

**HAVERHILL PLANNING BOARD  
MEETING MINUTES**

**DATE: Wednesday, August 10, 2022**

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

**Time: 7:00 PM**

Members Present:           Member Carmen Garcia  
                                  Member Ismael Matias  
                                  Member William Evans  
                                  Member Karen Buckley  
                                  Member April DerBoghosian, Esq.  
                                  Member Robert Driscoll

Members Absent:           Member Bobby Brown  
                                  Member Nate Robertson  
                                  Chairman Paul Howard

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

**Approval of Minutes:**

**June 8, 2022**

After board consideration, Member William Evans motioned to approve the June 8, 2022, meeting minutes. Member Ismael Matias seconded the motion.

Carmen Garcia – yes

Bill Evans – yes

Karen Buckley – yes

April DerBoghosian, Esq.- absent

Bobby Brown – absent

Nate Robertson- absent

Robert Driscoll – yes

Paul Howard – absent

Ismael Matias - yes

**Motion Passed.**

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**\*Member Karen Buckley read the rules of public hearing into the record\***

**Public Hearings:**

**Attorney Robert Harb for applicant Andrew R. Fanaras, Trustee of the PBF Trust seeks a favorable recommendation to the City Council to amend the chapter 255 zoning map and change map: 520, block 314, lots 3,4,4a,4b and 32 from a RM zone to a RH zone; same zone as client's abutting lots; map 520, block 314, lots 1&2; which would place these properties in the same RH zone.**

Please note at the August 10, 2022, Planning Board meeting held at 7:00 pm in the City Council Chambers the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation to the city council on the proposed amendment.

Member Karen Buckley read the rules of public hearing into the record.

Attorney Robert Harb of 40 Kenoza Avenue addressed the board on behalf of the applicant. With me tonight is my client Mr. Fanaras and his brother. I'm assuming this is the hearing on the Boston Street amendment. We are not asking the council to amend the zoning article itself just the map. It's one of the first times that I filed to change the zoning map. We are asking your support to move the zoning line to the left on property owned by the Fanaras and I have been told since 1918. If you look at the plan filed by Mr. Saab, there are actually six lots there.

Two of the lots on the right-hand side already exist in the RH zone, there is a home there. The lots on the left-hand side happen to be in an RM zone. If you cross the street the entire street on the right-hand side going south, they are in a RU zone. What the applicant is trying to do by the change of the zoning map is make his entire property in a RH zone. Someone asked me the other day how come I didn't pick the RU zone? Well, the RH zone actually has more land required for a duplex, than the RU. The RU zone is 9,000 and RH is 9,600. It is contiguous with land he already owns. When I looked at the....

Mr. Pillsbury: The RU would not have been contiguous?

Attorney Harb: No, you would have to cross the street.

Mr. Pillsbury: Any zoning adjustment like this has to be contiguous.

Attorney Harb: I was trying to answer the question the guy that asked me, why didn't I pick the RU zone, because it's on the other side of the street. For your edification the other side of the street needs less area for a duplex. This side of the street with the RH needs 9,600 s/f. So, it makes sense and if you look at the big map or the small map that I sent thanks to google earth for Haverhill, map-geo, which some of you know I use all the time now. We passed that out and I know Lori sent this to everybody. You can sort of get a general viewpoint of the whole area. If you look at the whole RH zone which goes on both sides of Boston Street there is a little block, their sort of in the middle at the bottom that's some of the land that the Fanaras own. Two lots (brown) and four lots (yellow). If you look down the street, you can see all the houses on the right-hand side are all in the RH zone. It made sense not only to make

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this all one zone. I understand that someone asked why you are changing the map, well since 1918 they owned the land, they thought they had more than one big lot. They thought they had a whole bunch of lots. They never built on them. It was in the grandfathers, fathers and now the brothers have it. They looked at developing the land and they came to me, and their surveyor and I said to them currently there is a RH zone on your property but take a few feet this way and you are in the RM zone. You can't build a duplex in the RM zone. Its not allowed. I don't know if you know this back about a year and a half ago when we changed the zoning ordinance, they did away with use variances. One can no longer for any reason whatsoever get a use variance. There is no other way for us to utilize these lots that they thought they had since 1918 other than take the line and move it to the right and make their whole property RH. That's the reason why we are doing it. It makes sense on the ground. It makes sense if you look at the whole RH zoning district on both sides of the street north and south on Boston. That's why we are here, I believe you are going to hear from the Planning Director that it is sort of consistent with use patterns. We had a little map made at Staples. There are a whole bunch of pictures that all around us which are all duplexes. Its really zoned for duplexes. I thought since they owned it since 1918, they lost the grandfathering. We are basically trying to get back a little of the grandfathering, that the grandfather thought he was getting when he bought all these lots, so that we can develop the other two lots. There is enough area of the area that we would like to rezone for two duplex lots that meets all zoning in the RH zone. We are here to answer any questions. That's the reason for the change in the map, only the map we are going to meet all of the requirements of the RH zone. We would like to move the line to make the entire property RH. We ask for your support and recommendation for this map change.

Acting Chairman Driscoll: Anyone wish to speak in favor? Anyone wish to speak in opposition?

Attorney Harb: Rebuttal to the non-existent opposition. I think its important to note nobody came to object to this. The neighbors don't appear to have any issues and the ones that they talked to have no problem. They also thought it was consistent.

Acting Chairman Driscoll: I will close the public portion of the hearing and turn it over to the Planning Director for his comments.

Mr. Pillsbury: This request to change the zoning as Attorney Harb has indicated is basically to move the zoning line. Its really the only way for a use that is not allowed to be allowed. In this particular situation Attorney Harb referenced 18 months ago...(inaudible) I just want to clarify that the zoning ordinance way back into the 60's has a line that says there are no use variances. We've had some aberration from those rules. Rather than change the zoning we just brought it in compliance with the state statute as to whether variances are allowed. I am not questioning what you said, what you said is correct, but I think basically we brought ourselves into stricter compliance with the statute as it relates to what a variance is. (inaudible) We have had that.... again, the proposed change would allow for the possibility of density which would be subject to full development review. We would also have to look at the roadways out there. Freeman Street ends and doesn't continue through. That is something that the City Engineer will want to look at. If the duplexes are going to have frontage on Freeman Street that might need to be extended, I don't know.

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Audience: That is a dirt road going through.

Mr. Pillsbury: It is a city street and it's going to have increased traffic on it that is something the city engineer will have to look at.

Attorney Harb: The frontage currently plans to be on Boston Street.

Mr. Pillsbury: Boston Street is a through street?

Attorney Harb: yes.

Mr. Pillsbury: The proposed zone line change is consistent with land use patterns in the immediate area. With that I would recommend a favorable recommendation to the City Council on the proposed amendment to the zoning map.

After board consideration, Member Bill Evans motioned to forward a favorable recommendation to the City Council as recommended by the Planning Director William Pillsbury, Jr. Member Ismael Matias seconded the motion.

Acting Chairman Robert Driscoll-yes

Member William Evans- yes

Member Bobby Brown - absent

Member Carmine Garcia- yes

Member Ismael Matias- yes

Member Karen Buckley - yes

Chairman Paul Howard -absent

Member April DerBoghosian, Esq.-yes

Member Nate Robertson-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.

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

**Plan of land for zoning change, 5.19.22**

**Letter from Attorney Robert Harb, 6.21.22**

**Legal Description**

**Letter from Eric Tarpy, Fire Department, 7.6.22**

**Email from Rob Moore, Conservation, 6.27.22**

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**Street Acceptance for Sarah J. Circle:** The City of Haverhill seeks a favorable recommendation to the City Council to accept Sarah J. Circle as a public way. (94586)

**Street Acceptance for Bailey's Court:** The City of Haverhill seeks a favorable recommendation to the City Council to accept Bailey's Court as a public way. (94587)

**Street Acceptance for Keith Lane:** The City of Haverhill seeks a favorable recommendation to the City Council to accept Keith Lane as a public way. (94589)

**Street Acceptance for Holly Lane:** The City of Haverhill seeks a favorable recommendation to the City Council to accept Holly Lane as a public way. (94590)

Please note at the August 10, 2022, Planning Board meeting held in Room #202 City Council Chambers at 7:00 p.m. the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for the acceptance of the following streets:

- **Sarah J. Circle**
- **Bailey's Court**
- **Keith Lane**
- **Holly Lane**

Member Karen Buckley read the rules of the public hearing into the record.

Mr. Pillsbury: We have seen these in the past. John Pettis, City Engineer is cleaning up a lot of situations in the records on roadways. Roadways that were developed and completed in compliance with the definitive plans but were never taken to the City Council for street acceptance. There was a period of time back in the 90's and probably in the 80's when these projects were developed, I wasn't here but there was a different procedure in place for how we closed out bonds. Now as you know we are diligent with how we close out bonds we don't allow them to reduce it below 25% so there is a fair amount of money left in the game so they won't walk away from it. That was happening a lot of times in the past. John is correcting these in groups of four or five at a time. These folks on the streets are already receiving the benefits of city trash pick up and plowing. There really is no effect on them at all. We are just closing the books on making them accepted streets that will enable us to receive additional chapter 90 funds. I would propose that we do these as a group with a motion for all four street acceptances.

Member William Evans motioned to make a favorable recommendation to the City Council as recommended by the Planning Director, William Pillsbury for the acceptance of Sarah J. Circle, Bailey's Court, Keith Lane and Holly Lane. Member April DerBoghosian, Esq. seconded the motion.

Acting Chairman Robert Driscoll-yes

Member William Evans- yes

Member Bobby Brown - absent

Member Carmine Garcia- yes

Member Ismael Matias- yes

Member Karen Buckley - yes

Chairman Paul Howard -absent

Member April DerBoghosian, Esq.-yes

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Member Nate Robertson-absent  
**Motion Passed.**

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

Online applications

**Escrows:**

**Crystal Springs Escrow:** No action at this time.

**Reminders for escrow:**

**Form A Plans:**

**Essex County Greenbelt Association for 454 Crystal Street:** Member William Evans motioned to approve and endorse the Form A for 454 Crystal Street. Seconded by Member Ismael Matias. All members present voted in favor. Motion Passed.

**Kevin and Catherine Boreen for 86 Mill Street:** Member William Evans motioned to approve and endorse the Form A for 86 Mill Street. Seconded by Member Ismael Matias. All members present voted in favor. Motion Passed.

**Endorsement:**

**Any other matter:**

**Meeting adjourned.**

Signed:  
*Robert Driscoll*  
Robert Driscoll  
Acting Chairperson