



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Tuesday, December 6, 2022 at 7:00 PM

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

In-Person/Remote Meeting

Present – President Jordan, Councillors Barrett, Bevilacqua, Sullivan, Michitson, Lewandowski, McGonagle, Rogers, and Toohey

Administrative Assistant – Laurie A. Brown

City Clerk – Linda Koutoulas

Assistant City Clerk – Kaitlin Wright

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

Motion by Councillor Lewandowski to approve minutes from November 15, 2022, second Councillor Barrett

PASSED Placed on File Yeas 9, Nays 0

Minute approval for November 29, 2022 meeting at next meeting.

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Minutes assigned to Councillor Rogers.

5. COMMUNICATIONS FROM THE MAYOR:

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

- 6.1. Council President Jordan requests to introduce Heather DeProfio and Amy Mulrooney of *Girl Scouts of Eastern Massachusetts* to recognize Samantha Hobbs as the recipient of the Medal of Honor from *Girl Scouts of the United States*

Heather DeProfio and Amy Mulrooney presented the Medal of Honor to Samantha Hobbs who saved the life of her cousin. President Jordan presented Cadet Samantha a Council Citation, Councillor Barrett presented her with a Mayor citation, Sgt. Lynch and Officer Privitera presented gifts from the Haverhill Police Department. 98-M

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

- 8.1. Abatement report from Christine Webb, Assessor, for month of November 2022

Motion by Councillor Bevilacqua, second Councillor Toohey

PASSED Placed on File Yeas 9, Nays 0 9-L

- 8.2. John Pettis, City Engineer requests to open 310 East Broadway

- 8.2.1. Order – Council approve request to excavate at 310 East Broadway for installation of underground utilities

Motion by Councillor Barrett, second Councillor McGonagle

PASSED Yeas 9, Nay 0 32-J

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

10. HEARINGS AND RELATED ORDERS:



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10.1. Document 119: City of Haverhill requests Zoning Hearing regarding Accessory Dwelling Units (ADU) *and* submits related Ordinance proposal *Favorable conditional recommendation from Planning Board & Director*

10.1.1. Document 119-B: Ordinance re: Accessory Dwelling Units (ADU)
Postponed from November 29th

10.1.1.1. Related communication from Mayor Fiorentini submitting *amended* Ordinance re: Accessory Dwelling Unit (ADU)

*Motion by Councillor Sullivan to refer to A&F Committee, second Councillor Toohey
PASSED referred to A&F Committee Yeas 9, Nays 0*

Councillor Sullivan made motion based on last week's meeting, don't think the ADU ordinance as proposed is ready. We need to vet it out and won't be successfully done here tonight. Think it should go to the subcommittee Administration and Finance where the public will be invited and have a more thorough discussion so that we can meet some of these objections and clarify misinformation.

Richard MacDonald, Director of Inspectional Services, appeared before the Council. It was clear at last week's meeting that the Council was looking for more information and answers to questions regarding Accessory Dwelling Units (ADU). First ADU ordinance was created in 1992. Since that time approximately 200 ADU's were permitted in the city. In the last two years, 20 ADU's have been granted. Not all have moved forward. Most ADU requests are for family members. Point being, there has not been a lot of interest in its current form. An ADU is an accessory to the principal use not considered multi-family housing. There are illegal units through the city. Investigate one per week. This is about addressing our housing needs and doing so in a mythological, safe manner. Do not expect ordinance to create a large amount of applications that will be processed. ADU's are expensive to build and the primary structure must be owner occupied. They are limited in size, only one allowed on property and cannot have separate utilities. All proposed AUD's require permits and must go through the city's development review.

11. APPOINTMENTS:

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

12. PETITIONS:

- 12.1. **Applications Handicap Parking Sign:** *with Police approval*
- 12.2. **Amusement/Event Application** - *with Police approval*
- 12.3. **Auctioneer License:**
- 12.4. **Tag Days:** *with Police approval*
- 12.5. **One Day Liquor License:**
- 12.6. **Annual License Renewals:**
 - 12.6.1. **Hawker Peddlers License 2022 - Fixed location** – *with approvals*



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12.6.2. Coin-Op License Renewals - with Police approvals

12.6.2.1. AMUS 22-5; *Crescent Yacht club*, 30 Ferry st, 2 Coin-ops

Motion by Councillor Bevilacqua, second Councillor Toohey

PASSED *Yeas 9, Nays 0*

14-F

12.6.3. Drainlayer License Renewals -with City Engineer approval

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

12.6.5. **Taxi Driver Licenses for 2022:** *with Police approval*

12.6.6. **Taxi/Limousine License** *with Police approval:*

12.6.7. **Junk Dealer License** *with Police approval*

12.6.8. **Pool Tables**

12.6.9. **Sunday Pool**

12.6.10. **Bowling**

12.6.11. **Sunday Bowling**

12.6.12. **Buy & Sell Second Hand Articles** *with Police approval*

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

12.6.14. **Pawnbroker license**

12.6.15. **Fortune Teller** - *pending Police approval*

12.6.16. **Buy & Sell Old Gold**

12.6.17. **Roller Skating Rink**

12.6.18. **Sunday Skating**

12.6.19. **Exterior Vending Machines**

12.6.20. **Limousine/Livery License/Chair Cars** *with Police approval*

13. MOTIONS AND ORDERS:

14. ORDINANCES (FILE 10 DAYS)

15. COMMUNICATIONS FROM COUNCILLORS:

15.1. Council President Jordan announces the 2023 City Council meeting schedule

Motion by Councillor Barrett, second Councillor McGonagle

PASSED *Yeas 9, Nays 0*

56-B

15.2. Request for *Reconsideration* by Councillor Lewandowski on the Mohawk Trail item, Document 112: CCSP 22-13: due to substantial changes in the character of the proposal (item # 16.1)

Motion by Councillor Lewandowski, second Councillor Sullivan

PASSED *Yeas 7, Nays 2 **see 16.1 for complete transcript* 129



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16. UNFINISHED BUSINESS OF PRECEDING MEETING:

- 16.1. Document 112: CCSP 22-13: Jeffrey Brem for Aaron Orso, Cedarcrest Homes requests Hearing for a Flexible Development, Pursuant to Chapter 255, Section 8.4 of the Haverhill Zoning Code; Mohawk Trail; a single family home development at 188 Lake st *Not Passed November 29th*

Councillor Lewandowski: So, rest there be any speculation as to why I filed this motion for reconsideration very briefly, after we left the last meeting there was negotiation with the developer. He made substantial changes to his proposal that warrant reconsider in my estimation. There are some mitigating effects he has put into place and a motion for reconsideration is simply the most efficient way to bring this back before the Council. I will say, specifically; the material changes include a reduction from fourteen to eleven units. Also, there will be frontage and side set back increases to all of those units. The developer has committed to razing (tearing) down the barn per our request and discussion at the last meeting. There will also be an installation of a community area or park which will include buffering trees, benches, a patio area, tables, etc. and that will be an ongoing process and discussion with the neighbors as to what works best. There will be additional buffering to directly impacted neighbors as well. The open space will be increased by over an acre. Given all of this, I would make a motion of reconsideration based on those substantial changes, second Councillor Sullivan

President Jordan: I did speak with City Solicitor Bill Cox today. We will hear from Councillors who will want to weigh in on this but procedurally, we will have a vote on whether to reconsider the vote. We only need a simple majority of five. If that does pass, then we have a vote on the item itself. As was needed last time, we need a two-thirds majority for it to pass. The hearing was closed, so we are not going to hear from anyone else on this but Councillors on comments on the reconsideration.

Councillor Bevilacqua: I have a procedural question on the reconsideration. Does the reconsideration go for the original proposal because I always believed that to do this type of change would require a repetitive petition under the zoning ordinance which first goes to the planning board and gives the neighbors and abutters and opportunity to speak and then it comes back to the City Council. I believed, but I could be wrong, I am just asking I didn't know that the City Solicitor had been asked this question. I believe that the reconsideration would go for the original proposal but that to make material substantial changes that we do that under a repetitive petition process in the zoning ordinance in Haverhill.

President Jordan: Based on my conversation with City Solicitor today, no that is not the case. Councillor Lewandowski being on the prevailing side of the vote is allowed to request reconsideration by noon time on Thursday following last Tuesday's vote. She made that in that time frame. Speaking with him today, this is the procedurally correct way to do it.

Councillor Bevilacqua: Thank you.

President Jordan: You're welcome.



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President Jordan: We have the motion on reconsideration, this is just reconsideration, on last week's vote made by Councillor Lewandowski with a second by Councillor Sullivan. Madam Clerk please call the roll.

City Assistant Clerk Wright: Councillor Michitson-yes, Councillor Barrett-no, Councillor Bevilacqua-no, Councillor Sullivan-yes, Councillor Lewandowski-yes, Councillor McGonagle-yes, Councillor Rogers-yes, Councillor Toohey-yes, President Jordan-yes, 7 Yeas, 2 Nays

President Jordan: Motion for reconsideration PASSES.

President Jordan: Do we have a motion to approve the project, the special permit?

Motion to approve as amended by Councillor Sullivan, second by Councillor Lewandowski as amended with department head conditions as well.

Councillor Barrett: Mr. President, I know the buffer is part of the material changes, I just wanted to make sure that truly is as it was a condition for the last time. Okay.

President Jordan: Motion made by Councillor Sullivan with a second by Councillor Lewandowski with the department head approvals, with the buffer, and reducing the size from what was originally proposed of 14 down to 11. Seeing no comments, Madam Clerk please call the roll.

City Assistant Clerk Wright: Councillor Michitson-no, Councillor Barrett-no, Councillor Bevilacqua-no, Councillor Sullivan-yes, Councillor Lewandowski-yes, Councillor McGonagle-yes, Councillor Rogers-yes, Councillor Toohey-yes, President Jordan-yes, 6 Yeas, 3 Nays

President Jordan: That PASSES.

17. RESOLUTIONS AND PROCLAMATIONS:

18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

19. DOCUMENTS REFERRED TO COMMITTEE STUDY

20. LONG TERM MATTERS STUDY LIST

21. ADJOURN

Motion by Councillor Sullivan, second Councillor Toohey

PASSED

Yeas 9, Nays 0

Adjourned 19:23