



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, February 7, 2017 at 7:00 PM**  
**City Council Chambers, 4 Summer St, Room 202**

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**1. APPROVAL OF RECORDS OF THE PREVIOUS MEETING**

**2. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING**

**3. COMMUNICATIONS FROM THE MAYOR**

**3.1** Communication from Mayor Fiorentini stating City is *not exercising* its Right of First Refusal Under M.G.L. Chapter 61A, to purchase property at 82 Willow Avenue, a.k.a 86 Willow Avenue

*Related communications from City Assessor Stephen Gullo & Robert Moore, Haverhill's Environmental Health Technician*  
Attachment

**4. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES**

**5. UTILITY HEARING(S) AND RELATED ORDER(S)**

**6. HEARINGS AND RELATED ORDERS**

**6.1** Document 120/2016; Petition from Attorney Harb for Stephen Franciosa for a Special Permit to build within 500' of a Water Supply – Round Pond – a single family residence at Unnumbered Lawrence st and Unnumbered Marshland s

*Comments are included from various City Departments*

Attachment

**7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28**

**8. APPOINTMENTS**

**8.1. Confirming Appointments:**

NO SCHEDULE

**8.2. Non-Confirming Appointments**

NO SCHEDULE

**8.3. Resignations:**

NO SCHEDULE

**9. PETITIONS**

Petition from Attorney Robert Harb for applicants Lloyd Jennings and J Bradford Brooks for Special Permit for a Mixed Use – 2 commercial and 2 residential condominiums on the top 2 floors at 128 Washington st; Assessors Map 310. Block 1, Lot 17 *and also* to erect, construct and maintain and place on and over Phoenix Row a Deck and to Maintain a Dumpster in said Phoenix Row – the first floor is to remain a restaurant

**Refer to Planning Board &  
Council Hearing Mar 28<sup>th</sup>**

Attachment



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### 9.1. Applications:

9.1.1 Janet Travers for handicap parking sign at 110 Blaisdell st #1  
*application has Police Dept approval*

Attachment

#### Tag Days:

NO SCHEDULE

### 9.2. Annual License Renewals:

9.2.1.1. **Hawker Peddlers License Renewals :**

NO SCHEDULE

9.2.1.2. **Coin-Op License Renewals:**

*Cedarland Inc, 931 Boston rd – 25 Coin-Ops*

9.2.1.3. **Sunday Coin-Op License Renewals:**

*Cedarland Inc – 25 Sunday Coin-Ops*

9.2.1.4. **Drainlayer 2017 License - Renewals:**

*Joseph J Phelan III*

Attachments

### 9.4 **Taxi Driver License - Renewals:**

NO SCHEDULE

## 10. MOTIONS AND ORDERS

10.1 Order – City accepts provisions of M.G.L. c. 39, section 23D; relative to attendance requirement of municipal boards, committees and commission members for adjudicatory hearings, for the Board of Health  
*Related communication from City Solicitor, William Cox*

10.1.1 Order – authorize to pay bill as listed below:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
WB Mason	\$527.95	Highway

Attachments

### ORDINANCES (FILE 10 DAYS):

10.2 Ordinance re: Parking – 11 Norfolk st – Delete Handicap Parking

File 10 days

10.3 Ordinance re: Sewers & Drains; proposed amendment to Chapter 208  
*Related communication from Robert Ward, DPW Director*

File 10 days

Attachments



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### **11. UNFINISHED BUSINESS OF PRECEDING MEETINGS**

11.1 Document 9-E, Ordinance re: Parking – 14 York st, Delete Handicap Parking  
*filed January 25 2017*

11.2 Document 26, Ordinance re: Parking – No parking in front of 36 Golden st  
*filed January 25- 2017*

11.3 Document 27, Ordinance re: Alcoholic Beverages; amend Chapter 100 re: Carry-In Alcoholic  
Beverages *filed January 25 2017* Attachments

### **12. COMMUNICATIONS FROM COUNCILLORS**

12.1 Communication from Councillor Bevilacqua requesting to discuss the Amtrak Station in Haverhill

12.2 Communication from Councillor Daly O'Brien requesting an update on malfunctioning parking kiosks

12.3 Communication from Councillor Daly O'Brien requesting an update on alleyway lighting

12.4 Communication from Councillors Barrett and Bevilacqua requesting to introduce Barbara Donegan,  
President of *Ruth's Place* to discuss their upcoming 25<sup>th</sup> anniversary

12.5 Communication from Councillor McGonagle requesting the removal of the following handicap parking  
spaces on Blaisdell st as they are no longer needed: 95, 102, 104 and at the corner of Blaisdell st and  
Marshall st

12.6 Communication from Councillor McGonagle requesting removal of handicap parking spaces at 93  
Bellevue av & 11 Pilgrim rd as they are no longer needed Attachments

### **13. RESOLUTIONS AND PROCLAMATIONS**

NO SCHEDULE

### **14. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS**

NO SCHEDULE

### **15. DOCUMENTS REFERRED TO COMMITTEE STUDY**

### **16. ADJOURN**

JAMES J. FIORENTINI  
MAYOR



**CITY OF HAVERHILL  
MASSACHUSETTS**

3.1  
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

February 3, 2017

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

RE: Right of First Refusal Under M.G.L. Chapter 61A, 82 Willow Avenue, a.k.a. 86 Willow Avenue

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

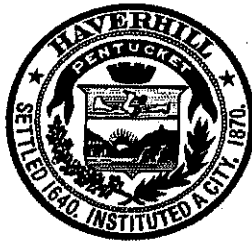
The City of Haverhill is not exercising its Right of First refusal under M.G.L. Chapter 61A and therefor, not exercising its Option to Purchase the property at 82 Willow Avenue, a.k.a. 86 Willow Avenue, Haverhill, MA, Assessors Map 768 Block 779 Lot 9. Please see attached letter of request from Marilyn M. Descheneau, Trustee of the Marilyn M. Descheneau Living Trust, and letters of support of Right of First refusal from City Assessor Steve Gullo and Rob Moore, Haverhill's Environmental Health Technician.

Very truly yours,

*James J. Fiorentini (devs)*

**James J. Fiorentini**  
Mayor

JJF/lyf



## **CITY OF HAVERHILL**

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

DATE: January 23, 2017  
TO: Mayor Fiorentini  
FROM: Stephen C. Gullo, MAA Tax Assessor  
SUBJECT: 82 Willow Avenue. Haverhill, MA

The Assessors Office supports the sale of the above property due to the fact that the City will receive approximately \$10,300 in Roll Back Taxes and interest and the property will likely be subdivided for residential purposes with a greater amount of RE taxes to be paid in perpetuity. This land located in a rural section of Bradford does not lend itself to a public park, trail or any other public benefit.

Based on this information, this office does not support the City exercising its right of first refusal.



# Haverhill

Economic Development and Planning


Conservation Department

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

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

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

MEMO TO: James J. Fiorentini, Mayor

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

DATE: February 1, 2017

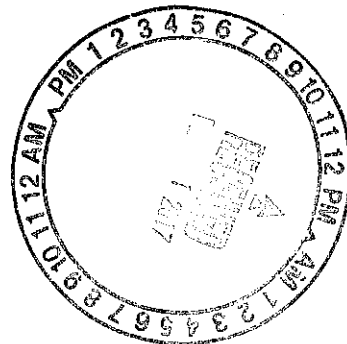
RE: M.G.L. Chapter 61A; First Refusal Option to Purchase  
82 Willow Avenue – Parcel ID: 768-779-9

The Conservation Commission discussed this matter at its meeting on January 26<sup>th</sup>. The site contains protected wetlands and is located within the Chadwick Pond watershed. These resource areas are protected by the Massachusetts Wetlands Protection Act and the City's wetlands and watershed ordinances. The site is located in a rural, scenic area of Haverhill and is mapped as a "Noteworthy Scenic Landscape" by the Commonwealth.

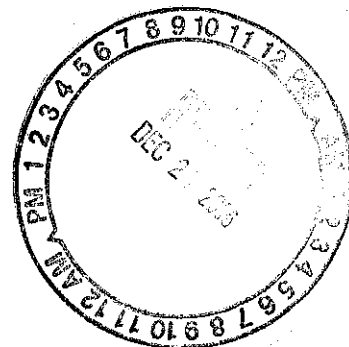
The Commonwealth maps the northern and eastern portions of the site as "Farmland of Statewide Importance", meaning it is considered important to the production of food, feed, forage, and oil seed crops. This portion of the property has the history of being used as cropland. It is this portion of the site, along Willow Avenue, which would likely be used for the three houses noted in the Purchase & Sale Agreement.

The Commonwealth maps the western and southern portions of the site as "Prime Forest Land" with an area of forest of "Local Importance". With the wetland system running through this part of the site, it is unlikely there would be substantial impacts to this forest land for the project. This forest land is further buffered by the Crescent Farm APR protection to the west and the Bailey Farm CR protection to the south.

While there are important natural resources associated with the subject site, it is the Commission's opinion that there are more valuable assets the City could protect for this property's purchase price of \$610,000. The Commission encourages the City to use its resources to protect its irreplaceable natural resources. However, it does not recommend the City exercise its Option to Purchase the subject site at this time.



86 Willow Avenue  
Haverhill, MA 01835



December 22, 2016

James J. Fiorentini, Mayor  
c/o City Clerk, Linda L. Koutoulas  
City of Haverhill  
4 Summer Street Room 118  
Haverhill, MA 01830

City Council  
c/o City Clerk, Linda L. Koutoulas  
City of Haverhill  
4 Summer Street Room 118  
Haverhill, MA 01830

Board of Assessors  
City of Haverhill  
4 Summer Street Room 115  
Haverhill, MA 01830

Planning Board  
City of Haverhill  
4 Summer Street Room 201  
Haverhill, MA 01830

Conservation Commission  
City of Haverhill  
4 Summer Street Room 300  
Haverhill, MA 01830

Leo Roy, Commissioner  
Department of Conservation and  
Recreation  
251 Causeway Street, Suite 900  
Boston, MA 02114-2104  
Attn: State Forester

Re: G.L. Chapter 61A; First Refusal Option to Purchase;  
Notice of Intent to Sell Land For Residential Use  
Record Owner: Marilyn M. Descheneau, Trustee of  
The Marilyn M. Descheneau Living Trust  
82 Willow Avenue (aka 86 Willow Avenue) Haverhill, MA 01835  
Assessor's Map 768 Block 779 Lot 9  
Total of Land to be Sold- 12.7 acres more or less

Dear Mayor, City Council, Board of Assessors, Planning Board, Conservation Commission, and  
Commissioner of the Department of Conservation and Recreation:

I am the present owner of the above referenced premises located on Willow Avenue,  
Haverhill, MA. Said lot is presently under Agricultural or Horticultural Land Tax Lien (G.L.  
Chap. 61A) for agricultural and horticultural use, to wit: The City of Haverhill Forest-  
Agricultural or Horticultural-Recreational Land Tax Lien is dated December 2009 and is  
recorded with the Essex South District Registry of Deeds in Book 29201 Page 473.

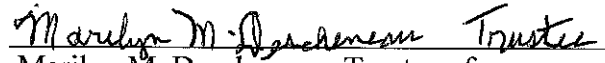
As stated above, I intend to sell said premises to be used by the purchaser for residential purposes, the location of the land is shown on the map attached hereto drawn to scale from the assessor's maps in the City of Haverhill where the land is situated. Said parcel contains 12.7 acres more or less. A copy of my deed is also attached hereto.

My current mailing address is 86 Willow Avenue and my telephone number is 978-374-4930. Also attached to and accompanying this letter is a certified copy of the executed Purchase and Sale Agreement specifying the purchase price and all terms and conditions of the proposed sale which is limited/conditional to only good title and the release of the City of Haverhill's Right of First refusal under MGLA Chapter 61A. There are no additional agreements or statement of any additional consideration for any contiguous land under the same ownership not classified under this Chapter. No other land will be sold or is to be sold contemporaneously with the proposed sale herein. I am represented in this transaction by Attorney Robert D. Harb, 17 West Street, Haverhill, MA 01830, telephone number 978-373-5611.

Under G.L. Chapter 61A, the City of Haverhill has the first refusal option to meet the bona fide offer as set forth in the enclosed Agreement. This letter is to notify you of said option.

I would respectfully ask that I be notified in writing as soon as possible if the City of Haverhill will not exercise its option to purchase.

Very truly yours,

  
Marilyn M. Descheneau, Trustee of  
The Marilyn M. Descheneau Living Trust

RDH/js

Enc. copy of portion of assessor's map, certified copy of Purchase and Sale Agreement  
and copy of City Interactive Map

Duplicate original letter sent to all above by certified mail return receipt requested.

Duplicate original letter sent to all above by certified mail return receipt requested as follows:

Mayor Certified Mail RRR # 7004 1160 0001 5538 4720

City Council Certified Mail RRR# 7004 1160 0001 5538 4737

Board of Assessors Certified Mail RRR# 7004 1160 0001 5538 4744

Planning Board Certified Mail RRR# 7004 1160 0001 5538 4751

Conservation Commission Certified Mail RRR# 7004 1160 0001 5538 4768

State Forester Certified Mail RRR# 7004 1160 0001 5538 4775



6  
125

1F  
17

# QUITCLAIM DEED

I, Marilyn M. Descheneau, of Haverhill, Essex County, Massachusetts, Individually, as Executrix of the Estate of Robert H. Descheneau and, as Trustee of the The Robert H. Descheneau and Marilyn M. Descheneau Joint Living Trust, dated May 11, 2006, for nominal consideration grant to The Marilyn M. Descheneau Living Trust, dated March 30, 2010, with **QUITCLAIM COVENANTS**

A certain parcel of land with the buildings thereon, situated on Willow Avenue, in that part of Haverhill, Essex County Massachusetts, which is called "Ward Hill", consisting of 12.7 acres, more or less, and bounded and described as follows:

By Willow Avenue on the North;  
By land now or formerly of George S. Bailey on the East and South; and  
By land nor or formerly of Charles J. Austin on the West.

Being the same premises conveyed to Robert H. Descheneau and Marilyn M. Descheneau  
By deed of Descheneau, Conner & Conner and recorded with Essex South District  
Registry of Deeds at Book 6277, Page 776.

This conveyance is made subject to and with the benefit of easements and restrictions of record so far as now in force and applicable.

Witness our hand and seal this 15 day of April, 2010.

Marilyn M. Descheneau  
Marilyn M. Descheneau

## THE COMMONWEALTH OF MASSACHUSETTS

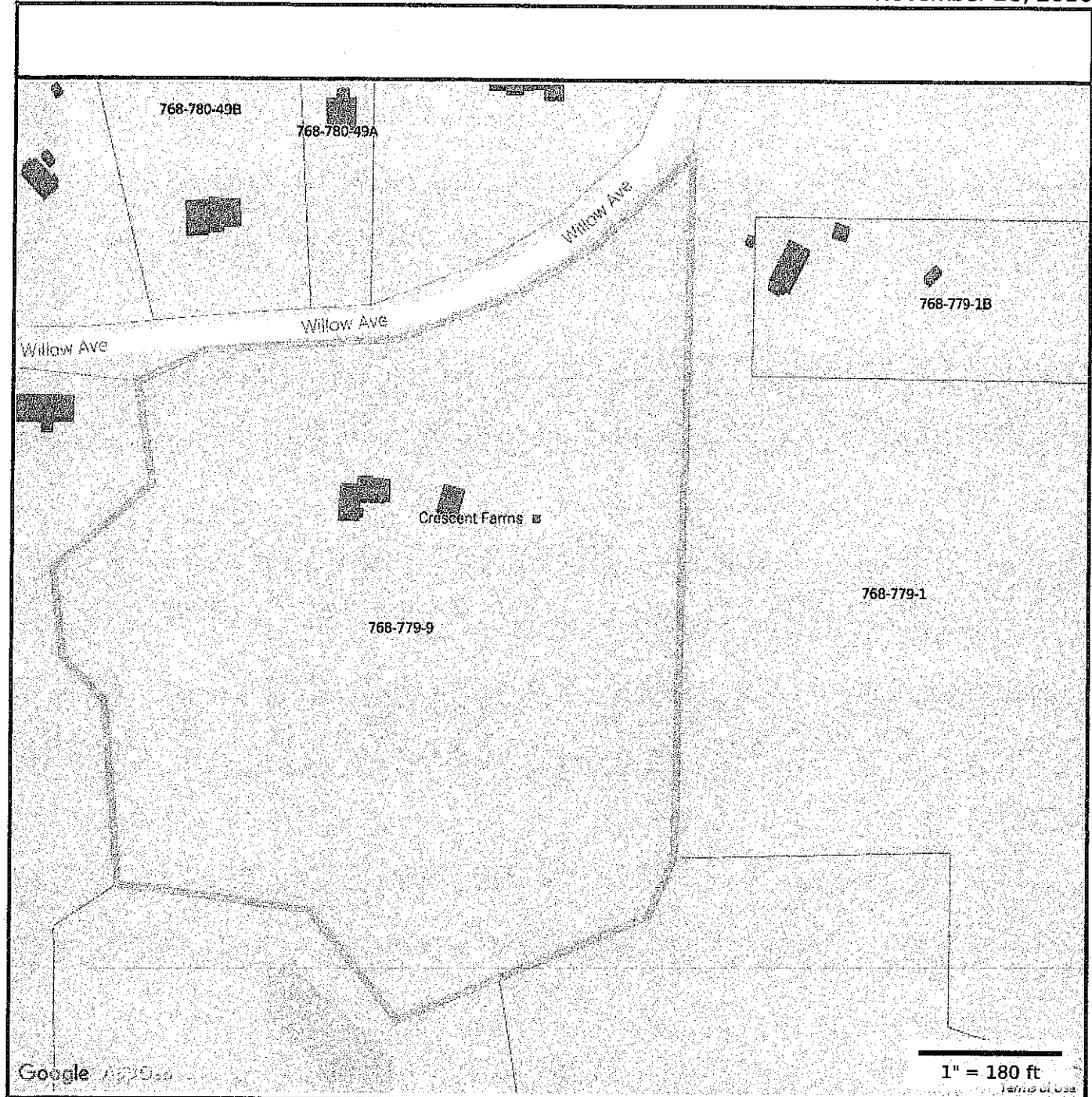
Essex County, ss. April / , 2010

Then personally appeared the above named Marilyn M. Descheneau, to me known and acknowledged the foregoing instrument to be her free act and deed, before me

Lawrence P. Wilder  
Lawrence P. Wilder, Notary Public  
My Commission Expires April 29, 2016

RETURN TO:  
Lawrence P. Wilder  
115 Farwell Road  
Tyngsboro, MA 01879

LOCUS OF PROPERTY: 86 Willow Avenue, Haverhill

**Property Information**

**Property ID** 768-779-9  
**Location** 82 WILLOW AVE  
**Owner** THE MARILYN DESCHENEAU LJV TR



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Haverhill, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated March 1, 2016  
Properties updated March 1, 2016

~~JOHN COMPANY~~  
10 FAMILY TRUST  
7734

WILLOW

49  
320 AC

498  
286 AC

Daniel Dagueau  
49  
210 AC  
150 AC

10 AC

ROBERT H. DESCHENEAU ET AL.

APP. Z

1  
15.25 AC

1B  
237 AC

INDIVIDUAL ALIEN  
WORKS

38  
3.40

793

CITY OF

42  
10.44

39  
0.14

0.24

A CERTIFIED TRUE COPY

ATTESTED TO: *R. W. Herb Esq.*

PURCHASE AND SALE AGREEMENT

1. PARTIES AND PREMISES

Marilyn M. Descheneau, Trustee of the Marilyn M. Descheneau Living Trust, of Haverhill, Massachusetts ("Seller") agrees to sell, and JOHN W. DAVIDOWICZ of Haverhill, Massachusetts, or his nominee, ("Buyer") agrees to buy, upon and subject to the terms and conditions hereinafter set forth, the "Premises" described below:

THAT CERTAIN PREMISES, KNOWN AS 86 WILLOW AVENUE, HAVERHILL, MASSACHUSETTS, AND BEING THE SAME PREMISES CONVEYED TO THE SELLER BY DEED OF MARILYN M. DESCHENEAU, INDIVIDUALLY, AS EXECUTRIX OF THE ESTATE OF ROBERT H. DESCHENEAU AND AS TRUSTEE OF THE ROBERT H. DESCHENEAU AND MARYILYN M. DESCHENEAU JOINT LIVING TRUST DATED APRIL 1, 2010, RECORDED WITH ESSEX SOUTH REGISTRY OF DEEDS BOOK 29401, PAGE 97.

2. TITLE

The Premises shall be conveyed to Buyer or to his nominee by a good and sufficient quitclaim deed conveying a good and clear record and marketable title thereto, free of encumbrances. Buyer shall notify the Seller in writing at least five days prior to the Time of Closing of the name of such nominee and the Buyer shall nevertheless remain fully liable for all of his obligations under this Agreement. Seller will comply with any orders made by the City of Haverhill pursuant to its zoning ordinances.

3. PURCHASE PRICE

The purchase price which Buyers agree to pay to Seller for the Premises shall be Six Hundred Ten Thousand (\$610,000.00) Dollars which shall be paid as follows:

(A) \$ 10,000.00

paid as a deposit on or before the execution of this agreement, receipt of which is hereby acknowledged said deposit to be held by William J. Barron attorney for the Buyer subject to the terms of this agreement;



(B) \$600,000.00

to be paid at the time of delivery of the Deed  
in cash or by certified or bank check or checks  
acceptable to Seller.

\$610,000.00

TOTAL

#### 4. CLOSING DATE

Such Deed is to be delivered and the consideration paid at the Essex South Registry of Deeds, Salem, Massachusetts, or such other place as the parties may agree at 11:00 A.M. on the date set forth in paragraph 11 of this Agreement, (referred to as the "Time of Closing"). Time is of the essence to this Agreement. Neither SELLER, nor their agents or attorney shall be required to attend closing but do agree to facilitate the transaction and ensure that the original SELLER signed Deed, POA and other customary documents are delivered to the closing attorney.

#### 5. POSSESSION

Except as otherwise provided in Paragraph 17 herein, full possession of the Premises, is to be delivered at the Time of Closing.

#### 6. EXTENSION OF TIME

If the Seller shall be unable to give title or to make conveyance or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed as said time may have been extended as provided herein, the premises do not conform with the provisions hereof, then the Seller shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the Seller shall give written notice thereof to Buyers at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. If at the expiration of the extended time the Seller shall have failed so to remove any defects in title, deliver possession, to make the premises conform, as the case may be, all as herein agreed, then, at the Buyer's option, any payments made under this agreement shall be forthwith refunded and all other obligations of all parties hereto shall cease and this agreement shall be void without recourse to the parties hereto. The Buyers shall have the election at either the original

or any extended time for performance to accept such title as the Seller can deliver to the said premises in their then condition and to pay therefor the purchase price without deduction, in which case the Seller shall convey such title. Nothing herein shall require the Seller to expend more than the sum of \$1,500.00

#### 7. ACCEPTANCE BY BUYER

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

#### 8. USE OF PURCHASE MONEY TO CLEAR TITLE

To enable Seller to make conveyance as herein provided, Seller may, at the Time of Closing, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed or that provisions for prompt recording reasonably satisfactory to Buyer's attorney are made at the time of the Closing.

#### 9. ADJUSTMENTS

Seller's proportionate share of expenses for taxes, water, wastewater and other similar charges shall be apportioned as of the Time of Closing and the net amount thereof shall be added to, or be deducted from, as the case may be, the purchase price payable by Buyer at the Time of Closing. In addition, at the time the Seller vacates the premises, there will be further adjustments for such services.

#### 10. BUYERS' REPRESENTATION AS TO BROKER

Buyer and Seller represent that they has dealt with no real estate broker or other person who would be entitled to a commission from the Seller as a result of the transaction contemplated herein.

#### 11. CLOSING DATE

The closing date shall be on or before February 1, 2017, or before that in the event that the Seller, using all due diligence, has received a release of all liens and rights

of first refusal by the City of Haverhill under Massachusetts General Laws, Chapter 61A. In the event Seller has failed to receive such release of liens and rights of first refusal, then Buyer shall have, at his option, the right to extend this Agreement for a period of six months or until Seller has received such releases.

## 12. TITLE

Buyers' obligations hereunder are contingent upon the ability of Buyers to obtain a title insurance policy issued by a title company selected by Buyers and licensed to do business in the State of Massachusetts, insuring Buyers' marketable title subject only to the "usual exceptions"

## 13. MISCELLANEOUS

Buyer is hereby given permission to file for permits to construct dwelling units upon the premises. Seller agrees to cooperate with Buyer's reasonable requests regarding obtaining said permits so long as at no additional obligation or expense to Seller. Notwithstanding anything herein to the contrary, Buyer's obligations under this Agreement are not subject to obtaining any permits.

## 14. ESCROW INTERPLEADER

In the event of any dispute relative to the deposit monies held in escrow, the Escrow Agent may, in his sole discretion, pay said deposit monies into the Clerk of Court of proper jurisdiction in an Action of Interpleader, provide each party with notice thereof at the address recited herein, and thereupon the Escrow Agent shall be discharged from its obligation as recited therein, and each party to this Agreement shall thereafter hold the Escrow Agent harmless in such capacity. Both parties hereto agree that the Escrow Agent may deduct the cost of bringing such Interpleader Action from the deposit monies held in escrow prior to the forwarding of the same to the Clerk of such Court.

## 15. CONVEYANCING STANDARDS

Any matter or practice arising under or relating to this Agreement which is the subject of a title standard or practice standard of the Massachusetts Real Estate Bar Association at the time of the delivery of the deed shall be covered by said title standard or practice standards to the extent applicable.

16. ADDITIONAL PROVISIONS

Marilyn Descheneau (and her current caregiver) shall have the right, without compensation, to live in the existing residential real estate located on the premises for a period of one year from the date of this Agreement. Marilyn Descheneau, for herself, her heirs and assigns, agrees that during said period, the Buyer, his heirs and assigns, shall have the right to take all steps necessary to construct three single family houses upon the premises. In addition, the Seller and Marilyn Descheneau, individually, agrees to cooperate in every reasonable manner in obtaining permits to construct said residences and, cooperate in every other way in obtaining any permits sought by the Buyer, his heirs or assigns, in connection with the sale of the premises, so long as at no additional obligation or expense to Seller.

17. Rider A attached hereto is made a part hereof and incorporated by reference.

THIS INSTRUMENT, executed this      day of December, 2016, to be construed as a Massachusetts contract, is to take effect as a sealed instrument, and sets forth the entire contract between the parties and may be canceled, modified or amended only by a written instrument executed by both Seller and Buyers.

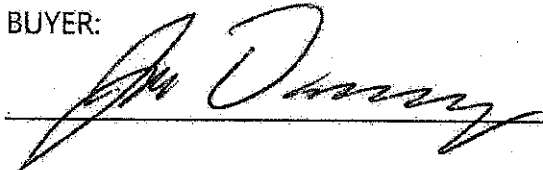
SELLER:

DocuSigned by:

Marilyn M Descheneau

DC6AB7ACE22A4A3

BUYER:

A handwritten signature in black ink, appearing to read "John D. [unclear]", is written over a horizontal line.



**RIDER "A" TO PURCHASE AND SALE AGREEMENT**

30. BUYER warrants, represents and acknowledges to SELLER and agrees that SELLER is relying upon the following: By execution of this Agreement, BUYER acknowledges that BUYER has been provided ample opportunity to conduct any and all inspections of the Premises (either independently or through agents of the BUYER's choice) and/or has fully and knowingly waived the opportunity to fully and completely inspect the Premises, including all improvements thereon, and any and all component parts thereof, desired by the BUYER (and that the SELLER has no responsibility for any failure by the BUYER to fully exercise such inspection rights), including, without limitation, mechanical, structural, groundwater tables, utility systems, all appliances and personal property being conveyed with the Premises as provided in this Agreement, pest, termite, lead paint, asbestos, radon, mold and any hazardous chemicals, materials, or substances, dimensions and area of the Premises, and that BUYER is fully satisfied with the results of same, and accepts the Premises "AS IS", reasonable use and wear thereof excepted, and is not relying upon any representations of the SELLER or SELLER's agents in connection with same and in connection with BUYER's decision to purchase the Premises (other than those specifically set forth in this Agreement), including, without limitation, as to the character, quality, use, value, quantity or condition of the Premises except as expressly set forth herein. BUYER further represents and agrees that the existence of any matter or condition revealed by, or which could have been revealed by, such inspections shall not be deemed to be a default by SELLER under this Agreement. Any statements which may have previously been made by the SELLER, including without limitation in any realtor's/broker's questionnaire or so-called "Seller's Disclosure Statement" or property listing information, if any, are specifically hereby voided and are superseded by this Agreement. BUYER acknowledges and agrees that SELLER shall have no obligation to repair any defect existing on the date of this Agreement. Without intending to limit the generality of the foregoing, SELLER does not warrant or represent that the Premises comply with current municipal, county, state or federal codes, ordinances, statutes, laws, regulations or the like, relating to zoning, building, environmental, health or any involving the maintenance, operation or condition of the Premises. BUYER hereby agrees that SELLER shall have no responsibility or liability for complying with any codes, ordinances, statutes, laws, regulations or the like which relate to lead paint, asbestos, radon, mold, hazardous chemicals, materials, or substances or any requirements that SELLER remove any or all of the same, BUYER hereby assuming any and all such responsibility and liability. SELLER makes no representations concerning the accuracy of any information provided by the realtor(s) or broker(s) unless expressly incorporated into this Agreement. The provisions of this paragraph shall survive the Closing and delivery of the Deed hereunder.
31. All references herein or elsewhere to "the SELLER's actual knowledge" or "to the best of SELLER's knowledge" or words of similar import are agreed to mean the SELLER's current actual knowledge and are not intended to imply or create any obligation for the SELLER to take additional actions or elsewhere including but not limited to documents to be executed in conjunction with the closing.
32. **LIMITED POWER OF ATTORNEY FOR EXTENSIONS:** By executing this Agreement, the BUYER and SELLER hereby grant to their attorneys the actual authority to bind them for the limited purpose of allowing them to grant extensions and providing any notice(s) hereunder, and the SELLER and BUYER shall be able to rely upon the signatures of said attorneys as binding unless they have actual knowledge that the principals have disclaimed the authority granted herein to bind them.
33. **NOTICE**  
Any notice, demand or other communication required or permitted under this Agreement shall be deemed sufficient if delivered in hand or mailed postage prepaid by certified mail, return receipt.

requested, or sent by recognized national overnight carrier, or sent by facsimile or email with confirmation of transmission, addressed either to the attorneys hereinafter specified. Notice shall be deemed to have been given effective upon the delivery or upon the placing of the notice into the mails (as reflected by the date endorsed on the certified mail receipt provided same is a post-office endorsement thereof and not one affixed by Sender) or if sent via facsimile or email, when transmitted, as evidenced by a transmission report containing a remote statement identification and confirmation of the time of such transmission and the pages sent, unless "receipt" by a date certain is otherwise specified in a particular provision of this agreement.

SELLER's Attorney:  
Shivani Shah, Esq.  
Hurley Shah LLP  
2 Haven Street, Suite 204  
Reading, MA 01867  
t: 781.942.1800 f: 781.942.1820  
email: sshah@hurlevshah.com

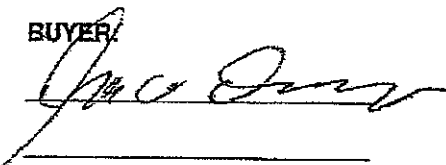
BUYER's Attorney:  
William J. Barron, Esq.  
LaFlamme, Barron & Chabot  
114 Kenoza Avenue  
Haverhill, MA 01830  
Tel. >978/521-4737  
Fax >978/373-6859  
wbarron@havlav.com  
harthur@havlav.com

34. This Agreement may not be assigned or recorded by the BUYER without the prior written consent of the SELLER and any recordation by BUYER (including a recording of notice hereof) or purported assignment by BUYER in violation of this paragraph shall be considered a default by BUYER under this Agreement, whereupon all deposits hereunder shall be paid to the SELLER with interest thereon and shall become the SELLER's property and this Agreement shall terminate without further recourse to the Parties hereto. This provision is not in derogation of the BUYER's rights under paragraph four (4) to designate a nominee to take title.
35. All of SELLER's representations under this Agreement are to the SELLER's actual knowledge, and without conducting any independent investigation or inquiry and are not intended to imply or create any obligation for the SELLER to take additional actions or more further inquiry with regard to any topics contained within this Agreement or elsewhere, including but not limited to, documents, to be executed in conjunction with the Closing; furthermore, it is acknowledged and agreed by the Parties that any such representations shall not constitute a representation or warranty against the existence of such conditions about which SELLER has no knowledge, nor a representation or warranty against the discovery or occurrence of such conditions. The provisions of this paragraph shall survive the Closing and delivery of the Deed hereunder.
36. All offers and agreements made prior to this Agreement, including, without limitation, the memorandum executed by the Parties hereto, entitled "Offer to Purchase Real Estate" ("Offer"), are hereby superseded, rendered null and void and shall have no further force and effect. It being the intent of the Parties that all obligations of the Parties are contained only in this Agreement.

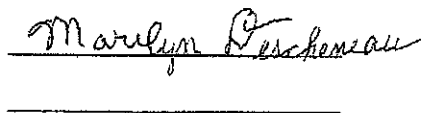
37. BUYER shall maintain insurance on the Property/Premises from closing date through when SELLER terminates occupancy.

The above provisions supplement and amend the Purchase and Sale Agreement attached hereto and incorporated by reference herein, and are included within said Agreement for all purposes. In the event that any of the terms or conditions of this Rider conflict with the Purchase and Sale Agreement or any Riders or Addendums thereto, this Rider shall supersede and control.

BUYER:

  
\_\_\_\_\_

SELLER:

  
\_\_\_\_\_

120/2016

Heavy Feb 7 2017

**Robert D. Harb**

ATTORNEY AT LAW  
17 WEST STREET  
HAVERHILL, MASSACHUSETTS 01830

120/2016  
TEL: (978) 373-5611  
FAX: (978) 373-7441  
EMAIL: [bobharb@aol.com](mailto:bobharb@aol.com)

Of Counsel

Alfred J. Cirome

# 125.00

6.11

December 9, 2016

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

Re: APPLICATION OF STEPHEN FRANCIOSA FOR A SPECIAL PERMIT  
TO BUILD A SINGLE FAMILY RESIDENCE  
WITHIN 500 FEET OF ROUND POND-\$255-90

UNNUMBERED LAWRENCE ST. & UNNUMBERED MARSHLAND ST.  
Being a Portion of Haverhill Assessor's Map 624 Block 546 Lots 1 and 18.  
Also being shown as Lot 2 on Recorded Plan Book 455 Plan 67 and as  
Lot 2 on Special Permit Plan Filed herewith

To the Haverhill City Council:

Application is hereby made for the issuance of a Special Permit in accordance with the Haverhill Zoning Ordinance (Chapter 255 Section 90) to build a single family residence within 500 feet of Round Pond.

The proposed use, a single family house with related appurtenances, will not have an adverse effect on the public water supply. The proposed use is allowed by the Zoning Ordinance subject to the requirement of obtaining this Permit.

As the Special Permit Plan indicates:

- a) the property is not located in the Watershed Protection District;
- b) the property is separated from Round Pond(aka Lake Pentucket) by Lawrence Street;
- c) the proposed home will be 130 feet from the Lake; and
- d) there are not any wetland resource areas on the site.

The Haverhill Conservation Commission voted 5-0 to approve this project with conditions. Filed with this Application is are copies of the Conservation Letter of Approval and their issued Order of Conditions for this project.

1/20/2016  
This Application is also accompanied by:  
Formal Application in Duplicate signed by the Building Inspector;  
30 sets of the Special Permit Plan;  
10 sets of the Building Plans;  
Consent of Owner to File Petition;  
30 copies of recorded Form A Plan; and  
the required \$125.00 filing fee.

Applicant respectfully requests the Council to: find that the proposed building does not have an adverse impact on the public water supply; and to Approve this Application for a Special Permit to build a single family residence within 500 feet of Round Pond, subject to the Order of Conditions issued by the Haverhill Conservation Commission and the conditions set forth therein.

Applicant waives the 65 day hearing requirement.

Respectfully submitted,



Robert D. Harb, Attorney for Applicant Stephen Franciosa

I-city-franciosa-sp-water supply

IN CITY COUNCIL: December 20 2016  
VOTED: that COUNCIL HEARING BE HELD:  
FEBRUARY 7 2017  
Attest:

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



# Haverhill

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

February 3 2017

**To:** City Councillors  
**From:** City Clerk's Office  
**Re:** *Application*- Petition from Attorney Robert Harb  
for Stephen Franciosa for a Special Permit

*Project Reference* - Build a single family  
residence within 500' of water supply - Round  
Pond; Assessor's Map 624, Block 546, Lots 1 & 18 &  
Lot 2, Book 455, Plan 67 & Lot 2 on Special Permit  
Plan filed

*Street Location* - Unnumbered Lawrence st &  
Unnumbered Marshland st

**\*Public Hearing-Tuesday, February 7 2017**

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



# Haverhill

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

---

## REQUEST FOR COMMENT

---

TO: BOARD OF HEALTH CHAIRMAN & MEMBERS  
BUILDING INSPECTOR - Richard Osborne  
CITY ENGINEER - John Pettis  
CONSERVATION COMMISSION CHAIRMAN & MEMBERS  
HIGHWAY SUPERINTENDENT - Michael Stankovich  
PLANNING DIRECTOR - William Pillsbury  
WASTEWATER/WATER ENGINEER - Robert Ward  
FIRE DEPARTMENT - William Laliberty  
POLICE DEPARTMENT- Alan DeNaro  
SCHOOL SUPERINTENDENT - James Scully

FROM: CITY CLERK: Linda L Koutoulas  
DATE: January 17 2017

RE: **Application**- Petition from Attorney Robert Harb for  
Stephen Franciosa for a Special Permit

**Project Reference** - Build a single family residence  
within 500' of water supply - Round Pond; Assessor's Map  
624, Block 546, Lots 1 & 18 & Lot 2, Book 455, Plan 67 &  
Lot 2 on Special Permit Plan filed

**Street Location** -Unnumbered Lawrence st & Unnumbered  
Marshland st

*\*Please send reports to the City Clerk, Room 118  
by Monday, January 30 2017*

**The public hearing of the City Council is  
scheduled for TUESDAY, February 7 2017**



# Haverhill

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

DATE: February 3, 2017

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

FROM: William Pillsbury, Economic Development and Planning Director

**RE: Special permit—Unnumbered Lawrence Street/unnumbered  
Marshland Ave.**

The applicant has requested a special permit to build within 500 feet of  
a water supply.

The city departments reviewed the modification request, and no  
objections were received.

As Planning Director I recommend approval of the special permit as  
presented.

Thank you for your attention to this matter.

**RECOMMENDATION: Approve the special permit as proposed.**





# Haverhill


Economic Development and Planning

Conservation Department

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

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

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

MEMO TO: Linda L. Koutoulas, City Clerk  
FROM: Robert E. Moore, Jr., Environmental Health Technician   
DATE: January 18, 2017  
RE: Special Permit for Construction within 500' of Round Pond (Lake Pentucket)  
Stephen Franciosa for Lawrence Street – Parcel IDs: 624-546-1 and -18

The Conservation Commission conducted a public hearing in November and subsequently voted to approve this project under its regulations. The details of this review and the issued Order of Conditions are included within the circulated application materials. Please note, since my December 5<sup>th</sup> communication to the applicant, the appeal period for the Order has elapsed with no appeals. The Order of Conditions is now final.

C (via email): Barbara Arthur, City Council Clerk  
Robert Ward, Deputy DPW Director, Water/Wastewater Divisions  
William Pillsbury, Economic Development and Planning Director  
Attorney Robert Harb

12/20/2016  
APPLICATION FOR SPECIAL PERMIT TO BUILD WITHIN 500 FEET  
OF WATER SUPPLY

This application must be typewritten, filed in duplicate and  
accompanied by a plan of the affected premises

December 8

20 16  
Heavy Feb 7 2017

To the City Council of the City of Haverhill

The undersigned petitions the City Council for a special permit to build  
within 500 feet of a water supply.

APPLICANT Stephen Franciosa 10 Merrimac Street, Seabrook, NH 03874  
Full Name Address

OWNER Carlo Bracci 81 Hamilton Ave., Haverhill, MA 01830  
Full Name Address

1. LOCATION OF PREMISES Unnumbered Lawrence Street & Unnumbered Marshland Street
2. ASSESSORS PLAT Portion of Map 624 Block 546 Lots 1 & 18
3. DIMENSIONS OF LOT 80' 130' 10,155SF  
Frontage Depth Square Feet
4. ZONING DISTRICTS IN WHICH PREMISES ARE LOCATED RH
5. HOW LONG HAVE YOU OWNED ABOVE PREMISES? Under Agreement
6. HOW MANY BUILDINGS ARE NOW ON THE LOT? None
7. GIVE SIZE OF EXISTING BUILDING N/A  
PROPOSED BUILDING 42' x 28' + Deck
8. STATE PRESENT USE OF PREMISES Vacant lot
9. STATE PROPOSED USE OF PREMISES Single family dwelling
10. GIVE EXTENT OF PROPOSED ALTERATIONS construct a single family dwelling

11. STATE REASONS FOR SPECIAL PERMIT -Building Within 500 feet of a water supply  
(Round Pond) 255-90

No application will be acted upon unless the application has been reviewed  
by the Building Inspector and all other requirements completed.

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

Fee \$125.00

Stephen Franciosa  
by Robert H. Healy  
Signature

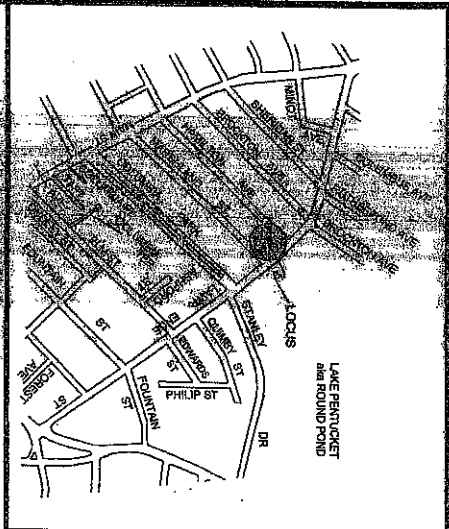
10 Merrimac St., Seabrook, NH 03874

Address

978-361-7078

Phone No.

  
Building Inspector



**LOCUS MAP**  
SCALE 1/4" = 100' TO SCALE

**ASSESSOR'S REFERENCE**

MAP 800 BLOCK 546 LOT 1  
MAP 800 BLOCK 546 LOT 2  
MAP 800 BLOCK 546 LOT 3

**REFERENCE DEEDS**

1. MAP 800 BLOCK 546 LOT 1  
2. MAP 800 BLOCK 546 LOT 2  
3. MAP 800 BLOCK 546 LOT 3

**REFERENCE PLANS**

1. MAP 800 BLOCK 546 LOT 1  
2. MAP 800 BLOCK 546 LOT 2  
3. MAP 800 BLOCK 546 LOT 3

**ZONING**

MAP 800 BLOCK 546 LOT 1  
MAP 800 BLOCK 546 LOT 2  
MAP 800 BLOCK 546 LOT 3

**DEEDS AND RECORDS**

MAP 800 BLOCK 546 LOT 1  
MAP 800 BLOCK 546 LOT 2  
MAP 800 BLOCK 546 LOT 3

**APPROVAL UNDER THE SUBDIVISION CONTROL ACT REQUIRED**

MAP 800 BLOCK 546 LOT 1  
MAP 800 BLOCK 546 LOT 2  
MAP 800 BLOCK 546 LOT 3

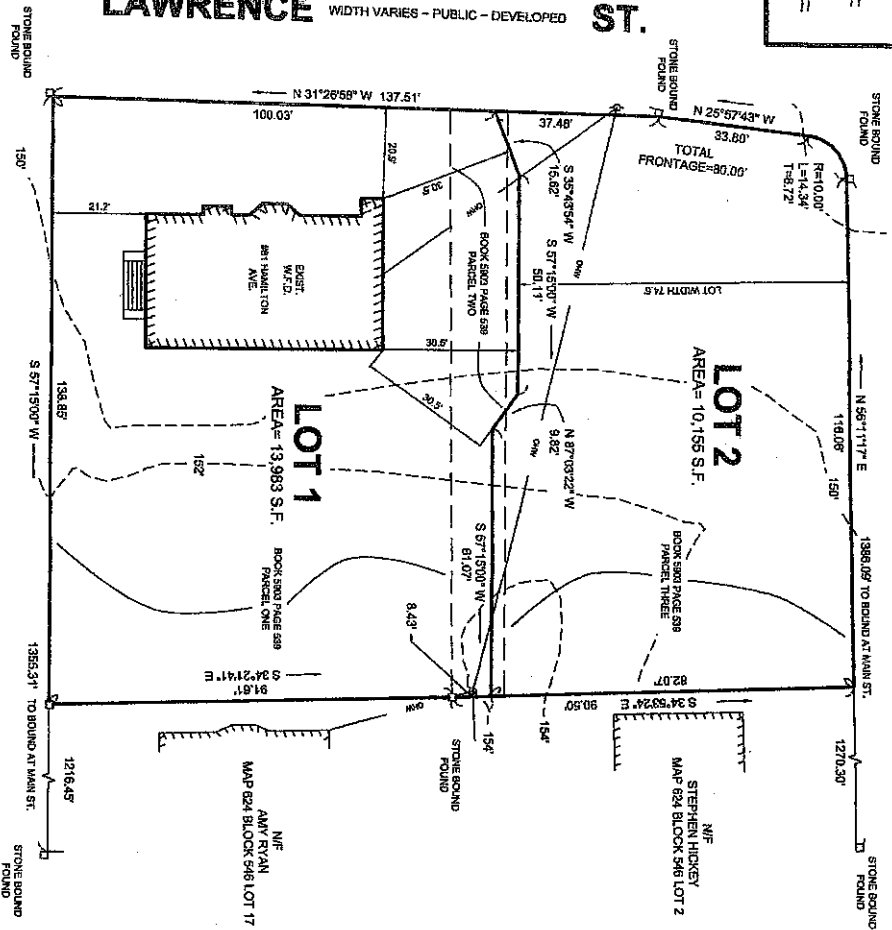
MAP 800 BLOCK 546 LOT 1  
MAP 800 BLOCK 546 LOT 2  
MAP 800 BLOCK 546 LOT 3

**MARSHLAND ST.**

50' WIDE - PUBLIC - DEVELOPED

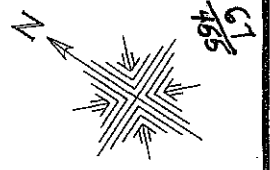
**LAWRENCE ST.**

WIDTH VARIES - PUBLIC - DEVELOPED



**HAMILTON AVE.**

50' WIDE - PUBLIC - DEVELOPED



**NOTES**

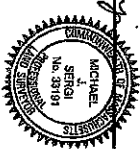
1. THE TOPOGRAPHY SHOWN ON THIS PLAN IS TAKEN FROM RECORDS ON FILE AT THE HAVERTHILL ENGINEERS OFFICE. IT IS TO BE USED FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE ENGINEER'S OFFICE SHALL NOT BE RESPONSIBLE FOR ANY OTHER PURPOSE.

I CERTIFY THAT NO NEW RIGHT OF WAY LINES ARE BEING CREATED BY THIS PLAN AND THAT RIGHT OF WAY LINES SHOWN ARE AS EXISTING AND ARE NOT CHANGED OR ALTERED BY THIS PLAN.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE LAND AREA AND FRONTAGE SHOWN IS IN CONFORMANCE WITH THE HAVERTHILL REGULATIONS GOVERNING SUBDIVISION OF LAND SECTION II PART B.

I CERTIFY THAT THIS PLAN IS IN CONFORMANCE WITH THE HAVERTHILL REGULATIONS GOVERNING SUBDIVISION OF LAND SECTION II PART B.

MICHAEL J. SERGI P.L.S.  
DATE 7/19/12



**PLAN OF LAND  
LOCATED IN  
HAVERHILL, MA.**

RECORD OWNER &  
APPLICANT

CARLO J. BRACCI.

81 HAMILTON AVE., HAVERHILL, MA.  
DATE: JULY 19, 2016  
SCALE: 1" = 20'



PROFESSIONAL ENGINEERS & LAND SURVEYORS  
**CHRISTIANSEN & SERGI, INC.**  
160 SUMNER STREET, HAVERHILL, MASSACHUSETTS 01830  
WWW.CSI-ENG.COM TEL. 978-372-0310 FAX. 978-372-3880

FOR REGISTRAR USE ONLY

PLAN BOOK 555 PLAN 67

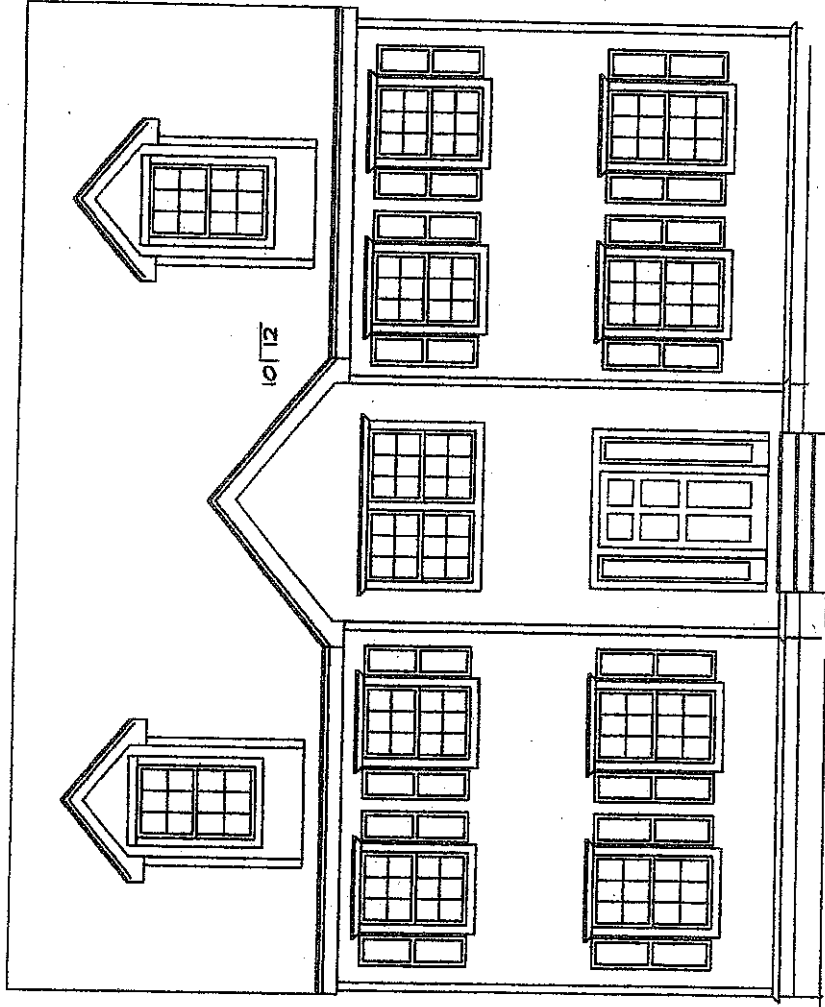
FILED IN THE OFFICE OF THE REGISTRAR

RECEIVED SEPTEMBER 8, 2016

DATE 9/13/2016

SIGNATURE [Signature]

DATE [Signature]



FRONT ELEVATION



2016DEC08W111447.CITYC

PROPOSED NEW CONSTRUCTION  
LOT 2

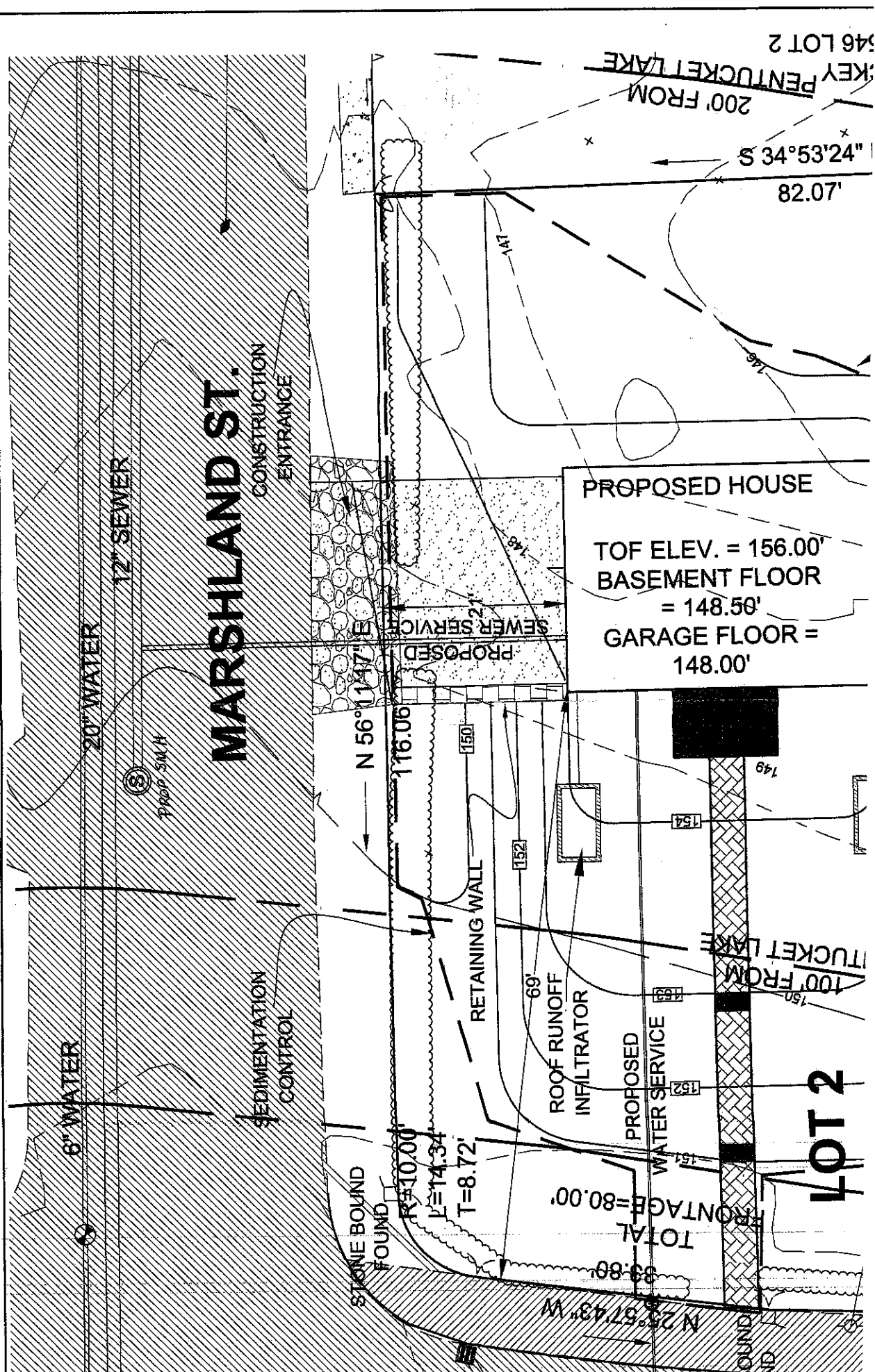


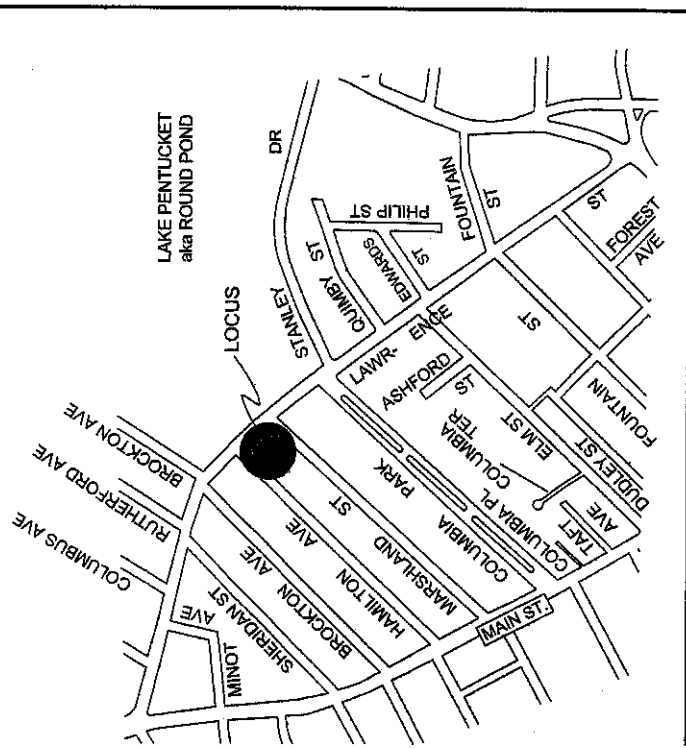


## SECOND FLOOR PLAN



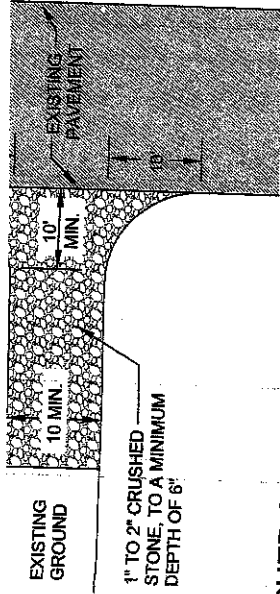
PROPOSED NEW CONSTRUCTION  
- - LOT 2  
HAVERHILL, MA.







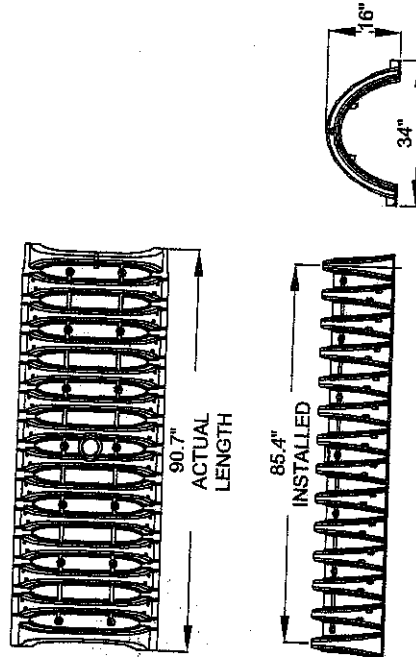
NOT TO SCALE



## CRUSHED STONE CONSTRUCTION ENTRANCE

NOT TO SCALE

THE CRUSHED STONE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO THE ADJACENT ROADWAY.



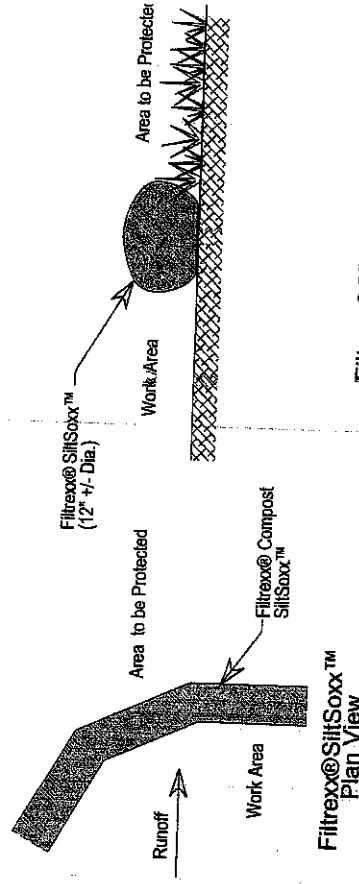
NOMINAL CHAMBER SPECIFICATIONS  
 SIZE (W x H x INSTALLED LENGTH)  
 MINIMUM INSTALLED STORAGE  
 WEIGHT

34.0" x 16.0" x 85.4"  
 31.0 CUBIC FEET  
 35 LBS.

FOR STORMTECH  
 INFORMATION CALL 1-888-892-2694

**STORMTECH SC-310**

NOT TO SCALE



Filtrexx@SiltSoxx™  
 Plan View

Filtrexx@SiltSoxx™ Section

## SEDIMENTATION CONTROL DETAIL

Notes:

1. All material to meet Filtrexx@ specifications.
2. SiltSoxx™ compost/soil/rock/seed fill to meet application requirements.
3. SiltSoxx™ depicted is for minimum slopes. Greater slopes may require larger socks per the Engineer.
4. Compost material to be dispersed on site, as determined by the Environmental Monitor.



# **SITE PLAN**

SCALE: 1" = 10'



ZONING DISTRICT RU

AREA = 9,000 S.F.  
FRONTAGE = 80'  
FRONT SETBACK = 20'  
SIDE SETBACK = 10'  
REAR SETBACK = 30'

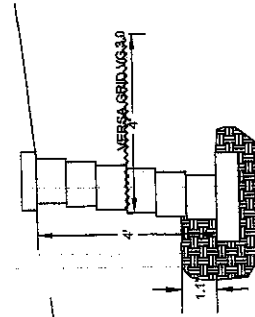
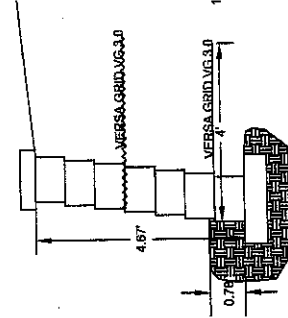
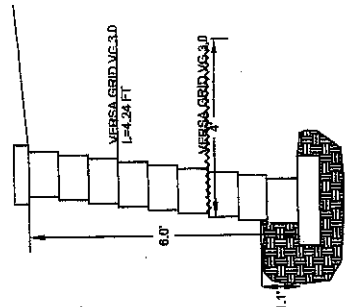
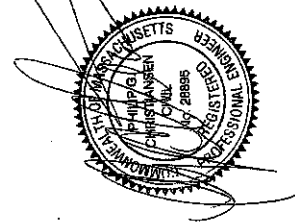
5. THREE THOUSAND SQUARE FEET OF THE LOT IS WITHIN 100 FEET OF THE LAKE.
6. DRAINAGE IS TO THE WEST AWAY FROM THE LAKE
7. SITE SOIL IS A SUTTON FINE SANDY LOAM
8. THE PROPERTY IS NOT WITHIN AN ESTIMATED OR PRIORITY HABITAT.

- NOTES:
1. THE PROPERTY IS NOT LOCATED WITHIN THE WATERSHED PROTECTION DISTRICT.
  2. THE LOT IS WITHIN 60 FEET OF THE EDGE OF THE LAKE THERE IS A 50 FT WIDTH OF PAVEMENT WITHIN THAT AREA
  3. THE PROPOSED HOUSE IS 130 FEET FROM THE LAKE
  3. THERE AREN'T ANY WETLAND RESOURCE AREAS ON SITE
  4. THE ENTIRE LOT IS WITHIN 200 FEET OF THE LAKE

**ASSESSORS REFERENCE:**  
MAP 624 BL 546 LOT 1

**SPECIAL PERMIT PLAN**  
FOR  
**LAWRENCE STREET - LOT 2**  
IN  
**HAVERHILL, MASS.**  
PREPARED FOR:  
**JOSEPH FRANCIOSA**

10 MERRIMAC STREET  
SEABROOK NH 03874  
TELEPHONE: 978-476 1100  
DATE: SEPTEMBER 19, 2016



**RETAINING WALLS**



PROFESSIONAL ENGINEERS & LAND SURVEYORS  
**CHRISTIANSEN & SERGI, INC.**  
160 SUMMER ST. HAVERHILL, MA. 01830 WWW.CSI-ENGR.COM  
TEL. 978-373-0310 FAX. 978-372-3960 COPYRIGHT 2016

DWG. NO. 16034004



14.3

# Haverhill

Economic Development and Planning

Conservation Department

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

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

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

December 5, 2016

Joseph Franciosa  
10 Merrimack Street  
Seabrook, NH 03874

RE: Conservation Commission Report - Haverhill City Code §255-90, Building Near Water Supply  
Joseph Franciosa for Lawrence Street -- Parcel ID: 624-546-1  
Single-Family House Construction

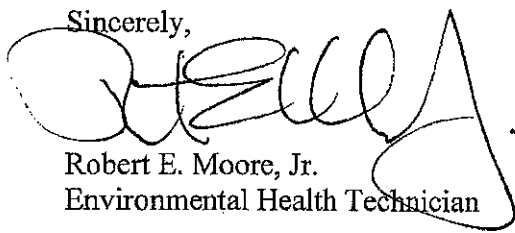
Dear Mr. Franciosa:

The Conservation Commission received your Notice of Intent application for the subject project on November 2, 2016. This project includes the construction of a single-family house with related appurtenances on a 10,155sf lot. The lot will be accessed from a new driveway off Marshland Street. The house will be serviced with municipal drinking water and sewer. Work is proposed within the 100'-Buffer Zone of the bank of Lake Pentucket (aka "Round Pond"), one of the City's potable water supplies. The lot currently exists as the backyard for the lot owners' abutting residence at 81 Hamilton Avenue (Bracci). The lot is separated from the lake by the developed Lawrence Street R.O.W. and is outside of the lake's watershed.

The Commission conducted its public hearing for this project during its November 17<sup>th</sup> meeting. At the November 17<sup>th</sup> meeting, the Commission closed the public hearing and voted 5-0 to approve this project with conditions. Under this cover, the Commission issues the Order of Conditions approving this project under the MA Wetlands Protection Act and the City's wetlands protection ordinance.

Copies of this communication and the Order should be provided to the City Council as part of your special permit application to document the Commission's actions, recommendations, and approval on this matter.

Sincerely,

  
Robert E. Moore, Jr.  
Environmental Health Technician

e-C: Robert Ward, Deputy DPW Director, Water/Wastewater Divisions  
John D'Aoust, Water Treatment Plant Manager



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
33-1407  
MassDEP File #  
eDEP Transaction #  
Haverhill  
City/Town

## A. General Information

**Please note:**  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

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



1. From: Haverhill  
Conservation Commission
2. This issuance is for  
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:

Joseph Franciosa  
a. First Name b. Last Name

10 Merrimack Street  
c. Organization  
d. Mailing Address

Seabrook NH 03874  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Carlo Bracci  
a. First Name b. Last Name

81 Hamilton Avenue  
c. Organization  
d. Mailing Address

Haverhill MA 01830  
e. City/Town f. State g. Zip Code

5. Project Location:

Lawrence Street Haverhill  
a. Street Address b. City/Town

Parcel ID: 624-546-1  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: N 42d 47m 12s W 71d 04m 35s  
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:  
33-1407  
MassDEP File #

eDEP Transaction #  
Haverhill  
City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Southern Essex District
- |           |  |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 5903      | 539  |
| c. Book   | d. Page                                    |
7. Dates:      November 2, 2016      November 17, 2016      December 5, 2016  
                 a. Date Notice of Intent Filed      b. Date Public Hearing Closed      c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
See Attachment "A", "Special Conditions", incorporated herein and made part of this Order of Conditions.
- |                                      |                          |
|--------------------------------------|--------------------------|
| b. Prepared By                       | c. Signed and Stamped by |
| d. Final Revision Date               | e. Scale                 |
| f. Additional Plan or Document Title | g. Date                  |

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- |   |  |   |
|---|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply  | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries                 | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply   | h. <input checked="" type="checkbox"/> Storm Damage Prevention   | i. <input checked="" type="checkbox"/> Flood Control                  |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

33-1407

MassDEP File #

eDEP Transaction #

Haverhill

City/Town

**B. Findings (cont.)**

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 44  
a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BWV

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on December 5, 2019, unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.





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**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            33-1407            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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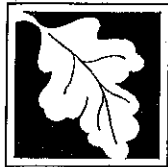
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See Attachment "A", "Special Conditions", incorporated herein and made part of this Order of Conditions.**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Haverhill hereby finds (check one that applies):  
Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

An Ordinance to Protect the Wetlands, Related Water Resources and  
Adjoining Land Areas

Chapter 253

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attachment "A", "Special Conditions", incorporated herein and made part of this Order of Conditions.



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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

December 5, 2016

1. Date of Issuance

five

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Madeline Moroney Tom Wyle  
Chris Accardi  
Adam Brand Baerlach

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

December 5, 2016

Date

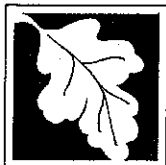
Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Haverhill

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Haverhill

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Lawrence Street - Parcel ID: 624-546-1

Project Location

33-1407

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Southern Essex District

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



# Haverhill

Economic Development and Planning  
Conservation Department  
Phone: 978-374-2334 Fax: 978-374-2366  
[rmoore@cityofhaverhill.com](mailto:rmoore@cityofhaverhill.com)  
[conservation@cityofhaverhill.com](mailto:conservation@cityofhaverhill.com)

## ATTACHMENT A: SPECIAL CONDITIONS

**MassDEP FILE #33-1407**

**ISSUING AUTHORITY:** Haverhill Conservation Commission ("HCC")

**APPLICANT:** Joseph Franciosa

**PROJECT LOCATION:** Lawrence Street - Parcel ID: 624-546-1

### PROJECT DESCRIPTION

The Applicant proposes to construct a single-family house with related appurtenances on a 10,155sf lot. The lot will be accessed from a new driveway off Marshland Street. The house will be serviced with municipal drinking water and sewer. Work is proposed within the 100'-Buffer Zone of the bank of Lake Pentucket (aka "Round Pond"), one of the City's potable water supplies. The lot currently exists as the backyard for the lot owners' abutting residence at 81 Hamilton Avenue. The lot is separated from the lake by the developed Lawrence Street R.O.W. and is outside of the lake's watershed.

### RESOURCE AREA FINDINGS

The Haverhill Conservation Commission finds this site to contain, at a minimum, the following resource areas: buffer zone to bank. Under local ordinance, the buffer zone from the lake's bank is extended from 100' out to 200'

### EXPIRATION DATE

Unless extended, this Order of Conditions ("OOC") will expire December 5, 2019.

### PLANS AND DOCUMENTS

Work on this project site shall be performed according to the following listed plans and documents on file with the HCC. Should any conflicts be found to exist between these plans and documents and the conditions of this OOC, the HCC shall be contacted for a clarification.

- a) "Notice of Intent Plan for Lawrence Street – Lot 2" (1 Sheet), site plan prepared by Christiansen & Sergi, Inc. (160 Summer Street, Haverhill, MA 01830), dated revised November 9, 2016.



**Pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40), its Regulations (310 CMR 10.00), and Haverhill City Code Chapter 253 ("An Ordinance to Protect the Wetlands, Related Water Resources and Adjoining Land Areas"), the Commission orders that all work shall be performed in accordance with the following additional, special conditions:**

**GENERAL CONSTRUCTION**

21. The HCC may designate one or more Conservation Department Officials as its agent ("HCC Official"), with full powers to act on its behalf in administering and enforcing this OOC.
22. Work on this project shall be performed in accordance with Haverhill Municipal Ordinances Chapter 253 – "An Ordinance to Protect the Wetlands, Related Water Resources, and Adjoining Land Areas".
23. In accordance with Haverhill Municipal Ordinance Chapter 253, there shall be no activities allowed within 35' of the delineated wetland resource areas and no building construction within 75' of these same areas, except as shown on the approved plans referenced above.
24. All wetland resource areas shall be visibly flagged and/or staked every 25 feet along the resource area boundaries in order to assure that no intrusion into these areas occur. Flagging and staking used to identify wetland resource areas shall be of a color different from any others used on the site and shall be maintained until the work is complete.
25. The rows of erosion control devices, as shown on the site plan, shall also act as a limit of site activity.
26. The MassDEP File Number sign shall not be attached to a live tree.
27. Any changes proposed under this OOC might require the Applicant to file a "Request for a Modification to the Order of Conditions" with the HCC.
28. During the life of this Order, should any modifications to the wetland delineations be found to be necessary by the HCC, the applicant shall submit a modified plan reflecting these modifications.
29. While all activities regulated by this Order are being performed and during the construction phase of this project, an on-site foreman, directing engineer, or designated construction manager, shall have a copy of this permit and its associated plans and documents at the site, familiarize him or herself with the conditions of this permit, and adhere to such conditions. This OOC shall be made part of all construction-related documents for this project. All contractors working at the site shall be made aware of the provisions contained within this OOC and adhere to them.

**CONSTRUCTION SEQUENCING**

30. A minimum of two (2) business days in advance, the Applicant shall provide the HCC with written notification of the commencement of work on site. At this time the Applicant shall also supply the HCC with a list of names, addresses, and emergency phone numbers (including evenings and weekends) for those parties responsible for compliance with this OOC on the site, including the Pollution Prevention and Erosion and Sedimentation Control ("PPESC") Monitor.

31. Prior to the commencement of work on this site, the Applicant shall schedule a pre-construction meeting with the site contractor, the Applicant's engineers/consultants, the PPESC Monitor, and the HCC. The purpose of the meeting is to review this OOC and resolve any outstanding issues at that time.
32. Prior to the installation of the house foundation, the Applicant's engineer shall conduct soil test pit evaluations to ensure the cellar floor elevation is set above the estimated seasonal high groundwater elevation. This groundwater elevation and the cellar floor elevation shall be identified on the as-built plans required under this OOC.
33. Prior to the issuance of a building ("framing") permit for the house, the applicant shall provide the HCC with an interim as-built plan showing the installed foundation, limit of work, and resource area locations, all as they pertain to the subject property. This plan shall be drawn at a scale equal to that of the approved site plan and shall demonstrate compliance with the approved limits of activities. This plan shall be stamped by a MA-registered Land Surveyor or Professional Engineer. This plan shall be subject to the review and approval of the HCC.
34. Prior to the issuance of an occupancy permit for this project, the Applicant shall provide the HCC with an as-built grading plan showing, at a minimum, the following information as it pertains to the subject property. This plan shall be stamped by a MA-registered Professional Engineer. This plan shall be subject to the review and approval of the HCC.
  - a) Wetland resource areas subject to protection under this OOC and their approved delineations;
  - b) Limits of all Buffer Zones, including No-Disturbance and No-Build Zones;
  - c) Structures (e.g. houses, garages, retaining walls, decks...);
  - d) Topography at 2' intervals and on North American Vertical Datum 1988;
  - e) Existing limits of lawn/landscaped, forest, and meadow areas;
  - f) Roof runoff recharge systems with seasonal high groundwater elevation, foundation drains, and/or other site drainage features;
  - g) Utilities;
  - h) Date(s) of survey fieldwork; and
  - i) A statement by the Professional Engineer certifying compliance with the approved plans and conditions of this OOC and setting forth deviations from same, if any exist.
35. Prior to the issuance of an occupancy permit for the house, the Applicant shall provide the HCC with an affidavit, signed by the House Buyer and notarized by a MA Notary Public, whereby the Buyer acknowledges:
  - a) Receipt of a copy of the recorded OOC from the Applicant;
  - b) Receipt of a plot plan identifying the locations of wetland resource areas and existing structures on this land from the Applicant;
  - c) Understanding of his/her terms of and legal responsibilities for implementing these documents.
36. Prior to the issuance of an occupancy permit for the house, the Applicant shall effectively stabilize the site to the approval of the HCC.

**CONSTRUCTION PERIOD EROSION, SEDIMENTATION, AND POLLUTION PREVENTION**

37. The Applicant, site contractor, and their assigns shall implement Construction Period Pollution Prevention and Erosion and Sedimentation Control ("PPESC") measures from the commencement of work until the site

is fully and permanently stabilized and the temporary erosion and sedimentation controls are removed, upon HCC approval.

38. The Applicant shall designate a PPESC Monitor for the site. This Monitor shall be a professional with experiences in PPESC practices. This Monitor shall inspect PPESC devices on a daily basis for proper function and maintenance, including the proper disposal of waste products. This Monitor shall immediately arrange for the maintenance, replacement, augmentation, emergency placement, and any other corrective action of PPESC devices on site. Areas of construction shall remain in a stable condition at the close of each day. The Applicant shall give this Monitor authority to stop construction for PPESC purposes.
39. All vegetation cutting associated with the construction of this project shall be subject to the prior review and approval of the HCC. Prior to the commencement of work, the Applicant's surveyor shall stake out, flag, or mark by other appropriate means, the locations of the approved limits of cutting and the locations of the proposed PPESC devices for inspection by the site contractor, PPESC Monitor, and the HCC. The commencement of vegetation cutting work shall be contingent upon the approval of the HCC at that time.
40. Prior to the commencement of work, the Applicant shall install the initial PPESC devices. The Applicant shall schedule an inspection of the installed devices by the site contractor, PPESC Monitor, and the HCC. Should any of these devices be considered insufficient, the PPESC Monitor shall immediately propose augmentation or other corrective measures to address areas of concern. The continuation of on-site work shall be contingent upon HCC approval of the devices at that time.
41. An adequate stockpile of PPESC materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, straw bales, stone-riprap, filter dikes or any other devices planned for use during construction.
42. PPESC devices may be modified based on experience at the site. Approval of the HCC must be obtained prior to any non-emergency modification of the approved PPESC measures.
43. The HCC reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion or any noticeable degradation of surface water quality discharging from the site.
44. The locations of long term (greater than 30 days) stockpiles and the locations and construction methods of temporary construction entrances, if not addressed in the Construction Period PPESC Plan, shall receive the prior approval of the PPESC monitor and the HCC.
45. During all phases of construction, all disturbed or exposed soil surfaces shall be brought to final finished grade and either a) covered with loam and seeded in accordance with the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas (or equivalent document) for permanent stabilization or b) stabilized in another way approved by the HCC. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized with mulch or any other protective covering and/or method approved by the USDA Soil Conservation Service.
46. Graded slopes shall not exceed a slope ratio of 2:1, unless approved by the City Engineer and HCC.

47. Upon completion of the project all disturbed areas shall be permanently stabilized with rapidly growing vegetative cover with sufficient topsoil to assure long term stabilization of disturbed areas. Subsequent to seeding, disturbed areas shall be covered with straw mulch, netting, or other protective covering in order to provide a suitable surface cover until seed germination.
48. All dewatering activities shall be controlled by implementing Best Management Practices. Dewatered fluids shall be prevented from flowing directly into resource areas. Discharge structures, such as temporary sediment basins or other Best Management Practices shall be configured to maximize sediment removal. If discharge towards resource areas cannot be avoided, it shall be via a maximized distance of overland upland sheet flow unless the HCC approves an alternative in advance. The PPESC Monitor shall review and approve all dewatering methods prior to implementation.
49. Topsoil, other soils, stumps, slash, timber, construction materials, debris, or other waste products shall not be deposited, stored, or otherwise accumulated within 100' of a wetland resource area or within land subject to flooding, unless approved in advance by the HCC.
50. Covered dumpsters shall be maintained on site for appropriate materials. The Applicant shall conduct routine litter pick-ups throughout construction to prevent trash and loose, man-made debris from entering the resource areas and buffer zones.
51. All pumps, drilling machines, and their surrounding areas, whether used for dewatering or other purposes, shall be properly contained to limit the potential for environmental impacts due to fuel leakage, pump leakage, or other failures.
52. Refueling of equipment shall not be done within 100' of a wetland resource area. Fuel, oil, or other potential pollutants shall not be stored within 100' of a wetland resource area.
53. Equipment shall not be staged overnight within 100' of a wetland resource area.
54. Any spills of hazardous materials, including but not limited to diesel fuel and hydraulic oil, shall be appropriately and promptly cleaned up. The Applicant shall notify Federal, Commonwealth, and/or Local agencies of such spills as may be applicable by law. The Applicant or PPESC Monitor shall notify the HCC, within one hour, of any spills within wetland resource areas or buffer zones. Onsite emergency spill kits shall be available at all times.
55. The Applicant shall ensure a hazardous materials spill containment kit is maintained on site at all times throughout construction. The kit shall be appropriately sized for the cumulative volumetric capacity of hazardous fluids contained by equipment on site at any one time.

## **STORMWATER**

56. As requested by the City of Haverhill Water Division, the applicant shall not directly discharge stormwater into Lawrence Street. Runoff may sheet flow across the lot as currently designed.
57. As proposed by the Applicant, all roof runoff shall be collected from the proposed house and directed to the proposed roof runoff recharge systems to provide groundwater recharge. The system shall be equipped with overflows for protection during periods of heavy rainfall. The system used shall meet the design criteria

outlined in the DEP/MCZM Stormwater Technical Handbook. Prior to the installation of the proposed roof runoff recharge systems, the Applicant's engineer shall ensure there is a minimum of a 2' separation between the seasonal high groundwater elevation and the bottom of the proposed systems. Should insufficient groundwater separation or poor soil infiltration conditions be found, the Applicant shall submit a revised roof runoff recharge system design.

58. The final locations and discharge points of all proposed perimeter, under, trench, and/or curtain drains shall be subject to the approval of the HCC. Every effort shall be made by the Applicant to apply such drains in a manner that shall mimic pre-construction groundwater flow patterns.
59. Every effort shall be made to grade the project driveway in a manner that allows runoff to flow off the sides of the driveway, encouraging infiltration.

#### **OTHER CONDITIONS**

60. If any unforeseen problem occurs during construction, which affects any of the eight statutory interests of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, upon discovery, the Applicant shall notify the HCC and an immediate meeting shall be held between the Commission, the Applicant, the engineer, contractor, and other concerned parties to determine the corrective measures to be employed. The Applicant shall then act to correct the problems using the corrective measures agreed upon.
61. Upon completion of the project, the Applicant shall request a Certificate of Compliance from the Commission and shall submit the following information with the request in both paper form and in an electronic form found acceptable to an HCC Official:
- a) A written statement by a professional engineer registered in the Commonwealth of Massachusetts certifying compliance with the approved plans referenced above and this OOC and setting forth deviations, if any exist.
  - b) Two sets of as-built site plans prepared by a registered land surveyor or registered professional engineer showing grades, utilities, drainage systems, building footprint and detailed landscaping (i.e. all wetland resource areas, limits of work, etc.). These plans shall include the date(s) of fieldwork and shall be prepared in accordance with the "Plot Plan Standards" of the HCC Policy - P2000-02 "Occupancy Permit Checklist Endorsement".

#### **ONGOING CONDITIONS**

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

62. The Property Owners shall ensure that a record of at least one copy of all the plans and documents referenced in this Order of Conditions, the subsequent Certificate of Compliance, all Modifications to the Order and their relevant revised plans and/or documents is maintained at all times. This information shall be made available for use by the Owner in its implementation of the activities discussed within and by the Haverhill Conservation Commission ("HCC") during any inspections that may be necessary.
63. The Property Owners shall maintain the permanent stability of this site to prevent the erosion of materials into the stormwater BMPs or the wetland resource areas.

64. The Property Owners shall maintain the roof runoff recharge system in accordance with the intent of the maintenance criteria outlined in the Stormwater Technical Handbook, prepared by the Department of Environmental Protection and Office of Coastal Zone Management, to ensure their continued functions.
65. The City of Haverhill reserves the right to schedule an annual inspection with the property owner as part of an operation and maintenance program to inspect the roof runoff recharge system for proper function and maintenance.
66. The HCC reserves the right to enforce any and all restrictions and/or requirements established for this property within this OOC under the enforcement powers of the City's wetlands protection ordinance, Municipal Ordinance Chapter 253.
67. Plowed snow on the site shall be placed on pervious surfaces whenever possible to allow slow infiltration to occur. Should the amount of snow on site be excessive and be proposed for removal from site, then it shall be disposed of in accordance with the Department of Environmental Protection - Bureau of Resource Protection's "Snow Disposal Guidelines".
68. When de-icing is proposed, alternative compounds such as calcium chloride ( $\text{CaCl}_2$ ) and calcium magnesium acetate (CMA) shall be considered for use.
69. Pesticides, herbicides, and fungicides shall not be used within 100' of any wetland resource area for the purpose of lawn maintenance.
70. Fertilizers utilized for landscaping and lawn care within this property shall be slow-release, low-nitrogen, organic-based types and shall not be used within 30' of any wetland resource area.
71. No future disturbance, except for hazard tree removal and edge maintenance pruning, shall occur within the 100' Buffer Zone identified on the referenced site plan without the approval of the Haverhill Conservation Commission. Should the Applicant or Property Owner propose the removal of any of the three trees along the lot's frontage, shown on the referenced site plan along Lawrence Street, the cut trees shall be replaced at a ratio of 1:1. Replacement trees shall be native species and shall be planted in locations unaffected by the existing overhead utility lines.
72. The Property Owners shall conduct routine litter pick-ups on the site to prevent debris from entering the resource areas and buffer zones.
73. All exterior lighting associated with this project shall be directed away from the wetland resource areas.
74. There shall be no unprotected storage of deleterious or hazardous materials (such as auto parts, debris, oil drums, batteries, car washing fluid, etc.) allowed on site.

Consent

I, Carlo Bracci of 81 Hamilton Avenue, Haverhill, Massachusetts, as present owner of the real property located at the corner of Lawrence Street and Marshland Street in Haverhill, Massachusetts, hereby consent to the filing by Stephen Franciosa of an application to build a structure within five hundred (500) feet of Round Pond.

Carlo Bracci

Carlo Bracci

11/07/2016

Date

2018DEC09AM11:11AM CFC

Heavny MARCH 28 2017

Robert D. Harb

ATTORNEY AT LAW  
17 WEST STREET  
HAVERHILL, MASSACHUSETTS 01830

Special Permit

9.

TEL: (978) 373-5611  
FAX: (978) 373-7441  
EMAIL: [bobharb@aol.com](mailto:bobharb@aol.com)

Of Counsel  
Alfred J. Cirome

February 2, 2017

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

Re: APPLICATION FOR A SPECIAL PERMIT  
FOR A MIXED USE -2 Commercial Units (Basement and First Floor)  
and Two Single Family Residential Units (Second and Third Floor)-  
128 Washington Street, Haverhill, MA  
Haverhill Assessor's Map 310 Block 1 Lot 17  
Containing 1,774 Square Feet ±

And APPLICATION FOR PERMIT to Erect, Construct, Maintain and Place On  
and Over Phoenix Row a Deck and To Maintain a Dumpster in said Phoenix Row

Lloyd Jennings and J. Bradford Brooks, Applicants, with a mailing address of 6 Lancaster Street, Haverhill, MA 01830, hereby applies to the City Council for a Special Permit under the terms and provisions of the Haverhill Zoning Ordinance Chapter 255 to convert two floors of the existing building located at 128 Washington Street to single family residential units, while maintaining Commercial units on the first floor and basement of the building located at 128 Washington Street, Assessor's Map 310 Block 1 Lot 17. The first floor will remain a restaurant and the basement will be for a commercial/retail use. Said premises is owned by Thomas A. Gagne and Scott Pare as Trustees of Five Boys Realty Trust (Owner) by deed recorded with the Essex South District Registry of Deeds in Book 16869 Page 161.

Said units are to be sold as condominiums.

The property is located in the CC and WD-A Waterfront District Subzone. This mixed use is permitted in the WD-A District. A "Multifamily Dwelling" is allowed in the CC Zone with a Special Permit from the City Council. There are no dimensional regulations for Sub-Zone A except maximum height of the building shall be 74 feet.

The lot and the building are prior existing.



Required three Parking Spaces for the residential units will be provided by lease in the Haverhill Parking Facility on Granite Street,

Applicant also seeks a permit under Chapter 222 Section 20 to Erect, Construct, Maintain and Place On and Over Phoenix Row a Deck and To Maintain a Dumpster in said Phoenix Row as shown on the plans filed herewith.

As part of this Permit Application, the following details are hereby submitted:

1. The location is Phoenix Row in the rear of the building located at 128 Washington Street. The existing deck is also located in the rear of 124-126 Washington Street. The existing deck and stairs will be reconstructed to conform to current code requirements.
2. The object for which this permit is sought is a deck for use with the first floor restaurant and the abutting building, and a dumpster.
3. The deck will be constructed with pressure treated wood and/or composite deck materials.
4. The requested location is in Phoenix Row to the rear of the building at 128 and 124-126 Washington Street; the height of the deck will be 10.5 feet more or less, and the projection into the way is shown in the plans filed herewith.
5. It is presumed that no other portion of the way would be needed to be used to temporary deposit materials for the construction of this deck.
6. The deck will be attached to the building and will be supported by lally columns with pressure treated wood beams and/or LVL beams as shown on plans filed herewith.

This Application is accompanied by:

30 sets of the Site Plan;

30 sets of the Architectural Floor Plans;

30 sets of Deck Plan;

Consent of the Current Owners to File this Petition;

Copy of letter from MVRTA for Lease of three parking spaces;

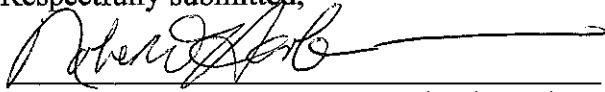
A Legal Description of Premises;

and the required filling fees.

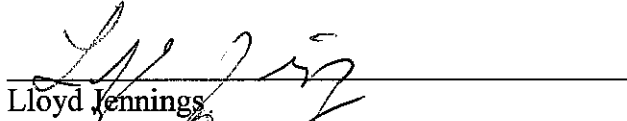
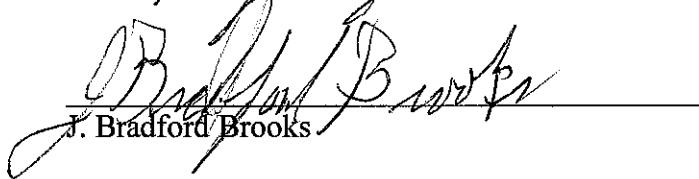
Applicants would respectfully request the City Council grant this Application for a Special Permit for the Mixed Use and the Permit for the deck and dumpster.

Applicant waives the 65 day hearing requirement.

Respectfully submitted,



Robert D. Harb, Attorney For Lloyd Jennings and J. Bradford Brooks

  
Lloyd Jennings  
J. Bradford Brooks

l-city-jennings-brooks-sp

Dec. 28, 2016

RE; 128-130 Washington St.  
Haverhill Ma. 01830

To Whom It May Concern,

We the owners of 128-130 Washington St  
Haverhill Ma. 01830. Thomas A. Gagne Trustee and Scott Pare Trustee of  
Five Boys Realty Trust. Give permission to Lloyd Jennings and J. Bradford  
Brooks to file for any required special permits and variances or definitive  
plans for a mixed use 2 commercial and 2 residential condominiums on the  
top 2 floors at said address.



---

Thomas A. Gagne , Trustee Five Boys Realty Trust



---

Scott Pare , Trustee Five Boys Realty Trust



Merrimack Valley Regional Transit Authority

MVRTA Advisory Board Officers  
Mayor Daniel Rivera, Chair  
Mr. David Van Dam, Vice Chair  
Ms. Christine Lindberg, Secretary

Joseph J. Costanzo  
Administrator

January 6, 2017

Mr. Lloyd Jennings  
6 Lancaster Street  
Haverhill, MA 01830

Subject: Parking Spaces in the MVRTA Parking Facility

Dear Mr. Jennings,

In regards to your request to lease three (3) parking spaces for the condo units being created at 128-130 Washington Street, these spaces are available in the Haverhill Parking Facility on Granite Street.

A lease term sheet will be prepared and forwarded to you within the next two weeks.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Costanzo", is written over the typed name.

Joseph J. Costanzo  
Administrator

JJC/ps

## PROPERTY DESCRIPTION

The land in Haverhill, Essex County, Massachusetts, with the buildings thereon on the southerly side of Washington Street, being lot numbered 17, as shown on Plan 310 in the Engineer's Office of the City of Haverhill, bounded according to said plan as follows:

NORTHWESTERLY by Washington Street, 25.3 feet

SOUTHWESTERLY by a way known as Saunders Place, 70.15 feet;

SOUTHEASTERLY along the center line of a way known as Phoenix Row, 25.3 feet, more or less; and

NORTHWESTERLY by the Center partition wall (along the building numbered 124-126 Washington Street) 70.15 feet, more or less.

Containing 2,086 square feet, more or less, according to said plan.

Together with the right, in common with others entitled thereto for all purposes of travel, of said Phoenix Row and a strip of land 12 feet in width on the westerly portion of the premises known as Saunders Place running from said Washington Street to said Phoenix Row and connecting therewith.

(9, 1, 1)

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

*C/o officer Powell*

\*NEW ☒  
\*RENEWAL ☐

DATE OF REQUEST 1/26/2017 DATE OF APPROVAL 2-2-17

NAME: Janet Travers

ADDRESS: 110 Blaisdell St. #1 Haverhill, MA 01832

TELEPHONE #: 978-332-3215

VEHICLE TYPE: 2003 Kia Sorento

PLATE #: 3AD722

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

If yes, why is there a need for a handicap parking sign? Disabled cannot walk  
have 15 stairs to get to my apt. And 2 more, my PCA has to

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

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

*CARRY me up +  
down and to  
get in and out  
of the car*

Janet Travers  
Applicant Signature

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

☒ Approve ☐ Denied

*Ala R. [Signature]* Reason for denial

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 Powell

Date: February 2, 2017

RE: Handicap Parking sign application

Sir,

I have spoken with the applicant, Janet Travers in regards to his application for a handicap parking sign. I also inspected the location, 110 Blaisdell St. At this time it appears that she meets all the requirements for a handicap sign and I would recommend that a sign be placed at the location.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "L. Powell", written in a cursive style.

Officer L. Powell #8





## City of Haverhill

Date: 11/16/17

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that s/he may receive a license for:

*25 machines*

Number of devices

☒ Coin-Operated Machine: 25X \$100 = \$2,500

☐ Pinball Machine: \_\_\_\_\_

☐ Other: \_\_\_\_\_

Effective Date: Jan 1 2017

Expiration Date: December 31, 2017

NEW ☐ RENEWAL ☒

Fee: \$2,500

Vendor's Name: Cedarland AMAZEment Center

Vendor's Address: 888 Boston Rd, Haverhill Ma 01835

Business Name: Cedardale Inc

Business Address: 931 Boston Rd, Haverhill Ma 01835

Owner's Name: Ed & Zoe Veasey

Recommendation by Police Chief:

Approved ☒

Denied ☐

  
Police Chief

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

Attest:

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

*In accordance with City of Haverhill Code, Chapter 104, Automatic Amusement Devices*

**-Please complete back of this application-**



APPLICATION FOR SUNDAY LICENSE



**City of Haverhill**

Date: 1/16/17

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that s/he may receive a license for:

Number of devices

25 machines

☒ Coin-Operated Machine: 25 X \$20 = \$500.00

☐ Pinball Machine: \_\_\_\_\_

☐ Other: \_\_\_\_\_

Effective Date: Jan 1 2017

Expiration Date: December 31, 2017

NEW ☐ RENEWAL ☒

Fee: \$500.00

Vendor's Name: Cedarland AMAZEment Center

Vendor's Address: 888 Boston Rd, Haverhill MA 01835

Business Name: Cedardale Inc

Business Address: 931 Boston Rd, Haverhill MA 01835

Owner's Name: Ed & Zoe Veasey

Recommendation by Police Chief:

Approved ☒ Denied ☐

  
Police Chief

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

Attest:

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

*In accordance with City of Haverhill Code, Chapter 104, Automatic Amusement Devices*

**-Please complete back of this application-**



9.2.1.4  
**Haverhill**

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

Date 12/30/2016

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR **DRAINLAYER**

Drainlayer's Name: JOSEPH J. PHELAN III Signature: [Signature]  
Business Name: J.J. PHELAN & SON CO., INC.  
Business Address: 120 LUMBER LANE  
City TEWKSBURY State MA Zip 01876  
Business Phone: 978-851-5850 Fax: 978-851-4980

*Must Complete Additional Personal Information on Back*

NEW/RENEWAL:

No.

Fee 100.

Bonds on File: [Signature]

Approved [Signature]

Denied \_\_\_\_\_

[Signature]  
City Engineer

In Municipal Council, \_\_\_\_\_ 20\_\_\_\_

Attest:

2017 JAN 18 PM 12:24 PM CTT  
\_\_\_\_\_  
City Clerk

(See other side)

10.1



DOCUMENT

**CITY OF HAVERHILL**

In Municipal Council

ORDERED:

**That the City of Haverhill hereby accepts the provisions of M.G.L. c. 39, §23D, relative to the attendance requirement of municipal board, committee and commission members for adjudicatory hearings, for the Board of Health. A copy of M.G.L. c. 39, §23D is attached hereto and incorporated herein.**

## WESTLAW

## NOTES OF DECISIONS (1)

In general

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title VII. Cities, Towns and Districts (Ch. 39-49a)

**§ 23D. Adjudicatory hearings; attendance by municipal board, committee and commission members; voting dis...**

Massachusetts General Laws Annotated | Part I. Administration of the Government (Ch. 1-182) | Effective: August 10, 2006 (Approx. 2 pages)

Effective: August 10, 2006

M.G.L.A. 39 § 23D

**§ 23D. Adjudicatory hearings; attendance by municipal board, committee  
and commission members; voting disqualification**

Currentness

(a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

**Credits**

Added by St.2006, c. 79, eff. Aug. 10, 2006.

**Notes of Decisions (1)**

M.G.L.A. 39 § 23D, MA ST 39 § 23D

Current through Chapter 464 of the 2016 2nd Annual Session

**End of  
Document**

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10.1


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

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

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

February 2, 2017

TO: Mayor James J. Fiorentini

FR: William D. Cox, Jr., City Solicitor 

RE: M.G.L. c. 39, §23D - Municipal Boards, Committees or Commissions

In 2007 the City accepted the provisions of M.G.L. c. 39, §23D which provides that, upon acceptance by the City, a member of a municipal board, committee or commission which conducts adjudicatory hearings will not be disqualified from voting in the matter solely due to that member's absence from a single session of the hearing at which testimony or evidence is received. The member is required to certify in writing that they have examined all evidence received at the missed hearing. Attached is my prior memo which provides additional information concerning the statute and how it is applied.

At that time, the Board of Health was not included in the City's acceptance of the provisions of M.G.L. c. 39, §23D. The Board of Health is comprised of three hard working volunteers who hear and decide complicated matters which can take months to properly handle. As members may not be able to attend every meeting during a prolonged hearing process, the provisions of this law would be helpful to insure that all three members can participate in these important matters.

I recommend that the Board of Health be added to the list of bodies for which the City has accepted the provisions of M.G.L. c. 39, §23D.

WDCjr/md

# **CITY OF HAVERHILL**

**MASSACHUSETTS**

## **CITY SOLICITOR'S OFFICE**

145 South Main Street

Bradford, MA 01835

(978) 373-2360

FAX: 978/372-0688

EMAIL: billcoxlaw@aol.com

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

May 10, 2007

TO: Mayor James J. Fiorentini

FR: William D. Cox, Jr., City Solicitor

RE: M.G.L. c. 39, §23D - Municipal Boards, Committees or Commissions

On August 10, 2006 M.G.L. c. 39, §23D was enacted which provides that, upon acceptance by the City, a member of a municipal board, committee or commission which conducts adjudicatory hearings will not be disqualified from voting in the matter solely due to that member's absence from a single session of the hearing at which testimony or evidence is received. The member is required to certify in writing that they have examined all evidence received at the missed hearing.

This would only apply to adjudicatory hearings, which are defined as "A proceeding in which the rights and duties of particular persons are adjudicated after notice and opportunity to be heard." Not every matter taken up by a municipal board, committee or commission would qualify as an adjudicatory hearing.

A local board or commission can't hold a public meeting without a quorum (50% plus one) of its members, and only members who attend every session of a public hearing are eligible to vote on that matter. <sup>1</sup>

For hearings that open and close in one night, this isn't a problem because if there is a quorum of members, all of them are eligible to vote. But for those complicated public hearings that span many months and multiple meetings, it is not unusual to have a few of the volunteer members miss a meeting along the way. Board members who miss a meeting for any reason are automatically ineligible to vote on a permit.

In the worst-case scenario, if too many members miss a meeting, there is no way the board or commission can act even if they all show up on the last night of the hearing intending to

vote. If the “voting quorum” has been lost, any vote taken is invalid and the applicant and board/commission will have to start the process over. When a board member is absent, the usual course is to continue the hearing to a future date to preserve that member’s ability to vote, but this causes the hearing process to be extended and further inconveniences those who do show up for the scheduled public hearing.

After speaking with Economic Development and Planning Director William Pillsbury, the Appeals Board, Planning Board and Conservation Commission were identified as boards or commissions which could most benefit from adopting this new law, as they have numerous matters which require multiple hearings. The provisions of M.G.L. c. 39, §23D, if accepted, would provide these boards and commission with the ability to better insure that adjudicatory hearings are handled in a more efficient manner, and I recommend that they be accepted.

WDCjr/md

<sup>1</sup> This has been the law since at least 1983 when the Appeals Court decided *Mullin v. Planning Bd. of Brewster*, 17 Mass.App.Ct. 139, 456 N.E.2d 780 (Mass.App. 1983). In 2004, the Superior Court extended the application of the *Mullin* decision to cover conservation commissions in addition to planning and zoning boards. *Jeffries v. Commission of Milton*, 18 Mass.L.Rptr. 56, Not Reported in N.E.2d, 2004 WL 1541861 (Mass.Super. 2004). In both of these cases, the permit granted by the board or commission was invalidated by the court, and the applicant was forced to reapply for the permit.



Document  
CITY OF HAVERHILL  
In Municipal Council

10.1.1

Ordered:

That in accordance with General Laws, Chapter 44, Section 64, authorize the payment of bill(s) of the previous years and to further authorize the payment from current year departmental appropriations as listed below:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
WB Mason	527.95	Highway





W.B. MASON CO., INC.  
59 Centre St - Brockton, MA 02301  
Address Service Requested

888-WB-MASON www.wbmason.com

HAVERHILL HIGHWAY DEPARTMENT  
ATTN: MARIE BOISSELLE  
500 PRIMROSE STREET  
HAVERHILL, MA 01830

(Page 1)  
PM(P)  
**Delivery Address** Haverhill Highway Department  
ATTN: MARIE BOISSELLE  
500 Primrose Street  
Haverhill, MA 01830  
**Invoice Number:** 134833503  
**Customer Number:** C1016545  
**Reference Number:** 134833503  
**Invoice Date:** 05/25/2016  
**Due Date:** 06/24/2016  
**Order Date:** 05/23/2016  
**Order Number:** S037695472  
**Order Method:** WEB

HIGHWAY OFFS  
1010000.1.0422 = 5420

W.B. Mason Federal ID #: 04-2455641

### Important Messages

PO. 171830

Please send all remittance coupons with your payment to our REMITTANCE ADDRESS:

W.B. Mason Co., Inc.  
PO BOX 981101  
Boston, MA 02298-1101

ITEM NUMBER	DESCRIPTION	QTY	U/M	UNIT PRICE	EXT PRICE
HEWCE410A	TONER, BLK.F/305A-2.2K	2	EA	83.99	167.98
HEWCE411A	TONER, CYN.F/305A-2.6K	1	EA	119.99	119.99
HEWCE412A	TONER, YEL.F/305A-2.6K	1	EA	119.99	119.99
HEWCE413A	TONER, MAG.F/305A-2.6K	1	EA	119.99	119.99

SUBTOTAL: 527.95  
TAX & BOTTLE DEPOSITS TOTAL: 0.00  
ORDER TOTAL: 527.95

To ensure proper credit, please detach and return below portion with your payment



W.B. MASON CO., INC.  
59 Centre St - Brockton, MA 02301  
Address Service Requested  
888-WB-MASON

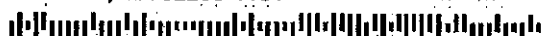
HAVERHILL HIGHWAY DEPARTMENT  
ATTN: MARIE BOISSELLE  
500 PRIMROSE STREET  
HAVERHILL, MA 01830

### Remittance Section

Customer Number: C1016545  
Invoice Number: 134833503  
Reference Number: 134833503  
Invoice Date: 05/25/2016  
Terms: Net 30  
Total Due: \$527.95

Amount Enclosed \$

W.B. MASON CO., INC.  
PO BOX 981101  
BOSTON, MA 02298-1101



C1016545I34833503I348335030000000527954

**JAMES J. FIORENTINI**  
MAYOR



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

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

February 3, 2017

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

RE: FY 2016 Bills

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

Enclosed, please find an order to pay a bill from the previous fiscal year for \$527.95 for WB Mason for photocopier toner.

I recommend approval.

Very truly yours,

**James J. Fiorentini, Mayor**

JJF/lyf



DOCUMENT

# CITY OF HAVERHILL

In Municipal Council

10.2  
File 10  
day

~~ORDERED~~ MUNICIPAL ORDINANCE

CHAPTER 240

## An Ordinance Relating to Parking (11 Norfolk Street—Delete Handicap Parking)

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-85 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended, by deleting the following:

LOCATION	REGULATION	HOURS/DAYS
<u>Norfolk Street</u>		
In front of #11 Norfolk Street except for 1-24 hour handicap parking space at No. 11	No Parking	24 Hours

APPROVED as to legality:

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



# Haverhill

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

February 1, 2017

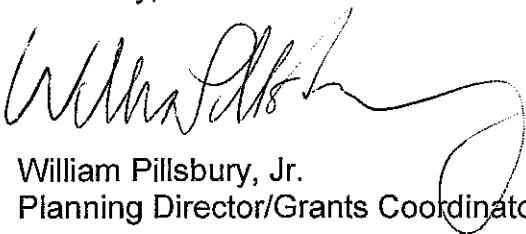
John A. Michitson, Council President  
& City Council Members  
City Hall—Room 204  
City of Haverhill

**RE: 11 Norfolk Street—REQUEST TO DELETE A HANDICAP PARKING SPACE**

Dear Council President Michitson & Councilors:

As per your request dated 2/1/2017, and the request of Councilor Michael McGonagle dated 1/27/2017, I am submitting a Municipal Ordinance to remove a handicap parking space at the location of 11 Norfolk Street as it is no longer needed.

Sincerely,



William Pillsbury, Jr.  
Planning Director/Grants Coordinator

WP/lw

**CITY COUNCIL**

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



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

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

February 1, 2017

TO: Mr. William Pillsbury, Jr.  
Planning & Economic Development Director

RE: **Delete Handicap Ordinance – 11 Norfolk Street**

Dear Mr. Pillsbury:

At the City Council meeting held on January 31, 2017 the following item was placed on the agenda by Councillor McGonagle:

- Doc. # 10-Z - Request for removal of a handicap parking space at 11 Norfolk Street.

The Council would appreciate it if you would prepare the necessary ordinance and place it on the next Council agenda. Thank you for your assistance.

Sincerely,

John A. Michitson, President  
Haverhill City Council

JAM/bsa

encl.

c: Mayor James J. Fiorentini  
City Councillors  
Police Officer Lance Powell

**CITY COUNCIL**

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



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

CITY HALL, ROOM 204  
4 SUMMER STREET  
TELEPHONE: 978 374-2328  
FACSIMILE: 978 374-2329  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)  
[citycnd@cityofhaverhill.com](mailto:citycnd@cityofhaverhill.com)

January 27, 2017

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

Councillor Michael McGonagle requests the removal of a handicap parking space at 11 Norfolk Street as it is no longer needed.

  
City Councillor Michael McGonagle *be*

BACK-UP

Name of Street Location	Regulation	Hours/Days
From Taylor Street to Riverside Avenue, east side (west lane)	No parking	—
Westerly side of Nettleton Avenue from Truman Avenue a distance of ±420 feet to Riverside Avenue, per attached plan <sup>12</sup> [Added 11-12-1991 by Doc. 60-k]	No parking	8:00 a.m. to 7:00 p.m., Mon. through Sun.
<b>Newcomb Street</b>		
In front of 46 Newcomb Street, except for one 24-hour handicap parking space at 46 Newcomb Street [Added 12-3-2013 by Doc. 32-H]	No parking	24 hours
From Summer Street to Arlington Street, east side	No parking	—
From Summer Street to Cherry Street, west side	No parking	—
From Cherry Street to Arlington Street, west side	No parking	—
<b>Newell Street</b>		
From Main Street to Portland Street, both sides	No parking	—
<b>North Avenue [Added 7-9-1996 by Doc. 18-M]</b>		
East side, from Macon Avenue to Magnolia Avenue	No parking	8:30 a.m. to 3:15 p.m., Mon. through Fri.
<b>New Hampshire Avenue [Added 5-15-2007 by Doc. 14-L; amended 5-4-2010 by Doc. 16-F]</b>		
In front of 7 New Hampshire Avenue, except for 1 24-hour handicapped parking space at 7 New Hampshire Avenue [Added 1-3-2012 by Doc. 101-C/11]	No parking	24 hours
<b>Norfolk Street [Added 9-26-2006 by Doc. 34-G]</b>		
In front of 11 Norfolk Street, except for 1 24-hour handicapped parking space at No. 11	No parking	24 hours
<b>North Street [Added 1-27-1998 by Doc. 23; amended 7-28-1998 by Doc. 23-G]</b>		
In front of 48 North Street, except for 1 24-hour handicapped parking space at No. 48	No parking	24 hours
54 North Street [Added 4-5-2011 by Doc. 7-C; repealed 8-21-2012 by Doc. 21-I]		

12. Editor's Note: The plan is attached to Doc. 60-K and on file in the office of the City Clerk.



DOCUMENT

# CITY OF HAVERHILL

In Municipal Council

*File 10 days  
8 octore pages  
10.3*

~~ORDERED~~

## MUNICIPAL ORDINANCE

## CHAPTER 208

### AN ORDINANCE RELATING TO SEWERS AND DRAINS

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 208, as amended, is hereby further amended as follows:

By deleting the title of Chapter 208 and inserting the following in place thereof:

**"Chapter 208.       Sewers and Drains"**

By deleting the title of Article I and inserting the following in place thereof:

**"Article I.       General Provisions and Definitions"**

By deleting the title of § 208.1 and inserting the following in place thereof:

**§ 208-1.1. Administration"**

By inserting the following in Article I:

**"§ 208-1.2. Purpose.**

The provisions of this chapter are intended to protect the public health, safety and welfare and the environment and to ensure proper and safe operation of the City's Sanitary Sewers, Combined Sewers and Stormwater Drains by regulating the direct and indirect discharge of Waste, Stormwater and Pollutants to the City's Wastewater and Stormwater Drainage systems. This chapter is also intended to prohibit and remove illicit connections and unauthorized discharges to the City's Stormwater Drainage system.

**§ 208-1.3. Applicability.**

Every user of the City Wastewater or Stormwater Drainage systems shall be subject to the provisions of this chapter, as they apply, and to any charges, rates, fees, and assessments which are or may be established by the City. Every user of the City's Wastewater or Stormwater Drainage systems shall also be subject to applicable federal, state, and local regulations, of which the most stringent requirements shall apply.



#### **§ 208-1.4. Regulations.**

The Director may promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Director to promulgate such rules and regulations shall not have the effect of suspending or invalidating this chapter.

#### **§ 208-1.5. Severability.**

The provisions of this ordinance are hereby declared to be severable. The invalidity of any section, provision, paragraph, sentence, or clause of this ordinance shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.”

#### **By inserting the following abbreviation in § 208-2:**

“MS4 — Municipal Separate Storm Sewer System.”

#### **By inserting the following definitions in § 208-3:**

##### **“CITY**

The City of Haverhill.

##### **DIRECTOR**

The Director of the Department of Public Works of the City of Haverhill or his authorized deputy or representative.

##### **GROUNDWATER**

All water beneath any land surface, including water in the soil and bedrock beneath water bodies.

##### **ILLICIT CONNECTION**

A surface or subsurface drain or conveyance, which allows an illicit discharge into the MS4, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance.

##### **ILLICIT DISCHARGE**

Direct or indirect discharge to the MS4 that is not composed entirely of stormwater, except as exempted under § 208-29.B.2. The term also does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

## **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the Stormwater Drainage system owned or operated by the City.

### **NEW SOURCE**

- A. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of applicable pretreatment standards under Section 307(c) of the Act, 33 U.S.C. § 1317(c), provided that:
  - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (2) The building, structure, facility or installation totally replace the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection A(2) or (3) above but otherwise alters, replaces or adds to existing process or production equipment.
- C. Construction of a new source, as defined under this section, has commenced if the owner or operator has:
  - (1) Begun, or caused to begin as part of a continuous on-site construction program:
    - (a) Any placement, assembly or installation of facilities or equipment; or
    - (b) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

## **NON-STORMWATER DISCHARGE**

Discharge to the MS4 not composed entirely of stormwater.

## **PERSON**

Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any office, employee, or agent of such person.

## **POLLUTANT**

Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into the POTW or into waters of the United States or waters of the Commonwealth of Massachusetts. Pollutants include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Non-hazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes, including medical wastes, chemical wastes, biological materials, radioactive materials;
- G. Sewage, fecal coliform and pathogens;
- H. Dissolved and particulate metals;
- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues;
- L. Noxious or offensive matter of any kind;
- M. and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

## **PRETREATMENT STANDARDS**

Prohibited discharge standards, categorical pretreatment standards and local limits

## **PRIVATE SEWER**

Any sewer located on private property or a private way that collects wastewater from two or more building sewers and discharges into a public sewer.

## **PUBLIC SEWER**

A sewer which is controlled by municipal authority.

## **STORM DRAIN or STORMWATER DRAIN**

A pipe or conduit for conveying rainwater, groundwater, subsurface water, condensate, cooling water or other similar discharge to a storm drain or combined sewer.

## **STORMWATER**

Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation, including snowmelt.

## **SUPERINTENDENT OR SUPERINTENDENT/ENGINEER**

The person designated by the Director to administer, implement and enforce the provisions of this chapter, including but not limited to supervising the operation of the facilities including the POTW and the MS4, or a duly authorized representative.

## **WASTEWATER**

Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, including septic tank or cesspool overflow, whether treated or untreated, which are contributed to the POTW.

## **WATERS OF THE COMMONWEALTH OF MASSACHUSETTS**

All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, watercourses and groundwater.”

**By deleting the title of Article II and inserting the following in place thereof:**

**“Article II. Construction of Sewers and Drains”**

**By deleting the title of § 208-29 and inserting the following in place thereof:**

**§ 208-29 Certain Connections and Discharges Prohibited”**

**By inserting the following before the first paragraph in § 208-29:**

**“A. Discharge Prohibitions Applicable to Sanitary Sewer System”**

**By inserting the following after the first paragraph in § 208-29 in Article IV:**

**“B. Discharge Prohibitions and Restrictions Applicable to the Stormwater Drainage System**

**1. Prohibited Activities**

- a. Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the MS4 or into the waters of the United States or the Commonwealth of Massachusetts.
- b. Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- c. Obstruction of the MS4.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Superintendent.

**2. Exempted Activities**

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to the MS4:

- (a) Discharge or flow resulting from firefighting activities;
- (b) Water line flushing;
- (c) Landscape irrigation;
- (d) Diverted stream flow;
- (e) Rising groundwater;
- (f) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20);
- (g) Uncontaminated pumped groundwater;
- (h) Flow from potable water sources;
- (i) Roof downspouts, exterior foundation drains, sump pumps, areaway drains or other sources of surface runoff or groundwater;
- (j) Air conditioning condensation;
- (k) Irrigation water, springs;
- (l) Water from crawl space pumps;
- (m) Footing drains (not including active groundwater dewatering systems);
- (n) Lawn watering;
- (o) Water from individual residential car washing;
- (p) Natural flow from riparian habitats and wetlands;
- (q) Discharge from dechlorinated swimming pool water (less than one part per million chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (r) Street wash waters;

- (s) Residential building wash waters without detergents;
- (t) Dye testing, provided oral notification is given to the Superintendent prior to the time of the test;
- (u) Non-stormwater discharge permitted under an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of EPA or MassDEP, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (v) Discharge for which advanced written approval is received from the Superintendent as necessary to protect public health, safety, welfare or the environment.

### **3. Transitional Period**

Residential property owners shall have 90 days from the effective date of § 208-29.B. to comply with § 208-29.B.1. provided good cause is shown for the failure to comply during that period.

### **4. Emergency Suspension of MS4 Access**

The Superintendent may suspend MS4 access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Superintendent may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

### **5. Notification of Spills**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a site, or responsible for emergency response for a site has information of or suspects a release of materials at that site resulting in or which may result in discharge of pollutants to the MS4 or waters of the Commonwealth of Massachusetts, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of a pollutant, the person shall immediately notify the Fire and Police Departments, Board of Health, and the Superintendent. If the discharge of pollutants is from a commercial or industrial site, the owner or operator of the site shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.”

**By deleting § 208-56, 57 and 58 and inserting the following in place thereof:**

**“§ 208-56. General.**

The provisions of this Article IX do not apply to users of the POTW subject to the categorical pretreatment standards in Article V of this chapter.

**§ 208-57. Authority.**

The Superintendent shall enforce this ordinance and resulting regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

**§ 208-58. Civil Relief.**

If a person violates the provisions of this ordinance, its resulting regulations, or any permit, notice, or order issued thereunder, the Superintendent may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Pursuant to G.L. c. 83, § 10, the Superintendent may also levy a civil penalty of not more than \$5,000 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.”

**By inserting the following:**

**“§ 208-60. Nuisances.**

An actual or threatened discharge to the MS4 that violates or would violate this chapter is hereby declared to be a nuisance. A line conveying sewage or designed to convey sewage that is connected to the MS4 is hereby declared to be a nuisance.

**§ 208-61. Notice of Violation.**

Whenever the Superintendent finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Superintendent may order compliance by written notice of violation to the responsible person. If the Superintendent determines that abatement or remediation of contamination or of adverse impacts is required, the notice shall set forth a deadline by which such abatement or remediation must be completed. Said notice shall further advise that, should the property owner fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work, and expenses thereof shall be charged to the property owner.

**§ 208-62. Performance by City.**

Within thirty (30) days after completion by the City of all measures necessary to abate the violation or to perform remediation, the property owner will be notified of the costs incurred by the City, including administrative costs. The property owner may file a written protest objecting

to the amount or basis of costs with the Superintendent within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Superintendent affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c. 59, § 57 after the thirty-first day at which the costs first become due.

**§ 208-63. Criminal Penalty.**

Any person who violates any provision of this ordinance, its resulting regulations, or any permit, notice, or order issued thereunder, shall be punished by a fine of not more than \$5,000. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**§ 208-64. Non-Criminal Disposition.**

As an alternative to criminal prosecution, the City may elect to utilize the noncriminal disposition procedure set forth in G.L. c. 40, § 21D and adopted by the City as a general ordinance in which case the Superintendent shall be the enforcing person. The penalty for the first violation shall be a written warning. The penalty for the second violation shall be \$100. The penalty for the third violation shall be \$200. The penalty for the fourth and subsequent offenses shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**§ 208-65. Appeals.**

The decisions or orders of the Superintendent shall be final. Further relief shall be to a court of competent jurisdiction.

**§ 208-66. Remedies Not Exclusive.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law."

APPROVED AS TO LEGALITY

  
City Solicitor





10.3  
**Haverhill**

Robert E. Ward, Deputy DPW Director  
Water/Wastewater Division  
Phone: 978-374-2382 Fax: 978-521-4083  
rward@haverhillwater.com

February 2, 2017

To: John Michitson, President  
and Members of City Council

From: Robert E. Ward *rek.*  
Deputy DPW Director

Subject: Proposed Amendment to Chapter 208 of the City Code

Enclosed for review and approval is a proposed City Council Document to amend Chapter 208 of the City Code. The purposes of the amendments are to prohibit the discharge of pollutants (illicit discharges) to the City's storm water system.

The Consent Decree issued to the City by the Environmental Protection Agency and the Massachusetts Department of Environmental Protection requires that the City adopt an ordinance, bylaw, or other regulatory mechanism that prohibits non-stormwater discharges into the City's storm water system. The Consent Decree also references the 2003 storm water permit which requires adoption of a regulatory mechanism to implement enforcement procedures and actions.

The proposed Article IV, § 208-29.B. (see the sixth page of the enclosed document) is the language describing the prohibited activities. The intent is to prohibit the discharge of pollutants into the City's stormwater system which discharges into rivers and other natural water bodies. Most illicit discharges are either sewer services connected directly to the stormwater system or sewage leaking into the stormwater system through a cracked pipe or other defect.

Please note there are a number of exempt activities listed in § 208-29.B.2. These exempt activities such as lawn watering, roof downspouts, sump pumps, residential car washing, etc., will be allowed to discharge to the City's stormwater system.

I will attend the February 21, 2017, City Council meeting to provide additional information and answer questions.

If you need additional information please call me at (978) 374-2383.

Enclosure

Cc: James J. Fiorentini, Mayor of Haverhill  
Michael Stankovich, Director of Public Works  
William D. Cox, Jr., City Solicitor



DOCUMENT 9-E

## CITY OF HAVERHILL

In Municipal Council January 24 2017



~~ORDERED~~ MUNICIPAL ORDINANCE

CHAPTER 240

### An Ordinance Relating to Parking (14 York Street—Delete Handicap Parking)

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-85 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended, by deleting the following:

LOCATION	REGULATION	HOURS/DAYS
----------	------------	------------

#### 14 York Street

In front of 14 York Street  
except for 1-24 hour  
handicap parking space  
at No. 14

No Parking

24 Hours

APPROVED as to legality:

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

PLACED ON FILE for at least 10 days  
Attest:

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

**CITY COUNCIL**

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



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

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4 SUMMER STREET  
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FACSIMILE: 978 374-2329  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

January 18, 2017

TO: Mr. William Pillsbury, Jr.  
Planning & Economic Development Director

RE: **Delete Handicap Ordinance – 14 York Street**

Dear Mr. Pillsbury:

At the City Council meeting held on January 17, 2017 the following item was placed on the agenda by Councillor McGonagle:

- Doc. # 10-Q - Request for removal of a handicap parking space at 14 York Street.

The Council would appreciate it if you would prepare the necessary ordinance and place it on the next Council agenda. Thank you for your assistance.

Sincerely,

John A. Michitson, President  
Haverhill City Council

JAM/bsa

encl.

c: Mayor James J. Fiorentini  
City Councillors  
Police Officer Lance Powell



# Haverhill

Planning Board

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

January 18, 2017

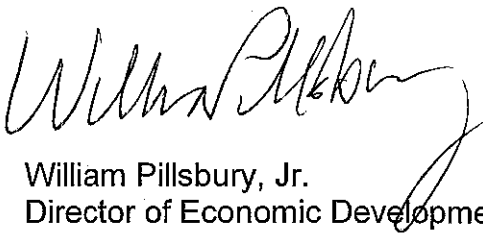
John A. Michitson, Council President  
& City Council Members  
City Hall—Room 204  
City of Haverhill

**RE: 14 York Street—REQUEST TO DELETE A HANDICAP PARKING SPACE**

Dear Council President Michitson & City Councilors:

As per your request dated 1-18-17, along with the request from Councilor Michael McGonagle dated January 11, 2017, I am submitting a Municipal Ordinance to delete a handicapped parking space at the location of 14 York Street.

Sincerely,



William Pillsbury, Jr.  
Director of Economic Development  
& Planning

WP/lw



## CITY OF HAVERHILL

In Municipal Council January 24 2017

~~ORDERED~~ MUNICIPAL ORDINANCE

CHAPTER 240

### **An Ordinance Relating to Parking No Parking in front of 36 Golden Street**

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 85, Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended by adding the following:

LOCATION	REGULATION	HOURS/DAYS
36 Golden Street In front of No. 36 Golden Street	No Parking.	All Day Monday through Sunday

APPROVED as to legality:

\_\_\_\_\_  
City Solicitor  
William B. Cox, Jr.

PLACED ON FILE for at least 10 days  
Attest:

-----  
City Clerk



# Haverhill

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

January 13, 2017

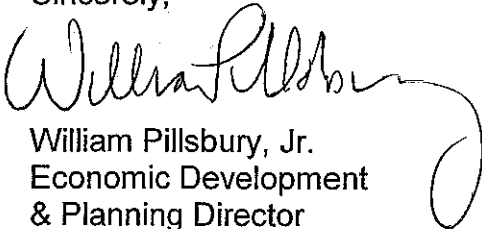
John A Michitson, Council President  
& City Council Members  
City Hall—Room 204  
City of Haverhill

**RE: REQUEST FOR NO PARKING IN FRONT OF 36 Golden Street**

Dear Council President Hart & Councilors:

As per your request dated 1-13-17, and communication dated 1/4/17 from Councilor Joseph Bevilacqua, which was requested by David O'Brien, I am submitting a Municipal Ordinance for your review that will prohibit parking in front of #36 Golden Street.

Sincerely,

  
William Pillsbury, Jr.  
Economic Development  
& Planning Director

WP/lw

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
**MELINDA E. BARRETT**  
*VICE PRESIDENT*  
**ANDRES X. VARGAS**  
**MICHAEL S. MCGONAGLE**  
**JOSEPH J. BEVILACQUA**  
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**WILLIAM J. MACEK**  
**THOMAS J. SULLIVAN**



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

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

January 13, 2017

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

RE: **Request for Ordinance – No Parking in front of 36 Golden Street**

Dear Mr. Pillsbury:

At the City Council meeting held on January 10, 2017, Councillor Bevilacqua requested to introduce a request of David O'Brien for a no parking ordinance in front of 36 Golden Street. He stated that Mr. O'Brien had spoken to you about this request and you supported it.

Would you kindly prepare the proper document(s) and place them on the next City Council agenda in order that the Council may take action on them?

Thank you for your continued cooperation, consideration and assistance.

Sincerely,

  
John A. Michitson, President  
Haverhill City Council

JAM/bsa

encl.

c: Mayor James Fiorentini  
City Councillors



DOCUMENT 27

**CITY OF HAVERHILL**

In Municipal Council January 24 2017

11,3

ORDERED:

**MUNICIPAL ORDINANCE**

**CHAPTER 100**

**AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES**

**BE IT ORDAINED** by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 100, as amended, is hereby further amended as follows:

By deleting the following words from the existing text of subsection E of Article IV, §100-7  
Carry-In Alcoholic Beverages:

“..... within the Central Business District, as defined in this Code.”.

APPROVED AS TO LEGALITY

City Solicitor

PLACED ON FILE FOR AT LEAST 10 days

Attest:

-----  
City Clerk



City of Haverhill, MA  
Monday, January 16, 2017

## Chapter 100. Alcoholic Beverages

### Article IV. Carry-In Alcoholic Beverages

[Adopted 2-23-2016 by Doc. 8-B]

#### **§ 100-7. License required; definition; rules and regulations; license term; eligibility.**

- A. The possession and/or consumption of carry-in alcoholic beverages, as defined below, by a person of lawful age at those commercial food establishments which have a common victualler license under MGL c. 140 shall be permitted, provided that a valid license is issued under the provisions of this section.
- B. "Carry-in alcoholic beverages" shall be defined as wine and malt beverages only in previously unopened containers. No other alcoholic beverages shall be allowed to be possessed or consumed on the premises of commercial food establishments with a valid carry-in alcoholic beverages license from the Commission.
- C. The Haverhill License Commission is authorized to establish reasonable rules and regulations to implement this policy and to address any and all public health and safety concerns. Any license issued under this section shall be at the sole discretion of the Commission. Any establishment so issued such a license shall at all times be in strict conformity with the rules and regulations of the Haverhill License Commission.
- D. A carry-in alcoholic beverages license shall be issued for no more than one year and must be reapplied for annually at the time of renewal of the common victualler's license. The hours during which the consumption of carry-in alcoholic beverages is allowed shall be at the discretion of the Commission and shall be specified on the license. A carry-in alcoholic beverages license shall be issued in the name of the manager at the establishment and shall not be transferred to a new manager of the establishment without the prior approval of the Commission.
- E. Only those applicants operating with 30 or fewer seats within the Central Business District, as defined in this Code, or operating a bona fide nonprofit arts and cultural organization are eligible for a carry-in alcoholic beverages license. The Commission may consider the character of a neighborhood and/or compliance with the City's Zoning Code in determining whether or not to issue a carry-in alcoholic beverages license. The applicant may seek a license for a food establishment with more than 30 seats by requesting authorization from the City Council at the same time that the application is filed with the License Commission.



# Haverhill

---

License Commission, Room 118  
4 Summer Street, Haverhill, MA 01830  
Phone: 978-420-3623 Fax: 978-373-8490  
License\_comm@cityofhaverhill.com

January 9, 2017

City Solicitor William D. Cox, Jr.  
145 South Main St.  
Haverhill, MA 01835

Dear Attorney Cox:

The Haverhill License Commission voted Thursday, Jan. 5, to ask you to draft a revised ordinance regarding "carry-in" beverages, to be presented to the Haverhill City Council for its consideration.

As you know, city councilors approved an ordinance last year with several provisions—one limited the granting of carry-in license to businesses in the central business district or bonafide non-profit cultural organizations, wherever located.

Since that time, however, it has come to the attention of the Commission that it may be in the city's best interest to expand the availability of carry-in licenses to for-profit businesses in other areas of the city.

The proposed and requested revised ordinance would remove geographic limitations. The Commission wishes to have the authority to consider, on a case-by-case basis, businesses otherwise eligible for carry-in licenses, but for their locations.

Thank you in advance for your assistance.

Sincerely,

*Joseph C. Edwards*  
*Gerald A. Lemley*  
*[Signature]*

# **CITY OF HAVERHILL**

**MASSACHUSETTS**

## **CITY SOLICITOR'S OFFICE**

145 South Main Street

Bradford, MA 01835

(978) 373-2360

FAX: 978/891-5424


EMAIL: billcoxlaw@aol.com

**WILLIAM D. COX, JR.**

**CITY SOLICITOR**

January 16, 2017

TO: John Michitson, President and Members of the Haverhill City Council

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

RE: Ordinance - Carry In Alcoholic Beverages

The License Commission has requested that the Ordinance providing for Carry In Alcoholic Beverages, which they license, be amended to eliminate the restriction of only allowing such licenses within the Central Business District. Attached is the proposed ordinance amended the current provisions, the Commission request and a copy of the current provisions.

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

cc: James J. Fiorentini, Mayor

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
**MELINDA E. BARRETT**  
*VICE PRESIDENT*  
**ANDRES X. VARGAS**  
**MICHAEL S. MCGONAGLE**  
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**THOMAS J. SULLIVAN**



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

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

January 31, 2017

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

Councillor Joseph Bevilacqua would like to discuss the Amtrak Station in Haverhill.

  
City Councillor Joseph Bevilacqua

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
**MELINDA E. BARRETT**  
*VICE PRESIDENT*  
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www.ci.haverhill.ma.us  
citycncl@cityofhaverhill.com

February 1, 2017

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

Councillor Mary Ellen Daly O'Brien requests on update on malfunctioning parking kiosks.

  
City Councillor Mary Ellen Daly O'Brien

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
**MELINDA E. BARRETT**  
*VICE PRESIDENT*  
**ANDRES X. VARGAS**  
**MICHAEL S. MCGONAGLE**  
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HAVERHILL, MASSACHUSETTS 01830-5843

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

February 1, 2017

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

Councillor Mary Ellen Daly O'Brien requests an update on the alleyway lighting.

*Mary Ellen Daly O'Brien*  
City Councillor Mary Ellen Daly O'Brien *ss*

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
**MELINDA E. BARRETT**  
*VICE PRESIDENT*  
**ANDRES X. VARGAS**  
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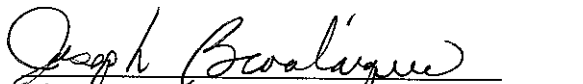
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January 31, 2017

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

Councillors Barrett and Bevilacqua request to introduce Barbara Donegan, President of Ruth's Place to discuss their upcoming 25<sup>th</sup> anniversary.

  
City Councillor Melinda Barrett

  
City Councillor Joseph Bevilacqua

**CITY COUNCIL**

**JOHN A. MICHITSON**

**PRESIDENT**

**MELINDA E. BARRETT**

**VICE PRESIDENT**

**ANDRES X. VARGAS**

**MICHAEL S. MCGONAGLE**

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**THOMAS J. SULLIVAN**



**CITY OF HAVERHILL**

**HAVERHILL, MASSACHUSETTS 01830-5843**

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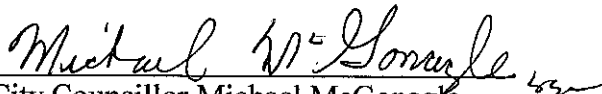
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[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

February 1, 2017

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

Councillor Michael McGonagle requests the removal of the following handicap parking spaces on Blaisdell Street as they are no longer needed: 95, 102, 104 and at the corner of Blaisdell Street and Marshall Street.

  
City Councillor Michael McGonagle



<b>Name of Street Location</b>	<b>Regulation</b>	<b>Hours/Days</b>
103 Bellevue Avenue [Added 2-25-2014 by Doc. 12-E; repealed 4-19-2016 by Doc. 20-C]		
Belmont Avenue [Added 12-3-1985 by Doc. 29-K]		
Entire length of Crowell School property	No parking	7:30 a.m. to 3:30 p.m., school days
Bennington Street [Added 9-10-1996 by Doc. 18-N]		
Both sides from Hilldale Avenue to a point 110 feet easterly	No parking	—
Bethany Street		
Entire length, east side	No parking	—
Blaisdell Street		
12 Blaisdell Street [Added 2-5-1985 by Doc. 29-B; repealed 1-31-1989 by Doc. 9-D]		
22 Blaisdell Street [Repealed 1-31-1989 by Doc. 9-D]		
25 Blaisdell Street [Added 3-14-2000 by Doc. 18-C; repealed 4-11-2000 by Doc. 18-CC]		
* In front of 95 Blaisdell Street, except for 1 24-hour handicapped parking space at No. 95 [Added 10-7-1997 by Doc. 47-E]	No parking	24 hours
* In front of 102 Blaisdell Street on the Broad Street side, except for 1 24-hour handicapped parking space at No. 102 [Added 10-21-1997 by Doc. 47-G]	No parking	24 hours
* In front of 104 Blaisdell Street, except for 1 24-hour handicapped parking space at No. 104 [Added 4-20-1999 by Doc. 40-B]	No parking	24 hours
112 Blaisdell Street [Added 9-26-2006 by Doc. 34-H; repealed 11-10-2009 by Doc. 58-I]		
In front of St. Joseph's Church, handicapped entrance, except for 2 handicapped parking spaces for the hours and days noted [Added 2-20-1990 by Doc. 34]	No parking	7:00 a.m. to 8:00 p.m., Sat. and Sun.

<b>Name of Street Location</b>	<b>Regulation</b>	<b>Hours/Days</b>
* At the corner of Blaisdell Street and Marshall Street, except for 1 24-hour handicapped parking space at the corner of Blaisdell Street and Marshall Street [Added 4-18-2000 by Doc. 18-F]	No parking	24 hours
Blossom Street [Added 4-12-1988 by Doc. 22-D]		
In front of 37 Blossom Street, except 1 24-hour handicapped parking space at No. 37	No parking (as noted)	24 hours
84 Blossom Street [Added 4-10-2007 by Doc. 14-J; repealed 6-29-2010 by Doc. 16-N]		
Resident Only parking in front of numbers 95-103 Blossom Street [Added 10-19-2004 by Doc. 11-E]	Resident only parking	24 hours
Blossom Street from South Elm Street on the east side to No. 105 Blossom Street and the west side of Blossom Street to No. 96 [Added 3-28-2006 by Doc. 29]	No parking	24 hours, 7 days a week
Boston Road		
From No. 932 north for 300 ft., east side	No parking	—
From 480 ft. north of Oxford Avenue north for 760 ft., west side	No parking	—
At the intersection of Dorian Drive [Added 7-28-1998 by Doc. 40-I]	No parking	24 hours
Bowley Street, No. 14 [Added 12-23-2003 by Doc. 15-S; repealed 4-27-2004 by Doc. 52-D]		
Bridge Street		
From Bridge Street to and including the south side of the draw in the bridge, both sides	No parking	—
From Main Street to a point 150 feet south of Main Street, east side [Added 9-27-1994 by Doc. 12-N]	No parking	—
From Main Street to a point 20 feet south of Main Street, west side [Added 9-27-1994 by Doc. 12-N]	No parking	—
Broad Street [Added 1-7-2003 by Doc. 194/02]		
In front of No. 20 Broad Street (except for 1 24-hour handicap parking space at No. 20) [Added 7-8-2008 by Doc. 20-I; amended 5-17-2011 by Doc. 7-O]	No parking	24 hours

**CITY COUNCIL**

**JOHN A. MICHITSON**

***PRESIDENT***

**MELINDA E. BARRETT**

***VICE PRESIDENT***

**ANDRES X. VARGAS**

**MICHAEL S. MCGONAGLE**

**JOSEPH J. BEVILACQUA**

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**THOMAS J. SULLIVAN**



**CITY OF HAVERHILL**

**HAVERHILL, MASSACHUSETTS 01830-5843**

12.6

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

January 31, 2017

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

Councillor Michael McGonagle requests the removal of handicap parking spaces at 93 Bellevue Avenue and 11 Pilgrim Road as they no longer needed.

  
City Councillor Michael McGonagle

<b>Name of Street Location</b>	<b>Regulation</b>	<b>Hours/Days</b>
In front of 7 Bedford Street, except for 1 24-hour handicapped parking space at 7 Bedford Street	No parking	24 hours
<b>Bellevue Avenue [Added 2-15-1983 by Doc. 26-B]</b>		
Across the street from 16 Bellevue Avenue, except for 1 24-hour handicapped parking space across from 16 Bellevue Avenue [Added 12-10-2002 by Doc. 137-S]	No parking	24 hours
In front of No. 30, except for 1 24-hour handicapped parking space at No. 30 [Added 10-9-1990 by Doc. 34-O]	No parking	24 hours
In front of No. 32, except for 1 24-hour handicapped parking space at No. 32 [Added 10-9-1990 by Doc. 34-O]	No parking	24 hours
In front of No. 36, except for 1 24-hour handicapped parking space at No. 36 [Added 7-14-2015 by Doc. 52-G]	No parking	24 hours
In front of No. 49, except for 1 24-hour handicapped parking space at No. 49 [Added 6-2-2015 by Doc. 52E]	No parking	24 hours
In front of No. 56, except for 1 24-hour handicapped parking space at No. 56, west side [Added 11-29-1988 by Doc. 22-P]	No parking	24 hours
In front of 57 Bellevue Avenue, except for 1 24-hour handicapped parking space at No. 57 [Added 10-8-2002 by Doc. 29-V]	No parking	24 hours
* In front of 93 Bellevue Avenue, except for 1 24-hour handicapped parking space at No. 93 [Added 12-15-2009 by Doc. 16-I]	No parking	24 hours
<b>94 Bellevue Avenue [Repealed 1-31-1989 by Doc. 9-D]</b>		
In front of 103 Bellevue Avenue, except for 1 24-hour handicapped parking space at No. 103 [Added 2-25-2014 by Doc. 12-E]	No parking	24 hours
<b>Belmont Avenue [Added 12-3-1985 by Doc. 29-K]</b>		
Entire length of Crowell School property	No parking	7:30 a.m. to 3:30 p.m., school days
<b>Bennington Street [Added 9-10-1996 by Doc. 18-N]</b>		

Name of Street Location	Regulation	Hours/Days
<b>Park Street</b>		
From Webster Street to 22 Park Street, south side	No parking	—
<b>Park Way</b> [Added 12-18-1990 by Doc. 34-5; 9-27-1994 by Doc. 12-K; 4-18-2000 by Doc. 21-D; 4-18-2000 by Doc. 21-E; 3-24-2009 by Doc. 39-J]		
All as shown on the Central Business District Parking Map dated 12/04/2012, as last revised on 01/07/2014, filed in the office of the City Engineer, Plan 2B/3418, a copy of which is also on file with the City Clerk [Amended 9-6-2011 by Doc. 23-F; 8-7-2012 by Doc. 22-C; 2-26-2013 by Doc. 30; 5-21-2013 by Doc. 30-B; 1-28-2014 by Doc. 13-B]		
<b>Pecker Street</b>		
From Welcome Street to Winter Street, east side	No parking	—
From Bailey Street to 60 feet south of Winter Street, west side	Time limited: 2 hours	7:00 a.m. to 7:00 p.m.
In front of 69 Pecker Street, except for 1 24-hour handicapped parking space at No. 69 [Added 4-30-2002 by Doc. 29-K]	No parking	24 hours
73 Pecker Street [Added 2-20-2001 by Doc. 30; repealed 11-23-2004 by Doc. 52-G]		
<b>Pilgrim Road</b> [Added 2-22-1994 by Doc. 29]		
* In front of 11 Pilgrim Road, except for 1 24-hour handicapped parking space at No. 11 [Added 4-5-2011 by Doc. 7-B]	No parking	24 hours
150 Pilgrim Road [Repealed 7-12-1994 by Doc. 54-F]		
<b>Pilling Street</b> [Added 3-10-1987 by Doc. 23-B; repealed 7-13-1993 by Doc. 26-L; added 1-2-1996 by Doc. 44-BB]		
In front of 27 Pilling Street, except for 1 24-hour handicapped parking space at No. 27	No parking	24 hours
In front of 60 Pilling Street, except for 1 24-hour handicapped space at No. 60 [Added 12-19-2000 by Doc. 18-W]	No parking	24 hours
62 Pilling Street [Added 10-5-1999 by Doc. 40-E; repealed 5-23-2000 by Doc. 53-D]		

## CITY COUNCIL

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



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## CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

### DOCUMENTS REFERRED TO COMMITTEE STUDY

6-Q	Communication from Councillor Macek requesting a discussion on the establishment of an Adult Fitness and Wellness zone	NRPP	2/9/16
6-W	Communication from Councillor Bevilacqua requesting to discuss Wood School Playground	NRPP	2/23/16
38-F	Communication from Councillors Barrett and LePage requesting to discuss double poles in the City	A & F 9/6/16, 11/31/16, 1/17/17	3/15/16
38-W	Communication from Councillor Barrett requesting to give an update on response from MBTA/Keolis & US EPA about idling trains in Bradford	Citizen Outreach	4/5/16 1/31/17
26E	City of Haverhill – Mayor’s Recommendations, Capital Improvement Program – 2016-2020	A & F	5/31/16 11/3/16
108-N	Communication from Councillors Bevilacqua and LePage requesting discussion regarding appropriate safe regulation of marijuana shop access and locations	A & F	12/6/16
108-V	Communication from Councillor Daly O’Brien requesting discussion regarding malfunctioning parking kiosks	A & F	12/13/16
108-W	Communication from Councillor Bevilacqua requesting to introduce Brad Brooks and residents of Bradfields Dr. and East Broadway to discuss neighborhood issues	Citizen Outreach	12/13/16 1/31/17
10-B	Communication from President Michitson asking to request from Mayor status of facility improvements to public buildings and parks to comply with American w/ Disabilities Act (ADA)	Citizen Outreach	1/3/17 1/31/17
10-R	Communication from Councillor Vargas requesting a discussion regarding proposal relative to acoustic performances in small businesses	A&F	1/24/17
10-U	Communication from Pres. Michitson requesting discussion on next steps to provide comprehensive long range plan for Haverhill	Citizen Outreach	1/31/17
10-X	Communication from Councillor Bevilacqua requesting to discuss ways to address senior citizen needs in Haverhill	Citizen Outreach	1/31/17