

HAVERHILL PLANNING BOARD MEETING MINUTES

DATE: Wednesday, April 10, 2019

Place: City Council Chambers, Room 202

Time: 7:00 PM

Members Present: Karen Buckley, Robert Driscoll, Alison Colby-Campbell, Ken Cram
April DerBoghosian, Esq.,

Members Absent: Karen Peugh, Paul Howard and Bill Evans

Also Present: William Pillsbury, Planning Director

Approval of Minutes:

March 13, 2019

After board consideration, Member Karen Buckley motioned to approve the March 13, 2019 minutes. Member Ken Cram seconded the motion. Members present voted in favor: April DerBoghosian, Esq., Karen Buckley, Ken Cram, Bob Driscoll and Alison Colby-Campbell. Members Absent: Paul Howard, Karen Peugh and Bill Evans. **Motion Passed.**

Mr. Pillsbury: Read the conduct of hearings into the record.

Planning Director William Pillsbury Mr. Chairman, we have a request to continue 2 of our hearings tonight.

Public Hearings:

Definitive Plan for Marbles Lane:

It was noted that the applicant's engineer requested a continuance until the June 12, 2019 Planning Board meeting.

After board consideration, Member Karen Buckley motioned to continue the hearing to the June 12, 2019 Planning Board meeting at 7:00 pm in the City Council Chambers. Member Ken Cram seconded the motion. Members present voted in favor: April DerBoghosian, Esq., Karen Buckley, Alison Colby-Campbell, Bob Driscoll, Ken Cram. Members Absent: Karen Peugh, Bill Evans and Paul Howard. **Motion Passed.**

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

- Letter of continuance, 4-9-19

Definitive Plan for Gile Street (Zachary Heights):

It was noted that the applicant's engineer requested a continuance until the June 12, 2019 Planning Board meeting.

After board consideration, Member Karen Buckley motioned to continue the hearing to the June 12, 2019 Planning Board meeting at 7:00 pm in the City Council Chambers. Member Ken Cram seconded the motion. Members present voted in favor: April DerBoghossian, Esq., Karen Buckley, Alison Colby-Campbell, Bob Driscoll, Ken Cram. Members Absent: Karen Peugh, Bill Evans and Paul Howard. **Motion Passed.**

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

- Letter of continuance, 4-10-19

Street Acceptance for a portion of Vincent Avenue:

Please note at the April 10, 2019 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for a street acceptance for a portion of Vincent Avenue.

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

Mr. Pillsbury: The attorney could not be here tonight, he was not feeling well.

Mr. Pillsbury stated the applicant has requested that the above street to be accepted by the city. The roadway was built in conformance with a definitive plan approved by the Planning Board and has been inspected by the city engineer and the bond reduced to zero. The reduction indicates the roadway was completed in accordance with the definitive plan. The role of the Planning Board is to make a recommendation to the city council on the proposed street acceptance. The request was reviewed by the city departments and no objections have been received. My recommendation would be a favorable recommendation to the City Council on the proposed street acceptance.

Acting Chairman Driscoll asked if anyone from the public wished to speak. Hearing none, we will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury: My recommendation is a favorable recommendation to City Council.

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

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

- **Order – accepted as public way**
- **Request for street acceptance , 3-7-19**
- **Quitclaim deed**
- **Fire Department Letter, 3-22-19**
- **Conservation Letter, 4-1-19**
- **Water/Wastewater Letter, 3-29-19**
- **As-built plan, 2-22-19**
- **Street acceptance, 2-22-19**

Frontage Waiver for 659 Salem Street:

No one at meeting presenting the case.

William Pillsbury, Planning Director: This plan received approval for frontage variance and no appeal has been taken. The role of the planning board in acting on the frontage waiver is to ensure that there is adequate access provided to the site from the reduced frontage. The review of the plan indicates that the adequate access exists via reduced frontage. The plan has been reviewed by the city departments and their comments are in your packages. No objections have been received.

Acting Chairman Driscoll asked if anyone would like to speak on this project? Hearing none, I will close the public portion of the hearing and turn it over to comments from the Planning Director.

Mr. Pillsbury: I would recommend the approval of the frontage waiver as presented.

After board consideration, Member Alison Colby-Campbell motioned to approve the frontage waiver for 659 Salem Street as recommended by the Planning Director, William Pillsbury. Member Ken Cram seconded the motion. All members present voted in favor. Motion passed.

City department reports are attached to and considered part of this board's decision and notice of decision. Any appeal of this board's decision and notice of decision shall be taken in accordance with M.G.L. Chapters 40A and 41 within twenty (20) days of the board's filing of this decision/notice of decision with the city clerk.

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

- **Frontage Waiver application**
- **Letter, Attorney John Cleary, 3-15-19**
- **Form D**
- **Form D-1**
- **Notice of Decision – Board of Appeals**
- **Water/Wastewater Department, 3-26-19**
- **Water/Wastewater Department, 3-29-19**
- **Conservation Department, 4-1-19**
- **Fire Department, 3-25-19**
- **Frontage waiver and variance plan, 9-21-18**

Definitive Escrows:

West Gile Street: Please be advised the Planning Board at its 4-10-19 regular scheduled meeting considered your request to establish the bond amount for the above cited development. No lots are to be released until the required funds are submitted along with a properly executed escrow agreement in exchange for the release of said lots from the Form F Covenant for the above cited development. The board reviewed your cited request along with the report dated 4-10-19 from the City Engineer, which is in the established amount of \$74,876.50 that will guarantee the completion of all required work for the lots within the above cited development.

Please note, that no lots will be released until a properly, executed performance guarantee agreement is submitted and is approved as to form by the city solicitor in the above cited amount in a report from the city engineer dated 4-10-19, along with a written request to be placed onto the next scheduled planning board agenda. Once the agreement is endorsed by the Planning Board said agreement would be required to be recorded at the Registry of Deeds and recorded copy provided to the board that shows the registry's recording stamp.

After board consideration, Member Karen Buckley motioned to approve the established amount of \$74,876.50 that was recommended by the City Engineer. Seconded by Member Ken Cram. Members April DerBoghossian, Esq., Kenneth Cram, Alison Colby-Campbell, Bob Driscoll, Karen Peugh and Karen Buckley all voted in favor. Members was absent. Karen Peugh, Paul Howard and Bill Evans. Motion Passed.

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

- Escrow Material

Sylvan Hill Escrow: Please be advised the Planning Board at its 4-10-19 regular scheduled meeting considered your request to establish the bond amount for the above cited development.

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No lots are to be released until the required funds are submitted along with a properly executed escrow agreement in exchange for the release of said lots from the Form F Covenant for the above cited development. The board reviewed your cited request along with the report dated 4-10-19 from the City Engineer, which is in the established amount of \$1,424,528.00 that will guarantee the completion of all required work for the lots within the above cited development.

Please note, that no lots will be released until a properly, executed performance guarantee agreement is submitted and is approved as to form by the city solicitor in the above cited amount in a report from the city engineer dated 4-10-19, along with a written request to be placed onto the next scheduled planning board agenda. Once the agreement is endorsed by the Planning Board said agreement would be required to be recorded at the Registry of Deeds and recorded copy provided to the board that shows the registry's recording stamp.

After board consideration, Member Karen Buckley motioned to approve the established amount of \$1,424,528.00 that was recommended by the City Engineer. Seconded by Member Ken Cram. Members April DerBoghossian, Esq., Kenneth Cram, Alison Colby-Campbell, Bob Driscoll, Karen Peugh and Karen Buckley all voted in favor. Members was absent. Karen Peugh, Paul Howard and Bill Evans. Motion Passed.

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

- Escrow Material

Reminders for expiring Definitive Escrows:

Carrington Estates Phase I: The board would like to remind the applicant the performance guarantee agreement expires on June 19, 2019 for completion and May 19, 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:

Definitive Plans: Emma Rose Definitive Plan Modification:

Mr. William Pillsbury: I recommend voting to endorse the plan.

After board consideration, Member Karen Buckley motioned to endorse the definitive plan modification for Emma Rose as recommended by the Planning Director, William Pillsbury. Member Ken Cram seconded the motion. All members present voted in favor. Motion passed.

Audience: I am here for the frontage waiver on Salem Street.

Mr. Pillsbury: We just acted on that.

Audience: What was done on that?

Mr. Pillsbury: The Planning Board is very limited. There was already a variance granted on this by the Board of Appeals. When there is a variance and no appeal was taken on that variance

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then the applicant is required to file a frontage waiver with the Planning Board. The only thing the Planning Board can look at under the frontage waiver is whether there is adequate access to the lot provided by a way or street. In this case it is Salem Street. The City Departments reviewed it and there is adequate access. That is the only item that can be looked at.

Audience: Do we know what is going in there?

Mr. Pillsbury: I believe its for a single family house.

Audience: Is it only one home for seven acres?

Mr. Pillsbury: The lot has received a frontage variance. That is in place. The Planning Board is only looking to see if there was access to that lot. Ultimately they need to comply with zoning.

Audience: Thank you. We were hoping they weren't putting a development in behind us.

Mr. Pillsbury: You can always check further with us with the board and building inspector to see what is further happening. I haven't heard of a development there. There is no definitive plan. This is just a frontage waiver.

Meeting adjourned.

Signed:

Robert Driscoll
Acting Chairman