

HVERHILL PLANNING BOARD MEETING MINUTES

DATE: Wednesday, September 12, 2018
Place: City Council Chambers, Room 202
Time: 7:00 PM

Members Present: Bill Evans, Karen Buckley, April DerBoghosian, Esq., Alison Colby Campbell, Bob Driscoll, Paul Howard, Karen Peugh and Kenneth Cram

Members Absent: Jack Everette

Also Present: William Pillsbury, Planning Director

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

Approval of Minutes:

July 11, 2018

After board consideration, Member Bill Evans motioned to approve the July 11, 2018 minutes. Member Karen Buckley seconded the motion. Members present voted in favor: Bill Evans, Karen Buckley, Karen Peugh, April DerBoghosian, Ken Cram, Alison Colby Campbell, Paul Howard and Bob Driscoll. Member Absent: Jack Everette.

Motion Passed.

August 8, 2018

After board consideration, Member Bill Evans motioned to approve the August 8, 2018 minutes. Member Karen Buckley seconded the motion. Members present voted in favor: Bill Evans, Karen Buckley, Karen Peugh, April DerBoghosian, Ken Cram, Alison Colby Campbell, Paul Howard and Bob Driscoll. Member Absent: Jack Everette.

Motion Passed.

Public Hearings:

Definitive Plan for West Gile Street:

Please be advised, the Haverhill Planning Board at its meeting held on 9/12/18 at 7:00 p.m. in the City Council Chambers continued the above cited definitive plan to the October 10, 2018 meeting. It was noted by the Planning Director that the applicant has filed a Definitive Plan to create a roadway and one lot on West Gile Street. The board

**Planning Board Meeting
9-12-18**

waited for the applicant to arrive at the meeting. It was noted that he did not show up.

After board consideration, Member Karen Buckley motioned to continue the hearing to the October 10, 2018 Planning Board meeting at 7:00 pm in the City Council Chambers. Member Alison Colby Campbell seconded the motion. Members present voted in favor: Paul Howard, Ken Cram, Bill Evans, Karen Buckley, April DerBogohosian, Alison Colby Campbell, Karen Peugh and Bob Driscoll. Member Absent: Jack Everette. **Motion Passed.**

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

- Continuation request from the applicant dated September 13, 2018

Definitive Plan for 108 Harrison Street: Please be advised, the Haverhill Planning Board at its meeting held on 9/12/18 at 7:00 p.m. in the City Council Chambers continued the above cited definitive plan to the October 10, 2018 meeting. It was noted by the Planning Director that the applicant has filed a definitive plan and the developer has requested to postpone to the October meeting to work out concerns with the City Departments.

After board consideration, Member Robert Driscoll motioned to continue the hearing to the October 10, 2018 Planning Board meeting at 7:00 pm in the City Council Chambers. Member Alison Colby Campbell seconded the motion. Members present voted in favor: Paul Howard, Ken Cram, Bill Evans, Karen Buckley, April DerBogohosian, Alison Colby Campbell, Karen Peugh and Bob Driscoll. Member Absent: Jack Everette. **Motion Passed.**

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

- Continuation request from the applicant dated September 4, 2018

Special Permit for 432 Washington Street/0 Gilbert Avenue:

Please note at the September 12, 2018 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for a special permit to allow 10 residential units at 432 Washington Street/0Gilbert Avenue.

Attorney Michael Migliori of 18 Essex Street addressed the board on behalf of the applicant. This property is at the site of the old St. George's Church. Bread and Roses purchased the property and has been working closely with the City. The site has become blight in the Mount Washington neighborhood. The applicant is looking to construct 10 residential units that will be owner – occupied. They recently obtained the required variances from the Board of Appeals.

**Planning Board Meeting
9-12-18**

Yesenia Gil, Executive Director of Bread and Roses addressed the board. She described who the program helps and what their company does.

Mr. Pillsbury asked about the details on the tenant selection plan. Will there be a preference for Haverhill residents?

Ms. Gil stated we have a selection criteria that we follow. We would invite Haverhill residents to be involved in the process.

Mr. Pillsbury stated it wouldn't be a preference per say, but I am sure it would be appropriate for the City of Haverhill/Community Development Office to work with you. The City would make sure that we are doing extensive marketing to Haverhill individuals, so they may know that the opportunity exists.

Ms. Gil stated we usually do an outreach in the community.

Recording skipped

Attorney Migliori stated we have been working closely with the Community Development Office. The estimated cost of the project is 2 ½ - 3 million dollars. It will bring work-force housing and will create a number of construction jobs. This would be removing a neighborhood detriment. You may recall that 8-9 years ago the city approved a permit for rental apartments. That was a more intense project. This project in my opinion is far superior compared to the one that was previously approved.

Member Alison Colby Campbell asked what the asking price of each unit would be?

Attorney Migliori stated \$125,000-\$150,000

Chairman Howard stated I personally favor homeownership in the area. I think people take more pride in homeownership. Does anyone from the public wish to speak on this project? Hearing none, I will close the public portion of the hearing. I will turn the hearing over to the Planning Director for his comments.

Planning Director William Pillsbury stated that he suggests a favorable recommendation to the City Council. He noted the proposed plan is filed with the City Council for a special permit and the role of the planning board is to make a recommendation to the Council on the proposed plan. The applicant seeks to construct 10 units of housing in the Mount Washington neighborhood. The city departments have reviewed the plans and their comments are in your packages. No major objections have been received. I recommend that their comments and letters be made part of the recommendation to the City Council. I believe this is an important project for the Mount Washington Street neighborhood and that the investment in this in-fill housing will assist in stabilizing the neighborhood by increasing owner-occupancy and the related benefits resulting from that. My recommendation would be to make a favorable recommendation to the city

**Planning Board Meeting
9-12-18**

council with the condition that all city department letters and comments be incorporated in any special permit acted upon by the City Council.

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 Alison Colby Campbell seconded the motion. Members that voted in favor were: April DerBoghossian, Esq., Bill Evans, Kenneth Cram, Alison Colby Campbell, Bob Driscoll, Paul Howard, Karen Peugh and Karen Buckley. Member Absent: Jack Everette. Motion Passed.

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

- Letter from Carrie Prescott, Water/Wastewater Department, September 12, 2018
- Letter from Glenn Smith, Water/Wastewater Department, August 6, 2018
- Letter from Eric Tarpy, Fire Department, July 12, 2018
- Letter from Robert Moore, Conservation Department, July 11, 2018
- Letter from Attorney Michael Migliori, dated July 9, 2018
- Existing Condition Plans, dated May 30, 2018

Frontage Waiver for 701 East Broadway:

Mr. William Pillsbury stated this plan received approval for frontage variance and no appeal has been taken. The role of the planning board in acting on the frontage waiver is to ensure that there is adequate access provided to the site from the reduced frontage. The review of the plan indicates that the adequate access exists via reduced frontage. The plan has been reviewed by the city departments and their comments are in your packages. No objections have been received.

After board consideration, Member Karen Buckley motioned to approve the frontage waiver for 701 East Broadway as recommended by the Planning Director, William Pillsbury, Jr. Member Bob Driscoll seconded the motion. All members present voted in favor. Motion passed.

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

- Form D – 1
- Application for frontage waiver
- Letter from Glenn Smith, Water/Wastewater Department, August 16, 2018
- Letter from Carrie Prescott, Water/Wastewater Department, August 22, 2018
- Letter from Robert Moore, Conservation Department, August 29, 2018
- Letter from Eric Tarpy, Fire Department, August 27, 2018
- Proposed site plan of land, dated September 5, 2018

Special Permit for 2-12 Washington Street:

Please note at the September 12, 2018 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a

**Planning Board Meeting
9-12-18**

favorable recommendation for a special permit to allow 14 residential apartments and up to two commercial spaces at 2-12 Washington Street.

Attorney Robert Harb of 17 West Street addressed the board on behalf of the applicant. This building is the former Haverhill Music Center. Angelo Petrozelli is the architect for the project. He is going to bring you back to 1882. A similar project had been before the Planning Board and City Council. It was approved in 2014 for - 12 residential market rate units. The developer did not go through with the proposed application. He sold the property to Mr. Lee's company. Mr. Lee is proposing 14 market rate units and 2 commercial units on the 1st floor. This is in line with the Waterfront District and Downtown Smart Growth. We are also in the HDIP zone. Mr. Lee is working on his HDIP application. They are going to put new windows in and that will get us back to the picture that Angelo has of 1882. On the outside façade we are trying to go back to what it looked like in 1882. We redesigned the emergency exit. We have talked with the Building Inspector and the Fire Department. I know you have letters from the Fire Department after further review of the building and fire code, because it's a renovation the proposed changes were allowed and approved. I asked for a meeting with all the department heads which we did have. The Fire and Building Department were the only real concerns.

Mr. Angelo Petrozelli of Design Partnership Architects addressed the board on behalf of the applicant. We are going to bring this building back to what it looked like in 1882. We will be putting all new windows in. The unit on the lower level will be a one bedroom unit with storage for each of the tenants in the building. There will be a brand new elevator that will service all the floors. The bottom floor can be one commercial or two commercial units. Each unit will have their own washer and dryer. They are all one bedroom units.

Member Buckley asked has the basement been checked for radon and mildew?

Mr. Petrozelli stated that will be taken care of when we start the process.

Chairman Howard stated it's very easily abated if you find it.

Mr. Petrozelli stated we are going to bring this up to par, from the basement on up.

Mr. Jonathan Cozzins of Lee Property Investment addressed the board. **Tape skipped**...44 units and been in business for 6-7 years now.

Attorney Harb stated that is our presentation, we hope we have your approval. The basement had been used before. I think at one time Dave Spaulding used to be downstairs. It had been occupied by businesses before.

Mr. Pillsbury asked how the parking would be handled.

**Planning Board Meeting
9-12-18**

Attorney Harb stated Jonathan submitted a letter to the City Council. We have 18 spaces that he is going to lease at the parking deck. He has a contract that needs to be executed. Angelo believes we have 2 more. We did have 3 but we will lose one due to the dumpster out back.

Mr. Pillsbury asked that brings in compliance with zoning requirement?

Attorney Harb stated yes.

Chairman Howard asked if anyone from the public wished to speak. Hearing none, we will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury stated the project for the former Haverhill Music Center property was previously approved for a special permit by the city council for 12 residential market rate units and commercial use on the 1st floor. The ownership has subsequently changed and significant time has passed and the new applicant proposes 14 residential market rate units and commercial on the 1st floor as previously approved. The two additional units are to be added to the basement level. The role of the Board is to conduct a public hearing to make a recommendation to the city council relative to the special permit. The proposed project represents an excellent development consistent with all of the goals of the city to revitalize the downtown. The redevelopment of the former "Haverhill Music Center" building into a mixed use market rate project is a strong positive indication of the private sector confidence in investing in Haverhill. The project has been reviewed again by the City Council Departments and their reports and comments are contained in your packets. I recommend that all of the comments and recommendations of the city departments be made a condition and incorporated into any recommendation made tonight. My recommendation is a favorable recommendation to the City Council on the project as presented and all comments/letters from the City Departments be included as conditions to the special permit action of the City Council.

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

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

- Letter from Jonathan Cozzens, July 17, 2018
- Letter from Robert Moore, Conservation Department, August 6, 2018
- Letter from Eric Tarpy, Fire Department, August 13, 2018
- Letter (comment due sheet) from Robert Moore, September 11, 2018
- Letter from Eric Tarpy, Fire Department, September 10, 2018

**Planning Board Meeting
9-12-18**

- Letter from Joseph Costanzo, MVRTA, August 3, 2018
- Letter from Jonathan Cozzens, September 6, 2018
- Letter from Thomas Bridgewater, Building Department, September 12, 2018
- Letter from Paul Jessel, Water/Wastewater Department, May 7, 2013
- Letter from Glenn Smith, Water/Wastewater Department, July 25, 2016
- Letter from Carrie Prescott, Water/Wastewater Department, July 30, 2018

Amendment to Zoning: Please note at the September 12, 2018 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation for a change to the zoning map for property located at Emma Rose Circle

Attorney Michael Migliori addressed the board on behalf of the applicant. We are requesting a zoning change. The property that is subject to the zoning change is off of Broadway. The lot for reasons un-clear to us had a zoning line roughly through the middle of the property. One side of the line is RM zone and the other side is the RR zone. This request is more of a zoning correction. This would allow the subdivision to be similar throughout. All the lots will end up being more consistent. Mr. Pettis and the Planning Department have been supportive of this request. With respect to the letter from the Conservation Commission, we were blindsided by that letter. We had no opportunity to attend any hearing. I have contacted Rob Moore and asked to be on the agenda for the next Conservation meeting. With that, we plan on having that addressed prior to the City Council meeting. We would ask the board to grant us a favorable conditional recommendation with the understanding that we will revisit the Conservation matter prior to the City Council meeting.

Chairman Howard asked are they going to subdivide lots 3 and 4? I don't understand what their concern is.

Attorney Migliori stated I don't either. The land is clear cut.

Mr. Pillsbury stated it does lend to an odd configuration of the roadway. I know that Emma Rose is built that way. We approve d the subdivision.

Mr. Larry Palmisano addressed the board. The prior owner went through a complete re-design based on recommendations from Conservation. That is how the cul-de-sac ended up. It's just a cul-de-sac into a cul-de-sac. It created a 200' long bridge crossing West Meadow Brook.

Chairman Howard asked if they could take the first cul-de-sac and make it part of that property and make the road...just put a 50' right of way in.

Mr. Palmisano stated it's already constructed and the bridge is the constraint.

Mr. Pillsbury asked how many lots do you think you will end up with?

**Planning Board Meeting
9-12-18**

Mr. Palmisano stated 4-5 lots. It depends on far we can extend the cul-de-sac. We need to make sure we have the frontage without impacting any of the wetlands.

Chairman Howard stated so you are going to subdivide those lots.

Mr. Palmisano stated if we do get the zoning change we will be back to you to subdivide.

Mr. Pillsbury stated yes, with a modification to the definitive plan. The maximum additional lots would be 3...

Mr. Palmisano stated a total of 5 lots. There are 2 there now and we are trying to add 3. There are 5 ½ acres there right now. We are not looking to overly impact it.

Chairman Howard stated you still need a 150' frontage. Would anyone from the public wish to speak? Seeing none, I will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury stated the applicant seeks to modify the zone line in the RR zone to the RM zone to allow for filing of a definitive plan to construct additional single family homes on an extension of Emma Rose Circle. The role of the board is to make a recommendation to the city council on the proposed zoning modification. The proposal has been reviewed by the city departments and their comments are contained in your packages. One major objection was received from Conservation Commission and this must be addressed/resolved prior to the City Council hearing. I recommend that the applicant make a presentation to the Conservation Commission informing them of their plans. No other major objections were received. My recommendation is to send a conditional recommendation to the City Council with the condition being that the applicant pursue a revised recommendation from the Conservation Commission based on making full presentation to the commission regarding the proposal.

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

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

- Legal description/zoning change Lots 3 and 4A Emma Rose Circle
- Letter from Michael Migliori, Esq., August 3, 2018
- Ordinance relating to zoning
- Letter from Eric Tarpy, Fire Department, August 9, 2018
- Letter from Robert Moore, Conservation Department, August 29, 2018
- Letter from John Pettis, City Engineer, September 7, 2018

**Planning Board Meeting
9-12-18**

Definitive Escrows:

Bradford College/Carrington Estates Phase I: Developer requested a bond reduction.

In consideration of the report from the City Engineer, John Pettis, Member Robert Driscoll motioned to reduce the amount \$73,485.00 from the \$380,075.00 balance and maintain a balance of \$306,590.00 as recommended by the city engineer in his report to the board dated 9/11/18. Member Bill Evans seconded the motion. All members present voted in favor to reduce the account to the balance of \$306,590.00 as recommended by the city engineer in his report addressed to the board dated 9/11/18. Members Absent: Jack Everette. Motion passed.

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

- Escrow Material

Bradford College/Carrington Estates Phase II: Developer requested a bond reduction.

In consideration of the report from the City Engineer, John Pettis, Member Karen Buckley motioned to reduce the amount \$162,334.00 from the \$656,155.50 balance and maintain a balance of \$493,821.50 as recommended by the city engineer in his report to the board dated 9/11/18. Member April DerBoghossian, Esq. seconded the motion. All members present voted in favor to reduce the account to the balance of \$493,821.50 as recommended by the city engineer in his report addressed to the board dated 9/11/18. Members Absent: Jack Everette. Motion passed.

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

- Escrow Material

Vincent Avenue Escrow: Developer requested a bond reduction/re-establishment including lots 3 & 4.

In consideration of the report from the City Engineer, John Pettis, Member April DerBoghossian motioned to reduce the amount \$28,520.00 from the \$43,930.00 balance and maintain a balance of \$15,410.00 as recommended by the city engineer in his report to the board dated 9/11/18. Member Ken Cram seconded the motion. All members present voted in favor to reduce the account to the balance of \$15,410.00 as recommended by the city engineer in his report addressed to the board dated 9/11/18. Members Absent: Jack Everette. Motion passed.

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

**Planning Board Meeting
9-12-18**

- Escrow Material

Emma Rose Circle Escrow: Developer requested a bond reduction.

Please be advised the Planning Board at its 9-12-18 regular scheduled meeting considered your request to re-establish the bond amount for the above cited development adding Lots 3 and 4 into the previous amount. No lots are to be released until the required funds are submitted along with the escrow agreement in exchange for the release of said lots 3 and 4 from the Form F Covenant. The board reviewed your cited request along with the report from the City Engineer dated September 6, 2018 which showed the evaluation in the amount of \$61,939.00 to complete the remaining work.

Please note, that the lots will not be released until a properly executed agreement with signatures is submitted to the Board for acceptance and endorsement. Said agreement would be required to be recorded at the Registry of Deeds and a copy provided to the board that shows the Registry's recording stamp.

After board consideration, Member Karen Buckley motioned to approve the re-established amount of \$61,939.00 that was recommended by the City Engineer. Seconded by Member Bill Evans. Members, Paul Howard, Bill Evans, Karen Buckley, Karen Peugh, April DerBoghosian, Esq., Kenneth Cram, Alison Colby Campbell, Bob Driscoll all voted in favor. Member was absent. Jack Everette. Motion Passed.

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

- Escrow Materials

Tenney Place Phase I and II bond extension:

Please be advised at the Haverhill Planning Board meeting held on 9/12/18 at 7:00 pm in the City Council Chambers reviewed the request to endorse the extension of the agreement for the above cited development.

The Planning Director, William Pillsbury, advised the board that the agreement was reviewed by the City Solicitor as to form and was approved as attested to by his signature on said agreement. The new expiration date for performance is **September 30, 2019**. The Planning Director recommended that the Planning Board vote to endorse the extension agreement. **It was noted, that the developer must record the extension of the agreement at the Registry of Deeds and provide proof of said recording to the Planning Office for its file.**

Planning Board Meeting

9-12-18

After board consideration, Member Alison Colby Campbell motioned to endorse the above cited agreement and that the developer provides the Planning Office with a recorded copy of said agreement as required. Member Bill Evans seconded the motion. Members Karen Peugh, April DerBoghossian, Esq., Kenneth Cram, Alison Colby-Campbell, Bob Driscoll, Bill Evans, Karen Buckley and Paul Howard voted in favor. Member Jack Everett were absent. **Motion Passed.**

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

- Escrow Material

Form A Plans: None

Frontage Waivers: None

Reminders for expiring Definitive Escrows: None

Any Other Matter: The developer has requested that the Liberty Mutual Bond associated with Phase I of the project be released and the full of amount of both Phase I and II is with Everest Reinsurance Bond Company.

Meeting adjourned.

Signed:

Paul Howard
Chairman