

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, October 11, 2023

Place: City Council Chambers – Room #202 City Hall

Time: 7:00 PM

Members Present: Member William Evans
 Member Karen Buckley
 Member Michael Morales
 Member Bobby Brown
 Member April DerBoghossian, Esq.
 Member Nate Robertson
 Chairman Paul Howard
 Member Carmen Garcia

Members Absent: Member Ismael Matias

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

Approval of Minutes:

October 11, 2023

After board consideration, Member William Evans motioned to approve the August 9, 2023, meeting minutes. Member Michael Morales seconded the motion.

Carmen Garcia – yes
Bill Evans – yes
Karen Buckley – yes
April DerBoghossian, Esq.- yes
Bobby Brown – yes
Nate Robertson- yes
Michael Morales – yes
Paul Howard – abstain
Ismael Matias - absent

Motion Passed.

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Public Hearings:

Zoning Amendments:

Please note at the October 11, 2023, Planning Board meeting held at 7:00 pm in the City Council Chambers the board considered the above-mentioned zoning amendments.

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

Mr. Pillsbury: The package that we have here to review this evening was filed by the Mayor. I notice the Mayor is not here. Mr. Herlihy has he filed a document that you have made some copies of. That document has been distributed to everyone here. It will get posted on viewpermit.

Ms. Robertson: This is not on viewpermit.

Mr. Pillsbury: It isn't yet. I know.

Ms. Robertson: We don't have this on viewpoint.

Mr. Pillsbury: No, we don't have it yet, but we will.

Ms. Robertson: Zoning Amendments are not on viewpermit.

Mr. Pillsbury: Okay, we will try to put this up on the city website, so people will know what the Mayor's position on this is. I haven't seen it yet. Again, we have three proposed zoning amendments in front of the Planning Board tonight. Ultimately the Planning Board's role is to make a recommendation to the City Council not to act on it. It's to make a recommendation to the City Council on these three items. The City Council hearing is scheduled for November 28th as my understanding. Again, with the Mayor not being here I will just read the ordinances. The first one deals with zoning district RR minimum lot size eliminate 80,000 s/f and replace with 40,000 s/f. The second one is the zoning district RM minimum lot area to eliminate 20,000 s/f and replace with 15,000 s/f. The third deals with flexible development it has several parts to it. Deleting the "city council" and replacing with "planning board" as the approval authority for flexible development. For basic minimum number of dwelling units as follows: insert after the words "shall not exceed" insert the words "three times (3 times)". Amend the density bonus as follows: delete 40% and insert 80%. Amend Section 8.4.7.1 Delete 20% and insert 40%. Amend Section 8.4.7.2 delete 20% and insert 40%. Amend section 8.4.8 types of dwellings as follows: delete six (6) and insert twelve (12). Those are the content of the 3 ordinances. With that, Mr. Chairman I would open the hearing to the public.

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Chairman Howard: We will open the hearing to the public, is there anyone who wishes to speak?

Andrew Herlihy of the Community Development Department addressed the board. The Mayor has this memo which I want to distribute. I think everyone in the audience has one. We will get this out in interest of transparency. I will not read the memo to you all. I am also part of the housing task force. The housing task force did meet last night. Obviously, you can see that there are a number of things that the Housing Task Force at the Mayor's direction and the Mayor himself are looking at different ideas to deal with the housing crisis. My comments will be more general and more brief tonight. We obviously face a substantial housing crisis in eastern Massachusetts and here in Haverhill. I would argue similar to what the governor says this might be the number one issue in the City. Most people spend most of their money on. It is true that the City has dropped population in the last two years because it hasn't happened in 40+ years. A lot of that has to do with the price of housing, the availability of housing and obviously the difficulty getting housing built. We continue to work on a bunch of ideas. There are a bunch of different ideas. We might not bat a 1,000 on all these but we are looking to get input from this body, from the public and council. There has been a lot of thought and creativity dealing with the housing issue. We see it every day in our office. We see a lot of people looking for housing and the issues that come with that. One of the scariest statistics that came through the housing production plan as we now realize that a majority of 51%+ of the renters in Haverhill are what HUD considers to officially be cost burdened. They are spending more than 30% on their income on housing. 30% of them are spending more than 50% of their income on housing. This really wipes out people's budgets and it explains the demand on our social service network and the strain with that regard. I will leave my comments at that.

Chairman Howard: Anyone else who wishes to speak? It can either be for or against.

Seeing none, I will close the public portion of the hearing and turn it over for comments of the planning director.

Mr. Pillsbury: The matter before us this evening we read them, we got the information we will open it up to any comments or questions from the board and then we will pursue a motion to submit a recommendation to the City Council on the package.

Member Buckley: I would like to make a comment. I have lived here for 25 years and watched the city grow and change. I appreciated that there was the availability of housing here for me to move to Haverhill. It concerns me that not only is the state under producing housing by about 20% but so are we. That means there aren't places for people to live and we have buildable land here. It's just that back in the 90's we changed the size of the lots to be considerably larger than had been for many many years. Most of us live on 15,000 – 17,000 s/f and it was bumped up to

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2 acres. That was intentionally designed to inhibit housing because we didn't want to see growth. Now we are in the opposite position. We need to see growth and provide housing for people. Unless we change this zoning we won't be able to do that. It doesn't mean that all of those houses are going to go in one place. It doesn't mean that they are going to be houses. It could be apartments, condos, lofts etc. We need to have places for people to live. I totally support making these changes because I think it's a first step in getting us to more housing in Haverhill.

Member Robertson: I would like to make some comments too. I have been living in the City for 6-7 years now. I came here for a few reasons. One is I got a job; I was looking for a new place to live because where I was living before on Cape Cod was no longer affordable. The Cape is as bad as the housing crisis is in the state times it by 3 on Cape Cod. You can't afford rentals and homes. Really all the young people left, me included. I see that happening more and more in cities that were more affordable to me. I fear that is the ultimate conclusion people get displaced as rent goes up, as ownership opportunities dwindle. As options become fewer and fewer for folks that want a decent place to live and really a slice of the American dream which is to own a place and build wealth. Housing in my mind is the number 1 issue facing folks in Haverhill. Whether it is the high cost of it. Displacement of themselves or their family members. Issues like homelessness, rentals availability, traffic congestion, school segregation. Those are issues that downstream from a singular issue which is housing scarcity. I am in favor of more housing options across the board. I don't think this zoning package is perfect. I think it's good I think it's step in the right direction. I know our job here is to simply issue a recommendation and have it moved onto the City Council where it will be deliberated. I think that is something that we should do. Those are my comments.

Member Garcia: I would like to make a comment as well. I myself have been here for almost 10 years. One of the reasons I have moved here to Haverhill was because my family was able to purchase a home that they were able to afford. It trickled down and I was able to purchase it when they retired. One thing that I do enjoy about living in Haverhill is that we have a really nice community where everyone continues to grow. We do our part at least in my neighborhood look more appealing not only to my generation but also to other generations to come. I am as well in favor of course having housing for future generations to be able to afford but keeping the city looking good as we grow, so not overly congesting it. I just want to leave that comment as well. I am absolutely in favor of more growth.

Member Morales: Speaking as a resident of the Ward 5 area which is primarily rural. We are very proud of our conservation, our recreational spaces. Speaking as a real estate professional I echo my colleagues concerns that housing is absolutely is one of the greatest issues that we are facing right now. Its affecting everyone, in all different demographics, all classes and socioeconomic status. My only caution to the wind with making a recommendation to the City Council is that we want to make sure Conservation and preservation issues are still upheld. I do

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feel this is step in the right direction. We can alleviate some of the burdens that developers and builders are feeling to help promote affordable housing just options and opportunities for people. I will recommend this to the City Council with the caveat that they continue to preserve and maintain our recreational and conservation areas which we are so proud of in the city.

Chairman Howard: I have been a resident for almost 40 years. I am in favor of affordable housing, but I just don't see how this really enhances a lot of affordability. I hear you say a lot of people live on 15,000 s/f but I think 15,000 s/f is tiny for a lot. I think we did a lot for housing with the downtown zoning change. Instead of making the whole district commercial we changed it to be commercial on the 1st floor and residential on the top. That created 1,000 apartments in the city just by that one zoning change. I don't think zoning is unreasonable. That is my personal opinion.

Member Brown: I absolutely would be in support of making it easier to provide more housing. As the chair said this is the function of the Planning Board we make recommendations, I would be in full support as long as there is a lot of attentiveness to ensuring affordable housing. I listen to a lot of Haverhill residents that are having extreme difficulties in finding apartments that are affordable, especially the new construction apartments as well as the infrastructure in our city. Being a parent of children in the Haverhill public schools. I know we have new school plans, new building school plans and school plans in the future. At this point in time, with the ratios of students to teachers in our schools I have some concerns about the infrastructure of Haverhill as we do expand to more residents to come here and live in Haverhill, which we all love. We need to make sure that we support those people right away.

Member Buckley: If I may add another comment. One of the things that we assume about affordability is that we are looking at all low-income housing. I don't think that is true. Part of affordability is also a supply and demand issue. These things get really expensive when there is no supply to meet the demand. So, if we do a supply side then we will see the nice places that right now are going to come down in price in order to fill them and that means we will have a mix of income that shows up in this housing. I have also heard numerous times that this is going to tax our school system. We have actually been experiencing a decline in students. There is a matching decline in birth rate. Yes, bringing young people into the City is a good thing but it doesn't mean they are all going to have children. He doesn't. I'm an old person and my kids are grown, and my grandkids are in college. We are looking at the spectrum of people we are trying to attract. We are all looking for housing.

Member Morales: Thank you for clarifying about low-income verses affordable. There is a huge misconception that a lot of people have.

Member Brown: That absolutely makes perfect sense if we face the supply and demand problem, they will be forced to bring it down to a more affordable level. I appreciate that.

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Member Garcia: We can't always think that because we have new families coming in, new residents coming in going to have a lot of children. I only have one child. I don't plan to have others. It's a lot of work, facing the housing crisis trying to afford all these activities for kids. Everything else that goes on in life. It can feel overwhelming but at the end of the day we all need to have a home that we can call and a home that we are not spending over 30% of our income to pay their mortgage.

Chairman Howard: Has anyone looked at this and said there is X amount of land available in these zoning districts and by cutting this it will create X amount of homes or housing opportunities.

Mr. Pillsbury: It was looked at previously when it was last proposed.

Chairman Howard: Are we talking 100s, 1000s.

Mr. Pillsbury: We did not go through all the research that was necessary because it got removed from the package.

Member Morales: I don't believe there were perhaps Andrew Herlihy can better qualify this, but I don't believe there are specific projects planned for these types of alleviations. The key word is alleviations and trying to invite developers to give them more options and more flexibility to create more housing options. It's not just apartments by the way we are talking about owner properties as well, hopefully that would be contributing to the tax base. Again, I don't believe there are specific numbers or projects in place for this alleviation.

Chairman Howard: In RR zoning it is 80,000 s/f that's a single-family home. There is only so much acreage that is in that zoning district. So, if there is 800 acres available then that's 10 homes. If you cut it in half that's 20 homes. It's a simple formula you are not going to put an apartment building in the RR zone. It's very easy to calculate something like that. It doesn't have to be a planned project. There is X amount of acreage of land available of which a portion of it is unbuildable it leaves...

Member Morales: Would that make it a moot point though? If it's unbuildable then it's not going to get built on.

Chairman Howard: Right, what I am saying is there is only so much buildable land. You are going from basically 2 acres a builder's acre.

Mr. Pillsbury: It's entirely possible to make that calculation we didn't do that because it was withdrawn. To answer the point of Member Morales, there are no projects, when you change zoning, you are changing the configuration of opportunity. There are no specific projects that are going to be forthcoming immediately after that. Its creating, enabling the possibility under the ordinance.

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Member Buckley: That is a good way of putting it.

Member Garcia: Yes, I agree.

Mr. Pillsbury: Any other comments from the board?

Member Brown: One quick question about this. As we are on the topic this is just referring to the square footage that's allowed. Normal building projects, I believe I am in the RM zone you have to be a certain amount of feet away from someone else's property, someone else's home before you actually construct something. It seems to me that there needs to be a lot more detail as to what is being created.

Mr. Pillsbury: The only thing that is being changed is the lot area. The frontage remains the same, setbacks, rear, side.

Member Brown: I just wanted to clarify that.

Mr. Pillsbury: In the RM zone, the 20,000 to 15,000 proposal, that was done in the year 2000. We did not change the frontage and depth requirements then. In that zone it still requires 150x100. That's 15,000 s/f. The lot area was increased 20,000. That was the only area in the year 2000.

Chairman Howard: They would need a variance for frontage, setbacks.

Mr. Pillsbury: Any other comments? At this point Mr. Chairman, I would reiterate what the purpose of the Planning Board's role is to package the comments that we received from the public portion of the hearing and the board members and send it off to the City Council for action. They will be looking at this, I believe, on the 28th of November. With that we can entertain motions.

After board consideration, Member Karen Buckley motioned to pass these recommendations from the mayor on to the City Council with approval and bring acknowledgement that we protect our natural resources and the beauty of our areas in the process of implementing this. Member Carmen Garcia seconded the motion.

Member Michael Morales-yes

Member William Evans- yes

Member Bobby Brown - yes

Member Carmine Garcia- yes

Member Ismael Matias- absent

Member Karen Buckley - yes

Chairman Paul Howard - no

Member April DerBoghossian, 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:

Comments due sheet

Letter from Mayor Fiorentini, 8.3.23

An ordinance related to zoning (flexible development)

An ordinance related to zoning (RR)

An ordinance related to zoning (RM)

Memo to the Housing Task Force and Planning Board, from Mayor Fiorentini

Fire Department letter, 9.18.23

Building Inspector letter, 9.25.23

188 Lake Street/Lucy Way:

Please be advised that the Haverhill Planning Board at its meeting held on October 11, 2023 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 \$899,320.00 (see City Engineer's letter dated September 18, 2023, which was set up in an agreement that will expire on October 10, 2025, and funding on November 10, 2025. A release is executed herewith to include lots 1-11. The agreement was reviewed and endorsed by the assistant city solicitor as attested to by his signature on said document. The performance guarantee agreement was recorded at the Registry of Deeds as required and proof of recording was provided to the Planning Department for its file (see attached recorded agreement).

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 \$899,320.00 to guarantee the completion of the ways and installation of all municipal services referred to and 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.

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The board now informs you, the building inspector, that the applicant has provided this office with the required recorded documentation that shows the Registry of Deeds recording stamp on the Performance Guarantee Agreement, the recorded covenant and the letter from the city engineer dated September 18, 2023. This is your notice to release lots 1-11 from the Form F Covenant from the 188 Lake Street 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.

After board consideration, Member William Evans motioned to establish the bond amount to \$899,320.00 recommended by the City Engineer in his letter dated September 18, 2023. Seconded by Member Karen Buckley. All members present voted in favor. Members Absent: Ismael Matias. **Motion Passed.**

After board consideration, Member Bobby Brown motioned to endorse the agreement as recommended by the Planning Director. Seconded by Member Carmine Garcia. All members present voted in favor. Members absent: Ismael Matias. **Motion Passed.**

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

Montrose Avenue/Newburg Street Escrow:

Please be advised that the Haverhill Planning Board at its meeting held on October 11, 2023 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 \$243,284.80 (see City Engineer's letter dated October 11, 2023, which was set up in an agreement that will expire on September 17, 2025, and funding on October 17, 2025. A release is executed herewith to include all lots. The agreement was reviewed and endorsed by the assistant city solicitor as attested to by his signature on said document. The performance guarantee agreement was recorded at the Registry of Deeds as required and proof of recording was provided to the Planning Department for its file (see attached recorded agreement).

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 \$243,284.80 to guarantee the completion of the ways and installation of all municipal services referred to as required by the Planning Board. The board agreed to release the aforesaid lots for sale and construction only, upon submission of

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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 recorded documentation that shows the Registry of Deeds recording stamp on the Performance Guarantee Agreement, the recorded covenant and the letter from the city engineer dated October 11, 2023. This is your notice to release all lots from the Form F Covenant from the Newburg Street 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.

After board consideration, Member Bobby Brown motioned to establish the bond amount to \$243,284.80 recommended by the City Engineer in his letter dated October 11, 2023. Seconded by Member Carmine Garcia. All members present voted in favor. Members Absent: Ismael Matias. **Motion Passed.**

After board consideration, Member Karen Buckley motioned to endorse the agreement as recommended by the Planning Director. Seconded by Member Michael Morales. (It was noted the agreement still needed to be brought into the department. Once the agreement is signed the Assistant City Solicitor board members will come to the department to endorse). All members present voted in favor. Members absent: Ismael Matias. **Motion Passed.**

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

91 Snow Road Escrow: Please be advised the Haverhill Planning Board by a phone vote on 9.7.23 voted to endorse the performance guarantee agreement for the above cited development. The City Engineer established the amount of \$820,557.43 (see City Engineer's letter dated August 9, 2023, which was set up in an agreement that will expire on July 22, 2025, a release is executed herewith to release the lots 1-10. The agreement was reviewed and endorsed by the city solicitor as attested to by his signature on said document. Please see the attached recorded agreement.

The board voted for 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 \$820,557.43 to guarantee the completion of the ways and installation of all municipal services referred to a required by the Planning Board. The

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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 recorded documentation that shows the Registry of Deeds recording stamp on the Performance Guarantee Agreement, the recorded covenant and the letter from the city engineer dated August 9, 2023. This is your notice to release the lot from the Form F Covenant from the 91 Snow Road/Michael Anthony Road 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.

A confirmatory vote was taken at the 10.11.23 Planning Board meeting held in the City Council Chambers, Room #202.

Member Carmine Garcia motioned to confirm the vote taken by a phone vote on 9.7.23 voted to endorse the performance guarantee agreement for the above cited development. Seconded by Member Bobby Brown. All members present voted in favor. Member absent: Ismael Matias.
Motion Passed.

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

Reminders for expiring definitive escrows:

O'Leary Way Escrow:

Please be advised upon the review of the escrow file, it was noted that the above agreement will expire on 12.1.23 and funding on 1.6.24. You are required to follow up with an updated agreement and Letter of Credit using the date recommended by the city engineer for completion of all work. Please submit an extension of the agreement and letter of credit for the 12.13.23 Planning Board meeting considering that this agreement is due to expire on 12.1.23 and funding on 1.6.24. If not received for the 12.13.24 meeting the board will have to attach the amount being held for completion of all remaining work.

Please call the Planning Department if you have any questions or concerns regarding the expiration and possible attachment of the above-cited agreement.

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

Form A Plans: None at this time.

Endorsement:

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188 Lake Street/Lucy Way: Member Karen Buckley motioned to endorse the definitive plan for 188 Lake Street/Lucy Way. Seconded by Member Michael Morales. All members present voted in favor. Member absent: Ismael Matias. **Motion Passed.**

Any other matter:

Meeting adjourned.

Signed:

Paul Howard

Paul Howard

Chairman