

HAVERHILL PLANNING BOARD MEETING MINUTES

DATE: Wednesday, October 10, 2018

Place: City Council Chambers, Room 202

Time: 7:00 PM

Members Present: Bill Evans, Karen Buckley, April DerBoghosian, Esq., Bob Driscoll, Karen Peugh and Kenneth Cram

Members Absent: Jack Everette, Alison Colby Campbell and Paul Howard

Also Present: William Pillsbury, Planning Director

Member Karen Peugh read the conduct of hearings into the record.

Approval of Minutes:

September 12, 2018

After board consideration, Member Bill Evans motioned to approve the September 12, 2018 minutes. Member Kenneth Cram seconded the motion. Members present voted in favor: Bill Evans, Karen Buckley, Karen Peugh, April DerBoghosian, Esq., Ken Cram and Bob Driscoll. Member Absent: Jack Everette, Alison Colby Campbell and Paul Howard. **Motion Passed.**

Public Hearings:

Definitive Plan for West Gile Street:

Please note at the October 10, 2018 Planning Board meeting the board heard the above cited project.

Mr. Russell Ahern of 639 East Broadway, addressed the board. I am looking for the board's endorsement for this project.

Acting Chairman Driscoll asked if anyone from the public wished to speak in favor? Hearing none, is anyone from the public who wishes to speak in opposition?

Ms. Tilly Quinn of 21 West Gile Street. I am not really opposed, but I do have some questions. My concerns with the plans are the grade, where the chain-link fence would go and I didn't want to see a hammer-head put on that little tiny street. When we built

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our house the Fire Department also recommended a cul-de-sac turn-around be put in. That was waived and the emergency trucks would just back up. The recent storm water adjustments, I don't know what that is. I was over on Tenadel tonight. I didn't see any storm water systems over there.

Mr. Ahern stated since her house was built the Fire Department has been getting...(recording skip). As far as the drainage is concern there are catch basins. One goes across the street and its going to be piped down the intersection....

Mr. Pillsbury asked if that was approved by the Water/Wastewater Department?

Mr. Ahern stated Water/Wastewater and Engineering.

Mr. Pillsbury asked what about the chain-link fence?

Mr. Ahern stated its 4' high at the very end of the property, at the top of Wingate parking lot.

Mr. Pillsbury asked if that answered the abutters question?

Ms. Quinn stated (tape skipped) huge puddle there.

Mr. Ahern stated the piping is all the way down to the catch basin onto North Avenue.

Mr. Pillsbury asked that is new piping and infrastructure going in?

Mr. Ahern stated yes.

Mr. Pillsbury stated we do happen to have the City Engineer here with us tonight. Do you concur with that assessment? It will improve the drainage.

Mr. Pettis stated I do. It certainly won't make it any worse.

Anyone wish to address the board in opposition? Hearing none, I will close the public portion of the hearing and open it for comments from the Planning Director.

Mr. Pillsbury stated this is one lot and this definitive plan has been with us for some time. There has been a lot of back and forth with the City Departments. The Fire Department did require the hammer-head as a change of focus in their office to make sure there is an opportunity for their apparatus to turn around. There were a variety of issues raised by the City Departments. The applicant has resolved those issues, and the plan has no further major objections from the City Departments. I would recommend approval of the definitive plan as presented with any additional notes/comments or modifications being added to the plans during the appeal period and prior to final plan endorsement.

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Acting Chairman Driscoll asked if there were comments from the board. Hearing none, may I have a motion.

After board consideration, Member April DerBoghossian motioned to approve the definitive plan as presented with additional notes/comments or modifications being added to the plans during the appeal period and prior to final plan endorsement. Member Bill Evans seconded the motion. Members that voted in favor were: April DerBoghossian, Esq., Bill Evans, Kenneth Cram, Bob Driscoll, Karen Peugh and Karen Buckley Member Absent: Jack Everette, Alison Colby Campbell and Paul Howard. Motion Passed.

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

- Form C
- Form F
- Form D-1
- Email, Lori Robertson, 7-24-18
- Email, Tilly Quinn, 8-9-18
- Email RFACO, 9-11-18
- Letter, Conservation Department, 6-4-18
- Letter, Fire Department, 6-4-18
- Letter, Fire Department, 7-10-18
- Letter Water Maintenance, 7-5-18
- Letter, Water/Wastewater, Collection Supervisor, 7-6-18
- Hand written on plan, Building Inspector, 7-11-18
- Hand written on plan, Building Inspector, 7-23-18
- Letter, Fire Department, 7-17-18
- Email, Lori Robertson, 8-2-18
- Email, Fire Department, 8-2-18
- Email, RFACO, 8-6-18
- Email, City Engineer, 8-6-18
- Email, Fire Department, 8-6-18
- Letter, Fire Department, 8-6-18
- Email, City Engineer, 9-11-18
- Letter, Water Maintenance Supervisor, 7-5-18
- Letter, Water/Wastewater, Collection System Supervisor, 7-6-18
- Letter, City Engineer, 10-10-18
- Letter, Conservation Department, 6-4-18
- Existing Site Plan, 5-15-2018, revised: 7-13-18, 8-3-18, 8-31-18, 10-12-18

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Definitive Plan for 108 Harrison Street:

Please note at the October 10, 2018 Planning Board meeting the board heard the above cited project.

Mr. Pillsbury noted that the applicant was stuck in traffic on Route 495. I believe this is a confirmatory definitive plan. I told him that we would be able to proceed with the hearing.

Attorney John McDermott of Rossi Associates for Harrison Investment LLC addressed the board. This project has received a special permit and repetitive petition. We were recently before the Board of Appeals. We also received relief from the Board of Appeals for the square footage. It will be a 17 unit residential development. We are before this board this evening for the approval of the definitive subdivision plan.

Acting Chairman Driscoll asked if anyone from the public wished to speak in favor or opposition to this petition? Hearing none, I will close the public portion of the hearing and open it up to comments from the Planning Director.

Mr. Pillsbury stated this project has been approved for a special permit by the city council and has received necessary zoning relief from the Board of Appeals. The city departments have reviewed the final definitive plans and no objections have been received. I would recommend the approval of the definitive plan with any notes/comments to be added to the plans during the appeal period and prior to final plan endorsement.

After board consideration, Member Bill Evans motioned to approve the definitive plan as presented with additional notes/comments being added to the plans during the appeal period and prior to final plan endorsement. Member April DerBoghossian, Esq. seconded the motion. Members that voted in favor were: April DerBoghossian, Esq., Bill Evans, Kenneth Cram, Bob Driscoll, Karen Peugh and Karen Buckley Member Absent: Jack Everette, Alison Colby Campbell and Paul Howard. Motion Passed.

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

- Form F Covenant
- Form D-1
- Form C
- Conservation Letter, 7-20-18
- Fire Department, 7-18-18
- Building Inspector, not dated
- Building Inspector, 8-8-18
- Water Maintenance Supervisor, 8-6-18
- Water/Wastewater-Collection System Supervisor, 9-12-18
- Site Plan, 7-11-18

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Street Acceptances (Brandon Road, Colonial Farm Road, Crafts Street, Creek Brook Drive, Kali Way, Kristine Lane, Stelyani Drive and Strawberry Lane:

Please note at the October 10, 2018 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for street acceptance for the various streets (Brandon Road, Colonial Farm Road, Crafts Street, Creek Brook Drive, Kali Way, Kristine Lane, Stelyani Drive and Strawberry Lane).

Mr. Pillsbury stated before our time there were subdivisions approved by the city. Part of the procedure for closing out a subdivision is zeroing out the bond. The final step wasn't taken, the filing of the street acceptance. The streets have been completed, the bond is reduced to zero and the streets have been essentially accepted because they are being provided all services (trash, snow removal). The streets have never gone through the administrative steps. If anyone would like to speak about a specific street they can do so. At the end we will be making a recommendation to the City Council. This is not the final action.

Mr. John Pettis, City Engineer addressed the board. We have eight streets tonight that we are looking for a recommendation. There are a lot of streets out there that have been built to city standards with the intention of being accepted by the City. We are asking for a positive recommendation to City Council.

Member Peugh asked how many more streets will need to be accepted.

Mr. Pettis stated there are a many streets that need acceptance. If I had to guess, there's probably more than 100 that need to be accepted.

Mr. Pillsbury asked if someone had questions about the conditions of the roads...

Mr. Pettis stated in the past we wouldn't respond to complaints but once they are accepted DPW would be responding.

Mr. Pillsbury stated the highway department has a grading system for roadway issues. The DPW Director will take this list and prioritize them as which one needs to be done first. He won't prioritize a list that is not accepted.

Acting Chairman Driscoll asked if there was anyone from the public who wished to speak in favor of this petition? Anyone who wished to speak against?

Mr. Anthony Scionti of 6 Brandon Road addressed the board. Our street was built 2 ½ decades ago. I don't know how it could slip out of the City's hands. We had problems in the past and problems now with the sidewalks, trees and drainage. When we called the City we were told, I'm very sorry you were never on the list as a public road. Our trash gets picked up and the street gets plowed. I don't understand why we wouldn't be a

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public road. I would appreciate if something could be done on Brandon Road as soon as possible.

Acting Chairman Driscoll stated we understand your complaint and that's what we are doing here tonight.

Mr. Joseph Bennecourt 18 Dale Street addressed the board. I've been taking care of that street, cutting the grass and now there's going to be cars going back and forth. I don't think it's fair that it will be public.

Mr. Pillsbury stated I don't think the act of accepting the street...there is no proposal to change the traffic flow or change any development there. It's just the literal acceptance of the street administratively. We are not changing the traffic pattern or adding any lanes.

Mr. Pettis stated it's only the acceptance of the approved portion.

Mr. Bennecourt stated okay.

Mr. Pillsbury stated that is not subject to acceptance.

Acting Chairman Driscoll asked if anyone else from the public wished to speak on this petition. Hearing none, I will close the public portion of the hearing and open it up for comments by the Planning Director.

Mr. Pillsbury stated the City Engineer has prepared a number of streets for acceptance by the city council. These streets were all constructed and completed pursuant to definitive subdivision plans in the past but were not brought forward to the City Council for formal acceptance. Acceptance of these streets does not change the status of the streets as full city services are and have been provided, it just administratively and legally adds them to the list of City streets.

After board consideration, Member Karen Buckley motioned to forward a favorable recommendation to the City Council as recommended by the Planning Director William Pillsbury, Jr. Member Bill Evans seconded the motion. Members that voted in favor were: April DerBoghosian, Esq., Bill Evans, Kenneth Cram, Bob Driscoll, Karen Peugh and Karen Buckley Member Absent: Jack Everette, Paul Howard and Alison Colby Campbell. Motion Passed.

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

- As - built plans
- Ordered public way document
- Letter, City Engineer, 9-4-18
- Letter, Fire Department, 9-12-18

Amendment to Zoning Ordinance: (Medical Marijuana Overlay Zone)

Please note at the October 10, 2018 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation for the establishment of a licensed marijuana establishment overlay district.

Mr. Pillsbury stated this has come to us after approximately 18 months to 2 years of great work by the sub-committee and City Solicitor. This work is a culmination of a variety of public hearings that the sub-committee has held relative to the locations and various zones that have to be established pursuant to the state law. Haverhill as a community voted in favor of recreational marijuana. As such, the City is in a moratorium phase right now but has been in charge of a list of zones and procedures for special permits that would enable this project to go forward under the state law and State Cannabis Control Commission. What we have before the board this evening are maps that show a variety of locations throughout the City. This would require compliance with the State Cannabis Control Commission rules. These point out where retail marijuana shops can be located. The City Solicitor could not be here this evening. The chairman of the subcommittee who put this together, Councilor LePage is here tonight. I just wanted to offer you the opportunity if you wanted to summarize the work that the committee has done. There are locations in the downtown area, along Route 110, there are a variety of different locations. These maps are available to the public if you wish to see these locations. There is one on Broadway which is currently the medical marijuana location that will be continued as medical marijuana. There is one downtown, River Street, Northern Essex area. I believe there is a cultivation location in Bradford, on Knipe Road and Route 125 towards the North Andover line. The City Council has had this information out there for some time for the public to come and review the plans. The methodology as I understood it is to have a diversity throughout the City. To have locations that made sense for a location point of view but also for an economic point of view. There were a lot of presentations that were done through the City Council subcommittees and that information was factored in as well. The location maps are one element of the information. Second piece is the actual ordinance. The ordinance was

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written by City Solicitor Cox. This is a typical city ordinance that has a section on purposes and definitions. The definitions are taken directly from the state law, there's applicability, designated location sections which would be the mapping of the zones that were created. There's language in there about buffer zones. No licensed marijuana establishments outside the waterfront district or Merrimack Street Gateway District shall be located within 500' of pre-existing structures or uses. Any school attended by children to the age of 18, licensed childcare facilities, municipally owned or operated parks or recreational facilities. All of this buffer zone language was incorporated in the City Council's work to bring these lists together. None of these zones violate any of this buffer zone language. There is language requiring establishing a dedicated number of marijuana establishments. It cannot exceed 20% of the number of licensed package and liquor stores within the city. I know that was given consideration as the council attempted to look at numbers of locations. We need to accommodate throughout the City the opportunity to have that 20% number...we need to have locations that will accommodate that 20%. Beyond that it moves into the special permit requirement. Once they receive their location approval/license approval from the state which is a rigorous process in which each applicant would have to go through. Somewhere in the course of their review they will be coming to the city and presenting a location and then presenting a special permit application and a site plan that would allow the location to be approved. They would need to demonstrate that they would comply with the state's Cannabis Committee regulations. There are a series of general requirements with regards to items such as storage, activities, paraphernalia, hours of operations, on - site consumption, sale of alcohol is prohibited. There are a whole variety of rules that are general standards. There's a section on design requirements. The location must be a permanent they cannot be movable or non-permanent, lighting requirements, no drive-thru facilities, fencing requirements, waste disposal and additional items such as a security plan are all required. The City Council could require a traffic study too. They would have to present their state license. They would need to provide site-control, 10% contribution as the state requirement. They would also need to demonstrate that they were in possession or had concluded the work of a host community agreement with the City. That document would be approved by the City Council at the negotiation of the Mayor. Those documents would be presented to the City Council for a special permit not unlike what we do with special permits on housing projects but it would basically for this specific type of use. We can open the hearing and have conversations. The role of the Planning Board is to make a recommendation to the City Council.

Acting Chairman Driscoll stated we can open the public hearing.

Member Peugh asked how many establishments?

Mr. Pillsbury: Six. It's for 6 retail establishments.

Member Peugh: Councilor LePage why are there seven areas designated?

Mr. Pillsbury: I know one is for medical marijuana only. It's already an established area.

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Councilor LePage: There were 5+ and we rounded that up to 6.

Acting Chairman Driscoll: Are there comments from the public? In favor? Seeing none anyone in opposition?

Ms. Deb Rogers-Thornton owner of property on Knipe Road spoke in opposition. Myself and another neighbor are opposed to this zoning on Knipe Road. There are only 2 vacant lots looking to be leased out and I own one vacant lot on Knipe Road and I can adamantly tell you I will not allow that type of facility to go on one of my properties. If you were to rezone that...

Mr. Pillsbury: I am not trying to speak for the City Council but the input that you are giving us is exactly what we need to hear as a City. These areas that have been looked at need to be verified and run through the system to see what the concerns of the people are.

Ms. Rogers – Thornton: I listened to what was said about the buffer zone not being near a school, park and daycare. That is a residential area that is zoned commercial. There are houses in there. I don't know why that would be on the list. Not too long ago the City Council approved a new development that went in 500 yards from that. You invited a whole new community into that area. I question the logic as to why that area would even be chosen on the map to begin with. It is a neighborhood area with a few businesses scattered in. I don't think that is the best location at all.

Audience Member (name inaudible-recording skipped) I am very much against the marijuana. Where is the marijuana going to be cultivated?

Mr. Pillsbury: Cultivation is basically done inside.

Audience: I understand that but if you are looking at cultivating....I don't even know how cultivation came up.

Mr. Pillsbury: Cultivation in part of the law. Part of the law says that the city has to allow for the possibility of cultivation businesses. That's why it is put in there as one of the categories.

Audience: Knipe Road would be under that cultivation?

Mr. Pillsbury: I believe that Knipe Road would be under cultivation. Councilor LePage can you help with this, please?

Councilor LePage: Retail only.

Audience: I do oppose.

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Mr. Pillsbury: Knipe Road?

Audience: Yes, absolutely.

Acting Chairman Driscoll: Anyone else wish to speak?

Brian addressed the board in opposition. I believe that voters in Haverhill voted to regulate because of modern science it's less addictive...(recording skip).

Mr. Pillsbury: He is referring to more businesses than residential.

Member Peugh: Are there some that are zoned for just retail and some that are zoned or cultivation?

Councilor LePage: Yes.

Mr. Pillsbury: The map does show that.

Ms. Susan Cloutier of 33 Corliss Hill Road addressed the board in opposition. When I first read about these proposals unfortunately like today, it lacks transparency. For example, in the paper tonight the location on Route 110 didn't tell me what direction of Northern Essex it was going. I went down on August 17th and I spoke with Mr. Pillsbury trying to get a pinpoint address of where the dispensary would be and I was not given that information. I left a message for Mr. LePage, in August at his office and cell phone and it wasn't until September 14th that he called me back. When I called you, your cell phone said that your mailbox was full. I was unable to leave you a message. I bring this up tonight because in the paper today you mentioned that you have not had any negative comments about your proposals. I would like to know exactly where on 110 this is going to go. For those of you who are unfamiliar with 110. I would like to tell you that we have a 69 acre jewel called the Whittier Birthplace. Those 69 acres doesn't just begin with the house. It goes up 110 quite far. This is a jewel in Haverhill which promotes school children for their trips. It attracts people from out of state. Whittier Birthplace also has activities such as Snowbound. Further up the street from Whittier's Birthplace is Biggart's Ice Cream, which is located at 406 Amesbury Road. This ice cream stand was originally called Cahills for those of you who have lived Haverhill for a while. Then it was called Kerry's slush and then Biggarts. I bring this to your attention because this is where many sports teams, little league teams, school children come for their ice cream in the summer. They sit out on the picnic tables and they sit in their cars. I'm not sure where that dispensary is going to go. How close will it be, Mr. Pillsbury?

Mr. Pillsbury: I think Councilor LePage is going to hand you a map right now.

Ms. Cloutier: I saw the map but I didn't see a street number?

Mr. Pillsbury: I think he is going to show you exactly where it is.

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Ms. Cloutier: Can you give me a landmark?

Councilor LePage: recorder skipped

Ms. Cloutier: What are in the parcels right now? One of them is a private home? Can you point out Dunkin Donuts? What direction are you expecting the dispensary to go, towards Northern Essex or towards the Whittier Birthplace? So it's towards Northern Essex, towards the College?

Councilor LePage: Yes.

Ms. Cloutier: I have a problem with that. In 1986, Councilor Dr. Arthur Bower had proposed a parcel of property which has now become a housing development. He had proposed a multi-use strip mall, homes and a bar. I went before the City Council at that time and said it was inappropriate to have a bar so close to Northern Essex Community College. I'm going to suggest to you, Councilor LePage that putting a dispensary close to Northern Essex still will not be fine with me. I'm surprised that you think that it's a viable, healthy place to put a dispensary by a community college. I'm a little disappointed that this is not in the paper. This was a random area and I shouldn't have to come down here to find out and look at your map and ask you questions of exactly where it would be. I think that is a lack of transparency. I think that it's almost as if you are withholding information from the public when this can be in the newspaper. Not everyone has access to the internet. There are many elderly voters here in Haverhill that may not know how to get to the site that you are showing me right now. So, can you tell me why this wasn't in the newspaper with more details than it was today?

Mr. Pillsbury: I believe that one point in time...By the way the source of information is not necessarily always the newspaper. These maps have been available since the City Council held their sub-committee meetings. They presented them at the City Council meeting and part of the public record. There has been absolute degree of transparency. I know on Councilor LePage's behalf he has tried to get the word out there. The paper is here tonight, I can't tell them what to publish. What they decide to publish is totally up to them. I believe there was an article written that did identify the locations. I believe that to be true, maybe you missed it and that's fine. The purpose of tonight's meeting is to do exactly what you want. Its to expose these sites to yourself and public and to anyone else who would like to know about this. I'm sure the paper is going to print this tomorrow. If people who want to find out the exact information they have the opportunity to do that. This is the first public hearing. The second public hearing will be in front of the City Council. This is all pursuant to how ordinances are passed in the City. When we have a zoning ordinance that is proposed, we have a procedure to follow. That procedure we follow allows the items to go on the City Council agenda. They refer it to the Planning Board so we can have a hearing, just like this. This gives people the opportunity to get the information they need. With no disrespect to the paper but we don't decide what they put in the paper. I know in this case they had it shown in the paper.

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Ms. Cloutier: I would also like to remind you that on August 17th we went over the map and you were not exactly sure where the locations were.

Mr. Pillsbury: I can't remember on August 17th if we concluded the work with the sub-committee. I don't know.

Ms. Cloutier: You said it would be some place off of exit 52. You and I had a conversation of whether or not the dispensary would be going towards the Whittier Birthplace and also the Whittier Vo-Tech is not far from there.

Mr. Pillsbury: This Route 110 is the only area outside of Knipe Road being raised tonight, that I have received input from people having concerns around this area. I haven't given my comments yet but that was going to be part of my comments. I was going to make a recommendation that this Route 110 area be excluded.

Ms. Cloutier: When I did speak with you, we had this conversation and you did share your opinion with me.

Mr. Pillsbury: My opinion hasn't changed. I didn't get to express it yet, before you started saying I wasn't being transparent.

Ms. Cloutier: What I am saying is whoever gave the information to the newspaper twice about these sites; the information was not transparent enough for me. It would just say off of exit 52. The newspaper is still a way that many residents in Haverhill especially elderly people get their news. I want to reiterate that because when you say you can go online....

Mr. Pillsbury: I didn't say online. I said people can come to City Hall and get that information.

Ms. Cloutier: Again, I would like to point out that there are many older residents who are unable to come down here to get that information. I just feel that the City making these kinds of important decisions needs to have more information available without people having to leave their homes, come to City Hall to get that.

Acting Chairman Driscoll: Anyone else wish to speak? Hearing none, I will close the public portion of the hearing and open it up for comments from the Planning Director.

Mr. Pillsbury: The role of the Planning Board tonight is to make a recommendation to the City Council based on the proposed ordinance and related maps that we have in front of us. We have the hearing for purposes of giving information but we also have it for comment. At this point I will reiterate that this is the one area (Northern Essex area) that I have received input from the public of several sources that indicate this area in and around Northern Essex should not be included.

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Audience: I tried to get on the record at the City Council meeting that I was opposed to the Knipe Road (recording skipped). I also sent a letter to all of the City Council members.

Mr. Pillsbury: I'm sure that is all part of the record. I just wasn't personally aware of that.

Audience: I just want to make sure that was also noted. I didn't just show up tonight.

Mr. Pillsbury: The City Council minutes are in the package and available to the public. I would recommend that the City...as we have heard this evening there is significant concern regarding the Knipe Road location and also the Northern Essex location. I would want to enter that into the record, with the recommendation that the City Council give consideration that those areas not be included as part of the zones that have come up. That is feedback to the City Council. They are the deciding body in this case. Our City Charter requires the City Council to have a public hearing and they will vote on this amendment. It will require a six vote majority of the City Council to pass the ordinance. I think the one thing I would add in a positive sense is the ordinance that was written by the City Solicitor it is very comprehensive. I think it takes into consideration all of the state requirements that the city has to look out for. I think it gives a good special permit review process. I point out that it is incumbent of City that we do move forward because if the City does not move forward and does not create zones then it basically opens everywhere in the City for a location. The reverse happens if you don't establish the zones. The public hearing is closed....

Audience: Are we required to offer a certain number?

Mr. Pillsbury: It's in the ordinance. It's a percentage of the number of liquor licenses that the City has in place. It can be no more than 20%.

Audience: Can you give me a number?

Mr. Pillsbury: I believe the number is more than 5 so it rounds up to 6. We are required to have no less than 6 locations.

Audience: No less than 6 or no more? You could have one and that would full-fill the need?

Mr. Pillsbury: No more. The market will determine that. We have to allow the opportunity to have up to 6.

Audience: You couldn't zone one or two areas?

Mr. Pillsbury: We can't have 2 we have to have 6.

Audience: So there is going to be 6 in the City of Haverhill eventually.

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Mr. Pillsbury: If the market determines that. It's possible we would have 6 and it's possible we could have less.

Audience: In terms of a liquor license you can have two establishments that would sell liquor that would be for example side by side...if we were talking restaurants...

Mr. Pillsbury: I am not an expert on that. The City Solicitor has determined that there will be no more than 6. That is based on his assessment of the liquor licenses, which are very complex.

Audience: Would it be possible that there would be 2 dispensary's very close to each other?

Mr. Pillsbury: They can't be within 500' of each other.

Audience: I'm trying to establish that because in Haverhill we have (recorder skipped)

Mr. Pillsbury: The determining factor is 6. I'm way outside of what I feel I should be speaking on. I'm probably going to say something that is incorrect. I believe it's whatever the total number of liquor licenses that are properly define under the state law, 20% is the number as it relates to that. I don't know how they define that. I don't know if that's a package store....I'm just not fluent in it.

Audience: You are saying that 2 establishments would have to be a minimum of 500' apart?

Mr. Pillsbury: I'm trying....

Audience: Karen is shaking her head.

Member Peugh: I'm trying to find the language.

Mr. Pillsbury: There's a distinguishing distance...

Audience: I don't believe that...downtown...separate zones...500' pertains to...

Mr. Pillsbury: You can have 2 locations in a subzone?

Audience: Yes.

Audience: That is what I wanted to know.

Audience: The City is complying with state laws. The folks that are talking about Knipe Road...they effectively block that from happening there. (Recording skipped). Applicants who are licensed would...The City of Haverhill voted to.....every commercial area not just commercial highway.

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Audience: Mr. Pillsbury, you are making a recommendation?

Mr. Pillsbury: I will make a recommendation to the board that they send a favorable conditional recommendation to City Council with the exclusion of Knipe Road and Northern Essex.

Audience: Then that package comes to the City Council...

Mr. Pillsbury: That is only a recommendation from this board.

Audience: Does the City Council go off of the Planning Board recommendation?

Mr. Pillsbury: The City Council can give consideration to our recommendation. They can decide to accept it; they can decide to reject it. It's 100% up to the discretion of the City Council. Councilor LePage is gracious enough to be here tonight. He has to vote on this eventually. I'm trying to keep the roles separate here. I appreciate him giving us input because we needed this tonight.

Audience: I didn't know if each zone was going to be voted on individually. (Recording Skipped)

Mr. Pillsbury: I would suspect they will probably vote on each map separately.

Audience: Could be.

Mr. Pillsbury: The voting procedure will be determined by the City Council, Council President and City Solicitor. We have to make sure it's correct according to state law. We have to send this to the state for their approval. I miss-spoke about the 500' it's relative to the schools. I do apologize in general, I was hoping to have the City Solicitor here tonight to explain the ordinance. I've done my best to give you information. Hopefully, it's a little clearer.

Audience: Boston....(recording skipped)...I can't speak for the City Council. Again, not knowing every parcel, not knowing every....

Mr. Pillsbury: Those would be recommendations. The formal amendment process would be at the City Council meeting, by a motion on an amendment to the document. This document is what is filed with the City Council. This document is what the recommendation is as of now.

Audience: If these sites are amended is there a backup plan?

Mr. Pillsbury: Some of these areas could potentially have more than one location. The Council in their wisdom may decide not to have six areas. They may only have four areas. They put forward their best recommendation at the time. I don't know if they will

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be adding any new locations. I think this is an opportunity to see where some of these did and didn't make sense. That's what we are really hoping to get to.

Audience: I would be in favor of reducing the sites.

Member Buckley: One of the disadvantages of reducing the regions is that you start to concentrate six outlets in one place.

Audience: That's fine...

Member Buckley: Actually, it's not because then you get businesses around them which will host people...instead of going home they stay. They go to nightclubs and they go to whatever and you end up with problems in your community. You really do want to have them spread out.

Audience: In terms of having a nightclub built by a dispensary that's just not....

Member Buckley: Other businesses.

Audience: That still has to go to Planning and zoning. You can't state a fact that is going to be what happens. The citizens have control over the types of establishments can be built through our zoning laws. To make a statement and say it is going to create a number of problems.

Acting Chairman Driscoll: I want to stick with the point and not going off target. Hearing no other people want to discuss for or against this item. Obviously the hearing is closed.

Mr. Pillsbury: I would make a recommendation that the Planning Board send a conditional favorable recommendation to the City Council on the ordinance as presented with the comments to recommend deletion of the Knipe Road location and the Northern Essex/Route 110/Amesbury Road area location.

After Board consideration, Member Bill Evans motioned to forward a favorable conditional recommendation to the City Council on the ordinance as presented with the comments to recommend the deletion of the Knipe Road location and the Northern Essex/Route 110/Amesbury Road area location. Member Kenneth Cram seconded the motion. All members present voted in favor. Members absent: Paul Howard, Jack Everette and Alison Colby Campbell. Motion Passed.

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

- Letter, City Solicitor, 9-14-18
- Municipal Ordinance
- Notes from Site Review Discussion on 8-4-18 (City Council)
- Minutes of the Administration and Finance Committee on 8-14-18 (City Council)

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- Letter, Councilor LePage, 9-16-18
- Letter, Fire Department, 10-1-18
- Letter, Conservation Department, 10-10-18
- Plan – Licensed Marijuana Establishments Overlay Zone with Street Index 2018

Definitive Escrows:

Vincent Avenue Escrow:

Developer requested a bond reduction

In consideration of the report from the City Engineer, John Pettis, Member Bill Evans motioned to reduce the amount \$2,185.00 from the \$15,410.00 balance and maintain a balance of \$13,225.00 as recommended by the city engineer in his report to the board dated 10/10/18. Member Ken Cram seconded the motion. All members present voted in favor to reduce the account to the balance of \$13,225.00 as recommended by the city engineer in his report addressed to the board dated 10/10/18. Members Absent: Jack Everette, Paul Howard and Alison Colby Campbell. Motion passed.

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

- Escrow Material

Greenough Street Escrow: Applicant seeks Planning Board bond endorsement.

Please be advised the Haverhill Planning Board at its meeting held on October 10, 2018 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 \$197,423.00 (see City Engineer's letter dated July 5, 2018, which was set up in an agreement that will expire on October 10, 2019, a release is executed herewith to include the 4 lots. The agreement was reviewed and endorsed by the 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

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\$197,423.00 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 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 July 5, 2018. This is your notice to release the 4 lots from the Form F Covenant from the Greenough 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.

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

- Escrow Material

Form A Plans:

60 Fondi Road: Member Bill Evans motioned to approve and endorse the Form A Plan for 60 Fondi Road. Seconded by Member Kenneth Cram. All members present voted in favor. Motion Passed.

9,11,Waldo Court, 142 Oxford Avenue and 8 Knipe Road: Member Bill Evans motioned to approve and endorse the Form A Plan for 9,11 Waldo Court, 142 Oxford Avenue and 8 Knipe Road. Seconded by Member Kenneth Cram. All members present voted in favor. Motion Passed.

75 Willow Avenue: Member Bill Evans motioned to approve and endorse the Form A Plan for 75 Willow Avenue. Seconded by Member Kenneth Cram. All members present voted in favor. Motion Passed.

Frontage Waivers: None

Reminders for expiring Definitive Escrows: None

Meeting adjourned.

Signed:

Paul Howard
Chairman

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