

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, September 14, 2022

Place: City Council Chambers – Room #202 City Hall

Time: 7:00 PM

Members Present: Member Carmen Garcia
 Member Karen Buckley
 Member April DerBoghosian, Esq.
 Member Robert Driscoll
 Member Bobby Brown
 Member Nate Robertson
 Chairman Paul Howard

Members Absent: Member Ismael Matias
 Member William Evans

Also Present: William Pillsbury, Jr., Director of Economic Development and
 Planning
 Lori Robertson, Head Clerk

Approval of Minutes:

August 10, 2022 – Continued to 10.12.22 meeting-no vote taken

Bill Evans –

Karen Buckley –

April DerBoghosian, Esq.-

Bobby Brown –

Nate Robertson-

Robert Driscoll –

Paul Howard –

Ismael Matias -

Member Nate Robertson read the rules of public hearing into the record

Chairman Howard: We are going to take an item out of order tonight. We are going to move up item #2 the zoning amendment to create a planned development district.

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Public Hearings:

Please note at the September 14, 2022, Planning Board meeting held at 7:00 pm in the City Council Chambers the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation to the city council on the proposed amendment.

Member Nate Robertson read the rules of public hearing into the record.

Mr. Pillsbury: I would like to create some context for the proceedings tonight. Basically what we have tonight is a request from the applicant at 145 Oxford Avenue to create a planned development district which is a new tool in our zoning ordinance which we have recently only utilized once. We used that for the project over at DiBurro's and I think very successful. It implemented an excellent project. I think its important to note that what is discussed tonight will only be a recommendation to the City Council. The City Council makes the final decision on zoning. The Planning Board will be making a recommendation to move that forward to City Council whose hearing will be on October 18th. The reason I asked for the two items on the agenda be reversed is because I believe its important for the applicant to have an opportunity to present the project and then within the context of that and then present the street discontinuance. I think one only makes sense with the other. If there is no project there really is no street discontinuance. I think the reverse of that is it is important to see the project and then see the context of the street discontinuance, so that we can all understand what is happening there. With that Mr. Chairman I would call the first hearing, Mr. Friberg.

Rick Friberg, Civil Engineer for the project. Before we start to dive into the merits and technicalities of the two items in front of you tonight, I would first like to introduce Joe Faro and Deanna to give you a little bit of history of the site and the families history with the City of Haverhill before we dive into the project.

Deanna Gaiero of 11 Chelmsford Street, Seabrook, NH addressed the board. For those of you who don't know me again, my name is Deanna Faro Gaiero, and I own Joseph's Trattoria. This is my husband Darren Gaiero, he was born and raised in Haverhill. That is my son Nick Gaiero and he is a senior at Endicott College studying hospitality management. My family has been in business in Haverhill and investing in Haverhill for over 40 years. My parents Rose and Joe Faro opened Joseph's Bakery on Winter Street in the early 1980's. In 1990 my father and my brother Joe bought our current Oxford Avenue property and expanded and redeveloped it as a new manufacturing facility for Joseph's Pasta. Soon after in 1996 we decided to open a new business in Haverhill a restaurant that would use the wonderful pasta and desserts and breads that we were making. We closed our old bakery on Winter Street and for the last almost 27

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years we have been operating Joseph's Trattoria and Bakery and Café voted #1 restaurant in Haverhill for the past 2 years. Shortly after the restaurant opened my brother grew Joseph's Pasta Company even further and reinvested in Haverhill yet again by purchasing property on Hale and Primrose Street and redeveloping and relocating his factory to this location in Haverhill. I am a second-generation family business here in Haverhill. All of my kids have been working with me in the restaurant since they were little and all three are in college now and will hopefully soon become 3rd generation family business owners here in Haverhill. We are so excited to redevelop our current property a dilapidated old factory building into something beautiful and great for Haverhill. We are looking to create a place that our local existing neighbors as well as new Haverhill residents moving into our development can walk down to, walk around in and enjoy with the neighborhood village center feel to it. My family and Joseph's has been a big part of Haverhill's history and we are excited to continue to be a part of its future. Thank you. Here is my brother Joe to speak a little bit more about the project.

Joe Faro of 4 Ocean Drive, Seabrook, NH addressed the board. Italians like to stay close, we are no different. To further that history that long history in Haverhill and the Merrimack Valley after our Joseph's Pasta experience I to expanded my horizons into hospitality and then also real estate development. Tuscan's Brand Realty Development is one of the largest developers in New England. We are currently developing 4 million square feet of mixed use village district right up the street in Salem, NH. It's a very high quality development. The architecture is very high quality. We put a lot of emphasis on walkable neighborhoods. We put a lot of emphasis on mixed use. Whether it be the kind of the live stay, play concept that has worked very well with Salem. I applaud the City of Haverhill for contemplating a development specific zoning ordinance. I think it's the only way to incentive developers to do mixed use and really reinvest at this level in the City. We are very excited and I am very excited to team up with my sister and Joseph's once again to come back to where I started Haverhill, MA. Thank you very much for allowing us this opportunity this evening and we look forward to this project. Thank you very much.

Rick Friberg of TEC, civil engineer for this project, 282 Merrimack Street, Lawrence addressed the board. So, again, the images that you see here on the easel really tell the story. This is a property that is need of reinvestment and it's a significant reinvestment that is going to take to fix it up. So, we are really excited to have a project that represents the significant investment in the City of Haverhill. In total the project is a consortium of properties that represents about 8.4 acres in total. The current zoning is business park and commercial highway. Again, the property has quite a lot of frontage along Route 125. It doesn't really take advantage along Route 125. It sort of lacks a sense of place and street scape as you walk along it. The other issues that people that are familiar with the site now about it is that Route 125 is a fast corridor. Vehicles travel

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very quickly there. Not only the intersection with Oxford Avenue also the next intersection to this South Cross Road are angled intersections. It is sort of at a poor geometry which makes left hand turns very difficult and dangerous to make particularly when you add the high speed of traffic on Route 125. We are proposing to completely renovate the property to start over from scratch. We want to demolish the buildings that are there on site and construct this new village center style development comprised of two different buildings. There is a building in the rear that we are calling the Residences at Oxford Crossing and a building in the front that we are calling Market Place at Oxford Crossing. This board to its credit I think has spent a lot of time considering the merits and values of having mixed use development. The synergies that exist when you put residential uses and commercial retail uses on the same site. The folks at the rear of the site to make those retailers up front successful by adding more patrons and conversely restaurant and bakery retail help to make the residential place a nicer place to live because you have amenities right out front that are walkable which is a really nice concept. That is exactly what we are proposing here on this site. The larger building towards the top of the page is a proposed multifamily residential building, its 230 units. Fronting onto Route 125 which is something that doesn't exist today right now it's a gravel parking lot will be where the new Joseph's Restaurant will be constructed, 6,000 s/f. There will also be a 1,200 s/f bakery as part of that and adjacent to that 3,000 s/f retail unit which we think would be a complimentary service style retail that again serve as an amenity to this site and also neighboring residential properties. As we looked at the site obviously the first thought is we kind of need to start over on the site. The site is in tough condition. The building out back is in degraded condition and pretty significant expenses to sort of get it back to scratch. The other challenge that we saw out there is access to the site. Route 125 as a mentioned before is very fast. This intersection in particular when we did our traffic study we learned was quite dangerous. I think it's the high speed and poor geometry of the Oxford Avenue and 125 intersection that makes it so dangerous. We have those two factors sort of working against each other. We looked at it and said how can we redevelop this parcel unless we address these very serious safety issues that are out there. The only thing that we could come up with to do that was to propose a new traffic light on Route 125. We can't just propose it to the condition that it is in now because the geometry would still be poor, the intersection would not operate efficiently the intersection would take up a lot of space have to be a large intersections, large intersections are not safe intersections because pedestrian crossings need to be longer, clearance intervals need to be longer and people are more likely to be in the intersection when the light turns red because its just a bigger intersection. There is just more room to be in there. What we are proposing here is "T" up the intersection or squaring it up to make it perpendicular so that the driveway from the site is perpendicular to Route 125 and lines up with Oxford Avenue on the other side. That

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allows us to tighten up the intersection. Tight intersections are safe intersections, they are also really efficient from a traffic. We are able to maintain and improve levels of service on Route 125 and significantly increase the safety. The two main contributing factors again, the poor geometry is fixed by squaring up the road and the high speeds that are out there are addressed by the new traffic light. When we did our study we did a speed analysis as part of that as well. Only 3% of traffic was moving at the speed limit or lower. More than 50% of traffic was going over 10 miles over the speeds limit. Again, as we got in the crash analysis, we learned that there was 50% more accidents at this intersection than you would expect stated wide on average at a normal intersection and that included a fatality back in 2017 at this intersection. This is a really important issue to address as part of the project to improve that public safety. The project as Mr. Pillsbury mentioned is front of the Planning Board here seeking a favorable recommendation to the City Council. The zoning language that I believe you all have in your packets is very consistent with what we saw with the DiBurro's project. We used a lot of the same ratios and dimensional requirements that were in there. We believe that this project is great for the City of Haverhill. We think that the safety improvements that are proposed with the light but also with embracing this village style development, making it walkable. There are sidewalks throughout, strong sidewalk connection between the residential and retail uses but there is also a proposed 10' sidewalk along Route 125 that will help to make this more walkable. Anybody who has tried to cross Route 125 as it is today knows you have to cross four lanes of traffic and that traffic is moving. Its worse than frogger. By proposing the light here you at least get the signal to stop traffic you also have new crosswalks that allow you to cross safely. Getting in that development conductivity is good you want to have sidewalks that connect the buildings within your site but you also want to connect it to the surrounding neighborhoods. That is what this plan allows us to do to really embrace that concept that you guys spent a lot of time looking at as part of the Vision Haverhill 2035 Masterplan. We humbly seek your favorable recommendation tonight. Thank you for your consideration and we look forward to answering any questions.

William Pillsbury: If I could ask a couple of questions. We have had a lot of conversations about this project. I know it was a larger footprint at one point in time. I know that the City had raised some considerations about wetland issues. Can you describe the strategy that you impose to manage any impact to the wetlands.

Rich Friberg: So, the wetlands...so this portion of the site here is all wetlands and initially when we were running project proformas and I mention it is a great expense to demolish the building that is there just to build back another restaurant and replacing a restaurant in kind with no additional buildable square footage or rental is impossible to do. When you add on to that the need to create a traffic light we really had to stare hard at the proforma. Initially the project was almost 300 units and it extended into the

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wetlands over here. I think the first go round that we had with the city there was nearly 3 acres of wetland impacts that were proposed as part of the project. Wetland impacts at that scale require going to the Army Corps of Engineers to address. So, it is a federal process, state process and a local process. On top of that it really isn't something that was favorably viewed by the city. The process that Mr. Pillsbury is describing that we went through is a sort of (inaudible) process that we went through with the Planning Department and with Conservation and other city staff to really hone this project in. tighten it up and get it to a place that everybody felt good at what was being proposed. The wetlands impact shrunk from nearly 3 acres down to 4,800 s/f. The only place where there was wetland impacts is right here where it is necessary to square up the intersection. There is no other wetland impacts as part of the project. Further after discussions with the city's conservation agent we were actually able to talk about replicating and providing replication areas for that wetlands on site which is a really a valuable tool because a lot of times maybe you pay into a fund and they do some state wide wetland project that Haverhill doesn't get to benefit from. This benefit provides mitigation on site and at a stronger ratio at $\frac{1}{2}$ to 1 ratio so we are proposing just under 5,000 s/f of impact and proposing just over 7,500 s/f of mitigation. At the end of the day, it increases flood storage which we heard a little bit about from Rob Moore and also promotes more healthy wetlands on site. Through that process we are on design concept 60 or so to get this to a place where everybody feels comfortable that it is a viable project from an economical standpoint, addresses the key issues that we heard about from the city including wetlands and probably more importantly the traffic and safety issues that we talked about and that is why we feel excited and ready to be in front of the board tonight seeking a favorable recommendation.

William Pillsbury: Rick, I know that we are going to have a hearing at the end of this hearing on the roadway discontinuance. Can you contextualize that and how that is important and how that will work. I know we might be redundant and do that again...I would like to contextualize it as it relates to the project.

Rick Friberg: The existing Oxford Avenue you can see Route 125 going across the sheet here and the existing Oxford Avenue meets at the skew junction you can see that its not perpendicular its skewed here at an angle like this, this blue outline goes out to Cross Road. When we make the intersection improvements that we want to make and we make the intersection safer and more efficient that requires "T" up the intersection that it meets Route 125 perpendicular at a 90 degree angle. What that does obviously it pulls vehicles up in here off of the existing right of way of Oxford Avenue. What we are proposing to do is to discontinue this portion of Oxford Avenue that is in between Route 125 and Cross Road and replace it with a public access easement that is shown here in red It will still maintain the connection to Cross Road but also provide important public access to that left hand turn. That's not a private signal that will be a publicly accessible

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signal. We will have signage that directs cars towards it. We think this is really favorable for a couple of reasons. One obviously anybody who tries to take a left hand turn coming out of Oxford knows the proximity to the connector is tough, the speeds are very high. It's a difficult left turn, you have to look left, look right, look left again and then make your move. This eliminates that but giving public access to the signal. You would take a left on Green which is a safe and protected turn the other thing that it will do that we believe that folks who come down Cross and are looking to take the next intersection which is a similar condition will also have access to that left hand turn. Unfortunately, we can't keep Oxford Avenue in the current alignment and propose those type of safety improvements. We need to realign to make sure we can square it up to Route 125 to make that intersection safer.

William Pillsbury: The ability to do that is because you have ownership of the entire footprint.

Rick Friberg: That's correct.

William Pillsbury: That's important to note because you own both sides to that road currently and the discontinuance would make that private land part of your site plan.

Rick Friberg: Right.

William Pillsbury: Thank you.

Chairman Howard: We will open it up to the public. Is there anybody who wishes to talk in favor of the proposed project?

Steven Janavicus of 503 Main Street, Boxford, MA addressed the board. I am a neighbor at 14 Cross Road. I've had the pleasure of having my flower shop there for almost 50 years, so I have seen a lot of changes in the neighborhood. I have to say that I am 100% approval of this project. I think we definitely need that light there. I never use Oxford Avenue to turn left or right. You are taking your life in your hands. I always direct people when they leave my store a lot of times when they go to the highway to go up through the back road its very dangerous. I think it will be great for the neighborhood. We have looked at the Knipe Shoe factory fall down and its definitely and eyesore. I think it will just be an amazing project and I came here tonight to let you know that its great for the neighborhood. Thank you.

Chairman Howard: Anyone else who wishes to talk in favor of the project?

John Soroghan of 214 North End Blvd., Salisbury, MA addressed the board. I am here with my dad Jack Soroghan our family has Duffy's Diner in Bradford. I also go to High Pointe in Bradford. I grew up going to St. Gregory's right across the street, now I'm at High Pointe. We are really excited for this project. I grew up working at Duffy's and I

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also worked at Joseph's. I know Deanna and her family very well. They are great people. We are really excited to take this dilapidated old factory property and turn it into something nice, to invest a lot of money in Haverhill, create a bigger tax base for Haverhill. We think its going to do a lot of good. We are 100% behind it. Thank you.

Chairman Howard: Anyone else wish to talk in favor of the project? Seeing none is there anyone else who wishes to speak in opposition to the project?

Sean Scharneck of 46 Neck Road addressed the board. I am kind of neutral. I'm not in opposition, I am not in favor. I go to Joseph's all the time. I live in Haverhill, I live in that section of Ward Hill. You have heard from people they don't live in that neighborhood. I live in that neighborhood. The project is a great project but it is going to give over 200 units of housing in that area. They are going to have a stop light exiting Oxford Avenue that's going to help but what its not going to help is the neighbors that live on Cross Road, Ferry Road and Neck Road who I think we neglect to think about with this project. No one has come to me and asked me how will this project affect you. I see we have the boards here. I can't see them from behind me. Mr. Pillsbury was asking him questions, he was with his light. I can't see them. My only issue with this project, my only issue I spoke already about this is the exit or entrance from Cross Road. Those cars exiting that project are not going to sit a stop light at the new project if they are going to the highway. They are going to take a left, a left, sit at a light at 125 at the connector, they sit at a light at Rydon Park, then they sit at a light at the connector itself where BJ's is. That's four lights. You know what they are going to do, they are going to take a right and go up Cross Road through the neighborhoods, 200 cars at least 200 cars. That is the problem. Again, this isn't against the project. I want to make that perfectly clear. This is not against the project because they have to do something with that building. It looks like there is roof top dining with the trees there because things are happening. Again, I am not against this project. I am against that entrance/exit from Cross Road. You can put a fire gate there. There are other projects in the City that have a fire gate, so if the fire or police have to get in they need an entrance and an egress. I understand that. You can put a fire gate there. We have them in the city already. That's all I'm asking. I don't want to see the traffic over 200 cars because if its over 200 units that's over 200 cars. Other than that, I will still dine at Joseph's. Thank you.

Ben Thompson 318 Ferry Road, Haverhill, MA addressed the board. First of all, I want to thank my neighbor Sean Scharneck for hitting some great points that I was going to hit. Now mind you I live in this neighborhood too. I'm a historic preservationist I would love to see this building saved but its beyond that point. Ben Thompson 318 Ferry Road, Haverhill, MA addressed the board. There are a few situations that he pointed out. This is 200 units which is a pretty big development for this neighborhood. What's

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going to happen...so three main points. This is over 200 units which is one of the biggest developments in Ward Hill, in Bradford. I'm not aware of any six story buildings on this side of the river. I could be wrong. I don't know what the proposal for DiBurro's is off the top of my head. This would be a little out of character for this side of the city. There are other issues that if this goes into place they are going to have to address especially if there is not a fire gate. Behind this railroad tracks if you go up the road there is an island at the intersection of Ferry Road and Cross Road now mind you people who live in the neighborhood go down Neck Road, cut to Ferry and then get out to Route 125 that way or vice versa. That road is two way, not supposed to be but people use it both sides of the island both ways. If there are 200 cars doing that, that is going to be very, very, very dangerous. Ferry Road is not a very wide street, its just barely big enough for two cars and in the winter forget about it. Its not even salted. Going up Cross Road there is a bridge over a stream. That has been dilapidated for years. Actually, there is holes in the side of it. Literally if you are walking in the winter and there's snow you can fall in the bridge. If that bridge is seeing this much traffic that's going to become a safety hazard. Another thing I would like to point out is from my understanding from someone who did a little research. Part of the current Joseph site is owned by the MBTA, the part right along the railroad tracks. There would have to be an easement. Back in the day when this was a shoe factory, the Boston and Maine Railroad which is now owned by the MBTA took over to try to maintain the sidings where the loading docks are. Another thing, speaking of the railroad crossing the signs approaching the railroad crossing aren't very well marked. There is a one advanced warning sign currently just before Oxford Avenue. Its so faded that if you weren't looking for it, you wouldn't notice it. There are none coming from the direction of Ferry Road. So, that would have to be fixed. So, with the (inaudible) Portland Maine the traffic is going to increase there. Those are my main points. The scale, the concern of the roads in the neighborhood the way they are laid out isn't built for this traffic, lack of signing for the railroad crossing as it is and its kind of out of character for that side of the river from what is currently there in the neighborhood. Thank you.

John Thompson of 318 Ferry Road addressed the board. I love the chicken parmigiana, the stuffed raviolis are also very good. As Officer Scharneck said that building is definitely an eyesore and needs to come down. I am actually somewhat relieved that they talked about scaling the project down to a certain extent. I am kind of concerned. If you go to the Tuscan Village which its amazing what they have done with it up there but its huge and its very...like my son said its definitely out of character with that neighborhood. We obviously want to keep Joseph's in the neighborhood. They have been a great part of the community for many decades. We want to work with them. We may want them to scale down the project a little bit. There are definitely safety concerns regardless with 125. My other concern would be if you cut off Cross

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Road, if you cut off Oxford then the next intersection down Cross and Route 125 becomes even more dangerous than the Oxford intersection right now. Thank you.

Richard Lentini for 56 Neck Road addressed the board. I am here representing the Cross Realty Trust owners of the post office, Ward Hill's post office, residential building on the corner of Cross Road and 125 and Atwood Memorial. I would just like some consideration of having the signal at the existing intersection of Cross Road and 125. That would give the gas station across the street a more friendly exit and being able to go left or right and also it would serve the project itself which I have no real problem with the project but the light I think the highway department would find that it is more likely that the intersection of Cross Road and 125 should be that position. Thank you.

Steve Costa of 18 Lamoille Avenue addressed the board. I am the founder and chairman of Citizens for Haverhill Fire. I am not in front of this board to talk about that more of the fact of our development and where we are going with it. Mr. Faro has done a phenomenal job developing with Tuscan Village I'm not going to argue with that. When you put a housing component in here and already with the housing components that have gone in with Percopio project, with the DiBurro's project and with the school issues with population we just built a brand new school six years ago and we are already at capacity. That is every single Bradford resident. That has nothing to do with the new incoming percopio kids that maybe coming or the DiBurro's, Percopio kids. The more concerning part about this is that everything has been driven to the City Council between Percopio, DiBurro's and Sal Lupoli's project, I don't want to bring that up again of affordable component. My concern is we are headed down a slippery slope as a city with our affordable housing rating decreasing every single time a market rate unit goes up. That's my concern down the road the papermill is going to be coming to this planning board or not because easily the paperboard could file for a 40B if we are under 10%. Then what is the City going to do. We have to slow the roll on this. I am not going to take anything away from what Joe has done. Joe has done phenomenal work to beautify that piece of property. I think it has to be some sort of affordable component and we have to start looking at the infrastructure. Thank you.

Mike Davidowicz of Boston Road, Ward Hill addressed the board. I'm not against building it but he has owned that building for over 30 years he let get run down to where it is today. That is why he is trying to tear it down to do what he wants. They can't move their property like he said up 125 because its all wetlands. When I come through with my big farm equipment, I go over to Springhill all the time with it, my trucks go over there. We have a hard time coming out Boston Road. We don't run out Boston Road we come across Oxford Avenue because it's a straight shot across to help. I go over to his place. Now you are doing that you have the trucks that miss going into the Ward Hill connector they come down and around and loop up and around and they go in. They

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are not supposed to but they do. If you take that road out and they only do that so they can make up some parking. They should be able to keep that road straighter than what it is, so they can keep the right width. You can't take a school bus and run it down 125 turn a right onto Cross Road there is no way the school bus can back onto 125 to make the turn, There isn't enough room there for turning. When we come across Boston Road the other side of Cross Road is a different size. You can't make it across there. There is always a problem with those two intersections. I agree there has to be something down there but the way they are trying to turn this road in. If I'm coming down with my tractor I am 13' wide with the dual, I can't run through that parking lot. I have to because I can't make the road down the other way to cross over. Its easier for me to cross at that intersection now. They have to consider....they want to remove the road to help their parking not help the project. They could scale back the project. They have all these cars, They don't have enough spots for all these cars the last thing I saw. Unless they have changed it, I haven't looked into it. I am not against him developing, they have done a nice job there but I won't go there to eat because its an old foss (?) chemical building. That is me and my mind. It's a chemical building, its not a kitchen. They let the rest of the building run down. That was up to them. They could've taken care of it. I am concerned about the roadway and how you can go in and out, you aren't going to be able to do it with the school buses, snow plow equipment. Are you taking it completely away from the city that they are not going to be maintain that road anymore. I don't know. I don't know what the plan is there. I am not against the development. I am against the whole intersection and roadway part.

Stephanie Tompkins of 291 Ferry Road addressed the board. My concern is the same as my neighbors here with the extra traffic. My kids go out and play on Ferry Road. Their bus stop is at that intersection at that rotary. My kids have gotten close to being hit several times as it is with the traffic that goes flying up and down from Ferry to Cross already. You add a huge development with over 200 more apartments what is that risk going to be to my kids and to the other kids in the neighborhood kids. Please take that into consideration. Thank you.

Leo Silva of 257 Ferry Road addressed the board. I have no issue with what they want to do with their building and all that. The roads need to be cleared. We have Ferry Road and Neck Road corner that is a mess. We need to fix that first. We have to look into that. There is traffic coming in, up and down and around nobody stops, nobody cares. Having more traffic there its going to hurt. There are kids there. I live on the corner and its hard to pull out of my driveway. I don't mind what they are doing for their business. That is fine but my life counts more and our kids do too. What they want to do is good. I don't care about building something but don't go to big. Take to a generation of making it small and easy. That's it, that's all I ask. Thank you.

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Terry O'Malley of 116 Oxford Avenue addressed the board. I don't not like this proposal that many of my neighbors have stated several excellent reasons. I just want to add a couple of more. First of all, I am just philosophically opposed to someone buying up all the properties on a single block and then taking away a public road. Would that be permitted in any neighborhood that you live in. Think about where your house is now think about the next cross street in that block and imagine someone just bought all the houses there came before the planning board and said I have an idea and they had to close the street. A lot of the concern about the new plan is about the traffic on 125. I will not deny that it is horrible. I have been crossing that street on foot, on bicycle and automobiles for over 50 years. My mother used to hold my hand and we would walk from our house up to the post office. There used to be a cross walk painted there. That is long gone. That end of the street, that side has been all overgrown. The sidewalk is still there. The old bridge fence is still there but its been neglected. Oxford Avenue is a straight line. It is part of the grid pattern when the whole neighborhood was built by the Knipe's. By changing the entrance, by eliminating that end of Oxford Avenue, you change the entrance from Route 125 traffic heading south on 125 would have to make a sharper than right angle turn to enter the new planned development then take an immediate left turn to enter the parking lot. My neighbor Mike is absolutely right there is no way for vehicles to move around from one side of Ward Hill to the other side unless Oxford Avenue continues as a straight road. To have traffic easement or allowances is not enough because they are proposing to put a parking lot in place of a public street. I think that is all that I have to say. Thank you.

Christine Gebski of 316 Ferry Road addressed the board. Again, as many of my neighbors have indicated I am not against the proposal in totality. I feel that the facility needs to be renovated. It is an eyesore in the area. I have lived there for almost 32 years. The point that I would like to make is that the easement as you just noted leads to a parking lot and that is bound to cause more issues as individuals are trying to get into Cross Road and the other ends of Ferry and maybe up to Neck Road are navigating their way through the parking lot. I don't see how that is a feasible easement or access area. Secondly there was a note around a walkable area and a place as neighbors we used to take our children down to Joseph's for muffins and juice very often on the weekends. I am not quite seeing how. There is so much parking next to a very large building. I don't see where that recreational feels is introduced into the project so maybe the owners could explain that in a bit more detail. I see large building, I see retail, I see parking and some trees. Not a place where we would really want to go and venture around. Thank you for your time.

Chairman Howard: Is there anyone else who wishes to speak in opposition?

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Marie Munroe of 65 Cross Road addressed the board. I am all for the project. I think it will be amazing. I am really concerned on the traffic on Cross Road now. People...there are train tracks and they fly right over the train tracks and they go 50 mph at least. Now I know we have cops that I know are always hiding to make sure people are going to the speed limit, however they are always pulling people over. They are flying through the train tracks. My son's bedroom is right on the road. We have National Grid truck coming in and out and you have people flying down. The rotary is a hot mess because if trucks are coming down and I don't see how that is going to work out. I'm concerned for the safety of the children in the neighborhood. I'm scared to even back out when I leave the house every morning because of people flying by. I'm concerned about that, its definitely that is something that needs to be addressed. Also parking, the parking lot trying to do that Oxford closing...Will that parking come onto Cross Road? That's a concern to because I have two kids that are driving now and I'm in a condex and people are parking everywhere right now I was wondering if there is overflow the parking will somehow come onto Cross Road. That was another issue. Other than that I am all for it. I'm just scared about the traffic because people go crazy on that road. The rotary is just a hot mess, you have trucks coming from Ward Hill and they are constantly backing out to go back out to the highway back to Rogers. They are constantly backing in and out. It happens every morning when I am trying to get to the 495. I am always seeing a trailer tractor not knowing where they are going. He can't make it through Ferry Road. He's backing up all the way because they missed that turn. That's all I have to say. I'm sorry. I think I'm all for it.

Mariah Germosen of 63 Cross Road addressed the board. Joseph is my backyard. It is not easy to stare at this building everyday. It will be nice for something to be built there. I agree with all of my neighbors in regards to the traffic is going to be a concern. Closing the road on Oxford Avenue, I don't think that is a good idea. I think this a too huge project for a small neighborhood. If the traffic is the issue, then we get a traffic light. Thank you.

Joseph Mulcahy of 275 Ferry Road addressed the board. It seems to me from listening to all the neighbors speaking on this issue the real issue we are concerned with is the difficulties with just passing through the neighborhood as it is even before a quite a big project with 230 units plus. I know the fact that people are talking about what the problems are now that you can't go out to the end of Cross Road and take a left at all, its permitted. It is absolutely a dangerous situation. Not only that if I was going to take a left down Cross Road sometimes, I would have to go to Oxford Avenue and take a left because I feel like I'm going to have someone come up and hit me in the rear because I am there so long waiting to take that angled left where the post office is and so forth.

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Even before we talk about what we are going to build there and how nice it would be to have a better looking building that is there we have issues right now that need to be solved. Maybe there should be a light right now but the way this is configured we are trying to shoe horn something in for the sake of who knows what. We have buildings going on all over the place. So, as a neighborhood we are concerned at the moment without any changes of any kind that we are having problems right now. It seems like if we were going to have a hearing it would be about that putting aside any plan that people have to make this an even bigger problem than it already is. It seems like the issues that have been brought up are more significant than whatever the developers want to turn this into. I think that is where the issue is right now. Thank you very much.

Tom Lyons of 99 Cross Road addressed the board. A lot of the discussion that you heard from my neighbors centers on really what I would call the abuse of our neighborhood. Number 1 I am hearing the word walkable in describing how these businesses are going to enhance our neighborhood. What's walkable about Cross Road when people are driving 35-40 mph on a two lane road with no sidewalks. What's walkable about that. You built sidewalks all over town and some of them end in the most ridiculous places but there is no sidewalk on my street even though we have a lot of people who walk in the evening. I see kids out on bicycles, skateboards, their parents walking with them, parents with strollers up and down that street all day long and all evening long. You add what are we talking 200 cars a day well that's nothing, not compared to...and I have lived in my house since 1989. I remember the days when the Valleyworks was opened and we were a short cut to 495. At 3:00 in the afternoon when buses were unloading zoom zoom zoom comes all of that traffic making their way to 495 and avoiding the mess on 125. You never fixed that and at one point just to give you a little history there was time when the section from Oxford Avenue to 125 on Cross Road believe it or not was one way. Why? To keep the folks from the Valleyworks coming down Cross Road. So, what did they do? They went over to Oxford Avenue took a left and finished their trip. Didn't really solve anything made it more difficult for me to come and go. I live in that neighborhood and I like using Cross Road. I go up and down that street all the time. When you put in a little tiny sidewalk down at the end of my street and didn't salt the road, I destroyed my axle one day on a snowy icy day but at least you tried to fix that intersection. You made it more 90 degrees to the 125 interchange. That made it better and that's all you did. I also look at and somebody mentioned the brook. The brook is right next to my house. Several years ago, the road collapsed. I mean collapsed. You could drop a Volkswagen into the hole that was there on my street. Highway Department came and put up some pylons and didn't see anybody for 3 weeks. Big hole in the road, doesn't matter there's only a few people that live on Cross Road. It can't possibly matter. Okay we are going to add 200 cars. We are going to add some trucks probably. We are going to add some heavy vehicles. We are going to cave in my brook again. How are you going to maintain those streets. These

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are narrow streets, these are rural streets, just two lanes with a gravel shoulder. There is no room for parking. All my neighbors down the street in the high-density buildings there is parking on the street. I had a cop car parked on the street, sat there and got snow piled around it at one point. There is no place to park these cars. Again, somebody mentioned what about overflow parking, overflow parking from this development, gee they could park at the post office, they could park at the flower shop, they could park on my street, they could park too close to the railroad tracks and make it hard to see the train coming. I have a lot of concerns about the traffic issues, and I just wanted to put them into context from a guy who has lived here for over 30 years and seen it all coming and going. You are going to destroy my neighborhood plain and simple. Thank you.

Jane Mulcahy of 275 Ferry Road addressed the board. I am in the yellow house with the island in front of it that everybody has been talking about. I have five children and they go outside to play. I just want to say that there are a lot of 18 wheelers that end up in front of my house at various times of the day and night sometimes in the middle of the night coming from the industrial park. They get lost and then they get stuck at the island in front of my house and usually my husband or I or one of kids has to go out and explain to them they need to find a way to get back to 125 to get to 495 because they have missed the turn on the access road up to 495. So, there's probably needs to be some sort of study down at the other end of the street and the narrowness of the streets and when our kids start driving and parking on the street the street gets even more narrow. There is trouble at the other end of cross where it intersects with Ferry Road for sure.

Tom Carbone of 270 Ferry Road addressed the board. If you haven't received a two-page letter that I sent to the Planning Board email let me know and I'll make sure we get it back to you. I just want to take a moment to talk about the idea of suppressing this section of Oxford Avenue. When I look at the traffic report, traffic study that came out the one day of traffic counts that was done was a 12-hour day. If I am reading this correctly over 500 vehicle trips happened on that small stretch of traffic coming right across 125, leaving our neighborhood turning right or left off of 125. My read over the design plan as it is right now gives the city a public access. If you take advantage of that it looks to me like we would have to drive through an active parking lot. So, you take a right off 125 into the site we could find ourselves having to wait for someone to back out of parking space. It's an issue. I worry very much about the idea of getting emergency vehicles to our neighborhood. Right now if there is a fire response to the electric plant, the electric substation the fastest way into the site and the fastest way into our neighborhood is 125 taking a right onto Oxford and up to Cross. If this section gets suppressed or redesigned into the way it's being proposed right now these emergency vehicles now need to weave through a parking lot or they have to continue

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down to Cross where they have to take not even a 90 degree turn but more like a 135-145 degree turn to get onto Cross to access this. If they can't do that they will need to come off of Industrial Way or along Ferry Road. So, there are lot of problems with the proposal as it is. I would hope that you would take this all into concern and help our neighborhood. I'm not opposed to redeveloping the site is prime for that but as proposed right now we should not be suppressing that road. Maybe there is an opportunity to narrow that road, maybe it doesn't need to be the full layout and it helps these folks gain a little bit more parking on their own site. To take the...it will make it very inconvenient for the people that live there and have lived there for awhile is a problem and as I said the public safety side is even more important.

Mike Bonnell of 310 Ferry Road addressed the board. I'm a superintendent in Boston, MA. I have worked on a development that is 742 units. I ran that project, and I am still currently on that project. I've seen what a mass amount of people in a small area can do. It brings burglary, a lot of theft, a lot of vandalism. These are really things we can say to this because we are in an old farm neighborhood. I think my neighbors would like to keep it an old farm neighborhood. I'm not opposed to the development of maybe the restaurant, but 230 units brings more than 230 people. There is not a sidewalk in sight. I'm not sure of a sidewalk on any streets whether its Ferry Road, Neck Road, Cross Road. None of the roads in the area have a sidewalk. I'm on Ferry Road, it's a dead end. Its literally an old ferry road that went down to the river. There's a farm across the street from my house. There are small driveways. Everybody has a small driveway, so small that a lot of my neighbor's park along the side of my house which I'm okay with. But what happens when vehicles park on the side of my house and we can't get emergency vehicles down to assist elderly in the neighborhood, children in the neighborhood or just regular adults. Fire trucks can't get down there. I don't see many fire hydrants in the neighborhood. We can touch base on the schooling, 230 units with schools that have already had bring to the new school. My children both go to Hunking. Its maxed out. It's a brand-new school maybe six years old, its maxed out. What is 230 more units going to do that. Just what the development at the top of the street over by the restaurant. There's a new development, I'm not even sure of how many units. Let's just say 25 maybe less, since that development there has already been vandalism in the neighborhood, crime in the neighborhood. Is it a coincidence? Maybe but it's just been happening in the past few years that has been put in. I'm not opposed to the restaurant and making this building a better building. I'm more opposed to the residential aspect of it. Its just bringing a lot more people into it. All I have heard so far is a couple of business owners from Duffy's and the flower shop that agree with this. I think more people bring more money so if it was business that I was running in the neighborhood for sure I would be for it. I think I have heard more residents that live in the neighborhood that aren't from New Hampshire that don't have to deal with what is coming into the neighborhood more for it. I guess from a business aspect I would be

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100% for it. As a resident that lives there, I am not really leaning towards favor, I am more opposed to it. Again, the restaurant aspect sounds good, but I do have concerns about the parking lot. I don't understand how a fast road outside of the parking lot is a walkable area. I don't understand how a neighborhood without a sidewalk in sight is a walkable area. I am not sure what this is really bringing other than business and more out comers to the neighborhood. I guess I'm opposed.

Chairman Howard: Anyone else wish to speak? Rebuttal?

Joe Faro: Thank you, Mr. Chairman and members of the board. First and foremost, we respect all of the neighbors' concerns. These are neighbors that have dined with us, we serve them. It's our humble privilege to serve them. I just want to point out a few things. The entire development has sidewalks in 10' and beyond all over the development as well as all along Route 125. There is a 10' sidewalk that does not exist today. Its extremely dangerous to traverse that area of 125. The other thing I think is important and I want to impress it not only upon the board, but all the neighbors is that we have spent a lot of time developing a plan that believe it or not...I actually believe today because Oxford Avenue is so dangerous and Cross Street is dangerous that actually going up through the farm and cutting the other way to get back on the connector. What this actually does is provide a safe movement both on the original Oxford Avenue intersection. The other thing that no one seems to understand, and I am going to point it out to all of you is that this movement also creates and intermittent motion which now allows you a safe exit on Cross Street. Today you don't have that. Today you have cars going 65 mph and you have to take your life into your own hands to get out onto Oxford Avenue and Cross Street. What we are actually doing, and it costs over 2 million dollars by the way okay and that is part of the project. What we are actually doing is making it safe to exit Oxford Avenue and in that intermittent motion you create a gap in the traffic and now you can exit on Cross Street as well. That's going to eliminate the need to cut-through all that farmland, Ferry Road all of that is not necessary because half those people don't know how to get out that way quite frankly. If you look at it that way its actually a tremendous improvement for the traffic. Beyond that I think its very important to understand a couple of other things. Number 1 the building cannot be supported by a single restaurant. That's impossible. It was a pasta factory it outgrew the building. Now the restaurant cannot support that building. The building needs to be redeveloped. It's a 135,000 s/f building. Its in disrepair it needs to be completely redeveloped. In order to that and we are very responsible developers. We have been developing not only in Salem, NH but we have been developing in the Merrimack Valley since I was a boy. We came to Haverhill, MA in 1981. We have done nothing but improve the community, create jobs and continue to develop businesses and opportunities for people that work for us and the surrounding people that utilize our businesses. In order to do this development you have a stop light that costs over 2

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million dollars, you have wetlands impacts that are also going to cost over a million dollars. You have other site aspects...these are fixed costs. The development has to be of a certain size. The demo of the building alone is an astronomical cost. I understand that people are going to have opinions of the development what I will pledge to you is this, we will build a very high-quality development that will be a walkable neighborhood on our part of the neighborhood. I don't know how to improve sidewalks all over Haverhill. I can tell you that we are going to provide sidewalks all over our development. Additionally, the speed on Oxford Avenue is unsafe. The idea of this road discontinuance and creating the easement is to slow the traffic down. Its not safe, its not safe to exit, not safe to come around the corner at 55 mph I would imagine the neighbors would attest to that as well. We are committed to doing a high-quality job. We are committed to developing responsibly in the City of Haverhill. We are proud to be considering a redevelopment of this site. Something that has been in my family for so long. There are challenges with any development. Hopefully you understand that there is a certain level of density that needs to happen in order to accommodate all of those improvements that has to happen on a property of this size. I thank you very much for the opportunity. We look forward to earning the trust of our neighbors and earning their business. Thank you. You can clap for me, it's okay.

William Pillsbury: Obviously we have heard a lot of issues tonight that transcends the project out into the neighborhood. I think I have heard some things that maybe ask the question for you or Rick in terms of the traffic analysis we have an opportunity between now and October 18th when you go to the City Council to basically...what I am suggesting would you be open for taking a 2nd, 3rd, 4th look at some of these other issues that were raised. I heard issues about fire gates, I heard issues about other aspects of Cross Road and that intersection and how that intersection is aligned right now. Would there be a willingness on part of your team to take a look at that between now and then and perhaps offer additional mitigation or consider some additional mitigation. Again, the City Engineer has looked at this project and says it's a vast improvement in terms of the intersection and speed. The Police Department has looked at this as well...I guess what I am suggesting in light of what we heard tonight, we heard a lot of things that are very real can we take a step back and maybe now and the next couple of weeks drill down and maybe there is a way we can reach out to the neighbors and try to have some involvement through them to take a look at some of these very critical issues that will represent the information that will go to the City Council.

Joe Faro: Fortunately, this is not the first time that I had to collaborate with a very large group of neighbors. So, I would love to do that. That would be great. We hear the concerns. We would like to address the concerns. I think they are very simple, simple changes to be able to do that. I still think we would be able to put something together

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that, it would basically accommodate before October 18th. We would be happy to do that.

William Pillsbury: Again, if we made a condition to the recommendation to the City Council that you would incorporate perhaps a neighborhood meeting to discuss the traffic, bring your traffic engineer team and try to work on some of these things between now and then. Obviously tonight the role of the planning board is to send a recommendation to the Council. There is a lot of information that we heard tonight that is in some ways it shouldn't be the first time we are hearing reiterating the first time the traffic in the area. I didn't hear a lot of negative about the project again from that perspective I think we would like to proceed tonight with the commitment that you would be willing to spend some serious time and effort in the couple of weeks ahead. There is a time to deal with it before you get to the 18th, and we are not up against the 18th trying to make judgement on the fly. I think that would be something I would consider making a motion on the recommendation tonight. If you are willing to commit to something like that.

Joe Faro: You have my 100% commitment that we will sit down and collaborate to try to address these concerns. Thank you very much.

Chairman Howard: We are going to close the public portion of the hearing and turn it over to questions to the board.

Member Buckley: You have 230 units planned and all of them are at market rate. Was there a specific reason why you did not include any affordable units?

Joe Faro: In the previous iteration of the project, it was larger. There was a consideration for affordable units. There are certain fix costs of the project that we described that are the same. The intersection is the same, the wetland mitigation, certain site work, utility changes for the road discontinuance. It made it challenging when you reduced the project from 300 units to 230 units it strains the ability to do that. That's why we haven't done that. With that being said we are looking at all options and we will do our very best as we have always been able to collaborate in other cities and towns including Haverhill frankly. This is not our first development in Haverhill we have done several things. That is the reason why we are before you tonight with the market rate development.

Member Buckley: My concern is this, in our plan for 2035 we specifically cited that we need to accommodate baby boomers, folks that are aging out, young couples with affordable housing units and they are missing in a lot of the work that has been done. Not that you should bare all of that as catch up. I think we do need to consider either affordable units in the building or some compensation into the trust fund for affordable

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housing, which is not the same as poverty housing, it means lower the market rate to enable people like my age and young folks to be able to afford to live in nice housing such as you are producing. I think this is a fabulous project. I am really glad that you brought this forth. I think you solved a lot of problems and you dealt with things very very well. The quality of what you have done in Salem is spectacular. Even if we get a small fragment of that here. That would be great. I do think we need to do something about the affordable housing issue. That's important to the future.

Joe Faro: We will work with Bill and his team to explore it as fully as we can and see what we can do it as it is currently designed.

Member Robertson: I want to thank the public. As we know from repeated studies and analysis that we are in desperate need for more homes to accommodate people in Haverhill. This project adds much needed housing density and improves commercial spaces for a local business. Its in a parcel that is quite frankly in disrepair. We have heard a lot about the safety concerns of Cross Street and Ferry Road. These concerns are valid. Cross Road, my mistake. Those concerns are valid. The city owns these roads and should improve them. This is a task for the city to lean on but the owns of 145 Oxford Avenue don't manage those roads. The project should stand on its own merits, and I think they are significant. My only concerns similarly the lack of any affordable housing in a moderately sized development. As we know from repeated studies and talking with regular working-class people finding affordable housing in Haverhill is extremely difficult and it's getting worse. 52% of renters in Haverhill are cost burdened meaning that they give over a third of their income to their landlord. There is a huge need to provide working people, elderly and folks that are aging out and young families with legally regulated affordable housing. Are there other comments or can I put forward a motion. For that reason, I propose a favorable recommendation to City Council for the zoning amendment with a condition that 10% of the total units are set aside as affordable housing that will contributing to the cities subsidized housing inventory and the condition that the developers work with the neighbors in the city in addressing the traffic concerns brought up tonight.

William Pillsbury: The only comment I would make to that, Member Robertson is one of the alternatives is what we have been looking at on the Mayor's Task Force on affordable housing is to rather than just mandate a unit only option there would be the opportunity for some contribution to a housing trust which has yet to be established, we had one in the past. There is that option. Far be it for me to amend your motion or suggest it, but I would like to suggest it the opportunity to have both and as part of your suggestion both an element that might be units or an element that might be a contribution that would negotiated between the developer and the City Council.

Member Robertson: A payment in lieu of units?

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William Pillsbury: Yes.

Member Robertson: Yeah....

William Pillsbury: I didn't hear you mention that in your first motion. I thought I would just want to....

Member Robertson: Yes. That certainly makes sense and provides an alternative to actually building units while actually producing units in the city. I will amend my motion...

Chairman Howard: I think its premature for the motion we haven't received a recommendation from the director yet.

Member Brown: I did want to comment on...as a Bradford resident the concerns about the Hunking School which I love the project as a development. The schools system isn't really a developers issue but as people that love Haverhill and that have lived in Haverhill I know that it is an issue. I wanted to make a statement that as a father of two daughters at Hunking Schools it is raising a heavy concern with me. I just wanted to know that all the neighbors that live up in Bradford I am with you, and you have impact with that. It keeps on ringing in my head.

Member Garcia: I also live in Haverhill. I have heard everyone's concern as a mother trust me when I tell you, mother's need to go on the go there's no stopping us. That being said I do hear a lot of studies about 125, one of the residents mentioned a possible study on the other end of Cross Street, I think it is. I think that is something that should definitely be considered. We are looking at the main street, but someone mentioned the dead-end areas again I have seen it many times and it does cause a lot of traffic there especially during when cars and you have the trucks, you also have the buses, you have kids walking and parents trying to get to and from. If you are able to at least provide some sort of effort at the end of that Cross Street that the residents will feel comfortable and say okay you have done your study and if this is the best that can be done hopefully they will be able to further reconsider having trust in this extraordinary project that you guys are doing. I love Tuscan Village and I would love to see something of course a lot smaller scale here. It will definitely bring a lot of variety of individuals. That is my only concern.

Joe Faro: May I respond to that? We are happy to add that section to that traffic study. We will dig into that and have our consultants start with that right away just to make sure that everybody is assured of the traffic flow. We are happy to do that. Thank you, good idea.

Chairman Howard; I will turn it over for comments from the Planning Director.

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William Pillsbury: Not to belabor this, we have been through a lot of analysis with this project and the city departments have reviewed it. The proposed planned development district is somewhat unique and creates the zoning around the project and again I feel confident that the village center approach that is being presented tonight by the developer is exactly what the City's masterplan direction and consistent with the masterplan direction that is a real positive element for the project. Obviously, the elements of it that need most consideration now is traffic, we have talked about that. With that Mr. Chairman, I would like to make a recommendation, I am going to make a recommendation and you can amend it as you desire, Member Robertson or Member Buckley or anyone else. I would make a conditional favorable recommendation to the City Council with the condition 1. The opportunity to engage immediately in additional traffic analysis responding to the concerns that were raised this evening including scheduling a neighborhood meeting that would enable people to come in and bring traffic engineers and try to have a working session that would incorporate those things. 2. To incorporate the discussion of the inclusion of affordable units in the project either units or a contribution and the task force that the Mayor has indicated \$50,000 per unit has been discussed as an amount that was in the task force that the Mayor has been working with. All of that conversation would be discussed between now and the 18th of October as a possible amendment to the project, given the negotiations. The opportunities would be for units and/or contribution.

Chairman Howard: contributions based on the amount (inaudible)

William Pillsbury: Right. So, a favorable recommendation with those two broad conditions.

After board consideration, Member Karen Buckley motioned to forward a favorable conditional recommendation to the City Council as recommended by the Planning Director William Pillsbury, Jr. Member Robert Driscoll seconded the motion.

Member Robert Driscoll-yes

Member William Evans- absent

Member Bobby Brown - yes

Member Carmine Garcia- yes

Member Ismael Matias- absent

Member Karen Buckley - yes

Chairman Paul Howard -yes

Member April DerBoghosian, Esq.-yes

Member Nate Robertson-yes

Motion Passed.

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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.

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

Street Discontinuance for a portion of Oxford Avenue:

Please note at the September 14, 2022, Planning Board meeting held in Room #202 City Council Chambers at 7:00 p.m. the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation for the discontinuance of a portion of Oxford Avenue.

Member Nate Robertson read the rules of the public hearing into the record.

William Pillsbury: We don't need to repeat the presentation unless you have anything to add. I don't think we need to...obviously we have a commitment to move forward on a strategy.

Rick Friberg of TEC addressed the board. That's what I was going to suggest. We ended up covering a lot of the topics of the second item. The first item... I think we are ready to proceed. Thank you very much for your consideration.

William Pillsbury: Is there anything from the public that would be new additional conversation that you would want to bring to the hearing that hasn't been talked about relative to the street discontinuance specifically.

Christine Gebski of 316 Ferry Road addressed the board. My question is to the board in light of the concerns that you have heard this evening what will the city do to address the concerns that our neighborhood has raised, independent of the project what will the city do to address the concerns.

William Pillsbury: What I am suggesting is the city will participate in this dialogue. The city engineer, the police department regarding traffic and safety issues that we heard will be part of those conversations. I am sure all of you will be in front of the city council on October 18th and will be making recommendations if there are things that you like to see the city council is going to need to know that. They are going to need to know perhaps the neighborhood supports them and that maybe there are resources that need...Again, trying to craft a strategy on the fly a little bit tonight. That is what I would suggest. Collectively we go forward with some plans for the area that the city would participate in and not just the developer. A lot of these issues go beyond what the developer is responsible for.

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Christine Gebski: Yes, that's my point and thank you for the guidance.

Sean Scharneck of 46 Neck Road addressed the board. Just a couple of things. I want to know how we are going to be notified of the meeting. We don't live right next to this. If we can be notified some way. I live on Neck Road, other people are on Ferry. Figure out how we are going to do it, so we can be notified of the meeting. Okay, my other thing Joe's right, if you put that light at Oxford Avenue it will break up the traffic flow. I got to give you credit. All kidding aside it will break up that traffic flow. I meant to say that earlier in my other presentation. The public meeting whenever we can have that.

William Pillsbury: We will work off an abutters list for that, for the addresses that we have tonight, those that identified themselves with an address we will get that to you.

Sean Scharneck: Very good. Thank you.

Chairman Howard: Does anyone else wish to speak? Seeing none we will close the public portion of the hearing and turn it over for comments from the Planning Director.

William Pillsbury: Similarly, we discussed the item in front of us substantially tonight. I would make a request for favorable recommendation to the City Council for the street discontinuance with the condition being in the next weeks ahead between now and October 18th that there will be a substantial conversation between the neighborhood, city and developer relative to possible additional mitigation measures that can be brought forward and discussed at the hearing on October 18th.

Member Karen Buckley motioned to make a favorable conditional recommendation to the City Council as recommended by the Planning Director, William Pillsbury for the discontinuance of a portion of Oxford Avenue. Member Nate Robertson seconded the motion.

Member Robert Driscoll-yes
Member William Evans- absent
Member Bobby Brown - yes
Member Carmine Garcia- yes
Member Ismael Matias- absent
Member Karen Buckley - yes
Chairman Paul Howard - yes
Member April DerBoghosian, Esq.-yes
Member Nate Robertson-yes
Motion Passed.

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

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Please note at the September 14, 2022, Planning Board meeting held at 7:00 pm in the City Council Chambers the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation to the city council on the proposed amendment.

Member Nate Robertson read the rules of public hearing into the record.

Mr. Pillsbury: As the developer and his attorney are coming forward, I would like to categorize what is before the board tonight on this matter. Basically, we have a request from the applicant to move a zone line which bisects, actually cuts in pieces a portion of a larger parcel zoned business park and there is a zone line that exists arbitrarily in a location on the site again there is really no rational explanation for how it got there but zoning principles require that zone lines be located at the property edge at the centerline of the abutting roadway. In this particular case it is not what exists. We have had a number of these that I refer to as corrected zoning situations in the city where we have had the zone lines running through parcels and not being appropriately located. Again, the context for the hearing tonight is the applicant has requested that the zone line be removed. Attorney Sheldon I'm sure will make a presentation and we will make a recommendation on that corrective zoning.

Attorney Don Sheldon, Haverhill, MA addressed the board on behalf of the applicant, Hardal, LLC. As Mr. Pillsbury just said my client owns 40 acres of land up off of Neck Road. There have been numerous inquiries over the years from brokers, developers, numerous different parties. My client recently did a survey and in doing the survey we realized a silver of the land was zoned RH down at the bottom on Ferry Road consistent of what we heard the last hour our goal is to get rid of potential housing on Ferry Road. The seven acres in RH could potentially be a 100-unit complex with a special permit. We don't want any residential down there. We are going to put some type of buffer on the street level. Access to this property would be up in the industrial park off of Neck Road. There would be no access from Ferry Road. There maybe a fire gate if required by the city but at this point in time there would be no potential access onto Ferry Road. Pretty much that is it. There is no current plan, no current brokers. My client hasn't signed any potential deals with anybody. It is simply making this lot consistent for future use and future development. And what I heard from the neighbors to waylay any of the neighbors' concerns of additional traffic on Ferry Road. There would be none.

Mr. Pillsbury: Just a question, Attorney Sheldon, I know you made reference to access. Would there be a willingness on the part of the applicant to stipulate and commit that there would be no vehicular access with the exception of a possible fire gate if the Fire Department wanted it.

Attorney Sheldon: Absolutely.

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Mr. Pillsbury: There would be no vehicular access from Ferry Road into this. All access to this parcel would be from Neck Road.

Attorney Sheldon: Correct.

Mr. Pillsbury: Secondly, would there be the opportunity to create along that edge within that seven-acre area or close to the intersection or the edge of Ferry Road to create a buffering and a screening of trees or whatever that would buffer any future industrial use. I know there is nothing right now but any future industrial use from that residential area by way of trees, buffering or screening.

Attorney Sheldon: We don't have plans but I would absolutely would assume we would commit to whatever developer would come in that some type of buffer would be provided.

Mr. Pillsbury: Thank you.

Attorney Sheldon; I am pretty much finished. That is all we have to present.

Chairman Howard asked if anyone from the public wishes to speak. Anyone in favor? Anyone in opposition?

Ben Thompson of 318 Ferry Road addressed the board. The first thing I want to point out because how the zoning rules are written even though I might look out the window I look at beautiful farmland, I love seeing the farm we were not notified of this happening. We only found out through a neighbor that was notified that this was a potential zoning restriction. We are an old farming neighborhood. We love the farm; we want it to stay a farm. So, when we hear that they are rezoning it as business park its concerning to us we don't...ideally, we don't want anything on that we want to stay a farm. As it has been said Ferry Road is not built for traffic. That road is literally so narrow that it is one car wide in the winter (inaudible). Right now, there is no committed plans. That is the commitment now.

Chairman Howard: They stipulated that there would be no access from Ferry Road. He committed to that.

Ben Thompson: I hope that's true.

Chairman Howard: He committed to it. That's going to be part of our recommendation.

Ben Thompson: Okay. Again, as of the Joseph's project any project in this spot would completely change the character of our neighborhood. Its not like River Street where its there but you aren't looking at it. That's my concern with this project. It's really out of

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character for the neighborhood of the way it is right now. It will be significant, almost doubling what the Ward Hill Business Park was.

Chairman Howard: Anyone else who wishes to speak?

Christine Kwitchoff of 14 Colby's Lane addressed the board. I just wanted to remind the planning commission that the masterplan states that the idea of our business parks is to go up not out. I would just ask you to keep that in mind and to really try to build on that premise before you continue to build out in any way. I recognize that you are saying that there is no development plan for this now, but I just think we need to make every effort for us to stick with that idea which is a solid one. Thank you.

William Pillsbury: I just want to point out that the density regulations that were passed by the masterplan that you referenced would also apply to this parcel and currently do apply. So up not out is certainly the intended opportunity for Ward Hill as well as all the other business parks.

Chairman Howard: I will close the public portion of the hearing and turn it over for comments from the Planning Director.

William Pillsbury: Again, I would recommend that we send a favorable recommendation to the City Council with two conditions. That there would be a condition of the ultimate use of the property that there would be no vehicular access except for potential public safety access from Ferry Road and that there would be commitment to buffering and screening of trees and other materials that would create a buffering and screening situation from any future industrial use from the Ferry Road edge and the zone line would be relocated to its appropriate place which is the edge of the roadway and add those seven additional acres to the existing thirty three acres that are currently zoned business park.

After board consideration, Member Karen Buckley motioned to forward a favorable conditional recommendation to the City Council as recommended by the Planning Director William Pillsbury, Jr. Member Robert Driscoll seconded the motion.

Member Robert Driscoll-yes

Member William Evans- absent

Member Bobby Brown - yes

Member Carmine Garcia- yes

Member Ismael Matias- absent

Member Karen Buckley - yes

Chairman Paul Howard -yes

Member April DerBoghosian, Esq.-yes

Member Nate Robertson-yes

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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.

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

Letter, Attorney Donald Sheldon, 7.25.22

Assessor's map

Letter, Thomas Carbone, 9.5.22

Letter, Christine Webb, 9.1.22

Email, Rob Moore, 9.14.22

Letter, Robert Ward, 8.22.22

Please note at the September 14, 2022, Planning Board meeting held in Room #202 City Council Chambers at 7:00 p.m. the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for the discontinuance of a portion of Willow Street and Eagle Avenue formerly known as Edward Street.

Member Nate Robertson read the rules of the public hearing into the record.

Attorney Paul Maglicocchetti, 70 Bailey Blvd., Haverhill addressed the board on behalf of the applicant, Ms. Joy LaBelle. She owns a parcel of land right at the intersection of Willow Street and Hannah Street. There are paper streets that go by her parcel. They basically sandwich her land. One of the paper streets is actually being used by one of the neighbors currently. We are just asking to discontinue the roads. They are roads to nowhere. There is really no need for them. They serve no purpose for anyone in the neighborhood or public purpose. We are just asking the city to authorize the discontinuance. You have the paperwork in front of you. We are here to hopefully get a favorable recommendation from the Planning Board. I know there are some neighbors here that have something to say. I would be happy to answer any questions. Thank you very much.

Chairman Howard: Anyone who wishes to speak on this project?

Dave McGinnis of 4 Hannah Street addressed the board. I own half the duplex on the corner of the abutting property. We bought the place in 2016-2017. That land has been undeveloped since...we didn't even know it was owned. Now all of sudden we get a thing that someone wants to build a house on it. We are concerned about the added construction now they are saying they are going to give us 20' each side. Its unusual

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that you can't do anything with the land anyway. We are not sure about the land itself whether it has to be...if its wetland. There is a stream that is going through it. We are not sure. They want to put a duplex in there. It will probably be bigger than the one I live in. Its going to be nothing but an eyesore. I'm opposed to it all. Thank you.

Dan Alers of 28 Willow Street addressed the board. Basically, the same thing. I have lived there for 2 years. I had no idea that there was any paper road/paper streets or a buildable lot in there. I was under the assumption that it was protected land. This is all news to myself. I didn't know any of this was happening. In the two years that I have lived there nobody has ever reached out, mentioned, or any letters or anything like that. This would significantly change the neighborhood, squeezing another duplex there especially with the size of the duplex that we have (inaudible) Like my neighbor said it is going to greatly impact for the families that live there, the children that play on the street to squeeze in another duplex I think its going to negatively impact the neighborhood. I'm opposed.

Thomas Smith of 8 Albert Street addressed the board. I am an abutter. I guess we would get 20' of the paper road. My concern is that it is the only plot of trees in the neighborhood. I bought the lot 20 years ago our single-family residence. There is a natural waterway, the kids call it the duck pond and I think it is environmentally protected that one little waterway. I think they would have to build 50' from the EPA area. I don't know how there would be enough appropriate space. My one question would be without acquiring the paper roads is there enough square footage of land to build a duplex.

Attorney Maglicocchetti: Is that your question?

Thomas Smith: Yes, that is my one big question. Without acquiring the paper roads there doesn't seem to be enough square footage....

Attorney Maglicocchetti: First of all, we don't what is going to be allowed to be built there. We are exploring that. We are here tonight to just discontinue the road. We are not here to ask for approval for anything to be built there. Like I said these roads aren't being used currently, there is nothing being done with that land. As far as the square footage it is what it is. There is definitely enough for a single family....Its 10,000 s/f, so yes there is enough for a duplex in that area. These are legal concepts right, so technically the neighbors own to the midpoint of the paper street. The City has the right to put a road in there. That is what we are asking to discontinue is the right to put a road in there. Currently we each own to the midpoint of the street so technically its part of our area.

Thomas Smith: Its not part of our deed.

Attorney Maglicocchetti: From a legal perspective we own to the midpoint of the paper road.

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Thomas Smith: It is not part of my or anybody's deed.

Attorney Maglicocchetti: You own to the midpoint.

Thomas Smith: (inaudible) I am just thinking wildlife. There has been deer in there, ducks in there. I don't know how far up the house is going to be, it is not on my road. I am curious what the square footage would be before and after the paper road is discontinued.

Attorney Maglicocchetti: Again, I am not here to get into what is going to go there and what is not. We don't know. We don't if anything is going to fit on this lot. All we are here for this evening is to request that these paper roads be discontinued. There is no reason to have them on the books. One of them is already partially discontinued which I don't know how that happened. The one going off of Willow actually ends at the end of this property. There are houses and garages that are already built on the area. That to me should already be discontinued. I don't even know how that happened because normally when you discontinue the road you discontinue the entire length, or you at least define it somehow. The other road on the other side which extends from Hannah that is the one that we are asking to discontinue all the way from Albert. Again, we are not getting into any zoning requirements or anything like that. We haven't gone that far yet. We are just asking for a road discontinuance because nobody is using them.

Jessica Smith of 8 Albert Street addressed the board. My end of it, I have mowed that lawn and my kids have grown up playing ball. The kids have all had picnics there. If you discontinue the entire length of the road...I guess my concern is if the lot is big enough to have whatever they want to have built on it what's the interest in acquiring the road. Why do they need the road. If they discontinue the road, are they suddenly going to put a street down the middle? Is the contractor going to build a long driveway to one of these places, accessing it from my road stopping my kids from playing volleyball on it. These are the questions that I have that directly alters our lifestyle. It directly alters like my husband said it directly alters the wildlife going through there, there is a stream that goes through there that feeds a pond. There are ducks in my yard from that stream. I'm just concerned. Yes, we don't know what they want to build on it but clearly, they want to build something on it because that is why we are here to discontinue the road so that she can sell her lot to a contractor to build something. My only concern is how it directly affects the neighbors and how they have been used to living their life and how it would change the neighborhood maybe negatively. I'm opposed. Thank you.

Attorney Maglicocchetti: Like I said from the onset the neighbors are already using the portions that we are asking you to discontinue. They are already using it as their land. We are kind of fixing this by discontinuing the road. I don't know how else to say it. As far as a driveway coming in from her end, Albert Street, its not going to happen. I will make that a stipulation right now. It can't happen. We would have to cross that stream that they are talking about, its way too far. You would have to build a 200' driveway to access the house. Its not going to happen. Like I said in the outset all we are asking for (inaudible) is its never being used as roads.

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Audience: If the road is discontinued do the abutters acquire the land?

William Pillsbury: Yes, to the centerline of the road as what was represented.

Audience: It would be 1,400 s/f.

Inaudible

Chairman Howard: I am going to close the public portion of the hearing and turn it over for comments of the Planning Director.

William Pillsbury: We have a number of these throughout the city that we go through, they exist as paper streets, and they really do not have any useful opportunities to be developed and that really what Attorney Maglicocchetti is representing tonight. This has been reviewed by the city departments and there are no requirements for easements and anything to be retained here. What is being precluded is the opportunity for the city to put a road there. So, in all likely that eventually it would never be there. Again, I would recommend that we would send a favorable recommendation to the City Council on the discontinuance as proposed.

Member Karen Buckley motioned to make a favorable recommendation to the City Council as recommended by the Planning Director, William Pillsbury for the discontinuance of a portion of Willow Street and Eagle Avenue formerly known as Edward Street. Member Carmen Garcia seconded the motion.

Member Robert Driscoll-yes

Member William Evans- absent

Member Bobby Brown - no

Member Carmine Garcia- yes

Member Ismael Matias- absent

Member Karen Buckley - yes

Chairman Paul Howard - yes

Member April DerBoghosian, Esq.-yes

Member Nate Robertson-yes

Motion Passed.

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

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Escrows:

Sylvan Hill Crossing:

Please be advised, the Haverhill Planning Board at its meeting held on 9-14-22 reviewed the request of Kristen Andrews to reduce the amount being held for completion of work within the cited subdivision.

The board advised that the request was referred to the city engineer. The request was to review the work cited as required; advise if all work cited was completed under the approved definitive plan; if the work was completed in accordance with the approvals; and if all required remaining work was listed and if the dollar values were accurate. Please note that Planning Director William Pillsbury, Jr. recommended that the board vote to reduce the account as recommended by the City Engineer in his report to the board dated 10-10-22 (emailed 8-10-22).

In consideration of the report from the City Engineer, John Pettis, Chairman Paul Howard motioned to reduce the amount \$220,236.50 from the \$755,747.80 balance and maintain a balance of \$535,511.30 as recommended by the city engineer in his report to the board dated 10-10-22 (emailed 8-10-22). Member Karen Buckley seconded the motion. All members present voted in favor to reduce the account to the balance of \$535,511.30 as recommended by the city engineer in his report addressed to the board dated 10-10-22 (emailed 8-10-22). Members Absent: William Evans and Ismael Matias.
Motion passed.

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

As a condition of the board's vote, the **BANK is required** to notify the board that the minimum amount of \$535,511.30 is held for the completion of all remaining work. The account shall not be further reduced or released without formal board approval.

Crystal Springs Escrow:

Please be advised that the Haverhill Planning Board meeting held on 9/14/22 at 7:00 pm in the City Council Chambers reviewed the request to reduce the escrow amount for the above cited development.

William Pillsbury: The developer is requesting a bond reduction to the amount of \$249,803.00 as recommended by the City Engineer and I would recommend reduction to that amount for the Crystal Springs Escrow.

Member Bobby Brown motioned to approve the reduction as recommended by the City Engineer in his letter dated August 10, 2022. Seconded by Member Nate Robertson.

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All members present voted in favor. Members absent: William Evans and Ismael Matias.

Audience: I want to speak. That is what I am here for.

William Pillsbury: It is not a public hearing, but we are happy to hear from you.

Audience: It's not a public hearing, okay. Peter Sullivan, Crystal Lake.

William Pillsbury: Just to clarify we are not holding a public hearing on the escrow. That is an administrative matter before the board. The chairman can recognize your opportunity to speak.

Peter Sullivan: Okay, thank you.

William Pillsbury: I'm sorry, I didn't see you sitting there.

Peter Sullivan: I picked a bad night to come. But anyway....

William Pillsbury: Or a good night, I don't know.

Peter Sullivan: I am on the board of trustees, obviously I was notified of this bond reduction hearing. That's why I am here. So, I went through the bond reduction, and I can't figure out how they came up with some of these bond reductions because there is so much work that is left to be done.

William Pillsbury: You have the calculations from the City Engineer?

Peter Sullivan: This is what I have right here.

William Pillsbury: The board relies on the City Engineer preparing those balances, those amounts each category of work whether it's a sidewalk, pavement of the road or whatever it might be. Those categories that you might see on the sheet are...that's how we get to the balance that he is requiring that we hold.

Peter Sullivan: One of the items was reduced by 90% but barely any of the work has been done. The loam and seeding on the road, sidewalks all that. Look at the sidewalks if anyone has gone up there. Look at the sidewalks going by the golf course there's a ton of work. If we had to hire somebody to do that work, it would easily eclipse \$10,000.00. It has been dropped down to \$1,510.00. These reductions have been dropped down to amounts that absolutely wouldn't cover. Even the road pavement, that is a number from years ago. I don't know what is customary to updating values. With today's...the road is 51,500 s/f at today's finish topcoat pricing it's almost a \$100,000.00 its about \$94,000.00 to pave that road. The bond is \$68,800.00. Now again, that is an old number. If we are reducing its not customary to cover shortfalls.

William Pillsbury: Again, we are relying on the City Engineer's estimates. John Pettis and his clerk of the works look at these numbers and come back with a recommendation to reduce to those amounts believing those are adequate plus contingency to get the work done. I'm not disputing your numbers; our

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recommendations rely on the City Engineer to make definitely sure that we have enough to cover what needs to be finished.

Peter Sullivan: I can guarantee you that you don't.

William Pillsbury: What I would suggests, if I could make a suggestion why don't we schedule a meeting between yourself and John Pettis. Let's talk it over and we will see if there is anything.

Peter Sullivan: I love Steve and Jay, great guys. I'm not disputing them, okay, I talk with them all the time. The values...I'm getting nervous now as this project comes to close and it has delayed a lot longer than we had expected. We are thrilled of how far it's come. It now seems to be dying at the end, at the altar.

William Pillsbury: I would be happy to host a meeting with yourself and John Pettis and go over the details line by line and talk about the things you have raised tonight to make sure we have adequate funding there. If not, we could come back and establish.

Peter Sullivan: That would because they also have totally changed the design of the sidewalks which we were told you couldn't do. The whole sidewalk design, past the golf course has totally changed. They are not doing it to the drawings, not doing it to the definitive plan.

William Pillsbury: That's another...

Peter Sullivan: I sent an email, and I got no response from anybody. I would welcome that meeting.

William Pillsbury: We didn't actually call a roll, did we?

Member Robertson: No.

William Pillsbury: I would recommend in light of the conversation that we postpone the decision to reduce tonight, and we allow the meeting to occur. We won't reduce anything tonight. We will have the meeting; we will have the discussion. I want to hear more about the sidewalk concern, reconfiguration what you are referring to I want to know...

Peter Sullivan: And the drainage at the golf course has been changed. I've tried to get an approved engineered modification plan; I haven't been able to get one. Now, I am not trying to stop anything, I just want to make sure everything is done right.

William Pillsbury: What I am recommending is that we take no action on this particular escrow tonight.

After board consideration, Member Bobby Brown motioned to no action on this escrow item as recommended by the Planning Director. Seconded by Member Nate Robertson. All members present voted in favor. Members absent: William Evans and Ismael Matias. Motion Passed.

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Peter Sullivan: Should I email you and John?

William Pillsbury: Yes. We will set up a meeting. We can put it on the agenda next month and try to work it out between now and then hopefully we will get some answers for you.

Peter Sullivan: That would be nice. I don't want to slow those guys down. I just want to be careful.

William Pillsbury: Okay.

Peter Sullivan: Believe me I have 50 residents...

William Pillsbury: Thank you, I apologize for almost missing you there.

Peter Sullivan: Not a problem.

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

Reminders for escrow: None at this time.

Form A Plans:

Water Bear Capital, LLC for 30 Belvidere Road:

William Pillsbury: This has been reviewed by the building inspector. Again, I am just going to clarify what Form A plans are. Form A plans are plans under the state zoning law which is orientated around what is called approval not required. This is such a plan that is very distinct from a definitive plan or a preliminary plan but the Form A plan is what is known as approval not required. With Form A plans if there is appropriate frontage, area and access for these properties, for the lots shown on the plan then the planning board has no jurisdiction but to sign the plan. It is an approval not required. Again, we have three of those this evening.

Water Bear Capital, LLC for 30 Belvidere Road:

William Pillsbury: This plan has been reviewed by the Building Inspector and myself as to having adequate frontage, area and access and I would recommend endorsement of the Form A plan for 30 Belvidere Road.

Member Karen Buckley motioned to endorse the Form A plan for 30 Belvidere Road. Seconded by Member Bobby Brown. All members present voted in favor. Members Absent: William Evans and Ismael Matias. Motion Passed.

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RKACO, LLC for 99 Bennington Street:

William Pillsbury: The next one is for Bennington Street creating a lot line adjustment at 99 Bennington Street. It has been reviewed by the Building Inspector for frontage, area and access for the lots as created. I would recommend endorsement of the Form A plan at 99 Bennington Street.

Member Nate Robertson motioned to endorse the Form A plan for 99 Bennington Street. Seconded by Member Carmine Garcia. All members present voted in favor. Members Absent: William Evans and Ismael Matias. Motion Passed.

Sixty-Six Merrimac-Hav, LLC for 66 Merrimac Road:

The minutes will reflect that due to a technical problem with the viewpoint portal 2 of the 7 files-“Proposed Plan” file and “Plan Prints – 66 Merrimac Rd ANR FP REV” were not viewable from the viewpoint public portal at the time of the meeting. This technical problem was corrected the next morning.

William Pillsbury: Lastly, we have a Form A plan to create a 3 lots at 66 Merrimac Road proposed by the applicant and reviewed by the Building Inspector for frontage, area and access and again want to indicate the Building Inspector has reviewed for frontage, area and access and I would recommend endorsement for the Form A plan for 66 Merrimac Road.

My name is Earl Baumgardner of 18 Merrimac Street in Merrimac addressed the board. I am an abutter to this current property to the east. Some of my land is actually in Haverhill. I tried to find the plans on the website today and was not able to find them. I called the office and there was no one in the office that could find the plans. I would like to respectfully request the board hold off on endorsement on this ANR until myself and several of the other abutters in the neighborhood get a chance to look at those plans and make any comments. I understand that this is an ANR and does not require a public hearing however, depending upon where those lots lines are going to be drawn, I would question whether or not there is adequacy of access to one or more of those lots. Again, depending upon where those lines are drawn.

William Pillsbury: The building inspector has reviewed them for adequacy of access and recommending endorsement. We are also under a very tight time frame with Form A's. The plans are available, they are online. We can get you a copy for you to look at right now if you would like. The plans are available. I apologize if you called the office and you didn't have a response today. I apologize for that. They are online for anyone who wants to look at the portal.

Christine Kwitchoff of 14 Colby's Lane addressed the board. I looked at viewpoint record PBFA-22-12 and there is no...we don't see those records on viewpoint.

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William Pillsbury: I don't know if its 12...I think that's the one probably not that number.

Christine Kwitchoff: I see the rest of the documents that are associated with this project but there is no...there is nothing to show the lines that we are talking about.

William Pillsbury: The plan is on the portal. I looked at it today. Again, there is a plan right there. It's the same plan that is on the portal. I would recommend endorsement of the Form A. Motion , second? Call the roll?

Member Robertson I had a motion made by Karen? Second by?

Member DerBoghossian: Second.

Member Karen Buckley motioned to endorse the plan for 66 Merrimac Road. Seconded by Member April DerBoghossian, Esq. All member present voted in favor. Members absent: William Evans and Ismael Matias. Motion Passed.

Earl Baumgardner: This is not the plan that was posted on the portal. The plan that was posted on the portal is a drawing from 2017.

William Pillsbury: That plan that shows the new lots lines. The Form A, the appropriate Form A plan is on the portal. I looked at it today. The one that Lori just showed you is on the portal.

Earl Baumgardner: As a citizen...

William Pillsbury: You are a citizen of Merrimac.

Earl Baumgardner: As an abutter, I pay taxes in Haverhill. If I am not able to see a plan before its endorsed, that's not right. I'm sorry, but that's not right.

William Pillsbury: You certainly can see....

Earl Baumgardner: I looked at the portal, I dug through the portal, I called the office. Nobody could find the plans and now you are just going to move forward with an endorsement where the residents haven't even had a chance to look at the plan.

William Pillsbury: It's not a public hearing. It's basically....

Earl Baumgardner: I understand that.

William Pillsbury: The plan is right there; you are more than welcome...

Earl Baumgardner: I can't possibly figure this plan out in two minutes. I would like some time to look at the plan and see if I have any questions that I can ask before the

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plan is endorsed. Because once this board endorses that plan that's done. I still don't believe there is adequacy of access depending upon how those lots are laid out.

William Pillsbury: The Building Inspector does, and he has made that interpretation.

Earl Baumgardner: So, he is the only one with the authority?

Member Buckley: Yes.

William Pillsbury: Yes.

Earl Baumgardner: To determine whether or not...

William Pillsbury: He makes the recommendation to the board.

Member Buckley: Yes, that's his authority.

William Pillsbury: Roll call?

Member Robertson: It went for a roll call.

William Pillsbury: You did?

Member Robertson: I can do it again for the record?

William Pillsbury: No, well motion to adjourn...

Member Nate Robertson motioned to adjourn. Seconded by Member Bobby Brown.

Earl Baumgardner: Can I have this plan?

William Pillsbury: Sure.

Earl Baumgardner: I will be sharing this with my attorney.

William Pillsbury: Go right ahead.

Christine Kwitchoff: I just gave a copy of what I printed out from viewpoint today. I'm sorry...

William Pillsbury: I can assure you that plan is there in the portal.

Christine Kwitchoff: That's very odd....

William Pillsbury: The ANR plan....the ANR mylar plan there is a bunch of different listings for the attachments its right there. I can't help you if you didn't print the right one. It's actually there.

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Christine Kwitchoff: There were 5 attachments that I saw.

William Pillsbury: The one is called ANR mylars plans. Did you see that one?

Christine Kwitchoff: I did not. That's the problem.

William Pillsbury: It's right there.

Earl Baumgardner It wasn't on the portal.

Member Buckley: Excuse me what's the record....

Christine Kwitchoff: I just gave it to...

Member Buckley: Can you give me...

Christine Kwitchoff: I printed it this afternoon.

Chairman Howard: What are you seeing in that topo that doesn't allow access?

: Earl Baumgardner I can't read from this, I am not an engineer. What I can tell you...

Chairman Howard: I am, I am a professional engineer and I can read it. There's nothing here that shows that there isn't adequate access.

Earl Baumgardner: The other question that I have, and I can't really comprehend this plan in such a short period of time but there's a total of 54 acres there and I can't figure...where are the rest of the acres? Where is the rest of the land? There are four lots on here that I see. 1,2,3,4. Oh I see 51 acres, my... excuse me.

William Pillsbury: Again, the criteria is frontage, area and access and those have been reviewed and again the board has no jurisdiction to not endorse the plan giving the consideration of frontage, area and access for all three.

Member Buckley: There are 7 attachments. I actually have them right here on my cell phone.

Christine Kwitchoff: There were 5 when I looked this afternoon.

William Pillsbury: There were 7 been there forever.

Member Buckley: there was nothing added today. So, it was 7.

William Pillsbury: Motion to adjourn?

**Planning Board Meeting
9.14.22**

Member Robertson made a motion to adjourn. Seconded by Member Garcia. All members present voted in favor. Members absent: William Evans and Ismael Matias. Motion Passed.

William Pillsbury: Acceptance of minutes? We can do it next month.

Member Buckley: ANR plans mylar for board signature were uploaded September the 6th, everything except evidence of approval not required uploaded on September 6th or 7th.

Endorsement:

Any other matter:

Meeting adjourned.

Signed:

Paul B. Howard

**Paul B. Howard
Chairperson**