



# CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, March 26, 2019 at 7:00 PM

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

1. **OPENING PRAYER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES OF PRIOR MEETING**
4. **ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING**
5. **COMMUNICATIONS FROM THE MAYOR:**
  - 5.1. Communication from Mayor Fiorentini requesting to address the City Council regarding continuing State Aid to meet the largest municipal debt in the history of the Commonwealth – the *Hale Hospital* debt
  - 5.2. Communication from Mayor Fiorentini submitting *Memorandum of Agreement (MOA)* between *City of Haverhill* and the *Teamsters Inspectional & Nursing Services Group* and related *Salary Ordinance*
    - 5.2.1. Ordinance re: Salaries – *Inspectional & Nursing Services Group* **File 10 days**
6. **COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:**
7. **UTILITY HEARING(S) AND RELATED ORDER(S)**
8. **HEARINGS AND RELATED ORDERS**
  - 8.1. Document 15; Petition from Attorney Michael Migliori requesting a Special Permit be granted to Johnson Construction Management for property located on 121-123 Portland st; Assessors Map 610, Block 490, Lots 21-22 to construct a three-family residential building; located in the “RU” (Residential Urban Density) zoning district  
*Favorable conditional recommendation from Planning Board & Planning Director*
9. **PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28**
10. **APPOINTMENTS:**
  - 10.1. **Confirming Appointments:**
    - 10.1.1. **Rocks Village Historic District Commission**  
Reappointments: Dr. Ray Arsenault, 22 Wharf Lane  
Michael Forehand, 28 River rd  
Christine Kwitchoff, 14 Colby’s Lane  
Tom Beers, 26 Elliot st  
New: Steve Merrill, 9 Wharf Lane  
Brad Gardner, 47 East Main st  
Jen & Peter Dryden, 40 East Main st

|       |                 |
|-------|-----------------|
|       | To Be Confirmed |
| “ “ “ |                 |
| “ “ “ |                 |
  - 10.2. **Non-Confirming Appointments:**
    - 10.2.1. **Master Plan Committee:**
      - 10.2.1.1. Stephen Gullo, 196 Chadwick Road
    - 10.2.2. **Complete Streets Advisory Committee:**
      - 10.2.2.1. David Lefcourt, 86 Bradford av
  - 10.3. **Resignations**



## CITY OF HAVERHILL CITY COUNCIL AGENDA

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### 11. PETITIONS:

- 11.1. Petition from Melissa Seavey, *Events Director of Greater Haverhill Chamber of Commerce* to address Council regarding Kids FEST, being held on Saturday, May 4<sup>th</sup>, 11 am to 4 pm with a rain date of Sunday, May 5<sup>th</sup> 2019 along with several related requests and requests that the event fee of \$500.00 be waived

*Favorable recommendation from City Departments with conditions*

11.2. **Applications/Handicap Parking Sign**

11.2.1. Richard F Hartford Jr for 455 Washington st, apt 1 – *new*

11.2.2. Kimberly Bradley for 13 Highland st – *renewal*

11.3. **Tag Days:**

11.3.1. *HHS Boys & Girls Tennis*, April 13 & 14

11.3.2. *HHS Girls Volleyball Team*, October 19 & 20

11.4. **One Day Liquor License:**

11.5. **Annual License Renewals**

11.5.1. **Hawker Peddlers License Renewals 2019**

11.5.2. **Coin-Op License Renewals 2019:**

11.5.3. **Sunday Coin-Op License Renewals 2019**

11.5.4. **Drainlayer License for 2019:**

11.5.5. **Taxi Driver Licenses for 2019:**

11.5.5.1. Peter Loring Jr., 235A River st - *renewal*

11.5.6. **Taxi License**

11.5.7. **Junk Dealer License:**

11.5.8. **Pool Tables**

11.5.9. **Sunday Pool:**

11.5.10. **Bowling:**

11.5.11. **Sunday Bowling:**

11.5.12. **Buy & Sell Second Hand Articles**

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

11.5.14. **Pawnbroker license:**

11.5.15. **Buy & Sell Old Gold**

11.5.16. **Hawker/Peddler:**

11.5.17. **Roller Skating Rink:**

11.5.18. **Sunday Skating:**

11.5.19. **Theater**

11.5.20. **Exterior Vending Machines**

11.5.21. **Limousine/Livery License/Chair Cars – *new***

11.5.22. **Hawker/Peddler Seasonal License**

### 12. MOTIONS AND ORDERS:

### 13. ORDINANCES (FILE 10 DAYS)



## CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, March 26, 2019 at 7:00 PM

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

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### 14. MONTHLY REPORT

### 15. COMMUNICATIONS FROM COUNCILLORS:

- 15.1. Communication from Council President Michitson requesting to discuss the status of Haverhill's large retirement debt and associated action plan
- 15.2. Communication from Councillors LePage and Sullivan requesting to introduce School Committee members Gail Sullivan and Richard Rosa for a discussion on a Resolution urging legislature to approve and fully fund a new foundation budget formula by May 1 2019
  - 15.2.1. ***Haverhill City Council Resolution – a Resolution in Support of Full funding of our Public Schools***
- 15.3. Communication from Councillors Jordan and LePage requesting to introduce *School Committee* members Gail Sullivan and Richard Rosa to give an update on the *Haverhill Promise* grade level reading program
- 15.4. Communication from Councillor Jordan requesting to introduce Janice Anton of West Lowell av and Vanessa Johnson of *Essex County Greenbelt Association* to discuss Janice's plan to donate a portion of her property to *Essex County Greenbelt* and place a conservation restriction on this property
- 15.5. Communication from Councillor Melinda Barrett requesting an update on the status of the *Haverhill Public Library*
- 15.6. Communication from Councillor Melinda Barrett requesting a discussion regarding the need to clean up debris from a traffic incident in late November in the area of Blossom st and Laurel av
- 15.7. Communication from Councillor William Macek requesting a discussion on the impending *Comcast Cable* contract

### 16. UNFINISHED BUSINESS OF PRECEDING MEETINGS :

- 16.1. Document 29-H: Ordinance re: Parking – 342 Washington st – Establish Handicap Parking *filed March 13 2019*
- 16.2. Document 29-I: Ordinance re: Parking – 88 Margin st – Establish Handicap Parking *filed March 13 2019*
- 16.3. Document 29-J: Ordinance re: Parking – 136 High st – Establish Handicap Parking *filed March 13 2019*
- 16.4. Document 29-K: Ordinance re: Parking – 6 John st – Delete Handicap Parking *filed March 13 2019*

### 17. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

### 18. DOCUMENTS REFERRED TO COMMITTEE STUDY

### 19. ADJOURN

JAMES J. FIORENTINI  
MAYOR



**CITY OF HAVERHILL  
MASSACHUSETTS**

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

March 22, 2019

City Council President John A. Michitson and Members of the Haverhill City Council

RE: Continued State Aid for the Hale Debt

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

I request permission to address the City Council regarding continuing State Aid to meet the largest municipal debt in the history of the Commonwealth – the Hale debt.

Very truly yours,



**James J. Fiorentini**  
Mayor

JJF/lyf

**JAMES J. FIORENTINI**  
MAYOR



**CITY OF HAVERHILL**  
**MASSACHUSETTS**

5.2  
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

March 21, 2019

City Council President John A. Michitson and Members of the Haverhill City Council

RE: Salary Ordinance & MOA submission

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

Please find attached a Salary Ordinance and a Memorandum of Agreement (MOA) between the City of Haverhill and the Teamsters Inspectional & Nursing Services Group. I recommend approval.

Very truly yours,

**James J. Fiorentini**  
Mayor

JJF/lyf




# Haverhill

Human Resources Department, Room 306

Phone: (978) 374-2357 Fax: (978) 374-2343

Denise McClanahan, HR Director – [dmcclanahan@cityofhaverhill.com](mailto:dmcclanahan@cityofhaverhill.com)

Sheila Pelczar, HR Technician – [spelczar@cityofhaverhill.com](mailto:spelczar@cityofhaverhill.com)

TO: Mayor James J. Fiorentini  
FROM: Denise McClanahan, HR Director   
DATE: March 21, 2019  
RE: Salary Ordinance & MOA submission

Attached please find the ordinance and Memorandum of Agreement for the Teamsters Inspectional & Nursing Services Group as a result of their recent negotiations. Please submit these documents to the next City Council meeting for action.

dln

TO: MAYOR JAMES J. FIORENTINI  
FROM: Choose person  
DATE: 3/22/2019  
RE: COLLECTIVE BARGAINING FINANCIAL DISCLOSURE

NAME OF CONTRACT OR GROUP: Inspectional & Nursing Services Group  
CONTRACT PERIOD: July 1, 2017 to June 30, 2019

% INCREASE FOR EACH CONTRACT YEAR:

Year 1 1.75 % Year 2 2 % Year 3 n/a %

COST OF COLA FOR EACH FISCAL YEAR OF CONTRACT:

|                        |             |  |
|------------------------|-------------|--|
| Year 1 – FY <u>18</u>  | Cost amount | <u>\$6,506.59</u>  |
| Year 2 – FY <u>19</u>  | Cost amount | <u>\$17,839.84 (Based on FT rates – actual will be lower*)</u> |
| Year 3 – FY <u>n/a</u> | Cost amount | <u>-</u>   |

ADDITIONAL COSTS

(i.e., OT, Hazardous Duty, Professional Development, Clothing Allowance, Holiday Pay, etc.)

Approx OT cost FY 18 - \$30.00

Approx OT cost FY 19 - \$50.00

Prof Development allowance increase FY 19 \$3,600

What is the percentage increase that these extras add to the budget? \_\_\_\_\_

UNION CONCESSIONS: \_\_\_\_\_

TOTAL COST OF PROPOSED COLLECTIVE BARGAINING AGREEMENT: \$28,024.04

Total salary budget for this group: \_\_\_\_\_

Percent increase in salary budget: 1.75% FY 18, 7.46% FY 19\*

\*FY19 rates based on full year salary of two new hires

Are there any other groups or individuals that would be directly affected by this budget? No

What would be the effect? \_\_\_\_\_

Are there any other known implications to this contract? NONE

Yes No

Funds are appropriated

☒ ☐

Where funds are located

Account #: 101.0000.1.0946.5101 - salary reserve  
Click or tap here to enter text.

Yes No

Funds need appropriation by council

☐ ☒

Where funds to come from

Account #: Click or tap here to enter text.

Auditors Office

HR Dept

Department Head

Memorandum of Agreement  
Between  
THE CITY OF HAVERHILL and  
THE INSPECTIONAL & NURSING SERVICES GROUP – Teamsters Local #170

**Two-year contract:**

July 1, 2017 to June 30, 2018  
July 1, 2018 to June 30, 2019

**Wages**

**Amend Article VII: WAGES**

1.75% salary increase effective 7-1-2017  
2% salary increase effective 7-1-2018

**Professional Development**

**Amend Appendix 1, 2, 3 & 1A – Professional Development**

Effective 7/1/2018 increase the amount of the Professional Development Allowance from \$500 to \$825 per year.

**Educational Pay**

**Amend Article XX: Educational Pay**

Effective 7/1/2018 increase amount for educational courses from \$1,000 to \$2,000 per year.

**Add new paragraph**

The City of Haverhill agrees to pay for and purchase books and/or materials that are required for inspectors to perform their respective jobs. Books and/or materials will be property of the City of Haverhill upon purchase.

**Holiday language**

**Amend Article VIII: HOLIDAYS**

**Add new paragraph to Section 1**

**Christmas holiday hours:**

In each year where December 24<sup>th</sup> (Christmas Eve) falls on a regularly scheduled work day, employees will be released from work at 12:00pm (noon) and all released employees shall receive a full day's pay. If the 24<sup>th</sup> does not fall on a regularly scheduled work day, then the above does not apply. The employer reserves the right to require employees to work from 12pm (noon) to 4pm should there be an emergency as declared by the mayor. If the employer requires any employees to work from 12pm (noon) to 4pm on December 24<sup>th</sup>, said employee shall receive three hours of compensatory time to be used within the following 12 months.

**Agency fee language**

**Amend Article II: UNION SECURITY**

**Remove Sections 1-4 and in its place insert the following:**

All present employees who are members of the Union on the effective date of this Agreement shall remain members in good standing for the term of this Agreement subject to Section 1 below



Section I. Agency Shop Clause: Membership in the Local Union is not compulsory. Employees have the right to join, not join, maintain or drop their membership in the Local Union, as they see fit. Neither party shall exert any pressure on or discriminate against any employee as regards such matters.

Membership in the Local Union is separate, apart and distinct from the assumption by one of his/her equal obligation to the extent that he/she receives equal benefits. The Local Union is required under this Agreement to represent all of the employees in the bargaining unit fairly and in Accordance with GL Chapter 150 E as amended equally without regards to whether or not an employee is a member of the Local Union. The terms of this Agreement have been made for all employees in the bargaining unit and not only for members in the Local Union, and this Agreement has been executed by the Employer after it has satisfied itself that the Local Union is the choice of a majority of the employees in the bargaining unit.

Payment of dues for present employees shall commence thirty-one (31) days following the effective date or on the date of execution of this Agreement, whichever is the later, and for new employees, the payment shall start thirty-one (31) days following the date of employment.

#### **DRIVE language**

##### **Amend Article II: UNION SECURITY**

##### **Add new Section 2. DRIVE with the following language:**

The City agrees to deduct from the paycheck of all employees covered by this Agreement voluntary contributions to DRIVE. DRIVE shall notify the City of the amount designated by each contributing employee that are to be deducted from his/her paycheck on a weekly basis for all weeks worked. The City shall transmit to DRIVE National Headquarters on a monthly basis, in one (1) check the total amount deducted along with the name of each employee on whose behalf the deduction is made, the employee's social security number and the amount deducted from the employee's check.

Any official of the International or Local Union shall be permitted reasonable access to the City's premises for the purpose of discussing DRIVE participation on the premises provided such access shall not interfere with the conduct of the City's business.

#### **New England Teamsters Federal Credit Union language**

##### **Amend Article II: UNION SECURITY**

##### **Add new Section 3. Credit Union with the following language:**

The City agrees to deduct a certain specific amount each week from the wages of those employees who shall have given the City written authorization to make such deductions. The amount so deducted shall be remitted to the New England Teamsters Federal Credit Union once each month. The City shall not make deductions and shall not be responsible for remittance to the Credit Union for any deduction for those weeks during which the employee has no earnings or in those weeks in which the employee's earnings shall be less than the amount authorized for deductions. The Union agrees that it will indemnify and hold the City and its agents harmless from any claim, action, omission or proceeding by any employee arising from deductions made by the City under this Article.

It shall be the sole responsibility of the Credit Union/employee to provide the City with the information on deductions and will not hold the City responsible for any issues arising from information not being provided.

**Remove all language and salary regarding the Public Health Nurse position**

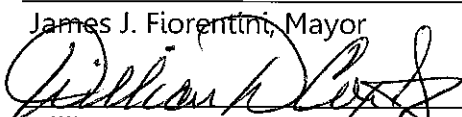
**Consolidated MOAs and contract**

Integrated contract to be completed

All terms and conditions of the current CBA to remain in full force and effect. This agreement is subject to ratification by the Union and appropriation by the City Council.

Date: \_\_\_\_\_

\_\_\_\_\_  
James J. Fiorentini, Mayor

  
William D. Cox, Jr., City Solicitor

\_\_\_\_\_  
James Marks, Teamsters Business Agent

\_\_\_\_\_  
Shop Steward (Insp. & Nursing Services Group)

**Remove all language and salary regarding the Public Health Nurse position**

**Consolidated MOAs and contract  
Integrated contract to be completed**

**All terms and conditions of the current CBA to remain in full force and effect. This agreement is subject to ratification by the Union and appropriation by the City Council.**

**Date: \_\_\_\_\_**

\_\_\_\_\_  
**James J. Fiorentini, Mayor**

  
\_\_\_\_\_  
**James Marks, Teamsters Business Agent**

\_\_\_\_\_  
**William D. Cox, Jr., City Solicitor**

\_\_\_\_\_  
**Shop Steward (Insp. & Nursing Services Group)**



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

File 10 days

5.2.11

ORDERED:

MUNICIPAL ORDINANCE  
AN ORDINANCE RELATING TO SALARIES

CHAPTER  
INSPECTIONAL & NURSING SERVICES GROUP

BE IT ORDAINED by the City Council of the City of Haverhill that Document 28N of 2016 is hereby amended as follows:

**EFFECTIVE 7/1/2017 1.75%**

|                              |              |              |              |              |              |             |             |  |
|------------------------------|--------------|--------------|--------------|--------------|--------------|-------------|-------------|--|
|                              | STEP 1       | STEP 2       | STEP 3       | STEP 4       | STEP 5       |             |             |  |
| Local Building Inspector     | \$ 49,802.36 | \$ 51,801.90 | \$ 53,801.45 | \$ 55,953.52 | \$ 58,191.65 |             |             |  |
|                              | STEP 1       | STEP 2       | STEP 3       |              |              |             |             |  |
| Sr. Sanitary Inspector       | \$ 990.03    | \$ 1,019.56  | \$ 1,048.25  |              |              |             |             |  |
|                              | STEP 1       | STEP 2       | STEP 3       | STEP 4       |              |             |             |  |
| Sanitary Inspector           | \$ 844.23    | \$ 870.32    | \$ 961.19    | \$ 990.02    |              |             |             |  |
|                              | STEP 1       | STEP 2       | STEP 3       | STEP 4       | STEP 5       | STEP 6      | STEP 7      |  |
| Community Health Coordinator | \$ 913.71    | \$ 913.71    | \$ 944.14    | \$ 987.00    | \$ 1,030.10  | \$ 1,073.04 | \$ 1,116.04 |  |
| Nurse Leader                 | STEP 8       | STEP 9       | STEP 10      | STEP 11      | STEP 12      | STEP 13     | STEP 14     |  |
|                              | \$ 1,159.33  | \$ 1,202.20  | \$ 1,245.20  | \$ 1,288.33  | \$ 1,331.35  | \$ 1,374.32 | \$ 1,417.38 |  |
|                              | STEP 1       |              |              |              |              |             |             |  |
| Rehabilitation Specialist    | \$ 869.99    |              |              |              |              |             |             |  |

**EFFECTIVE 7/1/2018 2%**

|                              |              |              |              |              |              |             |             |  |
|------------------------------|--------------|--------------|--------------|--------------|--------------|-------------|-------------|--|
|                              | STEP 1       | STEP 2       | STEP 3       | STEP 4       | STEP 5       |             |             |  |
| Local Building Inspector     | \$ 50,798.41 | \$ 52,837.94 | \$ 54,877.48 | \$ 57,072.59 | \$ 59,355.48 |             |             |  |
|                              | STEP 1       | STEP 2       | STEP 3       |              |              |             |             |  |
| Sr. Sanitary Inspector       | \$ 1,009.83  | \$ 1,039.95  | \$ 1,069.22  |              |              |             |             |  |
|                              | STEP 1       | STEP 2       | STEP 3       | STEP 4       |              |             |             |  |
| Sanitary Inspector           | \$ 861.12    | \$ 887.73    | \$ 980.41    | \$ 1,009.82  |              |             |             |  |
|                              | STEP 1       | STEP 2       | STEP 3       | STEP 4       | STEP 5       | STEP 6      | STEP 7      |  |
| Community Health Coordinator | \$ 931.99    | \$ 931.99    | \$ 963.03    | \$ 1,006.74  | \$ 1,050.70  | \$ 1,094.50 | \$ 1,138.36 |  |
| Nurse Leader                 | STEP 8       | STEP 9       | STEP 10      | STEP 11      | STEP 12      | STEP 13     | STEP 14     |  |
|                              | \$ 1,182.52  | \$ 1,226.24  | \$ 1,270.10  | \$ 1,314.10  | \$ 1,357.98  | \$ 1,401.81 | \$ 1,445.73 |  |
|                              | STEP 1       |              |              |              |              |             |             |  |
| Rehabilitation Specialist    | \$ 887.39    |              |              |              |              |             |             |  |

Amend Appendix 1, 2, 3 & IA - Professional Development

Increase the amount of the Professional Development Allowance from \$500 to \$825 per year.

Amend Article XX: Educational pay

Increase amount for educational courses from \$1,000 to \$2,000 per year.

Remove Public Health Nurse position from salary scale

Approved as to legality:

City Solicitor



FOR BACK UP  
REFERENCE ONLY

DOCUMENT 28-N

# CITY OF HAVERHILL

In Municipal Council October 18 2016

ORDERED:

MUNICIPAL ORDINANCE  
AN ORDINANCE RELATING TO SALARIES

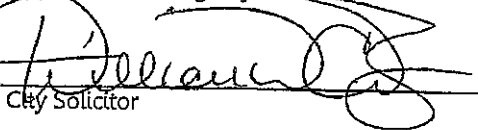
CHAPTER  
INSPECTIONAL & NURSING SERVICES GROUP

BE IT ORDAINED by the City Council of the City of Haverhill that Document 2K of 2015 is hereby amended as follows:

EFFECTIVE 7/1/2016 1.75%

|  |                        |                        |                        |                        |                        |                        |                        |
|--|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Local Building Inspector                     | STEP 1<br>\$ 48,945.81 | STEP 2<br>\$ 50,910.96 | STEP 3<br>\$ 52,876.12 | STEP 4<br>\$ 54,991.17 | STEP 5<br>\$ 57,190.81 |                        |                        |
| Sr. Sanitary Inspector                       | STEP 1<br>\$ 973.00    | STEP 2<br>\$ 1,002.03  | STEP 3<br>\$ 1,030.22  |                        |                        |                        |                        |
| Sanitary Inspector                           | STEP 1<br>\$ 829.71    | STEP 2<br>\$ 855.35    | STEP 3<br>\$ 944.66    | STEP 4<br>\$ 972.99    |                        |                        |                        |
| Community Health Coordinator<br>Nurse Leader | STEP 1<br>\$ 898.00    | STEP 2<br>\$ 898.00    | STEP 3<br>\$ 927.90    | STEP 4<br>\$ 970.02    | STEP 5<br>\$ 1,012.38  | STEP 6<br>\$ 1,054.59  | STEP 7<br>\$ 1,096.84  |
|  | STEP 8<br>\$ 1,139.39  | STEP 9<br>\$ 1,181.52  | STEP 10<br>\$ 1,223.78 | STEP 11<br>\$ 1,266.18 | STEP 12<br>\$ 1,308.45 | STEP 13<br>\$ 1,350.69 | STEP 14<br>\$ 1,393.00 |
| Public Health Nurse                          | STEP 1<br>\$ 863.48    | STEP 2<br>\$ 863.48    | STEP 3<br>\$ 892.22    | STEP 4<br>\$ 1,008.38  | STEP 5<br>\$ 973.44    | STEP 6<br>\$ 1,014.02  | STEP 7<br>\$ 1,054.66  |
|  | STEP 8<br>\$ 1,095.56  | STEP 9<br>\$ 1,136.08  | STEP 10<br>\$ 1,176.72 | STEP 11<br>\$ 1,217.47 | STEP 12<br>\$ 1,258.12 | STEP 13<br>\$ 1,298.74 | STEP 14<br>\$ 1,339.43 |
| Rehabilitation Specialist                    | STEP 1<br>\$ 855.03    |                        |                        |                        |                        |                        |                        |

Approved as to legality:

  
City Solicitor

PLACED ON FILE for at least 10 days  
Attest:

\_\_\_\_\_  
City Clerk

Handy March 26 2019

**FIORIELLO & MIGLIORI**  
ATTORNEYS AT LAW

KAREN L. FIORELLO  
kfiorello@fimilaw.com

FIREHOUSE CONDOMINIUMS  
18 ESSEX STREET  
HAVERHILL, MASSACHUSETTS 01832  
TEL 978/373-3003 FAX 978/373-3066

MICHAEL J. MIGLIORI  
mmigliori@fimilaw.com

January 8, 2019

**Hand Delivered**

John A. Michitson, President  
Haverhill City Council  
City Hall  
4 Summer Street  
Haverhill, MA 01830

Re: Special Permit  
Owner: Gagnon Family Trust  
Applicant: Johnson Construction Management  
121-123 Portland Street  
Parcel ID: 610-490-21 & 22

Dear President Michitson:

Please be advised this office represents Johnson Construction Management regarding the property located at 121-123 Portland Street and being shown on Haverhill Assessor's Map 610 Block 490 Lots 21-22.

The premises consist of 11,945 square feet of land.

Johnson Construction Management is requesting a Special Permit from the City of Haverhill to construct a three-family residential building. The Haverhill Zoning Ordinance Chapter 255 Section 80 requires a Special Permit in light of the three-family use.

The property is shown in Haverhill Assessor's Map 610 Block 490 Lot 21-22 and is located in the "RU" Zoning District.

Kindly refer this matter to the Planning Board for a hearing on February 13, 2019 and schedule a subsequent hearing to be held before the City Council. I have enclosed the appropriate plans, reports and fees in connection with the requested Special Permit.

The applicant further agrees to waive the statutory requirement for the Haverhill City Council to hold a hearing on the matter within sixty-five (65) days.

Should you have any questions or need any additional information, please don't hesitate to contact me.

IN CITY COUNCIL: January 15 2019

REFER TO PLANNING BOARD and

VOTED: that COUNCIL HEARING BE HELD March 26 2019

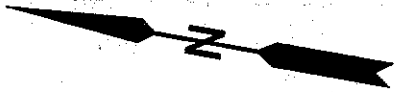
Attest: \_\_\_\_\_ City Clerk

Michael J Mogliori

FIORIELLO & MIGLIORI IS ALSO ADMITTED IN FLORIDA.

# ASSESSOR REFERENCE

MAP 610 BLOCK 490 LOTS 21-22



N/F  
VICTOR SILVA ETUX  
MAP 610 BLOCK 490 LOT 6A

N/F  
BGW FAMILY REALTY  
MAP 610 BLOCK 490

## LOTS 21-22

A=11,945 S.F.

N/F  
127 PORTLAND STREET  
REALTY TRUST  
MAP 610 BLOCK 490 LOT 23

PARKING SPACE

(P1)

100.0'±

10' SETBACK

31'

112.0'±

30' SETB

UNIT 1

UNIT 2

UNIT 3

(P1)

(P3)

(P5)

(P2)

(P4)

(P6)

DRIVE

DRIVE

20' SETBACK

25'

105.0'±

## PORTLAND STREET

### HAVERHILL PLANNING BOARD

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DATE:

### HAVERHILL CITY COUNCIL

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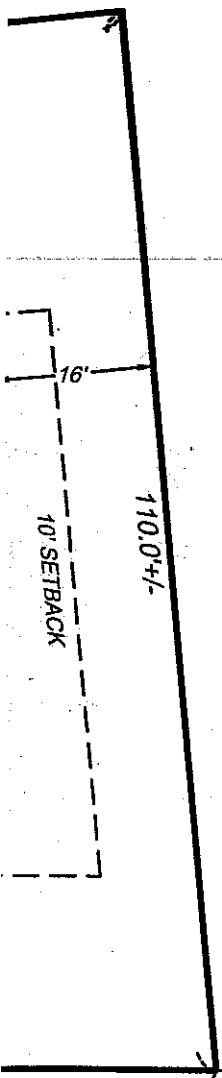
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DATE:

IST  
7



N/F  
HENRIE REALTY  
TRUST  
MAP 610 BLOCK 20

| ZONING DISTRICT RU<br>3 FAMILY | REQUIRED    | PROPOSED    |
|--------------------------------|-------------|-------------|
| AREA                           | 11,700 S.F. | 11,975 S.F. |
| FRONTAGE                       | 80'         | 105'        |
| LOT DEPTH                      | 100'        | 100'        |
| LOT WIDTH                      | 62.5        | 106'        |
| FRONT SETBACK                  | 20'         | 21'         |
| SIDE SETBACK                   | 10'         | 16'         |
| REAR SETBACK                   | 30'         | 31'         |
| MAX.BDLG.COV.                  | 30%         | 25%         |
| MIN.OPEN SP.                   | 40%         | 60%         |
| PARKING                        | 1.5 /UNIT-5 | 6 SPACES    |

NOTE: ALL DIMENSIONS TO BE CONFIRMED  
BY SURVEY.AREA PER ASSESSOR.

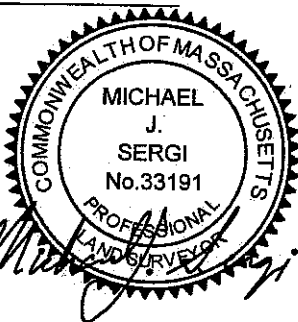
## SPECIAL PERMIT PLAN

PREPARED FOR

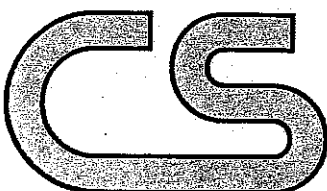
### JOHNSON CONSTRUCTION MANAGEMENT

LOCATED IN

**HAVERHILL,MASS**



DATE: 12/16/2018 SCALE: 1" = 20'



PROFESSIONAL ENGINEERS & LAND SURVEYORS  
**CHRISTIANSEN & SERGI**  
A DIVISION OF THE MORIN CAMERON GROUP, INC.  
160 SUMMER STREET, HAVERHILL, MASSACHUSETTS 01830  
WWW.CSI-ENGR.COM TEL. 978-373-0310 FAX. 978-372-3960

DWG.NO. 3796.001.006





# Haverhill

Planning Board

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

March 22, 2019

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

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

**SUBJECT: Special permit for 121-123 Portland Street- 3 units**

At its meeting of February 13, 2019 the Haverhill Planning Board voted a favorable recommendation to the City Council for the proposed special permit. The minutes of the public hearing are attached for your review.

The role of the Board was to conduct a public hearing to make a recommendation to the city council relative to the special permit to locate a project proposed to be 3 units. The zoning ordinance defines anything over 2 units as multi-family and as such a special permit for 3 units is required by zoning.

The proposed project is consistent with housing stock in the surrounding neighborhood and represents the opportunity to have infill housing that will serve to bring additional stability to the area by improving conditions and property values.

Reports were received from city departments and are in your packages for your review. No objections were received and any requirements from all of the city departments should be contained in the approval as conditions to the special permit to be implemented in the definitive plan. The city departments have reviewed the plans and their comments are in your packages. No major objections have been received. I recommend that their comments and letters be made part of the recommendation to the city council.

Specifically, pursuant to zoning ordinance Ch. 255-76 (as applicable) the following findings must be made relative to the project:

the request meets all pertinent conditions listed in article XI of the ordinance;  
the request is desirable to the public convenience or welfare;

the request will not impair the integrity or character of the district or adjoining zones nor be detrimental to the health, morals or welfare and will be in conformity with the goals and policies of the master plan;

The requested use provides for the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets;

The requested use provides for adequate methods of disposal for sewage refuse and other wastes and adequate methods for storm water and drainage;

The requested use provides for adequate off street loading and unloading of service vehicles;

The requested use preserves historical buildings and uses.

**Proposed conditions and stipulations:**

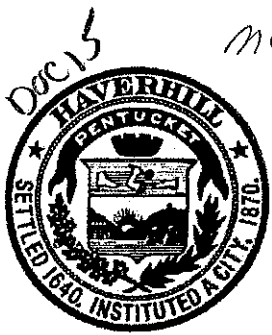
I offer the following recommended conditions be made part of the special permit approval:

Require that the developer comply with all of the additional requirements of the City's subdivision regulations for water and sewer and drainage improvements as contained within those regulations and further detailed in the attached letters from the departments. These items shall be reflected in the definitive plan to be filed with the Planning board.

As Planning Director, I concur with the favorable recommendation based on an assumption that all items in the letters from the City Departments along with all requirements for special permits would be made part of the special permit for the project.

This project with the incorporation of the recommended conditions is generally in conformity with the City's master plan as well as providing sufficiently for traffic, public safety and other utility considerations. The project as proposed appears to conform to all other special permit requirements. On the basis of adopting the proposed conditions/stipulations, I recommend that the council act favorably on this project.

**RECOMMENDATION: Approve the special permit with the inclusion of any city department comments and the above stipulations being included in the special permit approval.**



# Haverhill

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

February 14, 2019

City Council President John Michitson  
& City Councilors  
City of Haverhill

**RE: Special Permit for 121-123 Portland Street**

Members Present: Chairman Paul Howard  
Member Robert Driscoll  
Member Bill Evans  
Member Alison Colby-Campbell  
Member Kenneth Cram

Members Absent: Member Karen Buckley  
Member Karen Peugh  
Member April DerBoghosian

Also Present: William Pillsbury, Jr., Director of Economic Development and Planning

Dear City Council President and Councilors:

Please note at the February 13, 2019 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation for a special permit to allow a three family home.

The Planning Director read the rules of public hearing into the record.

Attorney Michael Migliori of 14 Essex Street addressed the board on behalf of the applicant. The applicant is looking for a favorable recommendation to the City Council for a three family home. Even though we meet all the zoning on this property we still need a special permit. As you can see from the City Departments, particularly Mr. Bridgewater he states that this lot meets all the zoning requirements. We would ask that you provide us with a favorable recommendation. We don't have any objections from the City Departments and we don't have any objection incorporating those letters into your recommendation.

Chairman Howard: Is there anyone from the public who wishes to speak in favor? Against? Hearing none, we will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury stated this is a request for a special permit to be acted upon by the City Council. Any 3 family unit is defined as a multifamily and therefore under the zoning ordinance requires a special permit to be granted after hearing by the Planning Board to make a recommendation on the plan. The review of the plan indicates that the lot complies with required zoning dimensions including frontage. The density of the proposed plan is consistent with the surrounding neighborhood. The plan has been reviewed by the City Departments and no objections have been received. I would make a favorable recommendation with the inclusion of the City Department letters.

After board consideration, Member Robert Driscoll motioned to forward a favorable conditional recommendation to the City Council as recommended by the Planning Director William Pillsbury, Jr. Member Bill Evans seconded the motion. Members that voted in favor were: Bill Evans, Kenneth Cram, Alison Colby-Campbell, Bob Driscoll and Paul Howard. Members Absent: Karen Peugh, April DerBoghosian, Esq. and Karen Buckley. Motion Passed.

Signed:

*Paul Howard*

Paul Howard  
Chairman

Attachments: City Department Letters

Cc: 121-123 Portland Street file  
City Engineer-John Pettis-email  
City Departments



James J. Fiorentini  
Mayor

William F. Laliberty  
Fire Chief

## Haverhill Fire Department

Fire Prevention / Investigation Unit

D/C Eric M. Tarpy  
Lieut. Michael H. Picard  
Insp. Johnathan W. Pramas  
Insp. Richard H. Wentworth  
Insp. Barry J. Ferguson



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

*Emailed  
ADP  
1-17-19*

January 16, 2019

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

Re: 121-123 Portland St. Special Permit 610-490-21/22

The planning, design and construction of new buildings, renovation of existing buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which in the scope of 780 CMR, 9<sup>th</sup> edition, shall be made in accordance therewith. (527 CMR 1.04(4) and 780 CMR 101.2)

Plans approved by the fire department are approved with the intent they comply in all respects to 780 CMR 527 CMR 1.00, MGL Chapter 148 and any City of Haverhill ordinance. Any omissions or errors on the plans do not relieve the applicant of complying with applicable requirements.

I have reviewed the submitted plans for the address stated above and in the interest of public safety, have the following comments:

NFPA 13 D Fire Sprinkler System required with this project

Respectfully,

*Eric M. Tarpy*

Eric M. Tarpy  
Deputy Fire Chief  
Haverhill Fire Prevention Division



# Haverhill

Board of Health  
Inspection Services  
Building/Zoning  
Phone: 978-374-2325  
978-374-2338  
Fax: 978-374-2337

*Emailed  
AMY.  
1-22-19*

January 22, 2019

To whom it may concern:

The project located at 121-123 Portland Street meets all zoning requirements.

Any questions please contact me at  
[tbridgewater@cityofhaverhill.com](mailto:tbridgewater@cityofhaverhill.com) or 978-374-2338

Sincerely,

Thomas Bridgewater  
Building Commissioner



# Haverhill

Conservation Department

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

[rmoore@cityofhaverhill.com](mailto:rmoore@cityofhaverhill.com)

[conservation@cityofhaverhill.com](mailto:conservation@cityofhaverhill.com)

*Emailed  
LHJ  
1.30.19*

MEMO TO: William Pillsbury, Economic Development & Planning Director  
FROM: Robert E. Moore, Jr., Environmental Health Technician  
DATE: January 29, 2019  
RE: Special Permit – multi-family residential building  
Johnson Construction Management for 121-123 Portland Street - Parcel IDs: 610-490-21 & -22

The Conservation Commission reviewed the forwarded information at its January 24<sup>th</sup> meeting. The Commission offered no objection to the proposed project.

JAMES J. FIORENTINI  
MAYOR



**CITY OF HAVERHILL  
MASSACHUSETTS**

10,111  
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

March 21, 2019

City Council President John A. Michitson and Members of the Haverhill City Council

**RE: Re-appointments to the Rocks Village Historic District Commission**

Dear Council President Michitson & Members of the City Council:

I hereby re-appoint Dr. Ray Arsenault of 22 Wharf Lane, Michael Forehand of 28 River Road, Lydia Harris of 28 River Road, Jonathan Wagman of 38 East Main Street, Christine Kwitchoff of 14 Colbys Lane and Tom Beers of 26 Elliot Street to the Rocks Village Historic District Commission as members.

I hereby appoint Steve Merrill of 9 Wharf Lane, Brad Gardner of 47 East Main Street and Jen and Peter Dryden of 40 East Main Street to the Rocks Village Historic District Commission as members.

These are confirming appointments and I recommend your approval. These appointments take effect upon confirmation and expire March 26, 2022.

Very truly yours,

**James J. Fiorentini**  
Mayor

JJF/lyf  
cc:

William Pillsbury, Director of Economic Development, City of Haverhill





JAMES J. FIORENTINI  
MAYOR

**CITY OF HAVERHILL  
MASSACHUSETTS**

10.2.11  
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

March 20, 2019

City Council President John A. Michitson and Members of the Haverhill City Council

**RE: Stephen Gullo - Master Plan Committee Appointment**

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

I hereby appoint Stephen Gullo, 196 Chadwick Road, Haverhill, to the Master Plan Committee. This is a non-confirming appointment.

Very truly yours,

**James J. Fiorentini**  
Mayor

JJF/lyf

cc: William Pillsbury, Director, Economic Development and Planning Department



**JAMES J. FIORENTINI**  
MAYOR

**CITY OF HAVERHILL**  
**MASSACHUSETTS**

10.2.2.1  
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

March 21, 2019

City Council President John A. Michitson & Members of the City Council

Re: Complete Streets Advisory Committee Appointment

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

Per the City Council's recommendation to appoint a member of the public and Haverhill resident, I hereby appoint David Lefcourt, 86 Bradford Avenue, Haverhill to the Complete Streets Advisory Committee. David works as an arborist for the City of Cambridge and will be an asset to this committee. This is a non-confirming appointment which will take effect immediately.

Very truly yours,

**James J. Fiorentini**  
Mayor

JJF/lyf



March 4, 2019

Haverhill City Council  
City Hall - 4 Summer Street  
Haverhill, MA 01830

Dear Council Members:

The Greater Haverhill Chamber of Commerce is pleased to bring back KidsFEST. This year's celebration will take place on Saturday, May 4, 2019, from 11:00 AM - 4:00 PM with a Rain Date of Sunday May 5, 2019.

This year's celebration will move back to Washington Street and highlight local businesses and non-profits, as well as the Riverfront Cultural District.

We hope you will agree that this will be a fun filled event for Haverhill and respectfully request that you approve the following:

1. Washington Street from Washington Square to Columbus Park/Railroad Square including a small portion of the Washington-Wingate Street Parking lot on May 4<sup>th</sup>, 2019, from 11:00 a.m. to 4:00 p.m. (Rain Date: May 5<sup>th</sup> 2019) allowing two hours before the event and one hour after for setup and cleanup of the area.
2. Permission to place signs at intersections throughout the city to promote the event.
3. Waiver of city vendor fees for this event.
4. Permission to use the city stage during the event.
5. Permission to use the electricity from the Columbus Park outlet.

I will attend March 28th meeting to answer any of your questions or concerns. Should you have any questions in the meantime, please do not hesitate to contact me at 978-373-5663. Thank you for your continued support!

Very Truly Yours,

Melissa Seavey  
Events Director



March 4, 2019

Haverhill City Council  
City Hall - 4 Summer Street  
Haverhill, MA 01830

Dear Council Members:

The Greater Haverhill Chamber of Commerce requests the Event Permit Fee of \$500 be waived for KidsFEST, which will take place on Saturday, May 4, 2019, from 11:00 AM - 4:00 PM with a Rain Date of Sunday, May 5, 2019.

I will be attending to the March 28, 2019 meeting to answer any of your questions or concerns. Should you have any questions in the meantime, please do not hesitate to contact me at 978-373-5663. Thank you for your continued support!

Very Truly Yours,

Melissa Seavey  
Events Director

Enc.

**City of Haverhill**  
**Application for Permit for**  
**Amusements, Public Shows and Exhibitions**

Name of Organization: Greater Haverhill Chamber of Commerce

Address of Organization: 2 Merrimack Street, 3rd Floor

Is the Organization a Non-Profit? Yes ☒ No ☐ (If yes, must provide evidence of non-profit status)

Religious Societies conducting events on property owned by them; Events given in school buildings by or for the benefit of pupils or Events on public property permitted and approved by the appropriate permit granting authority (Stadium, Winnekenni and Tattersall Farm) or Enterprises holding appropriate Entertainment Licenses from the License Commission are exempt.

**EVENT INFORMATION**

Requesting permit for (List type of event):

Festival 2019 KidsFEST

Date of Event: May 4, 2019 Time of Event: 11AM - 4PM

Location of Event: Washington Street  
Indoor: ☐ Outdoor: ☒

Name and Address of the Owner of the Property: \_\_\_\_\_

*If applicant is not the Owner of the Property, Applicant must provide written proof of permission from the property owner.*

Number of Anticipated Attendees: 2500

Number of Parking Spaces available on Site: Public Parking

*Ram Del TC  
May 5, 2019*

Have arrangements been made for offsite parking? Yes Public No \_\_\_\_\_

If yes, please give details of the offsite parking: Granite Street Parking Garage, Gaecke Parking Deck, Phoenix Row Parking Lot

Are there charges or fees for parking? Yes \_\_\_\_\_ No X If yes, list charges/fees \_\_\_\_\_

Please identify the plans for solid waste disposal and recycling: Corvante will provide trash boxes, the highway dept. will provide pick up for trash and boxes after the event.

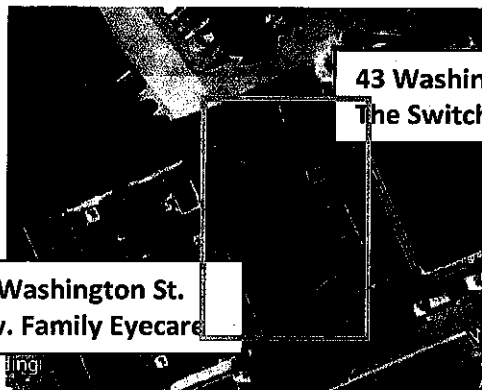
Number of public restrooms available: Permanent \_\_\_\_\_ Portable 2 Handicap Accessible

Other special considerations for event (e.g. fireworks, street closure, use of areas for set-up):

Street Closures: Washington Street from Washington Square to Columbus Park/Railroad Square including a small part of Washington - Wingate Parking Lot.

Are you requesting that the fees be waived? Yes X No \_\_\_\_\_

If yes, please list specific fees along with dollar amount you are requesting waived:



43 Washington St.  
The Switchboard

59 Washington St.  
Hav. Family Eyecare

for City sponsored events or by registered non-profit groups  
for charitable purposes only – Nonprofit organizations must submit  
application along with the names of executive officers and board  
Application fee must be paid upon submission of application)

Melissa Seavey

Address of Authorized Person: 2 Merrimack Street, 3<sup>rd</sup> Floor, HAW., MA 01830

Telephone #/Cell #/Pager # (Indicate if Pager): 978-241-2971 (Cell)

Social Security Number of Authorized Person: /

**Copies of any event agreements, including leases and contracts for entertainers, performers, sound stage, cleaning, security, vendor, catering or food service must be provided with application.**

## General Release & Indemnity Agreement

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 resulting from the same.

Signature of Authorized Agent of Organization: Melinda Scurry Date: 3/4/19

Signature Witnessed By: \_\_\_\_\_ Date: \_\_\_\_\_

City Council will hear this request for application on:

March 28, 2019 at 7:00 pm  
(date) (time)

Applicant must attend: Yes X No \_\_\_\_\_

***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.***

**OFFICE USE**

**PERMIT**

Permit approved on: \_\_\_\_\_ Number of Detail Officers: \_\_\_\_\_

Proof of Insurance: Policy Number \_\_\_\_\_ Expiration date \_\_\_\_\_

Attendance Limited to: \_\_\_\_\_

Other Conditions/Requirements: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*All permits issued fully incorporate the terms and conditions of Article IV Public Shows, Exhibitions and Events of Chapter 104 of the Code of the City of Haverhill*

Signed: \_\_\_\_\_ Issued on: \_\_\_\_\_

City Clerk



INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: SEP 28 2016

GHCC ARTS AND EDUCATION FOUNDATION  
INC  
80 MERRIMACK STREET 2ND FLOOR  
HAVERHILL, MA 01830-0000

Employer Identification Number:  
81-1432206  
DLN:  
26053670002626  
Contact Person:  
CUSTOMER SERVICE ID# 31954  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
June 30  
Form 990-PF Required:  
Yes  
Effective Date of Exemption:  
November 18, 2015  
Addendum Applies:  
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a private foundation within the meaning of Section 509(a).

You're required to file Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation, annually, whether or not you have income or activity during the year. If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

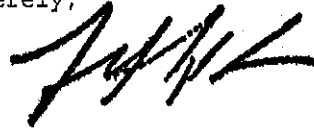
If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PF" in the search bar to view Publication 4221-PF, Compliance Guide for 501(c)(3) Private Foundations, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5437

GHCC ARTS AND EDUCATION FOUNDATION

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cooper', written in a cursive style.

Jeffrey I. Cooper  
Director, Exempt Organizations  
Rulings and Agreements

Letter 5437



## **Board Officers, Executive Committee, Directors & Chamber Staff**

### **Chairman of the Board**

Paul Magliocchetti  
Sheehan, Schiavoni, Jutras, and Magliocchetti,  
LLP

### **Vice Chair**

Brad Howell  
Career Resources Corp

### **President**

Dougan Sherwood  
Greater Haverhill Chamber of Commerce

### **Treasurer**

Steven Stewart  
Pentucket Bank

### **Immediate Past Chair**

Eric LaFleur  
Northeast Computer Services, LLC

### **Secretary**

Tom Mortimer  
Haverhill Bank

### **Executive Committee**

Lane Glenn  
Northern Essex Community College

### **Executive Committee**

Mary Ellen Lawlor  
Aspen Environmental

## **Directors**

John G. Albert  
Home Health VNA – Merrimack Valley  
Hospice – HomeCare, Inc.

Gretchen Arntz  
Emmaus, Inc.

Elaine Barker  
Paper Potpourri

Matt Belfiore  
HC Media

Ben Consoli  
BC Media Productions

John Chemaly  
Trinity E.M.S

Patrick Driscoll  
Driscoll Funeral Home

Steve Flynn  
Nunan's Florist and Greenhouses

Rebecca Fortado  
Salem Five Bank

Doug Hall  
HMF Printing

Jim Henebry  
Haverhill Bank



Matthew Juros  
Fishbrook Design Studio

Jeff Linehan  
Diversified Business Systems

Robin McConnell  
Lowell Five

Tom O'Donnell  
Umass Lowell

Jason Petrou  
Clean Energy Organics (CEO)

John Sarro  
Pentucket Medical Associates

Gregory Shaw  
Pentucket Bank

James Traver  
James Page Insurance Company

Thea Tsagaris  
Bank of New England

Mark Van Weelden  
Convanta

Sonya Vartabedian  
The Eagle-Tribune

#### **Chamber Staff**

Dougan Sherwood, President & CEO  
email: [Dougan@haverhillchamber.com](mailto:Dougan@haverhillchamber.com)

Melissa Seavey, Events Director  
email: [melissa@haverhillchamber.com](mailto:melissa@haverhillchamber.com)

Hillary Rogers, Membership and Media  
Manager  
email: [hillary@haverhillchamber.com](mailto:hillary@haverhillchamber.com)

**Greater Haverhill  
Chamber of Commerce**  
2 Merrimack Street, 3rd Floor  
Haverhill, MA 01830  
(978) 373-5663 / Fax (978) 373-8060  
email: [info@haverhillchamber.com](mailto:info@haverhillchamber.com)  
[www.haverhillchamber.com](http://www.haverhillchamber.com)

## Linda Koutoulas

---

**From:** William Laliberty <wlaliberty@haverhillfire.com>  
**Sent:** Thursday, March 07, 2019 3:54 PM  
**To:** Linda Koutoulas  
**Subject:** RE: KidsFEST Permit Application & City Council  
**Attachments:** City Permit Application Kids Fest.pdf

FYI:

Approved with the assurance of EMS coverage during the event.

Respectfully,

Fire Chief William F. Laliberty  
4 Summer St, room 113  
Haverhill, MA 01830  
Office: (978) 373-8460  
Fax: (978) 521-4441

**From:** Linda Koutoulas [mailto:lkoutoulas@cityofhaverhill.com]  
**Sent:** Thursday, March 07, 2019 3:34 PM  
**To:** Chief Alan R. DeNaro; Thomas Bridgewater; Bonnie Dufresne; wlaliberty@haverhillfire.com; Vinny Ouellette; Mike Stankovich  
**Subject:** KidsFEST Permit Application & City Council

Attached, please find the Chamber's KidsFest application. Please review and respond, approve or deny and any comments. They would like to be on the March 28 agenda.

Thank you!

Linda

**APPROVALS:**

**Fire Chief:** William F. Laliberty

Reviewed: WFL Approved: ✓ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: Will require EMS coverage for the event.

**Recreational Director: Required for all recreational facilities:**

Reviewed: vro Approved: x Denied: \_\_\_\_\_

Comments/Conditions/Requirements: None

**Police Chief:**

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

**Health Inspector/Board of Health:**

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

**Building Inspector:**

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

**Public Works Director:**

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

**APPROVALS:**

**Fire Chief:** William F. Laliberty

Reviewed: WFL Approved: ✓ Denied:       

Comments/Conditions/Requirements: Will require EMS coverage for the event.

**Recreational Director: Required for all recreational facilities:**

Reviewed:        Approved:        Denied:       

Comments/Conditions/Requirements:       

**Police Chief:**

Reviewed: [Signature] Approved: [Signature] Denied:       

Comments/Conditions/Requirements: of detail officers

**Health Inspector/Board of Health:**

Reviewed:        Approved:        Denied:       

Comments/Conditions/Requirements:       

**Building Inspector:**

Reviewed:        Approved:        Denied:       

Comments/Conditions/Requirements:       

**Public Works Director:**

Reviewed:        Approved:        Denied:       

Comments/Conditions/Requirements:

## Linda Koutoulas

---

**From:** Mike Stankovich  
**Sent:** Friday, March 08, 2019 9:37 AM  
**To:** Linda Koutoulas  
**Subject:** RE: KidsFEST Permit Application & City Council

Linda,

DPW approves application.

Mike

-----  
*Michael K. Stankovich*  
Director of Public Works  
City of Haverhill  
500 Primrose Street  
Haverhill, MA 01830

Telephone: (978) 420-3815  
Fax: (978) 374-2362  
Web: <http://www.ci.haverhill.ma.us/>

---

**From:** Linda Koutoulas  
**Sent:** Thursday, March 07, 2019 3:34 PM  
**To:** Chief Alan R. DeNaro <adenaro@haverhillpolice.com>; Thomas Bridgewater <tbridgewater@cityofhaverhill.com>; Bonnie Dufresne <bdufresne@cityofhaverhill.com>; wlaliberty@haverhillfire.com; Vinny Ouellette <vouellette@cityofhaverhill.com>; Mike Stankovich <mstankovich@cityofhaverhill.com>  
**Subject:** KidsFEST Permit Application & City Council

Attached, please find the Chamber's KidsFest application. Please review and respond, approve or deny and any comments. They would like to be on the March 28 agenda.

Thank you!

Linda



**APPROVALS:**

**Fire Chief:** William F. Laliberty

Reviewed: WFL Approved: ✓ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: Will require EMS coverage for the event.

**Recreational Director: Required for all recreational facilities:**

Reviewed: VRO Approved: X Denied: \_\_\_\_\_

Comments/Conditions/Requirements: None

**Police Chief:**

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

**Health Inspector/Board of Health:**

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

**Building Inspector:**

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

**Public Works Director:**

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

## APPROVALS:

### Fire Chief:

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

### Recreational Director: Required for all recreational facilities:

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

### Police Chief:

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

### Health Inspector/Board of Health: *Francisco Delet*

Reviewed: ☒ Approved: ☒ Denied: ☐ *Non licensed*

Comments/Conditions/Requirements: *All out of City vendors must obtain apply for temporary food permits prior to the festival date.*

### Building Inspector:

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

### Public Works Director:

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments/Conditions/Requirements: \_\_\_\_\_

**CITY OF HAVERHILL**  
**APPLICATION FOR HANDICAP PARKING SIGN**

11.2.1

\*NEW X  
\*RENEWAL \_\_\_\_\_

DATE OF REQUEST Feb. 8, 2019 DATE OF APPROVAL \_\_\_\_\_

NAME: Richard F. Hartford Jr. (Winifred Hartford)

ADDRESS: 455 Washington St. Apt 1 Haverhill, MA 01832

TELEPHONE #: 978-476-0845

VEHICLE TYPE: Nissan ~~Arada~~ Armada SE - 2006

PLATE #: 85H 971

Do you currently have off street parking at your residence? \_\_\_\_\_ Yes \* No

If yes, why is there a need for a handicap parking sign? \_\_\_\_\_

Did you have a handicap parking sign at a previous address? \_\_\_\_\_ Yes \* No

If yes, location? \_\_\_\_\_

x Richard F. Hartford Jr.  
Applicant Signature

- Please include a copy of your current handicap placard or handicap registration, along with this application.

✓ Approve \_\_\_\_\_ Denied

Reason for denial

Alan R. [Signature]  
Chief of Police Signature

Approve \_\_\_\_\_ Denied

Reason for denial

City Council Approval

Please allow for a minimum of thirty (30) days for sign placement upon approval of City Council.

\*ORDINANCE WILL EXPIRE 24 MONTHS FROM DATE OF APPROVAL.

MAIL OR DELIVER COMPLETED APPLICATION TO CHIEF OF POLICE, 40 BAILEY BLVD.

To: Chief Denaro

From: Officer Pearl

Date: March 20<sup>th</sup> 2019

RE: Handicap parking sign application

Dear Sir,

I have spoken with applicant, Richard Hartford, in regards to an application for a handicap sign at 455 Washington St. I have inspected the area in front of the applicant's house. At this time he meets all the requirements and I would recommend that a sign be placed at that location.

Respectfully,

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

Jason Pearl#55

**CITY OF HAVERHILL**  
**APPLICATION FOR HANDICAP PARKING SIGN**

11.2.2

\*NEW \_\_\_\_\_  
\*RENEWAL X \_\_\_\_\_

DATE OF REQUEST 3/12/19 DATE OF APPROVAL \_\_\_\_\_

NAME: Kimberly Bradley / Matthew Bradley

ADDRESS: 13 Highland St. - Bradford

TELEPHONE #: 978-758-2768

VEHICLE TYPE: Honda Pilot

PLATE #: BR 32BH

Do you currently have off street parking at your residence? ☒ Yes ☐ No

If yes, why is there a need for a handicap parking sign? We have room for 1 car in driveway. Our 3yr old doesn't walk independently. Have to carry trash bag, Oz tank, suction + ventilator wherever we go out.

Did you have a handicap parking sign at a previous address? ☐ Yes ☒ No

If yes, location? \_\_\_\_\_

Quicker / easy access w/ all her equipment

[Signature]  
Applicant Signature

- Please include a copy of your current handicap placard or handicap registration, along with this application.

☒ Approve ☐ Denied

\_\_\_\_\_  
Reason for denial

[Signature]  
Chief of Police Signature

☐ Approve ☐ Denied

\_\_\_\_\_  
Reason for denial

\_\_\_\_\_  
City Council Approval

Please allow for a minimum of thirty (30) days for sign placement upon approval of City Council.

\*ORDINANCE WILL EXPIRE 24 MONTHS FROM DATE OF APPROVAL.

MAIL OR DELIVER COMPLETED APPLICATION TO CHIEF OF POLICE, 40 BAILEY BLVD.

Attn: Officer Jason Pearl

To: Chief Denaro

From: Officer Pearl

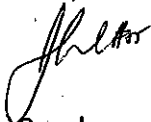
Date: March 18, 2019

Re: Handicap sign request (renew)

Sir,

I have received an application for a handicap parking sign renewal from Kimberly Bradley of 13 Highland St. She has an active Massachusetts handicap placard. This application is for renewal of an existing handicap parking sign. There is no change in her status and I would recommend approval of the request.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "J. Pearl", is written over the printed name "Officer Pearl".

Officer Pearl



# Haverhill

2019MAR15 00:05 HAV CITY

113.1

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

Date: 3-15-19

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 & Girls Tennis Applicant's Name: Kerre Hanigan  
Applicant's Residence (must be Haverhill resident): 6 Delroy Dr Haverhill - 01832  
Applicant's Signature: [Signature]

**(3 CONSECUTIVE DAYS ONLY)**

Date of Tag Day Request(s): April 13 & 14, 2019

Canister: \_\_\_\_\_ Tag: [Signature] Fee: \$ \_\_\_\_\_

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

**OFF STREET LOCATIONS - PLEASE SPECIFY**

Market Baskets  
Headenly Donuts  
Dunkin  
Village Square

**\*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

[Signature]

Police Chief

In Municipal Council, \_\_\_\_\_

Attest:

City Clerk



# Haverhill

11, 3.2

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

Date: 3/10/19

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 <sup>Girls</sup> Volleyball Team Applicant's Name: \_\_\_\_\_  
Applicant's Residence (must be Haverhill resident): 55 Goodale St. Haverhill 01830  
Applicant's Signature: [Signature]

**(3 CONSECUTIVE DAYS ONLY)**

Date of Tag Day Request(s): 10/19 + 10/20

Canister: \_\_\_\_\_ Tag: ☒ Fee: \$ Ø

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

**OFF STREET LOCATIONS - PLEASE SPECIFY**

- Market Basket (3) - MVFCU  
- Puffinbarger - Haverhill Bank  
- Homeplus (2)

**\*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

[Signature]

Police Chief

In Municipal Council, \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

2018/03/15 10:08:45 C:\CITYC



City of Haverhill

11.5.511

Taxi Driver License – Ch.230 sec.20

Honorable President and Members of the Haverhill City Council:

The undersigned respectfully asks that he/she may receive a license to drive a taxi in the City of Haverhill

Name: PETER EDWARD LORING JR

Address: 235A RIVER ST Haverhill, MA 01832

Applicant phone number: 978-601-3186

Any driver of vehicle(s) must provide name, address, DOB, SS# and Driver's license # - fill out on back.

SS# 033-56-8257 DOB 080567 LIC# S 7 820 7 95

Office use only

New/Renew (circle one)

Fee: \$50 – annual fee January 1 2019 to December 31st 2019

In Municipal Council

20

Attest

City Clerk

Approve

Denied

Police Chief

Please complete back side of this application

**CITY COUNCIL**

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



**CITY OF HAVERHILL**  
HAVERHILL, MASSACHUSETTS 01830-5843

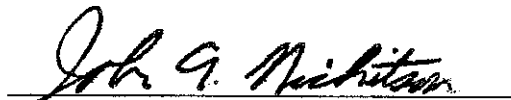
1511

CITY HALL, ROOM 204  
4 SUMMER STREET  
TELEPHONE: 978 374-2328  
FACSIMILE: 978 374-2329  
[www.haverhillma.gov](http://www.haverhillma.gov)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

March 22, 2019

TO: Members of the City Council:

Council President Michitson would like to discuss the status of Haverhill's large retirement debt and associated action plan.

  
Council President John A. Michitson

**CITY COUNCIL**

**JOHN A. MICHITSON**

***PRESIDENT***

**THOMAS J. SULLIVAN**

***VICE PRESIDENT***

**JOSEPH J. BEVILACQUA**

**MELINDA E. BARRETT**

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**MICHAEL S. MCGONAGLE**



**CITY OF HAVERHILL**

**HAVERHILL, MASSACHUSETTS 01830-5843**

15.2

CITY HALL, ROOM 204

4 SUMMER STREET

TELEPHONE: 978 374-2328

FACSIMILE: 978 374-2329

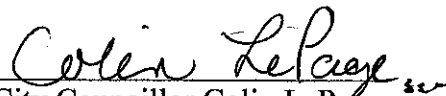
[www.haverhillma.gov](http://www.haverhillma.gov)

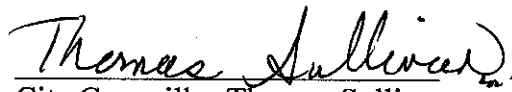
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

March 20, 2018

TO: Mr. President and Members of the City Council:

Councillors LePage and Sullivan request to introduce School Committee members Gail Sullivan and Richard Rosa for a discussion on a resolution urging the legislature to approve and fully fund a new foundation budget formula by May 1, 2019.

  
City Councillor Colin LePage

  
City Councillor Thomas Sullivan

15.2.1

***Haverhill City Council  
Resolution***

**A Resolution in Support of Full Funding of Our Public Schools**

**WHEREAS**, free public schools available to all students without exception are foundational to our democracy and are required by the state constitution; and

**WHEREAS**, all of our students, no matter where they live, deserve high-quality public schools that teach the whole child and provide them with a rich school experience that addresses their academic, social and emotional needs; and

**WHEREAS**, the state's foundation budget formula, which determines state aid to each district, has been woefully out of date for years, thereby underfunding our districts across the Commonwealth by more than \$1 billion a year for essential educational services; and

**WHEREAS**, an updated foundation budget formula would bring Haverhill up to more than \$14 Million in additional state aid each year, allowing this district to move closer to providing all students with the education to which they are entitled as residents of the Commonwealth; and

**WHEREAS**, the Legislature failed to pass any foundation budget legislation in the last session, leaving districts, educators and students without the funds necessary to support the schools our students deserve in every district in the state;

**THEREFORE**, be it resolved that the Haverhill City Council urges the Legislature to approve and fully fund a new foundation budget formula by May 1, 2019.

***Adopted March 26, 2019, by the Haverhill City Council***

---

John A. Michitson, President

---

Vice-President Thomas J. Sullivan

---

Councillor Timothy J. Jordan

---

Councillor Joseph J. Bevilacqua

---

Councillor William J. Macek

---

Councillor Melinda E. Barrett

---

Councillor Mary Ellen Daly O'Brien

---

Councillor Colin F. LePage

---

Councillor Michael S. McGonagle

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
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*VICE PRESIDENT*  
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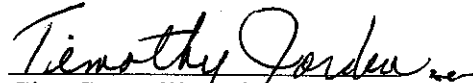
**CITY OF HAVERHILL**  
HAVERHILL, MASSACHUSETTS 01830-5843

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[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

March 20, 2018

TO: Mr. President and Members of the City Council:

Councillors Jordan and LePage request to introduce School Committee members Gail Sullivan and Richard Rosa to give an update on the Haverhill Promise grade level reading program.

  
City Councillor Timothy Jordan

  
City Councillor Colin LePage

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
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*VICE PRESIDENT*  
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**CITY OF HAVERHILL**  
HAVERHILL, MASSACHUSETTS 01830-5843

15.4  
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www.haverhillma.gov  
citycncl@cityofhaverhill.com

March 20, 2019

TO: Mr. President and Members of the City Council:

Councillor Jordan wishes to introduce Janice Anton of West Lowell Ave. and Vanessa Johnson of Essex County Greenbelt Association to discuss Janice's plan to donate a portion of her property to Essex County Greenbelt and place a conservation restriction on this property.

  
City Councillor Timothy Jordan

March 21, 2019



VIA EMAIL

Mayor James Fiorentini  
City Council President John A. Michitson  
City of Haverhill  
4 Summer Street, Room 300  
Haverhill, MA 01830

Dear Mayor Fiorentini and Council President Michitson,

Essex County Greenbelt Association has had the honor of working with Janice Anton and Barbara DiSalvo, who are generously donating a conservation restriction on their family property at 996 West Lowell Avenue in Haverhill to Greenbelt for the purpose of forever allowing their land to remain working farmland. This land has been farmed since the mid-1700s. These 25.7 acres harbor rich farmland soils, which are currently leased to two Haverhill farmers: one for growing hay, and the other to produce rhubarb for his nearby winery, Willow Spring Vineyards. Conservation Restrictions are permanent deed restrictions that are tied to the land, which keeps the property privately-owned and on the tax rolls. This Conservation Restriction also preserves rare species habitat, while retaining the right to the current landowner and all future landowners to manage the property as a working farm.

This Conservation Restriction has been approved by the Executive Office of Energy and Environmental Affairs (EOEEA) (please see attached letter). EOEEA has also approved the landowners for a Massachusetts Conservation Land Tax Credit for their donated CR. The Conservation Commission unanimously voted to recommend that the City approve the Conservation Restriction donation at their February 14<sup>th</sup> meeting.

Conserving local farmland, wildlife habitat, and scenic landscapes since 1961.



I have enclosed a copy of the final Conservation Restriction, a summary of the Conservation Restriction, photos, and maps showing the location of the CR and the conservation values I referenced.

Thank you, in advance, for your assistance. As I will be away next week, Chris LaPointe, Greenbelt's Director of Land Conservation, will attend the City Council meeting on March 26.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanessa Johnson-Hall". The signature is fluid and cursive, with the first name "Vanessa" being more prominent.

Vanessa Johnson-Hall  
Assistant Director of Land Conservation

encl: Approval letter from Executive Office of Energy and Environmental Affairs  
Conservation Restriction  
Conservation Restriction and summary  
Locus & Conservation Value Maps  
Photos

cc: Barbara Arthur, Clerk, City Council's Office  
Allison Heartquist, Chief of Staff, Mayor's Office



## **Anton Conservation Restriction – Fact Sheet**

Location: 996 West Lowell Avenue, Haverhill

Owner: Anton Haverhill Realty Trust

Acres: 25.7

What is a Conservation Restriction (CR)?

- Conservation Restrictions permanently extinguish certain rights (typically development), while retaining others (such as farming & forestry). Each CR is tailored to each landowner and property, depending upon the landowner's goals and the conservation values of the land.
- Public and private landowners are authorized to grant, and qualified organizations are authorized to accept, Conservation Restrictions under Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, as well as under federal law.
- Qualified organizations, such as land trusts, are responsible for monitoring and enforcing the conservation restriction to ensure that its terms are upheld forever by all future landowners.
- Under Conservation Restrictions, the land remains privately-owned and on the tax rolls.

The Anton CR permanently preserves:

- USDA-classified Prime & State-Important Farmland Soils: a designation reserved for the richest farmland soils in the country.
- Rare species habitat mapped by the MA Natural Heritage & Endangered Species Program
- Wetlands & woodlands
- Scenic views from West Lowell Avenue
- The ability of the current and all future landowners to commercially farm.



Hay fields.



Rhubarb  
flower.

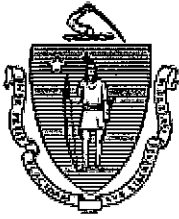
Grounds  
prepared for  
rhubarb.



Looking down at stream channel (to left) on northern portion of CR property.



View from W. Lowell Road frontage into CR property, showing wetlands and slope to stream channel pictured above.



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

Charles D. Baker  
GOVERNOR

Karyn E. Polito  
LIEUTENANT GOVERNOR

Matthew A. Beaton  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/eea>

January 24, 2019

Vanessa Johnson-Hall  
Essex County Greenbelt Association, Inc.  
82 Eastern Ave  
Essex 01929-

**Re: Draft Conservation Restriction Approved**

*CR Reference No.: 16515*

*CR Number: HAVERHILL #0391*

*CR Address: 996 West Lowell Avenue*

*Town: HAVERHILL*

Dear Vanessa:

Please find attached to this email, a copy of the approved conservation restriction that has been reviewed by EEA legal and cleared for local signatures. Do not make any substantive changes to this approved draft without informing us as any further changes will need to be reviewed. Minor changes such as formatting or to correct typos or misspellings do not require notification.

Please proceed with obtaining local signatures and those of the Grantor and Grantee. Once obtained, please return one fully executed CR, in hard copy, to me (you may keep the original signature pages and provide copies), along with a pre-paid label or pre-stamped and addressed envelope for return mailing, for final legal review. Missing dates, un-notarized signatures, and other inconsistencies on signature pages or missing exhibits can delay this final review, so please ensure the final signature pages and exhibits are complete. The CR will then be left with Secretary Beaton for his final approval and signature. We cannot guarantee a specific timeline for this final review process.

I look forward to finalizing this. Please remember to use to our internal CR Reference Number and CR Number in all correspondence or inquiries.

Sincerely,  
John Gioia  
*Conservation Restriction Reviewer*  
Division of Conservation Services  
100 Cambridge Street, Suite 900  
Boston, MA 02114

GRANTOR: Anton Haverhill Realty Trust  
GRANTEE: Essex County Greenbelt Association, Inc.  
ADDRESS OF PREMISES: 996 West Lowell Avenue, Haverhill, MA  
FOR GRANTOR'S TITLE SEE: Essex South District Registry of Deeds Book 25806 Page 269

**GRANT OF CONSERVATION RESTRICTION  
to  
ESSEX COUNTY GREENBELT ASSOCIATION, INC.**

The undersigned, Barbara A. DiSalvo and Janice D. Anton, as Successor Co-Trustees (see Book 29937, page 291) of The Anton Haverhill Realty Trust (the "Trust"), and not individually, which Trust was established under declaration of trust dated December 27, 2005 and recorded in the Essex South District Registry of Deeds at Book 25806, Page 262, for our successors and assigns (hereinafter "Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, hereby grant, with quitclaim covenants, to ESSEX COUNTY GREENBELT ASSOCIATION, INC., a Massachusetts not for profit corporation having its principal office at 82 Eastern Avenue, Essex, Essex County, Massachusetts 01929, and its permitted successors and permitted assigns (hereinafter "Grantee"), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in the City of Haverhill, Essex County, Massachusetts containing 25.7 acres (the "Premises"), which Premises is more particularly described in Exhibit A and shown as "Remaining Area" on a plan of land entitled, "Plan of Land, Lot 1 And Remaining Land, 996 West Lowell Avenue, Haverhill, MA, by Northpoint Survey Services, Inc." dated January 5<sup>th</sup>, 2007, and recorded at the Essex South District Registry of Deeds in Plan Book 406, Plan No. 20 (the "Plan"), a reduced copy of which is attached hereto as Exhibit B.

**I. PURPOSES**

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law (hereinafter "Restriction" or "Conservation Restriction"). The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes in a natural, scenic and undeveloped condition, and to prevent any use of the Premises that would materially impair or interfere with the conservation values of the Premises hereinafter described (hereinafter, collectively the "purposes" or "conservation values").

The Premises was acquired utilizing, in part, the Conversation Land Tax Credit Program authorized under the Chapter 509 Acts of 2008 Sections 1-4 as amended by Chapter 409 Acts of 2010 Sections 4-13 of the Massachusetts General Court.

The protected conservation values and the public benefits resulting from the protection of the Premises include the following, without limitation:

A. The Grantor and the Grantee recognize the uniqueness of the Premises as a distinctive Massachusetts landscape embodying the special rural, agricultural and forested character of the region in which the Premises is located and have the common purpose of conserving the natural and agricultural values of the Premises for this generation and future generations; and

B. **Open Space.** The Premises contributes to the protection of the scenic and natural character of this region of Haverhill, and the protection of the Premises will enhance the open-space value of this and nearby lands. Further, the Premises provides significant scenic, agricultural, and ecological value in its present state as a natural area and open space which has not been subjected to development incompatible with said uses; and

C. **Biodiversity.** Approximately 10 acres within the southern, wooded portion of the Premises fall within an area designated as "Priority Habitat of Rare Species" and "Estimated Habitats of Rare Wildlife" by the Massachusetts Natural Heritage and Endangered Species Program; the same area has been designated as BioMap 2 Core Habitat for Species of Conservation Concern by the Massachusetts Natural Heritage and Endangered Species Program. The Premises contains a wide diversity of wildlife habitat, including wetlands, forests, and open fields used by a variety of wildlife species; and

D. **Forests.** Forests on the property, approximately 13 acres, are classified by the Department of Natural Resources Conservation at the University of Massachusetts as Prime 1 and Prime 2 Forest - land that has been rated as being very productive for growing timber based on a high site index for red oak or white pine; and

E. **Water Resources.** Woodland areas of the Premises contain wetlands classified by the Massachusetts Dept. of Environmental Protection as "wooded swamp," whose waters contribute to the Merrimack River watershed; and

F. **Farmland Soils.** Soils on the Premises, including those soils under current cultivation, have been classified by the Natural Resources Conservation Service as Prime Farmland (approximately 13.5 acres) and Farmland Soils of Statewide Importance (approximately 2.25 acres), and thus the protection of the Premises supports a significant farmland resource. The Premises have historically supported active agriculture and ancillary operations, most recently as a family-owned farm for nearly 100 years, which have and continue to maintain the scenic, open character of the land and support the community's historic, rural character; and

G. Protection of the Premises furthers the City of Haverhill's Open Space and Recreation Plan (2008-2015), specifically to "Improve the City's acquisition and protection of lands of open space and recreation interest" (Goal 6); and

The significant open space, farmland, habitat and other conservation values of the Premises as well as its current uses and state of improvement, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents. A copy of the Baseline Report, prepared by the Grantee, shall be kept on file with both parties and by this reference made a part hereof. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the effective date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

## II. PROHIBITED AND PERMITTED ACTIVITIES AND USES

A. **Prohibited Activities and Uses.** Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Constructing, placing or allowing to remain any temporary or permanent building, structure, facility or improvement, including but not limited to buildings, tennis courts, landing strips or pads, mobile homes, swimming pools, asphalt or concrete pavement, septic systems, roads, signs, fences, billboards or other advertising display, utilities, conduits, poles, antennas (including satellite dishes and cell towers), towers, monopoles, windmills, solar panels, or other temporary or permanent structures, facilities, or improvements of any kind on, above or under the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
3. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
4. Cutting, removing, or otherwise destroying trees, grasses, shrubs or other vegetation;
5. Activities detrimental to wildlife habitat, drainage, flood control, water or soil conservation, water quality, scenic qualities, archaeological conservation or erosion control;
6. Use, parking, landing or storage of motorized vehicles of any nature or kind, including but not limited to cars, trucks, motorcycles, trail bikes, all-terrain vehicles, snowmobiles, or similar vehicles, on the Premises, except such as may be necessary for Grantor's monitoring purpose and for public safety (i.e., fire, police, ambulance) in carrying out their lawful duties;
7. Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted);
8. The use of the Premises for (a) transferring development rights to this or any other property, whether or not the receiving land is adjacent to the Premises; or (b) calculating permissible lot yield of this or any other property, or (c) satisfying building or development requirements on this or any other parcel;
9. Any industrial, institutional, residential or commercial use;
10. Any use of the Premises for more than *de minimis* commercial recreational activities, as defined in Section 2031(c) of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder or any successor statute or regulation;
11. The disruption, removal, or destruction of historic stone walls or granite posts;

12. Any acts or uses which are inconsistent with the purposes of this Conservation Restriction, or which would impair the conservation values, unless such use or activity is necessary in an emergency in the opinion of the Grantees and at the Grantees' sole discretion for the protection of the conservation values that are the subject of this Conservation Restriction.

B. **Reserved Rights and Exceptions to Prohibited Acts and Uses.** The Grantor reserves the right to conduct or permit the following acts and uses on the Premises provided that such acts and uses do not materially impair the purposes and conservation values of this Conservation Restriction:

1. **Agricultural Activities.** The cultivation, maintenance and harvesting of crops, orchards, trees, flowers and hay; the cleaning, storage and sale of farm produce predominantly grown, produced, or raised on the Premises; the installation, use, maintenance, and storage of irrigation equipment; the installation, maintenance, and use of surface and subsurface drainage systems; the installation, maintenance, and use of fencing; animal husbandry activities, including beekeeping, the breeding, rearing, maintenance, pasturage, stabling, sheltering and use of livestock, including but not limited to horses, cows, chickens, pigs, sheep and goats; (collectively, "Agricultural Activities"), provided:
  - a. Any conversion of farmland from existing Agricultural Activities, which as of the date of this Conservation Restriction consists of approximately 10 acres of hay and approximately 3 acres of fruit and vegetable crops, as documented in the Baseline Report, to a substantially different Agricultural Activity shall require a farm conservation plan acceptable to the Grantee, such as a USDA Natural Resources Conservation Service (NRCS) Farm Conservation Plan (hereinafter "Farm Plan"), prepared for the Premises, and approved by Grantee and the NRCS Westford Field Office or its successor agency. To request assistance from the NRCS Westford Field Office, Grantor should send a request in writing to the NRCS Westford Field Office, 319 Littleton Road, Westford, MA 01886, or call the district Conservationist at 978-692-1904 and request assistance with a Farm Conservation Plan. The Farm Plan shall be developed in accordance with best agricultural and conservation practices as recommended by the NRCS or its successor agency, and shall, at a minimum, address the following: (1) establish wetland buffers and/or filter strips to prevent adverse impacts to the water quality of existing wetlands and waterways; (2) in the event animal husbandry activities are proposed, establish and govern the type and number of each type of animal unit permitted on the Premises, and analyze the pasturage potential of the Premises and establish and govern the cycling of pasturage, and any other measures necessary to ensure the carrying capacity of the Premises is not exceeded in order to protect water quality, prevent soil erosion, and otherwise protect the conservation values of the Premises;
  - b. With prior written approval of the Grantee, the conversion of up to a total of five (5) acres of wooded portions of the Premises into pasture, orchard, cropland, meadow or field, provided that said clearing: (i) does not adversely impact any Areas Subject to Protection or Activities Subject to Regulation under M.G.L. Ch. 131 §40 (the Massachusetts Wetlands Protection Act), resources areas mapped as "Priority Habitat for Rare Species" or Biomap2 "Core Habitat" by the Massachusetts Natural Heritage and Endangered Species Program, or otherwise degrade or be wasteful of soil or water resources or other important ecosystem elements as identified in the Baseline Report and subsequent monitoring reports, and (ii) any land clearing of



greater than one-quarter (1/4) acre shall be carried out in accordance with a Forest Stewardship Plan.

- a. Grantor shall retain the right to lease or permit a Licensee the right to use and operate the premises for Agricultural Activities in accordance with, and subject to, this Conservation Restriction;
- b. For the purposes of this Conservation Restriction, "Agricultural Activities" shall not be deemed to include or permit the following: commercial or industrial-scale processing and packaging, commercial or industrial-scale feedlot activities, commercial or industrial-scale poultry, swine, beef or other meat processing, sod farming, or industrial-scale composting.

2. Farm Structures and Improvements.

- a. *Greenhouses.* With prior written approval of the Grantee, the construction, maintenance, repair and replacement of one or more greenhouses or hoop houses provided that: i) the total footprint of all greenhouses at any one time shall not exceed five-thousand (5,000) square feet, and ii) any utilities shall be underground to the extent feasible;
- b. *Wells.* With prior written approval of the Grantee, and in accordance with a Farm Plan (or similar plan acceptable to the Grantee), the right to install, maintain and use groundwater extraction wells and associated equipment and utilities for irrigation needs associated with the Agricultural Activities occurring on the Premises;
- c. *Temporary Structures.* The construction, maintenance, repair and replacement of temporary structures and improvements directly related to or in support of Agricultural Activities, including but not limited to hayracks, jumps and watering troughs, chicken coops (mobile or otherwise) and, with the prior written approval of the Grantee, which approval shall be to ascertain consistency with these terms and shall not be unreasonably withheld, the construction, maintenance, repair and replacement of up to a total of three (3) additional temporary structures (including but not limited to storage sheds, "run-in" shelters or the like), provided that any such structure shall not have a total footprint in excess of four-hundred (400) square feet. For the purposes of this Restriction, the term "temporary" shall mean any improvement without a foundation that can be constructed or removed without any significant disturbance of the soil;
- d. *Other Temporary Farm Structures and Improvements.* With prior written approval of the Grantee, the construction of additional temporary structures solely as necessary for Agricultural Activities, provided any said structures or improvements shall not be constructed within 100 feet of wetlands on the Premises.

3. Farm Animals for Personal Use. The keeping, rearing, maintenance, and sheltering of up to six (6) hooved farm animals and twelve (12) poultry, for personal use and enjoyment, shall be permitted without a Farm Conservation Plan, provided that the associated keeping, rearing, maintenance, and sheltering activities do not materially harm other stated purposes of the Restriction.

2. Vegetation Management. In accordance with generally accepted forestry Best Management Practices, as those practices may be identified by appropriate governmental or educational institutions such as the Commonwealth of Massachusetts Dept. of Conservation and Recreation Bureau of Forestry or its successor agency, selective pruning and cutting to prevent, control or remove hazards, disease, insect damage or fire or to preserve the present condition of the Premises, including fields and other open

areas, wood roads and foot paths, including the right to plant and maintain non-invasive shade, boundary, and windbreak trees and shrubs and other non-invasive vegetation.

4. Forestry. In accordance with generally accepted forestry Best Management Practices, as those practices may be identified by appropriate governmental or educational institutions such as the recommended guidelines pursuant to the Massachusetts Forestry Best Management Practices Manual (Catanzaro, Fish & Kittredge, 2013) and subsequent versions as may be approved by the MA Dept. of Conservation and Recreation Forestry Bureau, and in a manner not wasteful of soil resources, or detrimental to water quality or other conservation values of this Restriction, (a) the selective harvesting of trees to provide no more than one-half (1/2) cord of wood per forested acre for personal, non-commercial use within any 12-month period; (b) the right to conduct, or to permit others to conduct, sound silvicultural uses of the Premises, including the right to commercially harvest forest products, in accordance with a Forest Management or Stewardship Plan prepared by a forester licensed through the Massachusetts Department of Conservation and Recreation ("DCR") in conformance with the "Directions for the Preparation of the Chapter 61 Forest Management Plans and Forest Stewardship Plans" and such statutes, regulations and directions in effect at the time of the approval of said Stewardship Plan. The Forest Management or Stewardship Plan shall include provisions designed to minimize soil erosion, conserve surface and groundwater quality, scenic views, wildlife habitat, and to protect the conservation values of this Conservation Restriction, shall be approved by both the DCR and the Grantee, and shall be effective for a ten (10) year period and resubmitted once every ten (10) years as necessary if additional timber harvests occur. If required by state regulations, a Forest Cutting Plan pursuant to M.G.L. c.132 §§40-44, as amended, prepared by a professional forester licensed to practice forestry in Massachusetts pursuant to M.G.L. c.132, §§ 47-49, which plan(s) shall be consistent with this Restriction and which must be approved in advance of a harvest by the Grantee. All cutting operations under a Forest Management or Stewardship Plan and a Forest Cutting Plan shall be supervised by a licensed forester.
5. Non-Native and Invasive Species Management. The removal of non-native or invasive species, and the control of species in a manner that minimizes damage to non-target flora and fauna, protected species and preserves water quality. For the purposes of this Conservation Restriction, the terms "non-native" and "invasive" species shall be defined as a species that is non-native or alien to the ecosystem under consideration, or which is likely to cause economic or environmental harm (including crowding out native species) or harm to human health.
6. Wildlife Habitat Improvement. With the prior written approval of Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species.
7. Passive Recreation. Hiking, horseback riding, cross-country skiing, picnicking, snowshoeing, bicycling, hunting, wildlife observation and nature study and other passive, non-motorized, and noncommercial outdoor recreational and educational activities consistent with the purposes of this Conservation Restriction. Hunting is permissible with Grantor permission and as otherwise allowed by law. Such uses are allowed provided that they do not materially alter the landscape, degrade environmental quality, or do not involve more than *de minimis* use for commercial recreational activities.

8. Utilities. The maintenance, installation of new, or replacement of existing, power and water lines to service Agricultural Activities and ancillary permitted structures, provided that any new utility lines shall be underground to the extent feasible.
9. Trails/Woods Roads. The maintenance of currently existing trails/woods roads located on the Premises, as shown in the Baseline Report, substantially in their present condition or as reasonably necessary for the uses permitted herein, and, with prior written approval of Grantee, the relocation of said existing trails or the construction of new trails, including clearing, grading, construction, marking and maintenance (including, if necessary, the construction of retaining walls, planking and bridges, or barriers to prevent motorized access), provided that the new trails do not have a negative effect on the conservation values and purposes of this Conservation Restriction and do not exceed a width of ten (10) feet. Trails may be constructed of dirt, stone dust, gravel or other natural and pervious material; in no case may they be paved.
10. Stone Walls. The maintenance of existing stone walls.
11. Vehicle use, Storage, and Parking. The use, parking and storage of vehicles, machinery, and other vehicles used for permitted activities provided that no motorized vehicles may be used for permitted Passive Recreation.
12. Composting & Brush piles. The stockpiling, composting, and occasional burning of stumps, tree and brush limbs and similar biodegradable materials originating predominantly from the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the purposes (including scenic values) of this Restriction. No such activities will take place closer than one hundred (100) feet from any wetland or stream.
13. Alternative Energy. With prior written permission of the Grantee, the installation of solar panels and wind turbines exclusively for providing power for Agricultural Activities and structures on the Premises.
14. Signage. The erection, maintenance and replacement of a minimal number of signs with respect to hunting, trespass, trail access, identity and address of the occupants, sale of the Premises, the location of boundary lines, the Grantee's interest in the Premises and the protected conservation values.
15. Archeological Activities. The right to conduct archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only (a) after written notification to and approval by Grantee, and (b) in accordance with an archaeological field investigation plan prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission ("MHC") State Archaeologist as required by Massachusetts General Laws. A copy of the results of any scientific investigation on the Premises is to be provided to the Grantee. Plans for restoration of the site of any archaeological activity shall be submitted to the Grantee in advance of restoration, and such restoration shall be conducted only in accordance with a plan approved by the Grantee.

16. **Other Activities.** Such other non-prohibited activities requested by the Grantor and expressly approved by the Grantee provided Grantee has made a finding, such finding to be documented in writing and kept on file at the office of the Grantee, that such activities are consistent with and do not materially impair the conservation values and purposes of this Conservation Restriction, and, where feasible, result in a net gain in conservation value of the Premises.

C. **Permits.** The exercise of any right reserved by the Grantor under this Paragraph B shall be in compliance with the following: (a) then-current building, zoning, planning, and conservation regulations, bylaws or ordinances applicable to the Premises, (b) any special permits or variances pertaining to the Premises, (c) the Wetlands Protection Act (General Laws Chapter 131, Section 40), and (d) all other applicable federal, state and local laws and regulations. The inclusion of any reserved right in Paragraph B of Section II requiring a permit from a public agency merely means that the Grantor may have a right to request a permit, it does not mean that the Grantee or the Commonwealth of Massachusetts takes any position on whether such permit should be issued.

D. **Unspecified Activities and Uses are Prohibited.** All acts and uses not expressly permitted in Paragraph B of Section II or otherwise authorized by the Grantee pursuant to II(B)(16) above are prohibited.

E. **Notice to and Approval by the Grantee.** Whenever notice to or approval by the Grantee is required under the provisions of Paragraphs A, B or C of Section II, or any other provision or condition herein, the Grantor shall notify the Grantee in writing not less than thirty (30) days prior to the date the Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. The purpose of requiring such notice is to afford the Grantee with an adequate opportunity to ensure that the activities in question are designed and carried out in a manner that is consistent with the purposes of this Conservation Restriction and to monitor their implementation. Where the Grantee's approval is required by the terms of this Conservation Restriction, the Grantee shall grant or withhold its approval in writing within thirty (30) days of receipt of the Grantor's written request therefore. Grantee's approval may be withheld upon a determination by the Grantee at its sole discretion that the action as proposed would impair the conservation values of the Premises or would be inconsistent with the conservation values and purposes of this Conservation Restriction.

### III. LEGAL RIGHTS AND REMEDIES OF THE GRANTEE

A. **Legal and Injunctive Relief.** The rights hereby granted shall include the Grantee's right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

B. **Reimbursement of Costs of Enforcement.** The Grantor and the successors and assigns of the Grantor covenant and agree to reimburse the Grantee for all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Conservation Restriction

or in taking reasonable measures to remedy or abate any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by the Grantor or determined by a court of competent jurisdiction to have occurred.

C. **Boundary Disputes.** In the event of a dispute over the location of the boundaries of the Conservation Restriction, Grantor shall be responsible for hiring a licensed surveyor to perform a survey of the disputed boundary and install permanent boundary markers.

D. **Non-Waiver.** Enforcement of the terms of this Conservation Restriction shall be at the discretion of the Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

E. **Disclaimer of Liability.** By its acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

F. **Acts Beyond the Grantor's Control.** Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any action against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes.

G. **Actions to Prevent or Remedy Violations.** The Grantee shall have the right to take appropriate actions to prevent, abate, or remedy violations of this Conservation Restriction, including violations by non-parties.

#### IV. ACCESS

**Access by the Grantee.** The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with, to make a determination whether to approve an activity pursuant to Section II (E), or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines. The Grantee shall have the right, but not the obligation, at its sole expense, to perform any other acts to preserve, conserve or promote the natural habitat of wildlife, fish or plants located on the Premises provided that any such act by the Grantee is consistent with and does not impair the Conservation Values of this Conservation Restriction. The Grantee shall have the right to erect and from time to time replace, at appropriate locations near the boundaries of the Premises, suitable signs identifying the Grantee as the holder of this Conservation Restriction.

#### V. EXTINGUISHMENT

A. **Termination only by Judicial Proceeding and Grantee's Right to Recover Proportional Value.** If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Restriction can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction under applicable law, and

after review and approval by the Commonwealth of Massachusetts Secretary of the Executive Office of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then the Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph B below, subject however, to any applicable law which expressly provides for a different disposition of proceeds, and after complying with any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth herein.

**B. Proceeds; The Grantee's Receipt of Property and Development Rights.** The Grantor and the Grantee agree that the grant of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the gift, bears to the value of the unrestricted Premises at that time and represents all land development rights associated with the Premises, except as such rights may have been specifically retained pursuant to this Conservation Restriction. Such proportionate value of the Grantee's property right shall remain constant. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

**C. Cooperation Regarding Public Action.** Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain, or if all or any part of this Conservation Restriction is otherwise extinguished by act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and the Grantee in accordance with Paragraph B above after complying with the terms of any law, gift, grant, or funding requirements. If less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this Conservation Restriction.

## **VI. ASSIGNABILITY**

**A. Running of the Burden.** The burdens of this Conservation Restriction shall be deemed to run with the Premises in perpetuity, shall be enforceable in perpetuity against the Grantor, the Grantor's successors in title to the Premises, and any person holding any interest therein, by the Grantee, its successors and assigns acting by and through its duly designated officers, directors, employees or agents as holders of this Restriction.

**B. Execution of Instruments.** The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; and the Grantor on behalf of themselves and their successors and assigns appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, the Grantor and their successors and assigns agree themselves to execute any such instrument upon request.

**C. Assignability; Running of the Benefit.** The benefits of this Conservation Restriction shall run to the Grantee, shall be deemed to be in gross and shall not be assignable by the Grantee, except the Grantee and its successors and assigns shall have the right to assign all or a portion of its right, title and interest hereunder to a "Qualified Organization" as defined in Section 170(h)(3) of the Internal Revenue Code provided that such assignee shall also be an eligible grantee of a conservation restriction as set forth in Chapter 184, Section 32 of the General Laws of Massachusetts, and provided further that, as a condition of such assignment, the Assignee is not an owner of the fee in the Premises, and that the

assignee is required to hold this Conservation Restriction and enforce its terms for conservation purposes and ensure that the purposes of this Conservation Restriction continue to be carried out. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

## VII. SUBSEQUENT TRANSFERS

A. **Reference to Conservation Restriction in Future Deeds.** The Grantor agrees to incorporate the terms of this Conservation Restriction by reference in any deed or other legal instrument by which divests Grantor of any interest in all or a portion of the Premises, including without limitation, any leasehold interest or option. Failure to do so shall not impair this Conservation Restriction or its enforceability in any manner.

B. **Required Notifications of Transfers.** The Grantor shall notify the Grantee in writing at least thirty (30) days before conveying the Premises, or any part thereof or interest therein (including a leasehold interest or option). The Grantee shall notify the Grantor in writing at least thirty (30) days before it assigns this Conservation Restriction. Any failure by the Grantor or the Grantee to provide notification as provided for herein shall not invalidate or extinguish this Conservation Restriction or limit its enforceability in any way. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

C. **Termination of Rights and Obligations.** Notwithstanding anything to the contrary contained herein, the rights and obligations under this Conservation Restriction of any party holding any interest in the Premises shall terminate upon transfer of that party's interest in the Premises, except that liability for acts or omissions occurring prior to any transfer and liability for any transfer in violation of this Conservation Restriction shall survive the transfer. Any new owner may be held responsible for pre-existing violations.

## VIII. ESTOPPEL CERTIFICATES

Upon receipt of a written request by the Grantor, the Grantee shall within thirty (30) days thereafter, execute and deliver to the Grantor, or any person designated by Grantor, any document, including an estoppel certificate, that certifies, to the best of Grantee's knowledge, Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction, and which otherwise evidences the status of this Restriction.

## IX. NON-MERGER

The parties intend that any future acquisition of the Premises by the Grantee shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without the Grantee first having assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

## X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General laws of Massachusetts. Any amendments to this Conservation Restriction shall only occur in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Art. 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Essex County Registry of Deeds.

## XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative Approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the appropriate Essex Registry of Deeds.

## XII. NOTICES.

Any notice, demand, request, consent, approval, or other communication that either party desires or is required to give pursuant to this Conservation Restriction is deemed delivered upon receipt and shall be in writing and either served personally or sent by first class mail, postage prepaid, return receipt requested, certified mail, return receipt requested, or delivered by a nationally recognized overnight delivery service such as Federal Express or United Parcel Service, and addressed as follows or to such other address as any of the below parties shall designate from time to time by written notice to the other or that is reasonably ascertainable by the parties:

If to Grantor:

Anton Haverhill Realty Trust  
c/o Janice Anton, Trustee  
996 West Lowell Avenue  
Haverhill, MA 01935  
Phone: 978-372-6890

With a copy to:

Anton Haverhill Realty Trust  
c/o Barbara DiSalvo, Trustee  
225 Pearl Street  
Ithaca, NY 14850  
Phone: 607-273-9062

If to Grantee:

Essex County Greenbelt Association, Inc.  
ATTN: Director of Stewardship  
82 Eastern Ave.  
Essex, MA 01929  
Phone: 978-768-7241



### XIII. GENERAL PROVISIONS

A. **Controlling Law.** The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. **Liberal Construction; Severability.** Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect its conservation purposes and the policies and purposes of M.G.L. Chapter 184, Sections 31-33. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Conservation Restriction that would render it valid shall be favored over any interpretation that would render it invalid. If any provision or condition of this Conservation Restriction or the application thereof to any person or circumstance shall be declared invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

C. **Entire Agreement.** This instrument sets forth the entire agreement of the parties regarding this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to this Conservation Restriction, all of which are merged herein.

### XIV. AFFIRMATIVE COVENANTS OF THE GRANTOR

A. **Payment of Taxes.** The Grantor shall pay before delinquency all taxes, assessments, betterments, liens, fees and charges levied on or assessed against the Premises by any federal, state, or local government authority or other competent authority or entity (collectively "taxes"), and shall furnish the Grantee with satisfactory evidence of payment upon request.

B. **Subordination of Mortgage.** The Grantor shall deliver to Grantee for recording simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, equity credit line, refinance, assignment of mortgage, lease, financing statement or any other agreement which gives rise to a security interest affecting the Premises.

C. **Adverse Possession.** The Grantor represents and warrants that to the best of his knowledge no person has occupied or used the Premises without the Grantor's permission or has openly claimed ownership of the Premises as against the Grantor or the Grantor's predecessors in title or has conducted continuous activities or uses on the Premises (such as, but not limited to, logging, camping or similar uses). The Grantor agrees that if any such activity is observed now or in the future, the Grantor shall immediately notify the Grantee and shall cooperate with the Grantee to notify such persons of their wrongful entry onto the Premises.

### XV. MISCELLANEOUS

A. **Pre-existing Public Rights.** Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. **Homestead.** The Grantor hereby releases, agrees to waive, subordinate, and release any and all Massachusetts General Law Chapter 188 Homestead rights it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver,

subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to M.G.L. c. 188 10 (e).

C. **Representations of the Grantee.** The Grantee represents that it is a not for profit corporation, that it has a perpetual existence, that it is organized and operated for the purpose of preserving and conserving natural resources, natural habitats, environmentally sensitive areas and for other charitable, scientific and educational purposes, that it has both the necessary funds and commitment to hold this Conservation Restriction exclusively for conservation purposes in perpetuity and to enforce its terms, that it is a "Qualified Organization" as that term is defined in Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and that it is an eligible donee of a conservation restriction as set forth in Chapter 184, Section 32 of the General Laws of Massachusetts, as amended.

D. **Prior Encumbrances.** This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

E. **Signatures and Exhibits.** Included hereto and incorporated herein are the following:

1. Signature pages:  
Grantor: Anton Haverhill Realty Trust  
Grantee: Essex County Greenbelt Association, Inc.  
Approval by Mayor and City Council of the City of Haverhill  
Approval by Mass. Secretary of Energy and Environmental Affairs
2. Exhibit A: Description of the Premises
3. Exhibit B: Reduced Copy of Recorded Plan of the Premises
4. Exhibit C: Trustee Certificate

IN WITNESS WHEREOF, the said Barbara A. DiSalvo and Janice D. Anton, as Successor Co-Trustees of the Anton Haverhill Realty Trust, hereby grant this Conservation Restriction to Essex County Greenbelt Association, Inc. and agree to be bound by its terms, have hereunto set their hands and seals this \_\_\_\_ day of \_\_\_\_\_, 2019.

ANTON HAVERHILL REALTY TRUST

\_\_\_\_\_  
Janice D. Anton, Trustee

\_\_\_\_\_  
Barbara A. DiSalvo, Trustee

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was ☐ my personal knowledge of the principal's identity ☐ a Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was ☐ my personal knowledge of the principal's identity ☐ a Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## ACCEPTANCE OF GRANT

Essex County Greenbelt Association, Inc. hereby accepts this Conservation Restriction from Anton Haverhill Realty Trust and agrees to be bound by its terms.

ESSEX COUNTY GREENBELT ASSOCIATION, INC.

By: \_\_\_\_\_  
Name: Katherine Bowditch  
Title: President  
Hereunto duly authorized

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Hereunto duly authorized

## COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was ☐ my personal knowledge of the principal's identity ☐ a Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was ☐ my personal knowledge of the principal's identity ☐ a Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

### APPROVAL BY MAYOR AND CITY COUNCIL

We, the undersigned, being a majority of the City Council, and the Mayor of the City of Haverhill, Massachusetts, hereby certify that at a public meeting duly held on \_\_\_\_\_, 2019 the City Council and the Mayor voted to approve the foregoing Conservation Restriction from Anton Haverhill Realty Trust to Essex County Greenbelt Association, Inc. as being in the public interest pursuant to Massachusetts General Laws Chapter 184, Section 32.

\_\_\_\_\_  
John A. Michitson, President

\_\_\_\_\_  
Mary Ellen Daly O'Brien

\_\_\_\_\_  
Thomas J. Sullivan, Vice President

\_\_\_\_\_  
Timothy J. Jordan

\_\_\_\_\_  
Joseph J. Bevilacqua

\_\_\_\_\_  
William J. Macek

\_\_\_\_\_  
Melinda Barrett

\_\_\_\_\_  
Colin F. LePage

\_\_\_\_\_  
Michael S. McGonagal

\_\_\_\_\_  
James J. Fiorentini, Mayor

### COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was ☐ my personal knowledge of the principal's identity ☐ a Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

### COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared James J. Fiorentini, proved to me through satisfactory evidence of identification, which was ☐ my personal knowledge of the principal's identity ☐ a Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF THE  
COMMONWEALTH OF MASSACHUSETTS

The undersigned Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts hereby certifies that the foregoing Conservation Restriction from Anton Haverhill Realty Trust to Essex County Greenbelt Association, Inc. has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
MATTHEW A. BEATON  
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

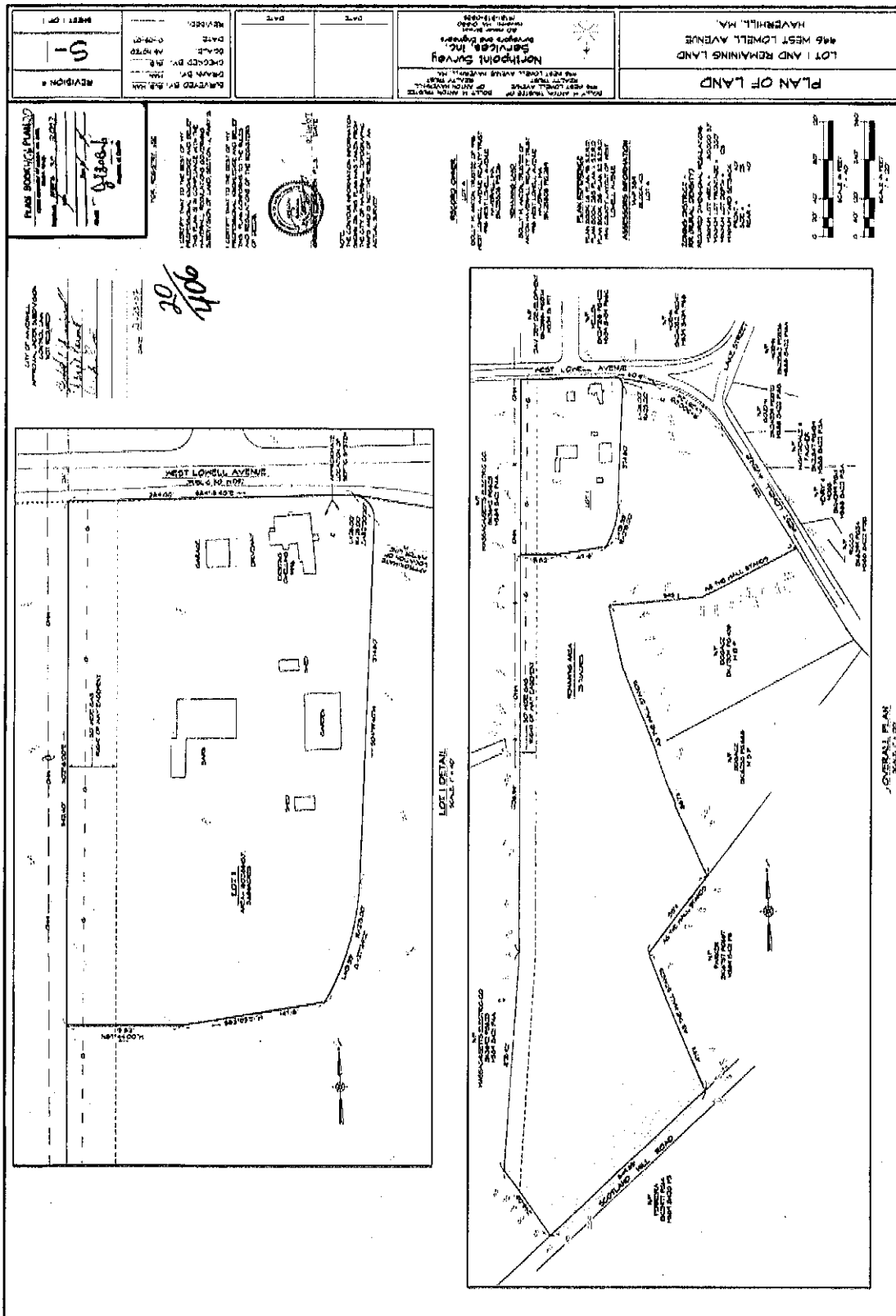
On this day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared MATTHEW A. BEATON, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**Exhibit A – Description of the Premises**

The land subject to this Conservation Restriction, herein referred to as the Premises, is shown as the land labeled "Remaining Area, 25.7 ACRES" on a recorded plan of land entitled, "Plan of Land, Lot 1 And Remaining Land, 996 West Lowell Avenue, Haverhill, MA, by Northpoint Survey Services, Inc." dated January 5<sup>th</sup>, 2007, and recorded at the Essex South District Registry of Deeds in Plan Book 406, Plan No. 20. A reduced copy of said plan is attached hereto as Exhibit B.

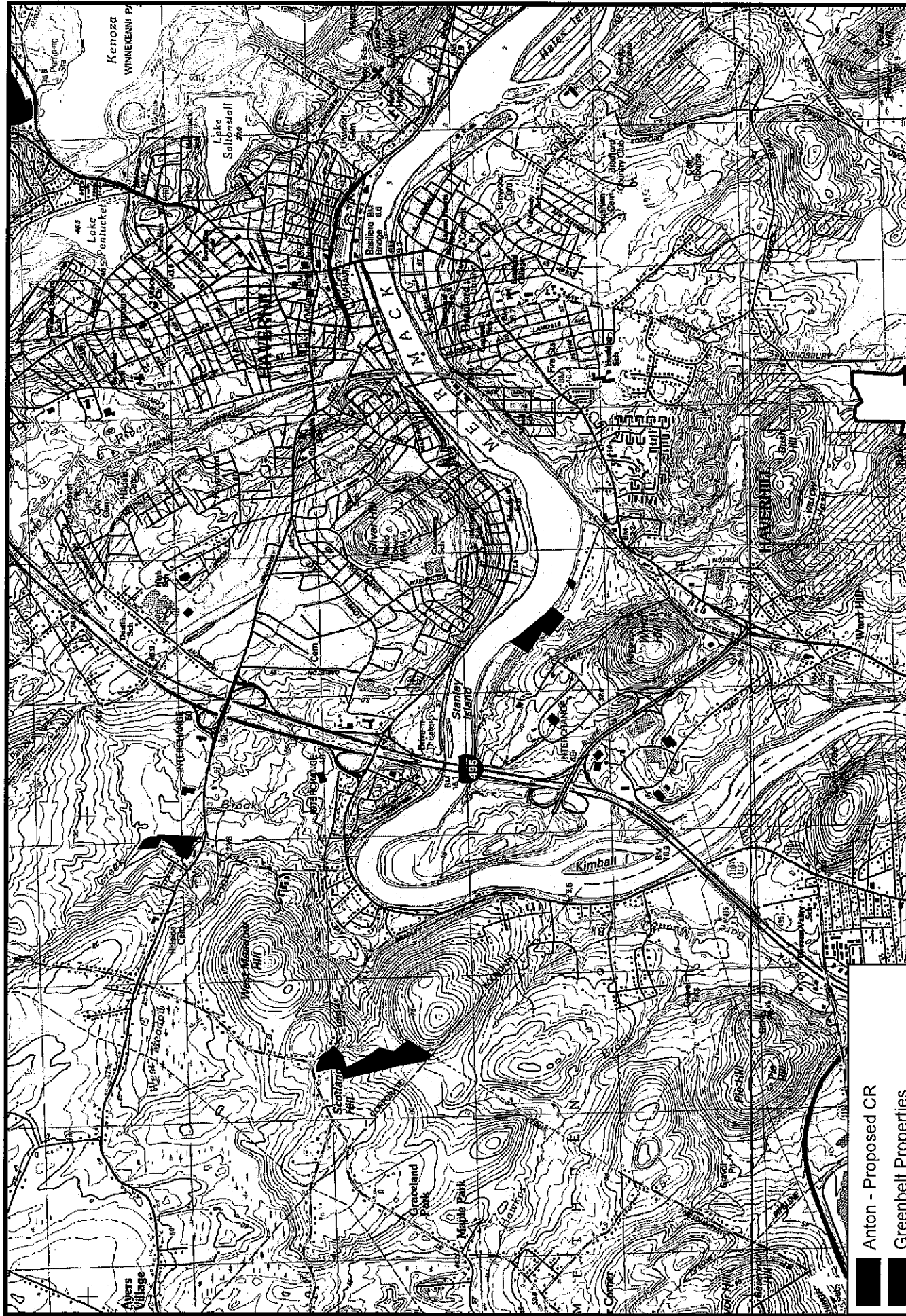
# EXHIBIT B: Reduced Copy of Recorded Plan of the Premises





## **EXHIBIT C**

[Trustee Certificate to be inserted prior to closing]




0 0.5 1 Miles

Map for illustrative purposes only. Boundaries are approximate and based on most currently available assessor's data, 2013 Orthophotos 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, 3-3-2017

# Anton Property, 25.7 acres - Haverhill

- Anton - Proposed CR
- Greenbelt Properties
- Greenbelt CRs
- Agricultural Preservation Restriction
- Municipal





Anton CR


# Anton Conservation Restriction

## West Lowell Ave., Haverhill

25.7 acres

0 300 600 Feet

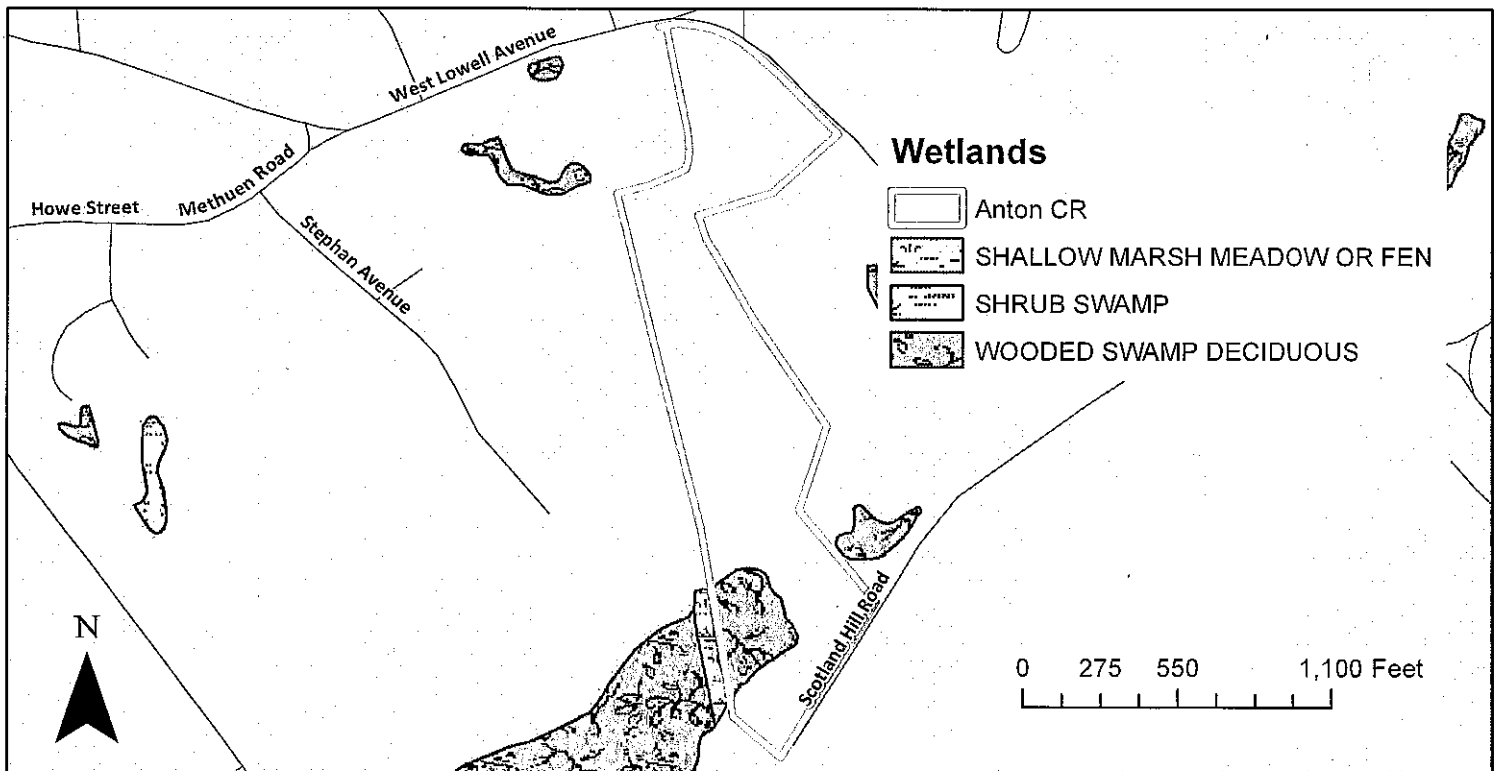
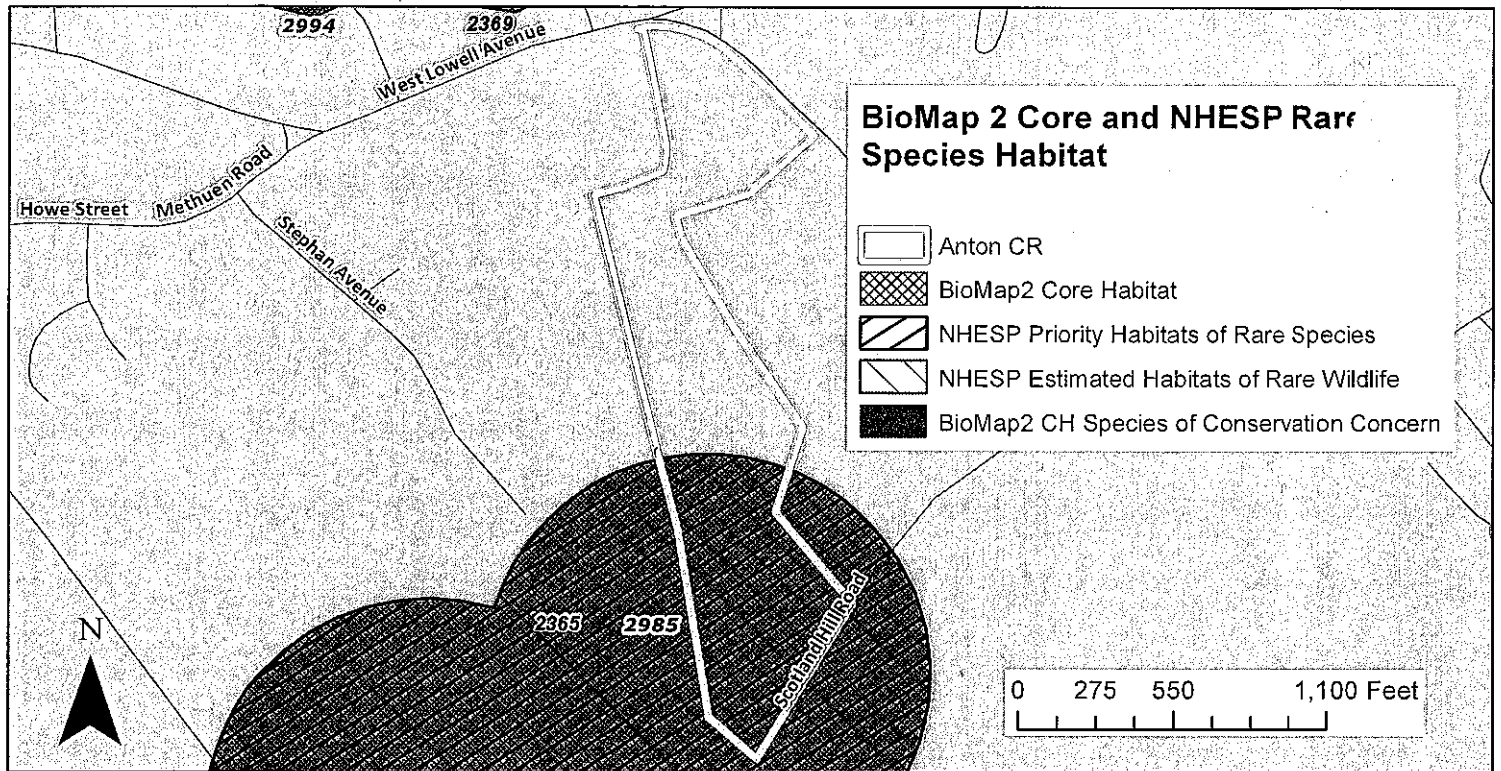
Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data, 2013 Orthophotos, 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 2-6-19



Greenbelt  
LAND & WATER

USGS, MassGIS

# Anton CR, Haverhill 25.7+/- acres Natural Resource Inventory



Source data obtained from Mass GIS, GPS, and survey plans.

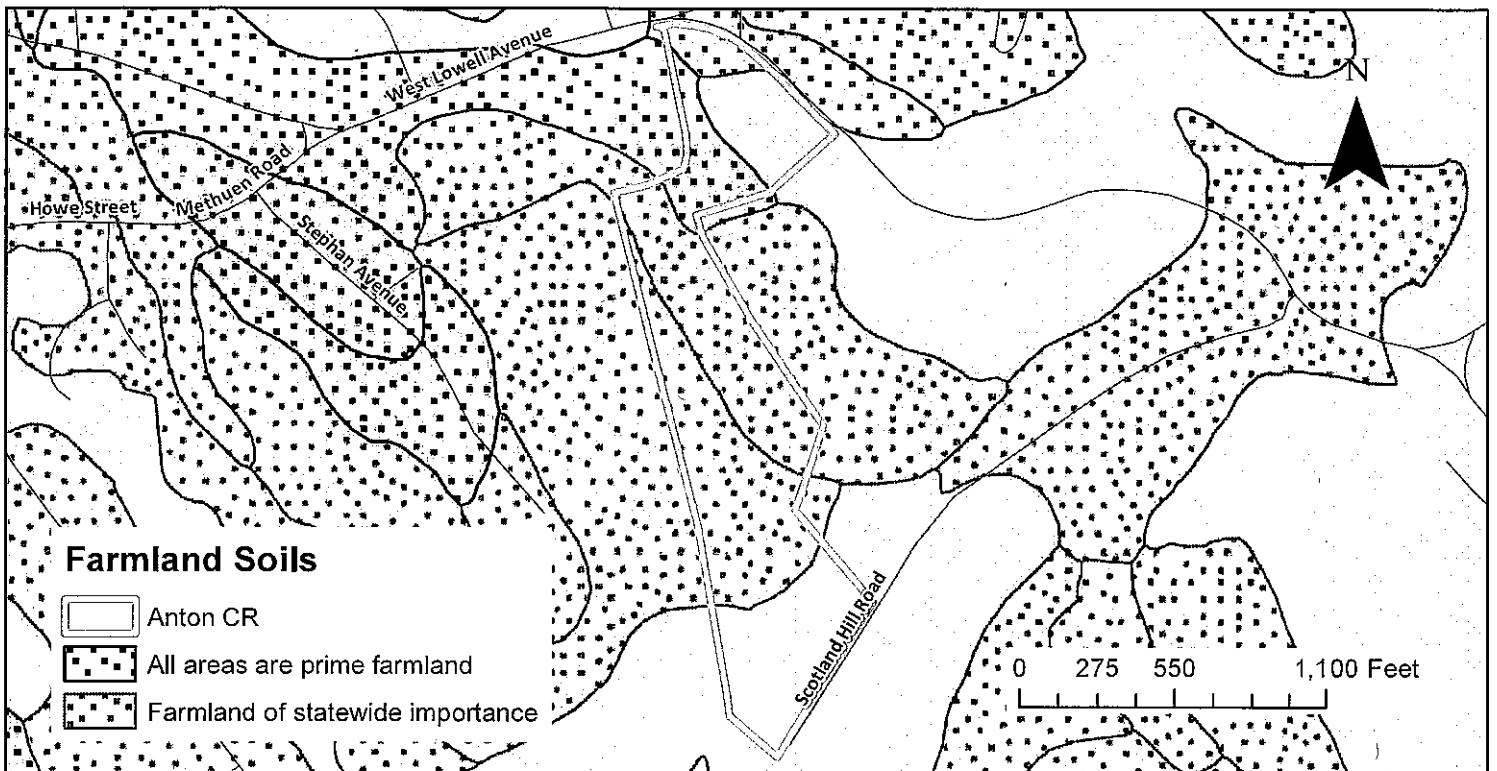
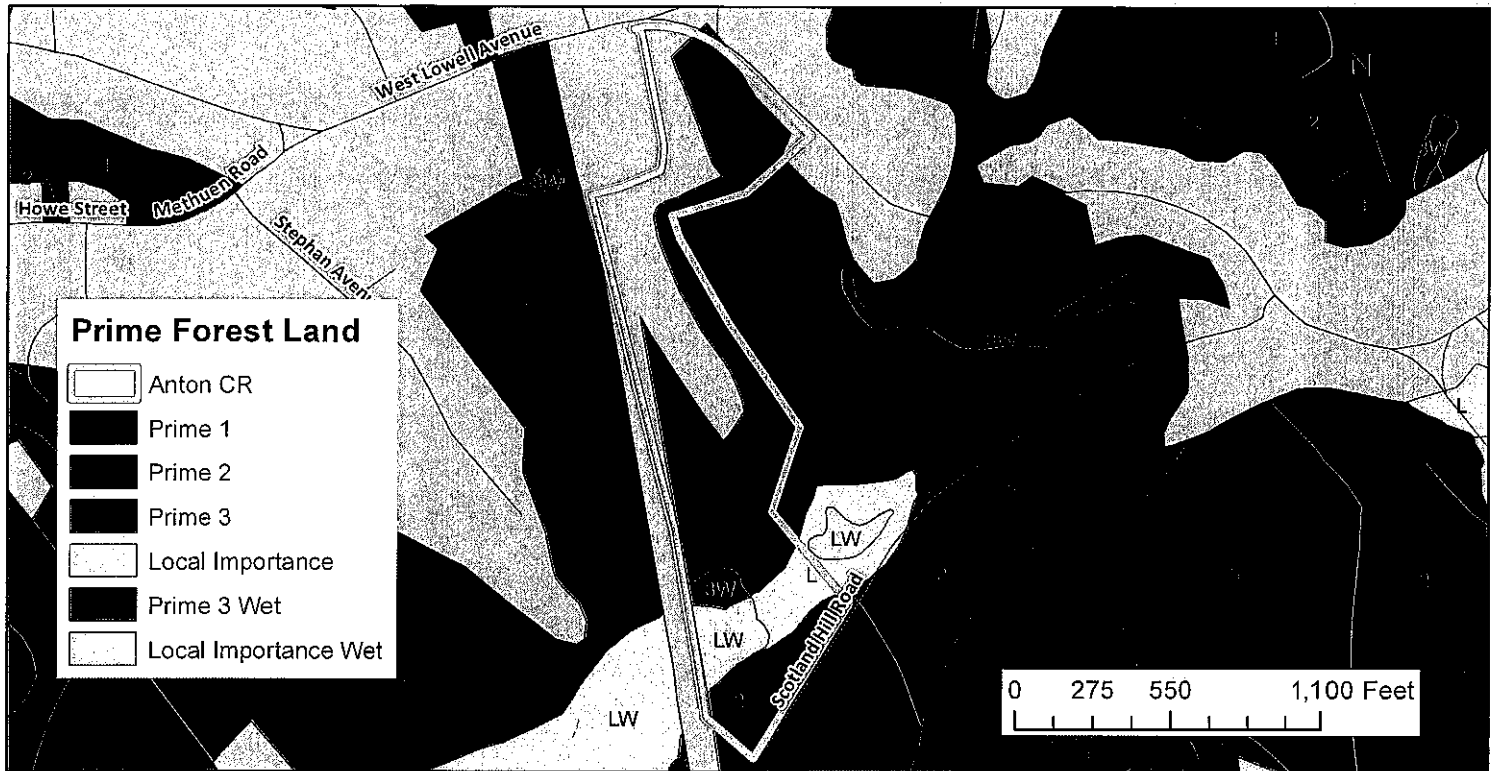
Orthophotos 2013/2014.

Boundary lines are based on assessors, GPS, and survey data, are approximate and are to be used for informational purposes only.

Map produced by Essex County Greenbelt

March 2017.

# Anton CR, Haverhill 25.7+/- acres Natural Resource Inventory



Source data obtained from Mass GIS, GPS, and survey plans.  
Orthophotos 2013/2014.

Boundary lines are based on assessors, GPS, and survey data,  
are approximate and are to be used for informational purposes only.

Map produced by Essex County Greenbelt

March 2017.

**CITY COUNCIL**

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



**CITY OF HAVERHILL**  
HAVERHILL, MASSACHUSETTS 01830-5843

15.5

CITY HALL, ROOM 204  
4 SUMMER STREET  
TELEPHONE: 978 374-2328  
FACSIMILE: 978 374-2329  
[www.haverhillma.gov](http://www.haverhillma.gov)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

March 22, 2019

TO: Mr. President and Members of the City Council:

Councillor Melinda Barrett requests an update on the status of the Haverhill Public Library.

  
City Councillor Melinda Barrett

**CITY COUNCIL**

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



**CITY OF HAVERHILL**  
HAVERHILL, MASSACHUSETTS 01830-5843

15.6

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[www.haverhillma.gov](http://www.haverhillma.gov)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

March 22, 2019

TO: Mr. President and Members of the City Council:

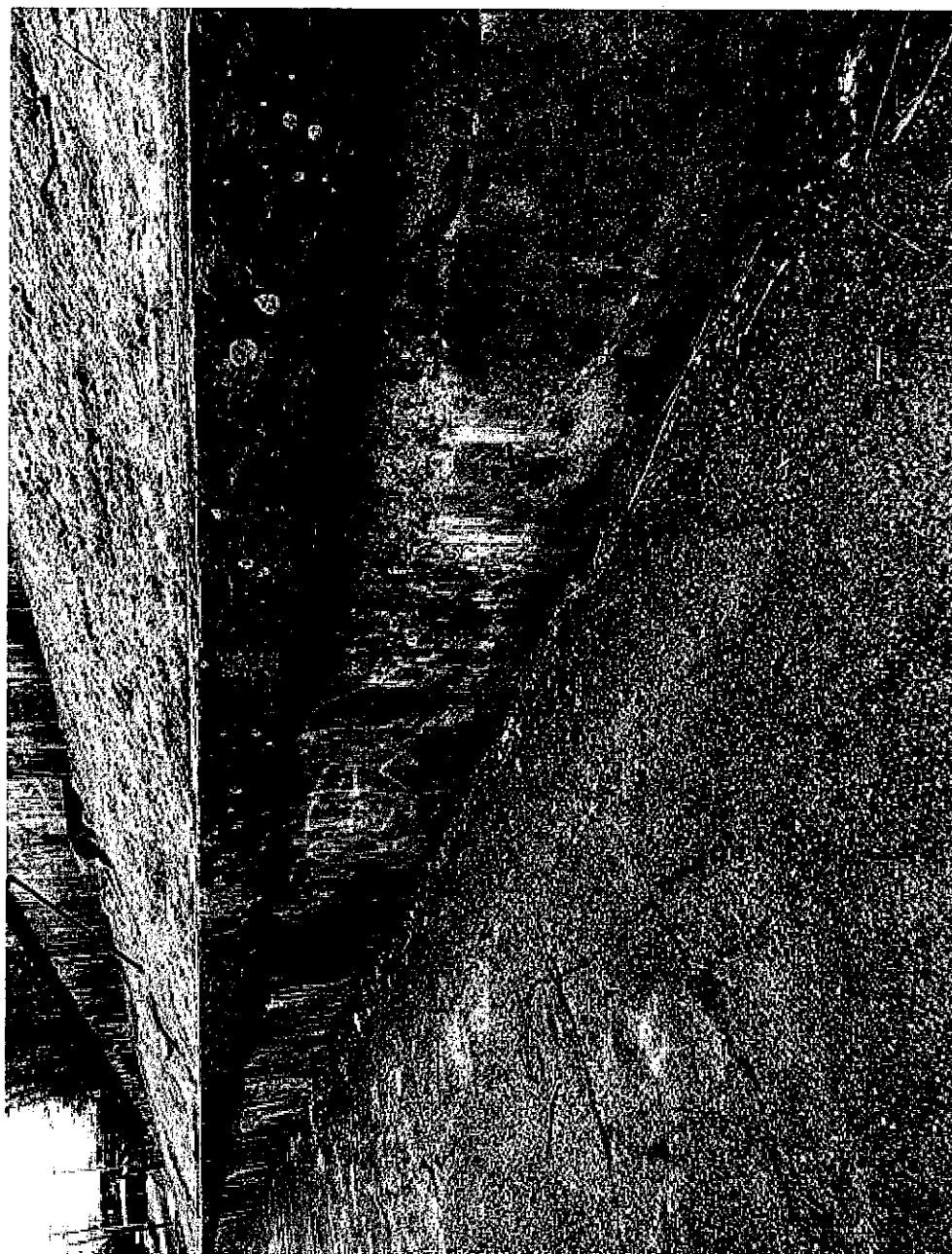
Councillor Melinda Barrett requests a discussion regarding the need to clean up debris from a traffic incident in late November in the area of Blossom St. and Laurel Ave.

  
City Councillor Melinda Barrett



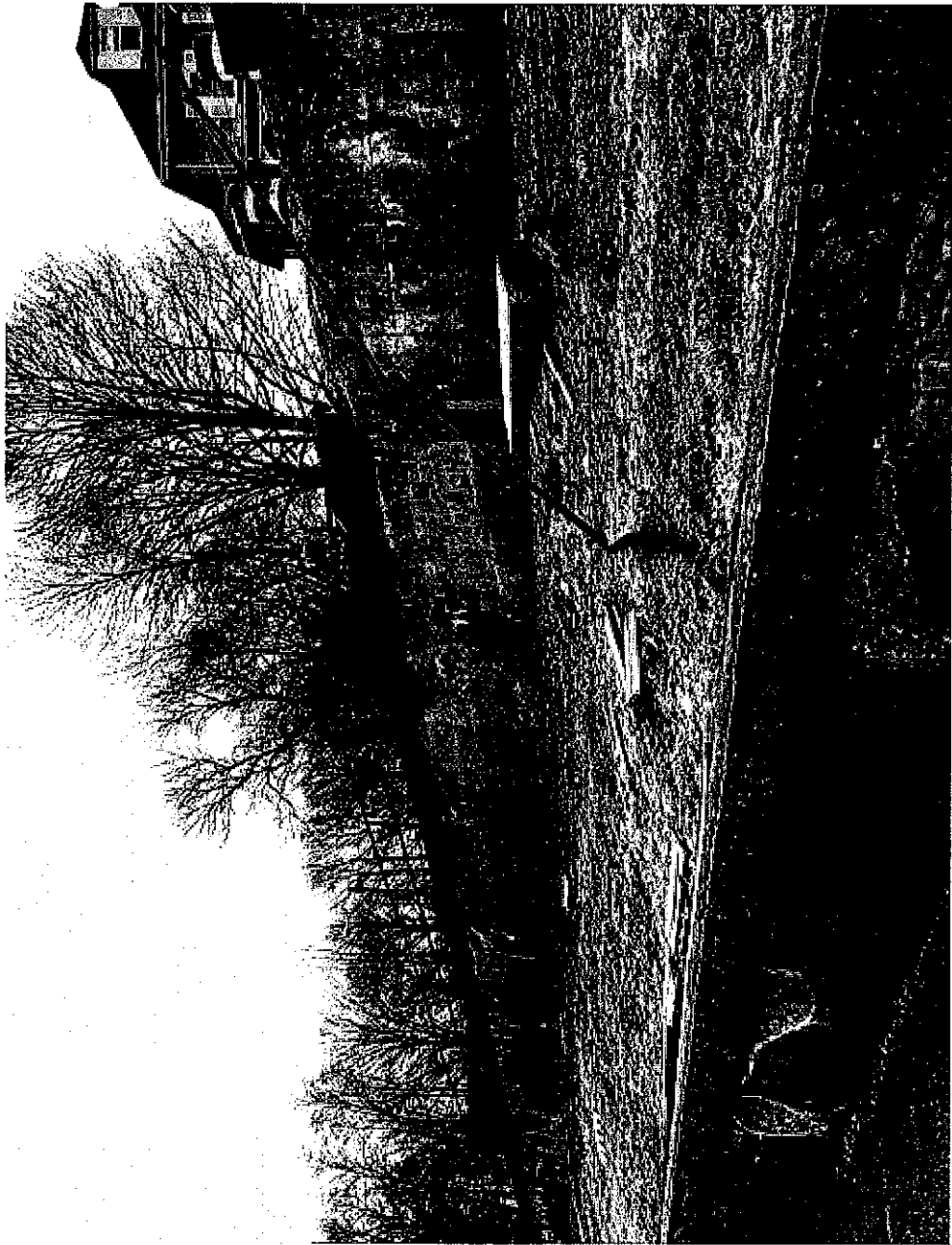












**CITY COUNCIL**

**JOHN A. MICHITSON**

*PRESIDENT*

**THOMAS J. SULLIVAN**

*VICE PRESIDENT*

**JOSEPH J. BEVILACQUA**

**MELINDA E. BARRETT**

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**MARY ELLEN DALY O'BRIEN**

**MICHAEL S. MCGONAGLE**



**CITY OF HAVERHILL**  
HAVERHILL, MASSACHUSETTS 01830-5843

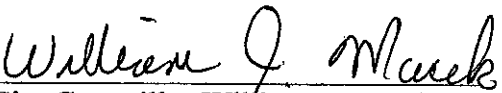
15,9

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[www.haverhillma.gov](http://www.haverhillma.gov)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

March 22, 2019

Mr. President and Members of the City Council:

Councillor William Macek requests a discussion on the impending Comcast Cable contract.

  
City Councillor William J. Macek *sa*



DOCUMENT 29-H

**CITY OF HAVERHILL**

In Municipal Council March 12 2019

16.1

~~ORDERED:~~

An Ordinance Relating to Parking  
(342 Washington Street-ESTABLISH Handicapped Parking)

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-1302 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended by ESTABLISHING the following:

| LOCATION   | REGULATION | HOURS/DAYS |
|--|------------|------------|
| 342 Washington Street  | No Parking | 24 Hours   |
| In front of No. 342<br>Washington Street<br>Except for One<br>24 hour handicap<br>parking space at<br>#342 Washington Street |            |            |

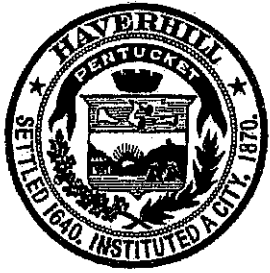
APPROVED as to legality:

\_\_\_\_\_  
City Solicitor

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk



# Haverhill

Economic Development & Planning  
Phone: 978-374-2330 Fax: 978-374-2315  
[wpillsbury@cityofhaverhill.com](mailto:wpillsbury@cityofhaverhill.com)

February 28, 2019

Mr. John A. Mitchitson, Council President  
City Council Members  
City Hall – Room #204  
City of Haverhill

Re: ESTABLISHMENT OF HANDICAP PARKING – 342 Washington St.

Dear Council President & Councilors:

As per your request dated, February 27, 2019, I am submitting a Municipal Ordinance that will allow for handicap parking in front of 342 Washington St.

Sincerely,

William Pillsbury Jr.  
Economic Development and Planning Director

WP/lp



4 Summer Street  
Haverhill, MA 01830  
Phone: (978) 374-2312  
Fax: (978) 373-8490

already sent ✓

For March 12 meeting  
Agenda

→

**Fax**

(4)  
Handicap Ordinance

To: KATIE - GAZETTE

MARIA BEVILACQUA

From: City Clerk's Office

Fax: 978-685-2432

Date: March 12/09

Phone: 978-946-2157

Pages: 5

re: Legal Ads:

CC:

☐ Urgent

☒ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

- ① Delete Handicap Plaz - 6 John St
- ② Add " " 88 Margin St
- ③ add " " - 136 High St
- ④ add " " - 342 Washington St

Hi Katie - Please run as usual  
for March 12th meeting!  
Thank! Maria

978-420-3624

29-1



DOCUMENT 29-I

# CITY OF HAVERHILL

In Municipal Council March 12 2019

16.2

~~ORDERED~~

## An Ordinance Relating to Parking (88 Margin Street-ESTABLISH Handicapped Parking)

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-1302 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended by ESTABLISHING the following:

| LOCATION   | REGULATION | HOURS/DAYS |
|--|------------|------------|
| 88 Margin Street   | No Parking | 24 Hours   |
| In front of No. 88<br>Margin Street<br>Except for One<br>24 hour handicap<br>parking space at<br>#88 Margin Street |            |            |

APPROVED as to legality:

\_\_\_\_\_  
City Solicitor

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk



# Haverhill

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

February 28, 2019

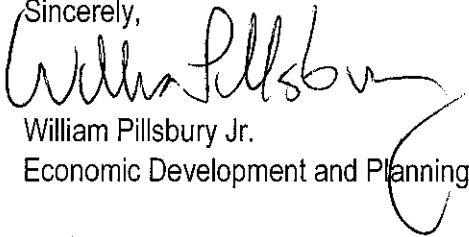
Mr. John A. Mitchison, Council President  
City Council Members  
City Hall – Room #204  
City of Haverhill

Re: ESTABLISHMENT OF HANDICAP PARKING – 88 Margin St.

Dear Council President & Councilors:

As per your request dated, February 27, 2019, I am submitting a Municipal Ordinance that will allow for handicap parking in front of 88 Margin St.

Sincerely,



William Pillsbury Jr.  
Economic Development and Planning Director

WP/lp

29-5



DOCUMENT 29-J

# CITY OF HAVERHILL

In Municipal Council

March 12 2019

Lo.3

~~ORDERED:~~

(136 High Street-ESTABLISH Handicapped Parking)

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-1302 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended by ESTABLISHING the following:

| LOCATION  | REGULATION | HOURS/DAYS |
|---|------------|------------|
| 136 High Street   | No Parking | 24 Hours   |
| In front of No. 136 High Street<br>Except for One<br>24 hour handicap<br>parking space at<br>#136 High Street |            |            |

APPROVED as to legality:

\_\_\_\_\_  
City Solicitor

PLACED ON FILE FOR AT least 10 days

Attest:

\_\_\_\_\_  
City Clerk



# Haverhill

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

February 28, 2019

Mr. John A. Mitchitson, Council President  
City Council Members  
City Hall – Room #204  
City of Haverhill

Re: ESTABLISHMENT OF HANDICAP PARKING – 136 High St.

Dear Council President & Councilors:

As per your request dated, February 27, 2019, I am submitting a Municipal Ordinance that will allow for handicap parking in front of 136 High St.

Sincerely,

William Pillsbury Jr.  
Economic Development and Planning Director

WP/lp

**CITY OF HAVERHILL**

In Municipal Council March 12 2019

**ORDERED:**

An Ordinance Relating to Parking  
(6 John Street-DELETE Handicapped Parking)

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-1302 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended by DELETING the following:

| LOCATION   | REGULATION | HOURS/DAYS |
|--|------------|------------|
| 6 John Street  | No Parking | 24 Hours   |
| In front of No. 6<br>John Street except<br>For 1-24 Hour handicapped<br>Parking space at No. 6 |            |            |

APPROVED as to legality:

\_\_\_\_\_  
City Solicitor

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk



# Haverhill

Economic Development & Planning  
Phone: 978-374-2330 Fax: 978-374-2315  
[wpillsbury@cityofhaverhill.com](mailto:wpillsbury@cityofhaverhill.com)

February 28, 2019

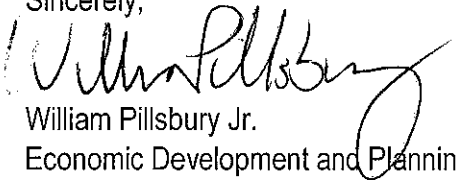
Mr. John A. Michitson, Council President  
City Council Members  
City Hall – Room #204  
City of Haverhill

Re: REMOVAL OF HANDICAP PARKING – 6 John Street

Dear Council President & Councilors:

As per your request dated, February 27, 2019, I am submitting a Municipal Ordinance that will remove a handicap parking space in front of 6 John Street.

Sincerely,



William Pillsbury Jr.  
Economic Development and Planning Director

WP/lp

## CITY COUNCIL

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



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www.haverhillma.gov  
citycncl@cityofhaverhill.com

## CITY OF HAVERHILL HAVERHILL, MASSACHUSETTS 01830-5843

### DOCUMENTS REFERRED TO COMMITTEE STUDY

|       |   |                  |   |
|-------|---|------------------|---|
| 38-F  | Communication from Councillors Barrett and LePage requesting to discuss double poles in the City  | A & F            | 3/15/16<br>9/6/16, 11/31/16, 1/17/17, 5/11/17, 10/24/17<br>3/6/19 |
| 38-W  | Communication from Councillor Barrett requesting to give an update on response from MBTA/Keolis & US EPA about idling trains in Bradford  | Citizen Outreach | 4/5/16<br>1/31/17   |
| 26E   | City of Haverhill – Mayor’s Recommendations, Capital Improvement Program – 2016-2020  | A & F            | 5/31/16<br>11/3/16, 5/11/2017, 7/25/17, 2/15/18<br>3/6/19         |
| 10-B  | Communication from President Michitson asking to request from Mayor status of facility improvements to public buildings and parks to comply with American w/ Disabilities Act (ADA)                                       | Citizen Outreach | 1/3/17<br>1/31/17, 8/15/17  |
| 10-U  | Communication from President Michitson requesting discussion on next steps to provide comprehensive long range plan for Haverhill   | Citizen Outreach | 1/31/17<br>8/15/17  |
| 58-G  | Communication from President Michitson requesting to present an update on the meeting with group homes stakeholders to address severe problems in Haverhill   | Public Safety    | 5/2/17  |
| 7-M   | Communication from Councillor Daly O’Brien re: street parking change after storms by providing alternate street parking the night after storm to improve plowing & clearing in inner city streets                         | Citizen Outreach | 1/16/18   |
| 38-D  | Communication from Councillors Sullivan and Barrett requesting an update on City’s emergency management plan and status of working generators in all public building in City  | Public Safety    | 3/20/18<br>1/23/19  |
| 82    | Ordinance re: Vehicles & Traffic – Amend Ch. 240-108, Article XVI, Central Business District Parking – Fees, Rate and Terms   | A & F            | 7/10/18   |
| 8-B   | Ordinance re: Vehicles & Traffic – Amend Ch. 240-108, Article XVI, Central Business District Parking – Chart  | A & F            | 7/10/18   |
| 93-L  | Communication from President Michitson requesting to introduce Dave Labrode to discuss street tree plantings  | NRPP             | 8/7/18<br>2/28/19   |
| 2-C   | Ordinance re: Vehicles & Traffic; Central Business District Parking Fees Rates and Terms  | A & F            | 8/21/18   |
| 93-W  | Communication from Councillor Sullivan and Bevilacqua request to discuss possibility of of entering into an agreement with Lorraine Post 29 VFW to rehab and lease Clement Farm House located at 1314 Main St., Haverhill | NRPP             | 9/11/18<br>2/28/19  |
| 107-N | Communication from Councillor Macek requesting to discuss Micro-paving  | Public Safety    | 9/25/18   |
| 121-H | Communication from Councillor Bevilacqua requesting to introduce discussion re: Haverhill Youth Soccer with David Lefcourt, Pres. & Edward Felker, Chair Field Committee  | NRPP             | 12/4/18<br>2/28/19  |



**DOCUMENTS REFERRED TO COMMITTEE STUDY (cont.)**

|      |   |       |                   |
|------|---|-------|-------------------|
| 13-N | Communication from Councillor LePage requesting a discussion regarding Rules & Regulations of the City Council  | A&F   | 1/29/19<br>3/6/19 |
| 20-B | Communication from Mayor Fiorentini submitting the Haverhill Public Library Parking Study Draft Technical Report  | P & D | 3/12/19           |
| 38-G | Communication from President Michitson requesting to provide update on broadband needs & competition to lower TV costs for resident and stimulate economic development                                | P & D | 3/12/19           |
| 38-I | Communication from Councillor Macek to refer City's Ch. 255 – Zoning, Article XVIII, Solar Energy Systems, Sec. 255-185 thru 255-194 to Administration & Finance Committee                            | A & F | 3/12/19           |
| 13-V | Communication from Councillor Daly O'Brien to discuss information needed by City Council When their approval is required to accept new employee contracts, measures to avoid contractual catastrophes | A & F | 3/12/19           |
| 13-Y | Communication from Councillor LePage to discuss accounting of revenue funds received from Licensed Marijuana establishments & their allocation to mitigate costs and impacts to city                  | A& F  | 3/12/19           |
| 38-J | Communication from Councillor Macek requesting a discussion about reserve parking spaces at City Hall designated for Registry of Motor Vehicles   | NRPP  | 3/19/19           |
| 38-K | Communication from Councillor Macek requesting to discuss solar panels on proposed commercial buildings   | A&F   | 3/19/19           |