



City of Haverhill
City Council Minutes
Tuesday, March 19, 2019
Theodore A. Pelosi, Jr. Council Chambers, Room 202
4 Summer Street

Present – President Michitson, Councillors Sullivan, Bevilacqua, Barrett, LePage, Jordan, Macek, and Daly O’Brien.

Absent – Councillor McGonagle
City Clerk – Linda L. Koutoulas

1. Opening Prayer
2. Pledge of Allegiance
3. Approval of Minutes of Prior Meeting
The minutes were approved Yeas 8, Nays 0, Absent 1
4. Assignment of the minutes review for the next Meeting
Councillor Barrett was assigned the minutes
5. Communications from the Mayor:
6. Communications and Reports from City Officers and Employees:
7. Utility Hearing(s) and Related Order(s)

8. Hearings and Related Orders

Petition from Attorney Robert Harb for applicant/owner Arrowpoint Burlington LLC; for Special Permit – Modification of Pre-Existing Permit/Project: Mixed Use Project in Waterfront District to convert commercial area on first floor into three residential units and increase residential units from 164 to 167 and reduce commercial units from 6 to 5 at 1 Water st; Assessors Map 200, Block 4, Lot 2.

PRESIDENT MICHITSON OPENED THE HEARING.

ATTORNEY ROBERT HARB INFORMED THAT THE PRINCIPLES OF ARROWPOINT BURLINGTON LLC HAVE TRIED TO RENT THE COMMERCIAL SPACE ON THE FIRST FLOOR FOR 2 YEARS AND HAVE BEEN UNSUCCESSFUL. THEY ARE SEEKING A MODIFICATION OF THEIR EXISTING PERMIT TO CONVERT 3 COMMERCIAL UNITS TO RESIDENTIAL, 1 IN THE FRONT OF THE BUILDING AND 2 IN THE REAR. SOME OF THE SPACES DESIGNATED FOR COMMERCIAL WOULD BE AVAILABLE FOR RESIDENTIAL PARKING. MR. JAY GOLDBERG AND MR. DAVID LAMENTINO ANSWERED QUESTIONS. COUNCILLORS MACEK, BARRETT AND BEVILACQUA EXPRESSED THEIR CONCERN ABOUT CONVERTING THE FRONT COMMERCIAL SPACE INTO RESIDENTIAL.

HEARING CLOSED.

ON MOTION OF COUNCILLOR MACEK TO AMEND THE APPLICATION TO CONVERT 2 UNITS ON THE FIRST FLOOR IN THE REAR FROM COMMERCIAL TO RESIDENTIAL AND MAINTAIN FRONT UNIT AS COMMERCIAL.

On the question of passage the yeas and nays were as follows:

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| Yeas,-Councillors Sullivan, LePage, Jordan, Macek, Daly O’Brien, President Michitson | 6 |
| Nays,-Councillors Bevilacqua and Barrett | 2 |
| Absent,-Councillor McGonagle | 1 |

PASSED

PASSED AS AMENDED Yeas 6, Nays 2 (Bevilacqua, Barrett), Absent 1 **5**

Hearing was held on Document 14, petition from Robert and Ann Hackett of 1007 Boston rd and Stephen Franciosa of 10 Merrimac st Seabrook; to discontinue the Portion of I Street located between Boston rd and Oxford av. Attorney Robert Harb represented the petitioners. He informed that City Engineer Pettis requested a 20-foot easement be granted to the city, due to a pipe. Also, that I street be discontinued between Oxford Avenue and Boston Road. The abutters were in favor of the discontinuance. Mr. Davidowicz agreed to the easement. No one was in opposition. There was a favorable recommendation from Planning Board & Planning Director.

Hearing closed Yeas 8, Nays 0, Absent 1 **14**

ORDERED: Discontinue a portion of I Street (see document for complete text)

ON MOTION OF COUNCILLOR BEVILACQUA TO APPROVE REQUESTED DISCONTINUANCE WITH THE CONDITIONS FOR THE EASEMENT AS NOTED BY ATTORNEY.

PASSED AS AMENDED TO INCLUDE GRANTING OF 20 FOOT EASEMENT TO CITY Yeas 8, Nays 0, Absent 1 **14B**

Document 13 - Petition from John Thomas, Project Manager on behalf of *Wildflower Solar, LLC* care of Hexagon Energy LLC, requesting a Hearing to grant a *Special Permit* for a *Solar Energy Facility* to be installed at 1037 Broadway; Parcel ID: 574-1-16 to generate approximately 0.25 MW alternating current (AC) of solar energy

COUNCILLOR MACEK INFORMED THAT HE HAD ASKED THE CITY SOLICITOR FOR AN OPINION BECAUSE HE FELT THE APPLICATION WAS IMPROPERLY FILED. HE READ SOLICITOR COX’S LETTER DATED MARCH 19 2019 INTO THE RECORD. THE SOLICITOR’S OPINION WAS THAT THE APPLICATION OF WILDFLOWER SOLAR, LLC DOES NOT MEET THE CRITERIA REQUIRED BY CHAPTER 255, ARTICLE XVII AND IS NOT A PERMISSIBLE USE WITHIN THE CURRENT ZONING CODE OF THE CITY OF HAVERHILL.

ON MOTION OF COUNCILLOR MACEK, DUE TO NON-COMPLIANCE, TO DENY THE APPLICATION BASED UPON THE SOLICITOR'S LETTER DATED MARCH 19, 2019 AND STOP PROCEEDINGS.

Mr. Scott Remer of Hexagon Energy informed that he had received the letter today around noon and that he wasn't able to prepare a formal legal response with his counsel but felt that they were in compliance.
MOTION TO DENY WAS PASSED Yeas 8, Nays 0, Absent 1 13

9. Public Participation- Requests under Council Rule 28

10. Appointments:
No Schedule

11. Petitions:

Taxi Driver Licenses for 2019:

Steve Pefine, 12 Cherry st - *renewal*

GRANTED Yeas 8, Nays 0, Absent 1 27K

Taxi License

Haverhill Taxi – 127 White st – 10 Cabs, Wisvel Joseph - *renewal*

GRANTED Yeas 8, Nays 0, Absent 1 5

Taxi License

12. Motions and Orders:

No Schedule

13. Ordinances (File 10 days)

No Schedule

14. Monthly Report

15. Communications from Councillors:

Communication was received from Councillor Macek requesting a discussion about reserved parking spaces at City Hall designated for the Registry of Motor Vehicles

COUNCILLOR MACEK INFORMED THAT THE PARKING SPACES RESERVED FOR THE REGISTRY OF MOTOR VEHICLES WERE NO LONGER NEEDED SINCE THEIR RELOCATION & SUGGESTED THAT SPACES AROUND CITY HALL SHOULD BE REVIEWED.

ON MOTION OF COUNCILLOR MACEK TO REFER TO NATURAL RESOURCES & PUBLIC PROPERTY COMMITTEE FOR REVIEW OF DESIGNATED SPACES Yeas 8, Nays 0, Absent 1 38J

Communication was received from Councillor Macek requesting to discuss solar panels on proposed commercial buildings

COUNCILLOR MACEK NOTED THAT HE SAW AN ARTICLE IN THE MASS. MUNICIPAL BEACON ABOUT THE TOWN OF WATERTOWN REQUIRING NEW COMMERCIAL PROPERTIES TO USE SOLAR PANELS

REFERRED TO ADMINISTRATION & FINANCE COMMITTEE Yeas 8, Nays 0, Absent 1 38K

16. UNFINISHED BUSINESS OF PRECEDING MEETINGS:

17. Council Committee Reports and Announcements

Councillor Thomas Sullivan presented the Minutes and recommendations of the Natural Resources & Public Property Committee meeting held February 28th for acceptance and discussion of items Document 93-L/2018-regarding street plantings – recommendation was to have city adopt tree planting guidelines, appoint Neil Kelleher to Tree Advisory Committee; Document 93-W/2018-regarding rehab and lease of Clement Farm – next step is site visit with appropriate dept. heads to determine scope of work; Document 121-H/2018-regarding Haverhill Youth Soccer – letter to Mayor suggesting inclusion of 2 new soccer fields in Master Plan.

ON MOTION OF COUNCILLOR SULLIVAN TO ACCEPT MINUTES AS PRESENTED AND PLACE ON FILE Yeas 8, Nays 0, Absent 1 30C

Councillor Colin LePage presented the Minutes and recommendations of the Administration and Finance Committee meeting held on March 6th for acceptance and discussion of items Document 38-F/2016-double poles-the data base needs to be updated; Document 26-E/2016 Mayor's recommendations, Capital Improvement Plan-capital project requests were submitted by Fire and Police Depts, and School Athletic Director; Document 13-N-Council Rules and Regulations – amendments were submitted to Solicitor Cox for review.

ON MOTION OF COUNCILLOR LEPAGE TO ACCEPT MINUTES AS PRESENTED AND PLACE ON FILE Yeas 7, Nays 1(Bevilacqua), Absent 1 30D

On motion of Councillor Macek to suspend the rules to create a limited moratorium on solar zoning.

SUSPENSION PASSED Yeas 8, Nays 0, Absent 1

COUNCILLOR MACEK INFORMED THAT UPON REVIEW OF CITY'S SOLAR ORDINANCE IT NEEDS TO BE REVIEWED BY THE CITY SOLICITOR, SPECIFICALLY, CH. 255, ZONING, ARTICLE XVIII, SOLAR ENERGY SYSTEMS, SEC. 255-186 (A) LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION. COUNCILLOR DALY-O'BRIEN SUGGESTED A 6 (SIX) MONTH MORATORIUM.

ON MOTION OF COUNCILLOR MACEK TO CREATE A LIMITED SHORT-TERM MORATORIUM FOR 6 MONTHS SPECIFIC TO: CH. 255, ZONING, ARTICLE XVIII, SOLAR ENERGY SYSTEMS, SEC. 255-186 (A) LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION PASSED Yeas 8, Nays 0, Absent 1

Subject will also be referred to Administration & Finance Committee for review.

18. Documents Referred to Committee Study

Councillor Bevilacqua announced that the Planning & Development Committee will meet on Weds, March 27 at 8:30AM in the Council office to discuss broadband. The consultant is from out of town and meeting scheduled to accommodate his schedule, and the Haverhill Public Library parking study.

Meeting adjourned at 8:16 o'clock P.M.

Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas
City Clerk