

**HVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, May 8, 2019

Place: City Council Chambers, Room 202

Time: 7:00 PM

Members Present: Acting Chairman Robert Driscoll
Member Karen Buckley
Member Karen Peugh
Member April DerBoghosian

Members Absent: Member Bill Evans
Member Alison Colby-Campbell
Member Kenneth Cram
Chairman Paul Howard

Also Present: William Pillsbury, Planning Director

Approval of Minutes: April 10, 2019

April 10, 2019

After board consideration, Member April DerBoghosian, Esq. motioned to approve the April 10, 2019 minutes. Member Karen Buckley seconded the motion. Members present voted in favor: April DerBoghosian, Esq., Karen Buckley, Robert Driscoll and Karen Peugh. Members Absent: Paul Howard, Alison Colby-Campbell, Kenneth Cram and Bill Evans. **Motion Passed.**

Member Karen Peugh: Read the conduct of hearings into the record.

Public Hearings:

Amendment to Zoning Ordinance:

Please note at the May 8, 2019 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation to amend the licensed marijuana establishment Overlay Zone relative to site plan review criteria.

Member Karen Peugh read the rules of public hearing into the record.

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William Pillsbury, Planning Director addressed the board. What we have before us this evening is a request for a recommendation to an amendment to the zoning ordinance proposed by the city solicitor. It is basically very limited and technical in nature. What the city solicitor is proposing in his recommendation is to require the information that is required for the site plan filing at a special permit hearing; that information be filed prior to the city council hearing rather than after the city council hearing. This is really a matter of timing, it's the only item that's being looked at it to be changed in the ordinance. There's no other changes proposed. It's really the sequencing of when information is filed. We are not changing the required documents in the ordinance, but when they are filed that's being changed. That's the only thing that's being changed. And so with that Mr. Chairman at the appropriate time I will make a recommendation to the board at the close of the hearing.

Basically, there are a number of different things required to be filed as part of a site plan. They are all listed in the zoning ordinance that's been passed by the city council. Those items are said to be submitted after the special permit. Having those items submitted after does not afford the city council the opportunity to review that information or to receive input from the city departments on that information. What's happening this evening is only a recommendation to the city council. This is a situation where there's a recommendation made to the council, the council is the only one that can change ordinances. So that's the only substantive thing that's contained within this proposed amendment. There's no changes to any of the maps, there's no changes to any of the other documents itself. It's just the timing of the submission of information so that it can be reviewed by the city council prior to their deliberations at the actual public hearing.

Acting Chairman Driscoll: Is there anyone here who wishes to speak in favor of this petition? Anyone here who wishes to speak against?

A number of citizens raised concerns/comments/questions:

Stephanie Mann- 75 Shattuck Street – questioned the previously approved areas for licensed marijuana establishments.

Daniel MacDonald – 65 Elliot Street – concerned about areas for licensed marijuana establishments. Does the change affect already filed permits? Will a member of the planning board be present at the city council meeting?

Audience- (inaudible) – What recourse do neighbors have for the action that was taken previously at the city council meeting.

Audience – (inaudible) – Why did the planning board not recommend the Route 110 zone at the previous meeting. Where can people review the minutes of the city council hearing?

Audience (inaudible) – hypothetical question- how can we change the zoning to eliminate those zones that were previously approved.

Audience (no name given) – Have any city council members been directly involved with developments that have come through before.

77 Elliot Street – What is the criteria of the site plan for licensed marijuana establishments; any approvals for a special permits for the licensed marijuana establishments currently?

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Audience (inaudible) – How does the process of the site plans work, such as traffic issues, who reviews? How to voice concerns, issues with the City?

Audience (inaudible) question about zoning for houses near Route 110.

Audience (inaudible) – What is the process for voting and how did the Planning Board vote on the previous marijuana amendment. How is the information delivered to the city council.

Audience: Do the traffic studies go through the Planning Board for site plans.

Questions and concerns were answered by the Planning Director and board.

Acting Chairman Driscoll asked if anyone else from the public wished to speak. We're going to take a vote. This is administrative in nature. We are going to close the hearing now and ask for the Planning Director's recommendation.

Mr. Pillsbury stated I would recommend a favorable recommendation to the city council. I believe it is appropriate to have the information prior to filing the special permit rather than after the fact.

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

List of all documents and other exhibits used by the public body during the meeting.

- **Ordinance relating to zoning**
- **Mayor Fiorentini, letter 4-5-19**
- **City Clerk notice, 5-3-19**
- **Comment due sheet**
- **Fire Department, 4-9-19**
- **Conservation Department, 4-24-19**

Definitive Escrows:

Carrington Estates Phase I:

Please be advised at the Haverhill Planning Board meeting held on 5/8/19 at 7:00 pm in the City Council Chambers reviewed the request to endorse the extension agreement for the above cited development.

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The Acting Chairman, advised the board that the agreement was reviewed by the City Solicitor as to form and was approved as attested to by his signature on said agreement. The new expiration date for performance is **April 19, 2020 and the Letter of Credit will expire on May 19, 2020.** The Planning Director recommended that the Planning Board vote to endorse the extension agreement. It was noted, that the developer must record the extension of the agreement at the Registry of Deeds and provide proof of said recording to the Planning Office for its file.

After board consideration, Member Karen Buckley motioned to endorse the above cited agreement and that the developer must provide the Planning Office with a recorded copy of said agreement as required. Member April DerBoghossian seconded the motion. All members present voted in favor. Members absent: Bill Evans, Alison Colby-Campbell, Paul Howard and Kenneth Cram were absent. **Motion Passed.**

List of all documents and other exhibits used by the public body during the meeting:

- Escrow Material

Emma Rose Modification:

PLEASE NOTE NO ACTION WAS TAKEN AT THE PLANNING BOARD MEETING
Did not receive the City Engineer's letter in time.

Reminders for expiring Definitive Escrows:

Delhaven Estates: The board would like to remind the applicant the performance guarantee agreement expires on June 1, 2019 for completion and July 1, 2019 for funding. The developer must submit an extension agreement or bond attachment may be a consideration. (to date no agreement has been received)

Endorsement: None at this time.

Meeting adjourned.

Signed:

Robert Driscoll
Acting Chairman