

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, October 14, 2020

Place: ONLINE MEETING DUE TO COVID-19

Time: 7:00 PM

Members Present: Chairman Paul Howard
 Member Nate Robertson
 Member William Evans
 Member Robert Driscoll
 Member April DerBoghossian, Esq.
 Member Karen Peugh
 Member Ken Cram
 Member Ismael Matias

Members Absent: Member Karen Buckley

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

Approval of Minutes: September 9, 2020

September 9, 2020

After board consideration, Member Robert Driscoll motioned to approve the September 9, 2020. Member Ken Cram seconded the motion.

Karen Peugh – yes
Bill Evans – yes
Karen Buckley – absent
April DerBoghossian, Esq.- yes
Kenneth Cram – yes
Nate Robertson- yes
Robert Driscoll – yes
Paul Howard – yes
Ismael Matias - yes
Motion Passed.

**Planning Board Meeting
10-14-20**

Mr. William Pillsbury: Read the conduct of hearings into the record ONLINE VERSION.

Public Hearings:

Special Permit for 235 Essex Street:

Please be advised, the Haverhill Planning Board at its meeting held on 10/14/20 at 7:00 pm ONLINE (due to Covid-19) continued the above cited definitive plan to the December 9, 2020 meeting at 7:00 pm. It was noted by the Planning Director that the City Departments have reviewed the plans. The applicant has yet to move forward substantially with conservation and several other departments have comments. As such, the applicant has requested to postpone the hearing to the December meeting (see emailed dated 10.14.20 – attached).

As a result it is recommended that the matter be postponed to the December 9, 2020 meeting.

After board consideration, Member Robert Driscoll motioned to continue the hearing to the December 9, 2020 Planning Board meeting at 7:00 pm. Member Kenneth Cram seconded the motion. All members present voted in favor. Members Absent: Karen Buckley

Motion Passed.

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

- Continuation letter (email dated 10.14.20)

Frontage Waiver for 211, 219-223 Lincoln Avenue:

Please be advised, the Haverhill Planning Board at its meeting held on 10/14/20 at 7:00 p.m. ONLINE (due to Covid-19) continued the above cited frontage waiver plan to The December 9, 2020 meeting. It was noted by the Planning Director that the applicant is requesting a continuance in order for the project team to further evaluate the proposed subdivision of the property being in compliance with Table 2: Table of Dimensional and Density

Regulations of the Zoning Ordinance (see letter from Brian Dundon 10-13-20 attached). As a result it is recommended that the matter be postponed to the December 9, 2020 meeting.

After board consideration, Member Robert Driscoll motioned to continue the hearing to the December 9, 2020. Member Kenneth Cram seconded the motion. All members present voted in favor.

Motion Passed.

Planning Board Meeting
10-14-20

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

- Continuation letter dated 10.13.20

Frontage Waiver for 0 Tenadel Avenue (lots 40-41):

Mr. Pillsbury, Planning Director: Went over the online rules of the public hearing.

Attorney William Faraci addressed the board on behalf of the applicant. A variance was received combining lots 40 and 41. You have the plans and copies of the variance. The only question is whether or not this has adequate access to the lot. When it first came for the variance the roadway had not been built. It is now built. There is more than adequate frontage along the roadway. I would ask that you approve this waiver.

Chairman Howard: Any questions from the board?

Member Cram: How much frontage is there?

Attorney Faraci: oh I am sorry, I thought you had the plan in front of you. It looks to me like there is a 100'.

Mr. Pillsbury: It has received a variance from the Board of Appeals and that variance was not appealed. What we are asked to look at is whether there is adequate access to that lot via the reduced frontage.

Chairman Howard: Is there anyone from the public who wishes to speak on this project? Hearing none, I will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury: The role of the board is to really only look at that one item. This is a roadway that is under construction and is not fully completed at this point. We will be doing a bond on it. It is under construction and providing that required access is necessary for the lot. Again, the role of the board is to look at that and make sure there is adequate access. I have looked at it, the City Building Inspector has looked at it and the City Engineer. I believe there is adequate access via the reduced frontage and with that I would recommend approval of the frontage waiver as presented.

After board consideration, Member Robert Driscoll motioned to approve the frontage waiver for 0 Tenadel Avenue lot 40-41 as recommended by the Planning Director, William Pillsbury. Member Ken Cram seconded the motion. All members present voted in favor. Member absent: Karen Buckley. Motion passed.

Attorney William Faraci: regarding the bond waivers that are on your agenda I would like to know whether or not the members have received the communication I sent.

**Planning Board Meeting
10-14-20**

Mr. William Pillsbury: The board has received it and there will be no reduction tonight for that Carrington Estates bond.

Attorney Faraci: In that case I am satisfied.

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
- site plan dated 5-31-19
- Letter from Attorney William Faraci, 9-11-20
- Trial Court of Massachusetts certificate of judgment/last entry
- Trial Court of Massachusetts clerk's notice
- Form D
- Frontage Waiver application
- Board of Appeals decision 1-16-19

Definitive Escrows:

Carrington Estates Phase I & Phase II:

Carrington Estates Phase I: Bond Reduction

From John Pettis, nothing has been received from Carrington Estates. No recommendation at this time. No vote on this item.

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

Escrow Materials

Carrington Estates Phase II: Bond Reduction

From John Pettis, nothing has been received from Carrington Estates. No recommendation at this time. No vote on this item.

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

**Planning Board Meeting
10-14-20**

Escrow Materials

Crystal Springs Escrow:

Please be advised, the Haverhill Planning Board at its meeting held on 10-14-20 reviewed the request of Jay Davidowicz 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 10-14-20.

In consideration of the report from the City Engineer, John Pettis, Member Robert Driscoll motioned to reduce the amount \$304,283.87 from the \$801,380.00 balance and maintain a balance of \$497,096.13 as recommended by the city engineer in his report to the board dated 10-14-20. Member Ken Cram seconded the motion. Members Nate Robertson, April DerBoghossian, Esq., Karen Peugh, Robert Driscoll, Ismael Matias, Ken Cram, Bill Evans and Paul Howard all voted in favor to reduce the account to the balance of \$497,096.13 as recommended by the city engineer in his report addressed to the board dated 10-14-20. Member Absent: Karen Buckley. **Motion passed.**

As a condition of the board's vote, the **BANK is required** to notify the board that the minimum amount of \$497,096.13 is held for the completion of all remaining work. The account shall not be further reduced or released without formal board approval.

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

Escrow Materials

Tenadel Avenue – Bond Re-establishment:

Please be advised the Planning Board at its 10-14-20 regular scheduled meeting considered your request to re-establish the bond amount for the above cited development. No lots are to be released until the required funds are submitted along with the escrow agreement in exchange for the release of said lots from the Form E Covenant. The board reviewed your cited request along with the report from the city engineer, dated October 14, 2020, which showed the evaluation amount of \$63,759.45 to complete the remaining, work.

Please note, that the lots will not be released until a properly executed agreement with notarized signatures is submitted to the Board for acceptance and

Planning Board Meeting
10-14-20

endorsement. Said agreement would be required to be recorded at the Registry of Deeds and a copy provided to the board that shows the registry's recording stamp.

After board consideration, Member Robert Driscoll motioned to approve the re-established amount of \$63,759.45 that was recommended by the city engineer in his report dated October 14, 2020. Seconded by Member Ken Cram. All members present voted in favor. Member absent: Karen Buckley. Motion Passed.

Emma Rose Escrow:

Please be advised at the Haverhill Planning Board meeting held on ONLINE on 10/14/20 at 7:00 pm and reviewed the request to endorse the extension of the agreement for the above cited development.

The Chairman, advised the board that the agreement was reviewed by the City Solicitor as to form and was approved as attested to by his signature on said agreement. The new expiration date for performance is 5/1/21 and funding on 5/1/21. The Planning Director recommended that the Planning Board vote to endorse the extension agreement. It was noted, that the developer must record the extension of the agreement at the Registry of Deeds and provide proof of said recording to the Planning Office for its file.

After board consideration, Member Robert Driscoll motioned to endorse the above cited agreement and that the developer provide the Planning Office with a recorded copy of said agreement as required. Member Ken Cram seconded the motion. All members present voted in favor. Members Karen Buckley was absent. **Motion Passed.**

Reminders for escrow:

South Central Street Escrow:

Send reminder to developer

West Gile Street Escrow:

Send reminder to developer

Form A Plans: 3 Wyoming Avenue

Member Robert Driscoll motioned to endorse the Form A for 3 Wyoming Avenue. Seconded by Member Ken Cram. All members present voted in favor. Member absent: Karen Buckley.

Planning Board Meeting
10-14-20

Endorsement: None at this time.

Any other matter:

Meeting adjourned.

Signed:

Paul Howard
Chairman