

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, October 13, 2021

Place: City Council Chambers – Room #202 City Hall

Time: 7:00 PM

Members Present: Chairman Paul Howard
 Member William Evans
 Member April DerBoghosian, Esq.
 Member Kenneth Cram
 Member Robert Driscoll

Members Absent: Member Nate Robertson
 Member Karen Peugh
 Member Ismael Matias
 Member Karen Buckley

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

Approval of Minutes: September 8, 2021

September 8, 2021

Member Ken Cram: I have two comments from the meeting minutes. I think there is a misquote I don't recall Karen saying that the process and time spent identifying the zones was "painless" as the meeting minutes indicate.

Clerk: I will relisten to the meeting and change it if necessary.

Member Ken Cram: The only other comment I had was there is an acronym used in here. I think "LME" should be identified.

William Pillsbury: Licensed marijuana establishment.

Member Ken Cram: Thank you I couldn't remember what it was.

William Pillsbury: Do you want to bring those minutes back for a review next month or do you want to approve with changes.

Member Ken Cram: I can approve with those changes.

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After board consideration, Member Ken Cram motioned to approve the September 8, 2021, meeting minutes with changes. Member William Evans seconded the motion.

Karen Peugh – absent

Bill Evans – yes

Karen Buckley – absent

April DerBoghosian, Esq.- yes

Kenneth Cram – yes

Nate Robertson- absent

Robert Driscoll – yes

Paul Howard – yes

Ismael Matias - absent

Motion Passed.

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

Public Hearings:

Definitive Plan for undeveloped Morse Avenue off of Peabody Street:

Mr. William Pillsbury: read the conduct of hearings for a public meeting.

Attorney Paul Magliocchetti of 70 Bailey Blvd. addressed the board on behalf of MED Properties, LLC/Michael DeLuca. He is looking to do this two-lot subdivision. We have already gone through the presentation. We were asked at the last meeting to have a traffic engineer look at the site to determine if there would be significant impact. We hired a traffic engineer, and he prepared a study. We received no negative comments that I am aware of. We are here to answer any questions that you might have. I will leave it at that and if you want to get into any further detail or any questions with regards to the development. We also have one of the neighbors here and with this revised plan we drew in the fence with the gate at his request. That is all we have.

Mr. Pillsbury: I think at this point in time Attorney Magliocchetti, or Dennis can you describe the mitigation that the traffic engineer proposed in their report, give a summary of that.

Mr. Dennis Griecchi of Andover Consultants addressed the board on behalf of the applicant, MED Properties. The traffic report/memorandum was prepared by TEPP LLC. In summary he found that there was not a significant trip generation that would be as a result of the development. He also looked at some crash data and there is not a significant amount of crash...we found two crashes over the most recent reporting period. There were two suggestions made in the summary. One was a sign limiting the speed to 25 MPH when you are approaching Peabody Street from Salem Street approaching Morse Avenue down Peabody Street from Salem Street. The other one is an intersection warning sign. Those would both be

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on Peabody Street as you are approaching Morse Avenue, so on this side of the road. We have adjusted the site distance and the stopping site distance profiles that were on the plans that were submitted to the board most recently. The traffic engineer is not here with us tonight if there are any questions, I will do my best to answer them for you.

Chairman Howard: Anyone from the public who wishes to speak?

Paul Dallaire of 6 Peabody Street addressed the board. I have been there for more than 50 years. I know when I come down Peabody Street from Salem Street, if I am turning into my driveway, I can't see a car at the bottom of the hill. Years ago, I had an elderly neighbor tell me about Morse Avenue. I don't have any dates or anything, but I think Morse Avenue maybe was penciled in there before there were automobiles. Things have changed considerably over the years. There are two homes there 10-14 Peabody Street that will be significantly impacted by this street. I think that should be addressed especially to the age of that street and how long it has been there and the difference of life these days with the traffic and automobiles and everything. I hope you can consider that. Thank you.

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

Joe Arsenault of 176 Salem Street addressed the board. I abut the land there. I'm just curious, I heard speculation. I don't know how true it is that once these are done, they are going to build, try to build a bridge down below over the wetland to build a couple of more houses down there. I don't know if it is true or if it isn't true. If they are going to do that, what are they going to my property as far as water. It is wet down there. I would like to find out. Is there going to be more homes built down there with more traffic? Can anybody answer that?

Attorney Magliocchetti: We are here for just the two homes. As you can see the wetlands, its wet over there. I don't know what the feasibility is of putting more homes. I'm not going to say. You never know what is going to happen, what the future holds. We don't have any intention at this time. We haven't said anything to anybody about putting any additional homes. It would be very difficult.

Joe Arsenault: Difficult things happen all the time. I just want an answer because that's my property. I'm concerned about it.

Attorney Magliocchetti: I am here for the two homes.

Joe Arsenault: I am here for my property. Not two homes, I am not building two homes. He is. I want to know answers. That is why I am here. Are you going to build anymore down there, I am asking you right to your face?

Audience (Michael DeLuca) in the future if there are no wetlands.

Joe Arsenault: There is wetlands. My tractors get stuck down there this spring.

Audience (Michael DeLuca): That is my whole thing is to buy the property to build to myself a home with my two daughters and my son.

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Joe Arsenault: I want to know if you are going to build any more houses.

Audience (Michael DeLuca) if....

Joe Arsenault: you're the builder.

Audience (Michael DeLuca) I am just trying to build four units there.

Chairman Howard: The questions must come through the chair then we can ask the applicant. It's not proper....

Joe Arsenault: I don't know what's proper. It's not proper flooding out my property.

Chairman Howard: You have to realize to we are here tonight to act on what is in front of us.

Joe Arsenault: I realize that (inaudible). They never look ahead. That is why we are in the trouble we are in. That's my property and I am concerned because there is water more than any of you know. I live there for over 50 years.

Chairman Howard: If that happens in the future those issues would be addressed. To address it now....

Joe Arsenault: It would be kind of late.

Chairman Howard: Its not late. There is nothing on the table saying they are going to do anything.

Joe Arsenault: I am asking the person. He is the builder.

Mr. Pillsbury: I think the attorney has made a representation that there is no plan at this time. I can represent that there has been nothing filed with the city at this time.

Joe Arsenault: Sorry I even asked.

(Talking in audience)

Chairman Howard: Is there anyone who wishes to speak on this? You can take that outside.

Timothy O'Mullane of 10 Peabody Street addressed the board. I have a question the original proposal it says there is 175' for the line of sight and I heard the engineer say that was corrected or amended. I was wondering if we actually knew what the actual distance was for the actual line of sight from the proposed Morse Avenue on Peabody looking up the hill.

Dennis Griecci: Working with the traffic engineer the profile the line of sight right from Morse Avenue looking up the hill towards Salem Street is 209'. That is using the higher object and high (inaudible) of 3.75 which is what the city standards.

Chairman Howard: So, its 209'.

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Pat Lyons of 14 Peabody Street addressed the board. The same thing with the line of sight. There is no way there is that much. There's about 17'. Anyway, what is going to happen with my deck and stairs when they put the road in. They are probably encroaching a little bit.

Dennis Griecci: We actually included an easement on the plan. The deck wouldn't be within the actual paved way. It is within the existing right of way of Morse Avenue the way the deck is constructed. Easement is shown on the plan to encompass that deck so the deck can remain there. That was considered and part of the plan. If you see sheet 4-7, we do identify the easement or we do identify the encroachment and we are granting that abutter an easement and allowing that deck to remain within that right of way.

Chairman Howard: You realize that your deck was not on your property?

Audience (Pat Lyons): What's that?

Chairman Howard: Did you realize that your deck was not on your property?

Audience (Pat Lyons) I didn't know it was a paper road until after I bought the house.

Chairman Howard: Is there anyone who wishes to speak?

Attorney Magliocchetti: In summary this is the plan that we are here for tonight. I think this is the third Planning Board meeting and we tried to address every single issue that we could. The street has been on the map as a paper road forever. I believe that he has a right to do something there. I respectfully ask that you approve this this evening.

Chairman Howard: We are going to close the public portion of the hearing. Are there any questions from the board?

Member Ken Cram: We are down to four units now total?

Audience (Michael DeLuca): Yes, sir.

Member Ken Cram: The original application was six?

Attorney Magliocchetti: Yes.

William Pillsbury: Ken can you talk about traffic?

Member Ken Cram: I went out there myself. I drove, having driven it before but I drove it again. I verified the information that was contained within the memorandum. I am satisfied with their recommendation.

Chairman Howard: Any other comments from the board? Recommendation from the Planning Director.

William Pillsbury: This is a request for approval of a definitive plan for the construction of a paper street that has existed for a long time. It does exist as a way, and is entitled to be developed under the subdivision control law. The review of the plan indicates that the project

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complies with the requirements of the subdivision regulations with the exception of the proposed waivers which are proposed. The city departments have reviewed the plan and their comments have been received. Each departmental comment must be responded to and addressed. I recommend approval of the definitive with any notes or comments from the city departments being added to the final plan during the appeal period and prior to final plan endorsement.

WAIVERS:

William Pillsbury stated the waivers on the plan dated 9/28/21:

THE FOLLOWING WAIVERS ARE REQUESTED FROM THE CITY OF HAYDENHILL, MASSACHUSETTS RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND:

- 1 SECTION 3.0.3.K - THE PLAN SHALL BE AT A HORIZONTAL SCALE OF ONE INCH TO EACH FORTY FEET (1"=40')
- 2 REQUEST WAIVER TO ALLOW FOR SCALE OTHER THAN 1"=40'
- 3 SECTION 3.0.3.K.16 - THE HORIZONTAL SCALE OF THE PROFILES SHALL BE FORTY (40) FEET TO ONE (1) INCH
- 4 REQUEST WAIVER TO ALLOW FOR SCALE OTHER THAN 1"=40'
- 5 SECTION 3.0.4 - STATEMENT OF ENVIRONMENTAL IMPACT
- 6 REQUEST WAIVER TO NOT PROVIDE STATEMENT OF ENVIRONMENTAL IMPACT
- 7 SECTION 5.1.DESIGN STANDARDS.GENERAL.WIDTH - RESIDENTIAL STREETS - IN ALL RESIDENTIAL ZONES THE
- 8 STREETS RIGHT-OF-WAY WIDTH SHALL BE FIFTY (50) FEET.
- 9 REQUEST WAIVER AS MORSE AVENUE LAYOUT ALREADY EXISTS
- 10 SECTION 5.1.DESIGN STANDARDS.SIGHT DISTANCE - REQUEST WAIVER TO PROVIDE LESS THAN 250' OF SIGHT
- 11 DISTANCE LOOKING RIGHT UP PEARBOY STREET FROM END OF EXISTING MORSE AVE WAY. REQUEST WAIVER AS
- 12 SECTION REQUIRES "250 FEET WHEN THE PROPOSED SUBDIVISION STREET INTERSECTS WITH AN EXISTING OR
- 13 PROPOSED LOCAL ACCESS STREET". BOTH MORSE AVE AND PEARBOY STREET ARE BOTH EXISTING WAYS.
- 14 SECTION 5.1.DESIGN STANDARDS.GENERAL.CURBING - IN ALL SUBDIVISIONS, CURBING SHALL BE INSTALLED
- 15 ALONG BOTH SIDES OF COMPLETE ROADWAY AND ALONG THE ENTIRE CUL-DE-SAC, WHERE APPLICABLE.
- 16 REQUEST WAIVER TO PROVIDE CURBING AS SHOWN ON PLANS
- 17 SECTION 5.1.DESIGN STANDARDS.GENERAL.SIDEWALKS - SIDEWALKS SHALL BE PROVIDED ON EACH SIDE OF
- 18 ANY ROADWAY CONSTRUCTED UNDER THESE REGULATIONS UNLESS A WAIVER IS GRANTED BY THE BOARD.
- 19 REQUEST WAIVER FROM REQUIREMENT TO CONSTRUCT SIDEWALKS DUE TO LIMITED WIDTH OF EXISTING ROW
- 20 SECTION 5.1.DESIGN STANDARDS.GENERAL.GRASS STRIPS/PLANTING STRIPS - PLANTING STRIPS SHALL BE
- 21 PROVIDED ON EACH SIDE OF THE ROADWAY, BETWEEN THE ROADWAY AND THE SIDEWALK, IN ACCORDANCE
- 22 WITH THE FOLLOWING STANDARDS.
- 23 REQUEST WAIVER FROM PLANTING DUE TO LIMITED WIDTH OF EXISTING ROW
- 24 SECTION 5.1.DESIGN STANDARDS.GENERAL.SIDE SLOPES/SHOULDERS - EIGHT (8) FOOT SHOULDER SHALL BE
- 25 PROVIDED WITH 2:1 SIDE SLOPES MAXIMUM.
- 26 REQUEST WAIVER FROM 8' SHOULDER REQUIREMENT DUE TO THE LIMITED WIDTH OF EXISTING ROW
- 27 SECTION 5.1.DESIGN STANDARDS.GENERAL.STREET LIGHTS - STREET LIGHTING WITH UNDERGROUND WIRING
- 28 ALONG DALL ROADWAY AND CUL-DE-SACS SHALL BE REQUIRED TO BE INSTALLED BY THE
- 29 OWNER/DEVELOPER FOR ALL SUBDIVISION PROJECTS, PRIOR TO THE BASE COAT PAVING OF EACH ROADWAY,
- 30 IN ACCORDANCE WITH THE CITY ENGINEERING DEPT., MASSACHUSETTS ELECTRIC COMPANY AND THE HAYDENHILL
- 31 WIRE INSPECTORS REQUIREMENTS, AND ANY PRELIMINARY OR DEFINITIVE PLANS SUBMITTED TO THE BOARD
- 32 SHALL MEET THIS REQUIREMENT.
- 33 REQUEST WAIVER FROM REQUIREMENT TO INSTALL STREET LIGHTING

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Member William Evans motioned to approve the waivers as stated. Seconded by Member Robert Driscoll.

Member Nate Robertson – absent
Member Karen Peugh – absent
Member Bill Evans – yes
Member Karen Buckley -absent
Member April DerBoghossian, Esq. – yes
Member Ken Cram – yes
Member Robert Driscoll – yes
Member Ismael Matias – absent
Chairman Paul Howard – yes

Motion Passed.

Member William Evans motioned to approve the definitive plan with the waivers. Seconded by Member Robert Driscoll.

Member Nate Robertson – absent
Member Karen Peugh – absent
Member Bill Evans – yes
Member Karen Buckley -absent
Member April DerBoghossian, Esq. – yes
Member Ken Cram – yes
Member Robert Driscoll – no
Member Ismael Matias – absent
Chairman Paul Howard – yes

Motion Passed.

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

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

Online application PBDP-21-5
Letter, Michael DeLuca
Letter Andover Consultants, 6-1-21 list of waivers
Form F Covenant
Form D-1
Form D
Letter Andover Consultants, 6-1-21 submittal
Form C
Letter, Continuation Haverhill Planning Board 7-15-21
Letter, Attorney Paul Magliocchetti, 7-15-21
Letter Andover Consultants, 7-28-21
Letter, continuation Haverhill Planning Board 8-12-21
Lori Robertson, email 8-30-21
Dennis Grecci, email 8-30-21
Email, John Pettis, 9-2-21
Lori Robertson, email 9-7-21
Letter, Attorney Paul Magliocchetti, 9-8-21
TEPP LLC Traffic Assessment 9-7-21
Letter, Haverhill Planning Board continuation, 9-9-21

Frontage Waiver for unnumbered Eudora Street:

At the beginning of the meeting the rules of public hearings were stated by the Planning Director William Pillsbury.

Greg Saab of Engineering and Surveying Services of 70 Bailey Court addressed the board. We are trying to develop a lot at the end of Eudora Street. There is an existing cul-de-sac for access. The lot is over 2 acres. They want to put a one-family house on the property. The existing cul-de-sac is located here. Access with a driveway right off the cul-de-sac.

Chairman Howard: Anyone from the public wish to speak on this?

Brad Brooks of 21 Bradfields Drive addressed the board. This is my subdivision. We went to previous board meetings, and everything went okay. I spoke with Bill and the Fire Department, and they gave their okays if there was anything to do they would send it along here. This is 2.8 acres. Its not like we are trying to squeeze in a little lot. At one time we were actually talking about 2 duplexes, we went to one duplex and then we revised to a single-family home. That's all we are asking for a single-family house on this lot. Thank you for your time.

Chairman Howard: Seeing no other public comments we will close the public portion of the hearing and turn it over for comments from the Planning Director.

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Mr. Pillsbury: The plan received approval for the frontage variance from the zoning board of appeals and was not appealed. The role of the planning board in acting on a frontage waiver is limited to one specific issue by statute which is to confirm that there is adequate access provided to the site from the reduced frontage. The purview of the planning board is limited to this one item and does not include anything relative to the granting of the variance which was done previously by the zoning board of appeals. Any concerns outside of the issues of whether access exists are not to be considered by the board in acting on the frontage waiver. Concerns relating to wetlands and site drainage are not to be considered by the planning board but are in the jurisdiction of the conservation commission whose approval is required prior to the issuance of the building permit. The review of the plan indicates that adequate access exists via the reduced frontage.

After board consideration, Member Bill Evans motioned to approve the frontage waiver for unnumbered Eudora Street as recommended by the Planning Director, William Pillsbury. Member Ken Cram seconded the motion.

Member Nate Robertson: absent

Member Karen Peugh: absent

Member William Evans: yes

Member Karen Buckley: absent

Member April DerBoghosian, Esq.: yes

Member Kenneth Cram: yes

Member Robert Driscoll: yes

Member Ismael Matias: absent

Chairman Paul Howard: yes

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:

Online application PBFW-21-5

Letter Richard Early, Sr.

Board of Appeals decision 7-21-21

Form D-1

Form D

Frontage waiver application

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Definitive Escrows: None at this time.

Reminders for escrow: None at this time.

Form A Plans:

- **Leonidas Chakalos for 5 Mitchell Barrett Lane:**
Member Robert Driscoll motioned to approve and endorse the Form A for 5 Mitchell Barrett Lane. Seconded by Member William Evans. All members present voted in favor. **Motion Passed.**
- **Boucher Family Trust, Gerard Boucher, Tr. for Broadway (Edith Street):**
Member William Evans motioned to approve and endorse the Form A for Broadway (Edith Street). Seconded by Member April DerBoghossian, Esq. All members present voted in favor. **Motion Passed.**
- **Frederick Shanahan for 296 Hilldale Avenue:** Member William Evans motioned to approve and endorse the Form A for 296 Hilldale Avenue. Seconded by Member April DerBoghossian, Esq. All members present voted in favor. **Motion Passed.**
- **Emerson Street Investment, LLC for 62-68 Emerson Street:** Member Robert Driscoll motioned to approve and endorse the Form A for 62-68 Emerson Street. Seconded by Member William Evans. All members present voted in favor. **Motion Passed.**

Endorsement:

Ringgold Street Definitive Plan: Member Robert Driscoll motioned to endorse the definitive plan for Ringgold Street. Seconded by Member William Evans. All members present voted in favor to endorse Ringgold Street definitive plan. **Motion Passed.**

Any other matter:

Meeting adjourned.

Signed:

Paul Howard
Chairman