

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, September 11, 2024

Place: City Council Chambers – Room #202 City Hall

Time: 7:00 PM

Members Present: Member William Evans
 Member April DerBoghosian, Esq.
 Member Nate Robertson
 Member Karen Buckley
 Member Michael Morales
 Member Ismael Matias

Members Absent: Chairman Paul Howard
 Member Carmen Garcia
 Member Bobby Brown

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

Approval of Minutes:

- June 12, 2024
- August 14, 2024

No vote taken per Planning Director

Public Hearings:

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

Applicant/Owner Esteban Grullon seeks planning board approval for a frontage waiver. Applicant received a variance for frontage in the RH zone. See map: 613 block: 499 lot: 6. (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). (pbfw-24-1)(No advertisement-abutters resent)(cont.8.11.24)

Attorney Michael Migliori of 280 Merrimack Street, Methuen, MA addressed the board on behalf of the applicant. Mr. Grullon received a variance from the Board of Appeals about two months

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ago. He owns an existing two-family home at 20-22 Tenth Avenue. The variance was to allow him a third unit.

William Pillsbury, Planning Director: Sorry to interrupt. Note for the record that Member Buckley is here.

Attorney Michael Migliori: Member Buckley its always a pleasure to see you. The existing two family the variance was for the third unit. The current home has a two stall garage with a full width driveway access so there is clearly adequate access provided to the site. If you have any questions let me know.

William Pillsbury, Planning Director: Is there anyone who wishes to speak on the project? Any questions from the board? Hearing none, I will close the public portion of the hearing. This plan received approval for a frontage variance from the zoning board of appeals and was not appealed. The role of the planning board in acting on the 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 this issue of whether access exists are not to be considered by the board in acting on the frontage waiver. Concerns related 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 a building permit. The review of the plan indicates that adequate access exists via the reduced frontage. My recommendation is to approve the frontage waiver as presented for 20-22 Tenth Avenue.

After board consideration, Member April DerBoghosian, Esq. motioned to approve the frontage waiver for 20-22 Tenth Avenue as recommended by the Planning Director, William Pillsbury. Member Nate Robertson seconded the motion.

Member Nate Robertson: yes

Member Bobby Brown: yes

Member William Evans: yes

Member Karen Buckley: yes

Member April DerBoghosian, Esq.: yes

Member Carmen Garcia: absent

Member Michael Morales: absent

Member Ismael Matias: yes

Chairman Paul Howard: absent

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

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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 filing pbfw-24-1

Definitive Plan for Emma Rose/0 Broadway: The owner/applicant Nancy O'Neill/Rosa Cuan/Aaron Shinberg/Larry Palmisano of JR Builders Inc. seeks Planning Board approval for 24 single family homes in the RR zone. See map:539 block: 439 lot: 9a, 39d,12, 23 & 37(*pbdp-24-1*)

Member Nate Robertson read the conduct of hearing for a public meeting.

Attorney Michael Migliori of 280 Merrimack Street, Methuen, MA. addressed the board on behalf of the applicant, Larry Palmisano of JR Builders. TJ Melvin of Millennium Engineering is here tonight. Just briefly as you may know from minutes and notes from the City Council meeting we received approval from the City Council for a flexible development for a 24 lot subdivision off of Broadway/Emma Rose from the Council earlier this summer. This project is a bit complicated from our perspective because we have numerous parcels, numerous sellers. We are hoping to hold it all together and make sure we can cross the finish line and get it built. The latest issue that arose the apparent need for a pumping station in connection with the project. I have been in contact with Mr. Ward. We thought and I think Mr. Ward thought that report would have been done by now. It hasn't been done for whatever reason. That is going to be open tonight and part of the reason we will eventually continue the hearing. We are working on it as quickly as we can. We pay for the study but someone else does it. We are at their mercy, whoever they are. That having been said I will turn it over to TJ now to go through the project itself.

TJ Melvin of Millennium Engineering addressed the board on behalf of the applicant. As Attorney Migliori mentioned we did receive the special permit from City Council. We are proposing a 1,300' subdivision roadway ending with a cul-de-sac. We have had a few discussions with the Fire Department going back and forth on roadway width, one thing they asked for at the midpoint of the road that we install a turnaround. This will break-up the length of the road itself. The lots are pretty much 20,000 square feet. Some of them get up to 36,000 square feet. They are similar shape rectangular lots. They all have a minimum of a 100' of frontage along the proposed roadway. We graded the subdivision road to match the grades as they exists today as best as possible. We will have a gentle slope coming up and down. Its not a flat site but there's not a huge elevation change from one side to the other. It comes up to the midpoint and back down. The benefit of going with the flex development we do disturb significantly less land then going with a definitive plan itself which helps save on stormwater disturbances, tree clearing and numerous items. We have designed the full storm water service for this project. It involves three infiltration systems, one detention basin all which we have provided the full storm water management report. I believe engineering is still reviewing. As part of the special permit we agreed to install three trail access points from the roadway to the

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open space along the rear (left hand side of the road) I guess its east. Within the open space we agreed to clear some trails. They are not going to be shaped, cut and designed a limit to what the trails are. Another aspect of this project Attorney Migliori alluded to there's another parcel that is involved with this that Mr. Palmisano agreed to purchase and ultimately hopefully will provide trail head parking for the Whittier Birthplace, Amesbury Road. I can show a quick overview if you would like to see that layout. We are pretty much meeting all of the subdivision requirements. The waiver we are asking for is a sidewalk waiver on one side instead of sidewalk on both. We are proposing street lights, trees. We will be filing with Conservation next week. We do have some limited disturbance in the front area when you come up off the Emma Rose Circle as it ends today on the left hand side. We are going to put a new drainage, based on grades there is no avoiding it. We will be filing with them next month as well. Standard catch basin, manhole, drainage system. All of these lots will be served by city water, each will have their own septic's systems to handle all the utility needs. With that, it's a brief overview but I would be happy to answer any specific questions.

William Pillsbury, Planning Director: Would you like to add something?

Attorney Michael Migliori: Something I would like to point out that TJ pointed out is part of this project is a 50-acre parcel on Broadway. 30 of those acres are being transferred to the City of Haverhill for Conservation purposes. Additionally, the parcel on Amesbury Road next to the Whittier Birthplace which TJ had mentioned was also on the market for residential development to be donated again to the City of Haverhill for Conservation purposes. It creates the trail system in that area and gives some additional protection to the Whittier Birthplace. I overlooked that and its an important factor and goes to what I was talking about a lot of moving parts. There are a number of different sellers, a number of different parcels.

Member Evans: Could we see the plan for that?

TJ Melvin: It maybe a little hard to see but there is a grade out parcel. This plan was uploaded when we submitted originally. As part of this we show a potential gravel parking area. Allowing people who want to walk through the Whittier Birthplace. There are a handful of parking spots with a trail access. The Whittier Birthplace people are working on some trail networks. I believe it was walk Haverhill I forget the exact name. There was a committee that had met about 6 months ago now. They had some schemes of what they were trying and hoping to do for trails. We feel like adding this parcel gives trailhead parking but help that workout a little bit better. This is completely within the watershed protection district so this will completely preserve a lot that otherwise could potentially be developed for residential use.

Member Robertson: Could you point out the parcel on the map?

TJ Melvin: The gray area parcel here.

Planning Director William Pillsbury: Any one wish to speak on this project? Any one wish to speak either for or against? Any one wish to speak on this project? Again, where we stand right now Attorney Migliori, no fault of the applicant we did not receive very many city departmental reports which is very frustrating to me because we asked for them to be timely

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and submitted and many were not. We received Conservation's comments today which I don't know if you saw those Michael?

Attorney Michael Migliori: Yes, I did.

Planning Director William Pillsbury: Usually Rob is way ahead of everybody else. Again, everybody was deficient. That is on the City. I will be mentioning that to all the city departments and try to get them. Again, you submitted a significant amount of information and they have to review it. I think the overwhelming piece of it right now is the water study. Bob Ward has indicated that the study has yet to begin. It is going to take 4-5 weeks to get down then we are going to come back here. At this point, there are a number of different things. As in this particular project to look it in subdivision regulations. In addition to that the City Council had a number conditions attached to this project and they are all in your packages. They are all in the information that has been distributed to the city departments. Everybody knows what they are. We just need as the planning board, the responsibility is to make sure that they are all in place at the time that we approve a definitive plan. Those conditions that the city council put on there are actually operational not just words. There will be a lot of notes that will be added to the plan. TJ is probably sick of hearing me say add the notes. There are going to be more notes on the plan than plans on the plan probably. We will continue to work on that together. Larry your team has been very responsive. I thank you for that. With that I am going to recommend that we postpone the hearing for two months and we come back on the November meeting, which will be the November 13th meeting. Hopefully by then we will have the water report. I would suggest in the meantime, not that you are shy Larry you might want to make some comments to the departments to get the reports in before that meeting in November so that perhaps that night we can get it done.

Attorney Michael Migliori: Can I just make one suggestion. I don't quite understand, we had a meeting setup with Bob Ward last Thursday. He led us to believe that he would have that study by then. I am not sure what....

Planning Director William Pillsbury: He did file a letter. I am not sure if you saw the letter.

Attorney Michael Migliori: I did see the letter. My request is at this point can we continue to October? If we don't have the water study...

Planning Director William Pillsbury: We won't. Mike we have been around this game long enough. This study will not be done suitable for review by the 2nd week of October. It won't, again, I'm basically assured of that.

Attorney Michael Migliori: all right. my...

Planning Director William Pillsbury: We postpone it and then we come back again we are wasting people's time.

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Attorney Michael Migliori: Okay, I was going to say if its not back we will agree to another continuance, and nobody has to come back. My concern is I am getting pressure from sellers. Now I have to go back tomorrow and say hey guys we need another 60 days, then if we get approved after the 60 days there is an appeal period. That's my only thing. If we can speed it up at all. If we don't have the study by October I know we can't go forward and I'll agree to a continuance.

Planning Director William Pillsbury: My recommendation...

Attorney Michael Migliori: All right I don't know why he lead me to believe that he was going to have it in a few days.

Planning Director William Pillsbury: I don't know, read the letter. Read the letter that was...

Attorney Michael Migliori: I read it. I read it, Bill. He told me he thinks he can have it turned around quickly. I don't know where it went from 5-6 days to two months. That's all I'm saying.

Planning Director William Pillsbury: I appreciate your point but I just know we will be coming back here in a month and we would be wasting time.

Attorney Michael Migliori: We don't need to come back if we don't have it. We don't have to come back.

Planning Director William Pillsbury: There's a process. We have to advertise, there is a whole process.

Attorney Michael Migliori: Thank you.

Planning Director William Pillsbury: Otherwise...

Attorney Michael Migliori: Thank you.

Planning Director William Pillsbury: Again, I would make a motion to postpone until the November 13th meeting, continue the hearing for the definitive plan for Emma Rose/Broadway.

After board consideration, Member William Evans motioned to continue the hearing until the November 13, 2024 Planning Board meeting as recommended by the Planning Director, William Pillsbury. Member April DerBoghossian, Esq. seconded the motion.

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

Attachment: Continuation Letter

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

Pbdp-24-1

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Definitive Escrows:

Reminders for expiring definitive escrows: None at this time.

Form A Plans:

Endorsement: None at this time.

Any other matter:

Meeting adjourned.

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Signed:

William Pillsbury

William Pillsbury

Planning Director