.6. Tag Days: *with Police approval*

12.7. One Day Liquor License –with Police and License Commission approval

12.8. ANNUAL LICENSE RENEWALS:

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

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

12.8.3. Christmas Tree Vendor – *with Police approval*



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- 12.9. **TREE-26-1** – Charles Hibbert of *Hibberts Plantation, LLC* at 297 Lincoln Ave, Monday through Sunday 9 AM to 9 PM from November 26th through December 24th 43-a

MOTION BY COUNCILOR SULLIVAN FOR PASSAGE, SECOND BY COUNCILOR BASILIERE
PASSED YEAS 11, NAYS 0, ABSENT 0

- 12.10. **TREE-26-2** – Maria Hibbert of *Hibberts Plantation, LLC* at 30 Cushing Ave, Monday through Sunday 9 AM to 9 PM from November 26th through December 24th 43-b

MOTION BY COUNCILOR SULLIVAN FOR PASSAGE, SECOND BY VICE PRESIDENT MCHITSON
PASSED YEAS 11, NAYS 0, ABSENT 0

- 12.10.1. **Taxi Driver Licenses: with Police approval**
- 12.10.2. **Taxi/Limousine License with Police approval**
- 12.10.3. **Junk Dealer /Collector License - with Police approval**
- 12.10.4. **Pool/Billiard**
- 12.10.5. **Bowling**
- 12.10.6. **Sunday Bowling**
- 12.10.7. **Buy & Sell Secondhand Articles with Police approval**
- 12.10.8. **Buy & Sell Secondhand Clothing with Police approval**
- 12.10.9. **Pawnbroker license - with police approval**
- 12.10.10. **Fortune Teller with - Police approval**
- 12.10.11. **Buy & Sell Old Gold – with Police approval**
- 12.10.12. **Roller Skating Rink**
- 12.10.13. **Sunday Skating**
- 12.10.14. **Exterior Vending Machines/Redbox Automated Retail, LLC**
- 12.10.15. **Limousine/Livery License/Chair Cars with Police approval**

13. MOTIONS AND ORDERS:

14. ORDINANCES (FILE 10 DAYS):

15. COMMUNICATIONS FROM COUNCILORS:

- 15.1. Per the 2026 State Cannabis Reform Law (H. 5350), Councilors Diodati, Ferreira and LePage propose a zoning amendment be drafted to consolidate the city's existing Medical Marijuana Overlay District (MMOD) and Licensed Marijuana Establishment Overlay Zone (LMEOZ) be drafted and sent to the Council's next Planning and Development subcommittee meeting for discussion and recommendation to Council 44-a

Councilor Ferreira noted recent state legislation, Chapter 226, which eliminates the vertical integration requirement for medical marijuana establishments, and stated that the City's zoning regulations should be updated accordingly. She suggested consolidating the existing zoning requirements and forwarding the matter to the Planning and Development Subcommittee for review and discussion.



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MOTION BY COUNCILOR FERREIRA TO SEND FOR REVIEW AND DISCUSSION OF THE ABOVE TO THE
PLANNING AND DEVELOPMENT COMMITTEE, SECOND BY COUNCILOR LEPAGE

PASSED

YEAS 10, NAYS 0, ABSENT 1 (MCGONAGLE)

16. UNFINISHED BUSINESS OF PRECEDING MEETING:

17. RESOLUTIONS AND PROCLAMATIONS:

- 17.1. Mayor Barrett requests to present a proclamation recognizing September 15th to
October 15th, 2026, as Hispanic Heritage Month 11-k

Councilor Ferreira read the proclamation into the record.

MOTION BY COUNCILOR FERREIRA TO ACCEPT AND PLACE ON FILE, SECOND BY COUNCILOR LEPAGE

PASSED

YEAS 10, NAYS 0, ABSENT 1 (MCGONAGLE)

18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

19. DOCUMENTS REFERRED TO COMMITTEE STUDY:

20. LONG TERM MATTERS STUDY LIST:

21. ADJOURN:

MOTION BY COUNCILOR SULLIVAN TO ADJOURN, SECOND BY COUNCILOR TOOHEY

PASSED

YEAS 10, NAYS 0, ABSENT 1 (MCGONAGLE)

ADJOURNED: 20:22