

**HAVERHILL PLANNING BOARD  
MEETING MINUTES**

**DATE: Wednesday, January 12, 2022**

**Place: City Council Chambers – Room #202 City Hall**

**Time: 7:00 PM**

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

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

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

**Approval of Minutes:**

**December 8, 2021**

After board consideration, Member Robert Driscoll motioned to approve the December 8, 2021, meeting minutes. Member Ken Cram seconded the motion.

Karen Peugh – absent

Bill Evans – yes

Karen Buckley – absent

April DerBoghosian, Esq.- yes

Kenneth Cram – yes

Nate Robertson- yes

Robert Driscoll – yes

Paul Howard – yes

Ismael Matias - absent

**Motion Passed.**

**Planning Board Meeting  
1-12-22**

No one present in room. The Planning Director asked to waive the reading of the rules of public hearings.

**Public Hearings:**

**Zoning Amendment – Home occupations**

Please note at the January 12, 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 recommendation to the city council on the proposed amendment.

Mr. William Pillsbury addressed the board. This is an ordinance that has been drafted by the City Solicitor Bill Cox. The proposed amendment seeks to revise the zoning rules related to home occupations. It was brought to the City Council's attention at the end of last year. There were a couple of situations, one in particular where an individual was conducting music and art lessons in their house. The Building Inspector responded and found that there was no legal inclusion of students in the home occupation ordinance. The City Council asked us and Bill Cox to put something together and what you have before you tonight is basically a new rule that will allow as of right home occupations "except for not more than five music or art pupils at any time and only between the hours of 7 am and 9 pm Monday through Saturday. The solicitor recommends approval, and I would recommend a favorable recommendation to the city council.

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

Nate Robertson – yes

Karen Peugh – absent

Bill Evans – yes

Karen Buckley – absent

April DerBoghosian, Esq.- yes

Kenneth Cram – yes

Ismael Matias - absent

Robert Driscoll – yes

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.

**Planning Board Meeting  
1-12-22**

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

Ordinance home occupation

Robert Ward, Deputy DPW Director, 12.15.21

Comment – zoning amendment

Letter, City Solicitor, William Cox, 12-6-21

**Definitive Escrows:**

**1240 Boston Road/O’Leary Way Escrow:**

Please be advised the Haverhill Planning Board at its meeting held on January 12, 2022 at 7:00 pm in the City Council Chambers reviewed the request to endorse the performance guarantee agreement for the above cited development. The City Engineer established the amount of \$354,984.88 (see City Engineer’s letter dated 12-8-21) A release is executed herewith to include lots 1-7. The agreement was reviewed and endorsed by the city solicitor as attested to by his signature on said document. The performance guarantee agreement needs to be recorded at the Registry of Deeds as required and proof of recording was provided to the Planning Department for its file.

The board discussed the acceptance of said agreement for the amount cited above which secures the complete construction of the ways and installation of municipal services for the building, as referred to in the above cited plan. It was voted to release the aforesaid lots from the Form F covenant restrictions as to sale and construction only (all other conditions, covenants and requirements remain in full force and effect, if any). Lot release is subject to the terms and requirements of the funds held in the amount of \$354,984.88 to guarantee the completion of the ways and installation of all municipal services referred to an required by the Planning Board. The board agreed to release the aforesaid lots for sale and construction only, upon submission of the properly completed documents endorsed by the board. No occupancy permits issued at this time.

The board now informs you, the building inspector, that the applicant has provided this office with the required documentation, Performance Guarantee Agreement, the recorded covenant and the letter from the city engineer dated 12-8-21. This is your notice to release lots 1-7 from the Form F Covenant from the O’Leary Way Definitive Plan for sale and building only. See your endorsed copy of the approved plan, or the endorsed reproducible mylars in the Engineering Office for review or any restrictions.

The board respectfully advises each city department/commission noted below to ensure compliance with the plan before the permits/approvals are issued.

**Planning Board Meeting  
1-12-22**

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

Escrow materials

**Ringgold Street Escrow:**

The Haverhill Planning Board at its 1/12/22 meeting reviewed your request dated 11/1/21 to establish the amount for the completion of work for the above cited subdivision.

Planning Director William Pillsbury, advised that the request was referred to the city engineer on 12/20/21, that the request was to establish a dollar amount that guarantees the completion of all work within the approved and recorded definitive plan; and that the city engineer in his report dated 1/12/22 recommended that the amount of \$158,635.60 was sufficient to guarantee the completion of all work according to the approved and recorded plan.

In consideration of the report of the city engineer and recommendation, Member Robert Driscoll motioned to approve the established amount as recommended by the city engineer for completion of all work for the cited development. Member William Evans seconded the motion. All members present voted in favor. Members Absent: Karen Buckley, Karen Peugh and Ismael Matias. Motion passed.

**Note:** You are now required to set up a performance guarantee agreement and obtain the proper surety in the amount noted by the city engineer to guarantee the completion of work within the above cited project. No lots will be released until the endorsed agreement is recorded at the Registry of Deeds and proof of that recording is provided to the board. Once the Planning Department receives that information a lot release letter will be provided to the Building Inspector to release the lots in question for construction and sale only.

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

Escrow materials

**Reminders for escrow:** Crystal Springs & Scotland Heights- reminder letters will go out

**Form A Plans:**

**Endorsement:**

Re-endorsement of 89 Standish Road. Registry needed a block added onto mylar.

Member Robert Driscoll motioned to reindorse the mylar for 89 Standish Road frontage waiver. Seconded by Member William Evans. All members present voted in favor. Motion Passed.

**Any other matter:**

Meeting adjourned.

**Planning Board Meeting**  
**1-12-22**

Signed:

Paul Howard  
Chairman