

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, April 12, 2023

Place: City Council Chambers – Room #202 City Hall

Time: 7:00 PM

Members Present: Member William Evans
 Member Karen Buckley
 Member Michael Morales
 Member Nate Robertson
 Member Carmen Garcia
 Chairman Paul Howard

Members Absent: Member April DerBoghosian, Esq.
 Member Bobby Brown
 Member Ismael Matias

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

Approval of Minutes:

March 8, 2023

After board consideration, Member William Evans motioned to approve the March 8, 2023, meeting minutes. Member Michael Morales seconded the motion.

Carmen Garcia – yes

Bill Evans – yes

Karen Buckley – Not present at meeting yet

April DerBoghosian, Esq.- absent

Bobby Brown – absent

Nate Robertson- yes

Michael Morales – yes

Paul Howard – yes

Ismael Matias - absent

Motion Passed.

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Public Hearings:

Definitive Plan for 188 Lake Street:

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

Planning Director William Pillsbury: I know the applicant is here tonight and is very anxious to show the board the plan. This is a project that was previously approved by the City Council in the flexible development. Again, it is our first review under the definitive plan for flexible development. We have talked with the developer and his team previous to tonight and there are several issues that we are not going to be able to resolve tonight. I think we have an agreement that we will allow any neighbors who want to speak have the opportunity to do so and express their concerns tonight. The real crux of the hearing will be next month as several items need to be resolved between the city departments and comments that were received, Conservation in particular and some of the things that came up at the City Council meeting need to be flushed out a little bit more. I will be making a recommendation to continue to the May meeting.

Jeffrey Brem of Meisner Brem Corporation addressed the board on behalf of the applicant. With me tonight is Aaron Orso with Cedar Crest Development. He is the purchaser of the project and the developer. The developer of the road, infrastructure improvements and he will also build the houses. The project is at 188 Lake Street. This is Lake Street here. It is at the intersection of Mohawk Trail...

Chairperson Paul Howard: Just want to note that Member Karen Buckley has arrived.

Jeffrey Brem: Tax map 539, block 439, lot 27 which is a 10.7 acre piece of land and map 539, block 439, lot 36 is a 14.7 acre of land totally 25.3 acres all of which is in the RR zone. I always like to start out by describing the existing conditions of the site and then what we propose to do. The topography of the site is generally flat for the most part. This area here is flat and this area is flat with a little bit of slope to it in the back corners adjacent to the wetlands. There are wetlands (olive color on the plan). The green color which I will get to is open space and the lighter greens are lawns. What you see in the olive green is all wetland. First and foremost we are not proposing any work in the wetlands, no wetland crossings, no permits necessary at all for filling any wetlands. As far as the slopes go it is pretty flat. The soils are a typical glacial till soil in the area. We have done test pits throughout the site. Recently high ground water, 2,3,4'. Very typical glacial till in this area. That is how the site looks. It is all treed, all this is treed, all this is treed. There is an old barn that was here, an old farmhouse and a barn. A pretty big barn right here. This area here has some horses on it. There are

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still horses there the last time I was there. That was it prior's use. It was somewhat... I would say it's in need of some work to continue as a barn operation of farm operation. If this gets approved, it will become a housing development. We are proposing 11 single family lots which means each homeowner will own their own lot. It's part of the flexible development by-law, section 8.4 which I know is new and you are getting two applications before you tonight, this is the first so welcome to flexible development. I have worked with flexible development for at least 10 years now and your bylaw fits many of the molds of other flexible developments. It is important to realize, you listed the purposes in the bylaw and the first purpose is probably the most important in my opinion which is to encourage the preservation of open land for a scenic beauty and enhance agricultural open space, forestry and recreational use. There are a series of other purposes but that is kind of the thrust of a project like this is to preserve open space. With that in the flexible development you are required to provide 5.06 acres of open space, it's a mathematical formula based on the area of which half of that has to be upland. We are not providing 5 where we are providing 19.76 acres out of the total 25. Your encouragement of the flexible bylaw would be protecting almost 20 acres of open space permanently. That is big, I can't emphasize that enough without this bylaw you would have that. You would have maybe a cluster, but you wouldn't have 20 acres of contiguous land that is being preserved. I think Aaron and I are both huge advocates of that. Of the requirement of the open space 5 acres 2.53 (half of it) needs to be upland. We are proposing 10.86 so a lot of this land is upland. It is in a giant green mass of upland here. Large masses of upland here which I don't always get to do but they are important for all kinds of reasons. Not only are they important for active and passive recreation use but they are really important for wildlife, wildlife preservation, wildlife corridors. Not only the wildlife you are thinking about but also the insects to the large mammals. That gets protected with this, when you start bisecting open spaces you may like we did here have some open spaces surrounding the property, but it is not as important as large bulks of open space. I am not always able to do that but here we are. You will see that when we looked at the site to develop it there are two areas. One big green forested area and one remnant of that farm and house and this area here. It is bisected from east to west with the wetlands we chose to develop it on one side or the other. When we chose this side we chose this side because it seemed (inaudible) we are proposing all 11 houses to be over there. Access would be through Mohawk Trail onto Lake Street where currently the access is anyway. Obviously, the access would be improved from a dirt driveway now to a full blown 28' wide roadway. We show sidewalks on both sides of the road per your regulations, we can talk about that in a minute. The 11 lots were debated quite a bit with the City Council, we had a couple of meetings with them and meetings with staff and so forth. They came down to the 11 units on December 6, 2022. The utilities we had to do a water study and you have responses from some of the various departments. You have a response from water.

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We did a water study to make sure it was available and sufficient, same with the sewer. This is all for the City Council but it carries over to the Planning Board, sewer is also available on the property. There would obviously be underground electric, phone, cable and propane will be the source of heat. We meet all of the setback criteria of the town, and we meet all the flexible development rules. We will be going to Conservation within the week or so, we will be filing. We met with Rob Moore several times on this as recently as this week. There are some little details that we need to flush out with Conservation. Some of which are how we are going to access this large amount of open space, who will own it. Aaron has met with Maggie of Greenbelt. It will either be Greenbelt, a trust (non-profit trust) or the city. There would be an HOA. The idea that these lots have small frontages and small developed areas. Aaron thinks and I concur that when you drive around that it would be better and more efficient and better looking if all the lawns were maintained by one entity. The HOA fund would pay money to a landscaper to do the landscaping for all the lots. So when you drive-thru whether one person likes to take care of their lawn and looks beautiful and the next person doesn't this will all hopefully look beautiful. We have stormwater systems. Again, the land is flat so it is kind of (inaudible) lets start in the back we have a storm water management facility back here this will take part of the roadway. This part of the roadway will go in this stormwater management facility which is adjacent to the existing barn. There was a discussion with the barn and what should happen to it. It obviously needs to be resided and worked on. Someone would have needed to look at the structural component of it but the City Council wanted them to take it down. The barn will be taken down. In that area there will be some type of recreation field for the homeowners. They will raze it take the material away, grade it out.

Planning Director William Pillsbury: Those are some of the questions that will be discussed in the next month. City Council had some suggestions, but we want to make sure that...

Jeffrey Brem: I am glad you brought that up. I will jump right into that. We have benches, necessary access ways and parking spots, one or two parking spots for the general public to use Mohawk Trail. We are looking at improving Mohawk Trail, some of those details like Bill said, should this access way to the trails be there or somewhere else. What is the status of that and who is going to maintain it.

Planning Director William Pillsbury: Also clarifying that the actual legal status of your access over the parcel called Mohawk Trail.

Jeffrey Brem: Correct.

Planning Director William Pillsbury: I know I have seen it before; I just need to see it again.

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Jeffrey Brem: Understood. Back to drainage, there are two storm water facilities here and one small infiltration system. That will all be maintained by the HOA. From DPW's point-of-view that is great that they don't have to maintain it. The HOA would. It makes it easy because it is one landscaper that is going to run the whole thing. As far as the road, it would be a public way with public trash pickup. We have some trees that one of the neighbors asked us to plant here. Again, like Bill said, that may change a little bit because depending on how we access Mohawk Trail. The idea is to create a buffer between some of the neighbors. The rest of it is really buffered by the forest and the wetlands that surround the property. You have sort of an island here. I think that I have covered everything. For some reason I am thinking I am missing something, maybe it will come up in questions.

William Pillsbury, Planning Director: We will be continuing until next month.

Jeffrey Brem: We agreed to continue.

William Pillsbury, Planning Director: We will turn it over to the neighbors to see where they are at.

Jeffrey Brem: I would like to do that.

Chairperson Paul Howard: Is there anyone from the public who wishes to speak?

William Bourque I live directly across the street from this project.

Chairperson Paul Howard: For the record can you state your address.

William Bourque of 201 Lake Street addressed the board. It is actually when Mohawk Trail crosses Lake Street. My parents bought this property and built their house on it in the 1950's. I am very familiar with it. I rebought it about 4 years ago from them. As far as the drainage goes this whole area is basically a swamp including the land that my house is on. So, last year was probably the biggest drought we have ever had in 90-100 years. I have a sump hole in my basement and my property is at least 3' high. Last year was the first year that I didn't have water in my cellar. Water over there again everything is going to be wet. If you look at the project their setbacks in the no build zone is the back of the house. That is the buffer from the no-build zone is actually the back of the houses. You are not going to be able to build on the back, you can't do anything in the back because it is no build. A good portion for each one of these yards is actually wetlands, you can't even go in it. So that is part of the yard and part of the square footages. The zoning in this area is 80,000 s/f. This project doesn't fit in the neighborhood. We already got a Danielle Drive and if you drive down Danielle Drive you will see what it looks like. They are proposing this because they don't want the

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expense of driving to the uplands part of the project. So that is a big expense so instead they are going to stick 11 houses on 11,000-17,000 s/f. Even a good portion of those square footages are all wetlands. When you get into the density this is basically a trailer park on foundations. It doesn't fit. There is enough square footage for these lots to equal 2 ½ houses. That is what belongs in that neighborhood. As far as the development goes I actually used to run a land surveying company for 13 years. I am not against developing but you probably have 12 subdivisions within a ¾ or ½ mile and they all complied with zoning. The reason that a flexible development hasn't gone in the City of Haverhill is because its not a good idea. It doesn't fit in the neighborhood. When you are doing this and talking about the open space, its not wetlands its swamp. There are peasants, blue herons everything over there. It is directly across the street from me. So, since the 1950's that's what I have looked at. It's not just open area that they are donating, it's unusable space. It is not really an area that they are going to be able to use not unless you are in a kayak. Thank you.

Chairperson Paul Howard: Does anyone else wish to speak?

Mark Abare of 100 Lake Street addressed the board. I abut right here. It just seems like a lot of congestion. It's a small area. It is a very wet neighborhood. I hope that a study is done on the septic on the street before they give away the capacity to this. Septic was already put on Lake Street for the Lake Street residents in case they have to switch over because the system are all getting old. I just hope that the capacity study will have still have capacity when my septic goes bad because of things like that. The services that have already have been put in for the Lake Street residents that they are still able to completely (inaudible) to the rest of the residents that haven't switched over yet. I am not against development, but it just seems like it is real tight for that amount of property. That is all that I have to say.

Fiona Richie of 176 Lake Street addressed the board. My property is immediately in front of the proposed development on Lake Street. My lot will be turned into a corner lot if this goes through as proposed. Like my neighbors I am also concerned with the nature of the property. It is very wet. My house sits a bit higher than the property out back. We do have water every spring except last year was unusual, the property out back is soggy. It is soggy around the edges. The house that exists has a wet basement. I am concerned about what happens when you take the property that it has a house, a large indoor riding arena, a couple of barns that have roofs but there is no pavement back there. When you fully pave the area with a large road and additional roofs, driveways I am concerned with what happens with the water that will be displaced

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and whether it will affect my property. I am also concerned about septic capacity. My septic will be going soon too. I am concerned about privacy. There is a mention about the trees some sort of sheltering at the edge of the road. Also, the neighborhood character. Lake Street is zoned rural. Our neighbors have chickens, there are horses there now, other people have horses. It is not a fancy development. This is a very different proposal that is going in with a homeowner's association. It's not necessarily consistent with people who keep livestock and have the right to keep livestock. That's what I have to say.

Chairperson Paul Howard: Anyone else wish to speak? Would you like to address anything?

Jeffery Brem: Just a little bit. Not much. As far as the use that was the subject of the City Council. That part I don't want to belabor it because that has already been done. I do want to talk about the water table. We met with staff early on with the Board of Health so when we did this all the soil testing that set all the basement elevations 2' above that water so therefore it is a fill site. Aaron has known about that forever. We come in pretty much at grade here and starting at the first units back here that is 4-5' of fill pretty much all the way back. That is to allow like they said it's a high-water table. The backyards will be just walkouts. That is how it will be graded. We have taken that into consideration. The sewer issues we have done a study, expensive study an elaborate study for that as well. It was done by an outside firm that the city hired. We just paid money into the fund that the city hired. As far as Mrs. Richie's' property and we have been working with her and trying to do the best we can with a buffer. That will continue as we talk with Bill and Rob and develop some detailed plans for that. We already have engaged in landscape architect to help us with that because we are engineers, and we don't do that.

Chairperson Paul Howard: Do you want to explain to that as far as the drainage goes you do pre and post.

Jeffery Brem: I am on the stormwater management committee with the state I could talk all night if you want. Real quickly this will get reviewed by Conservation, CEI out of this area. They are going to do review our whole report pre and post. Our objective is to meet (inaudible) manual 10 components to what we meet all that. I didn't bring it with me, it's this thick. It has been submitted. That will be reviewed, and peer reviewed by the City. That will come as part of our review process. We have no problem with that. We do that all the time. The wetlands have been flagged. I didn't go into it. The previous owner did what was called an ANRAD (abbreviated notice resource area determination) so all these flags have been approved by Conservation already in a detailed process. As far as where they are that has been decided. There are certain buffer requirements that they have 0-25' you can only do so much work. 25-50' you can

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only do so much. Buildings have to be 50' back. Just like you have setbacks they have their rules, and we comply with them all. Now one of the commenters said we just complied with them but just like setbacks that is what we are supposed to do. You give us a rule and we follow it. He's right and a lot of these houses are right on the setback but that is why you have the rules and that is why we follow them.

Member Karen Buckley: what is the square footage of these homes?

Jeffery Brem: 2,500ish s/f. Pictures have been submitted into your packet (shows pictures). I still think it is on the City Council website. They are beautiful, efficient with garages attached.

Planning Director William Pillsbury: You will be filing with Conservation?

Jeffery Brem: We are just about to. We are working out the fee schedule with them. They have a \$18,000.00 filing fee.

Planning Director William Pillsbury: There will be a full Conservation process that the public will be notified for, the abutters will be notified.

Jeffrey Brem: Absolutely.

Member Michael Morales: The yards will be 2-5' higher than the water table?

Jeffrey Brem: We have to find the water table and then the basement floor elevation in Haverhill the normal building department would require at the water table or higher. In Haverhill its 2' higher.

Member Michael Morales: Does that mean for the houses on the left that are adjacent to the (inaudible) does that mean that their backyard is going to have some sort of a slope?

Jeffrey Brem: So, the slopes are in between the units. Basically, the roadway gets filled up, goes filled up to the house. There is positive pitch from the front of the house to the roadway then into the drainage system. In the back of the house, you are going to have 6 ½ - 7' above the ground and then we have a walkout basement.

Member Nate Robertson: Do you have any idea approximately how many jobs the ity created?

Jeffrey Brem: Do I know that?

Member Nate Robertson: It's a leading question.

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Jeffery Brem: Aaron was talking to me just before the meeting how many jobs that his company employs and all the subcontractors that come out onto the site, yes this is a job generator.

Member Nate Robertson: There has been 100's of jobs created in the City in the past few years. Do you know how many houses are for-sale north of 495?

Jeffery Brem: I do not know.

Member Nate Robertson: Zero. Therefore, there is a fundamental mismatch between job creation which we want to see and housing creation that we also want to see but.

Jeffery Brem: If I can, because I am in this business it's not just here in Haverhill, not just here in Massachusetts its throughout the country right now. We are millions of homes short throughout the country. We are also building the same expensive huge houses on huge pieces of land. That is also a problem because the new houses are all the same. We need to build smaller houses on smaller pieces of land for those that want that. Some people want bigger ones and so forth. I think the comment, I appreciate that Lake Street neighborhood is going to be changed no question about it. It happens to my neighborhood too. This is sort of an island, once you get off of Lake Street you take the corner you really won't see these houses. From a visual you won't see these houses from Lake Street. They are there, we know that. For what you could have for a project like this being in a neighborhood this is pretty buffered, really buffered.

Member Michael Morales: How will it be buffered?

Jeffery Brem: We don't have first house for 250' first of all. That is the first impact, then it turns. One interesting thing that I learned years ago because I did sewer easements with people, someone once asked me can you not have it go straight so I can see right down the sewer easement. I thought it was a great comment I put an angle in the sewer easement and she only saw a 100' through the sewer easement and then it went to woods. The rest of the easement was crooked, and nobody saw it. It's the same sort of thing here. You will see this, but you won't see the first house.

Member Michael Morales: The reason I ask is because I am just being cognizant of what the lady was saying about her corner area.

Jeffery Brem: Yes. She is this house here. She is the one that is mostly impacted. That is why we are talking to her to try to enhance the buffering with her.

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Planning Director William Pillsbury: We are going to continue this conversation next month I think that, Mr. Chairman I would like to recommend that we keep the hearing open unless there are anymore questions. At this point we are going to do this again next month and hopefully with full answers to the questions that remain and the information that needs to be supplied. Mr. Chairman, I would recommend...

Jeffery Brem: Before you do that Bill, I just want to say that Mr. Migliori, Attorney Migliori is on that issue. I should've brought that up earlier. We are on that issue of access.

Planning Director William Pillsbury: The issue of access?

Jeffery Brem: Correct.

Planning Director William Pillsbury: and onto Mohawk Trail.

Jeffery Brem: Correct. He has been engaged.

Planning Director William Pillsbury: Thank you.

After board consideration, Member Karen Buckley motioned to continue the hearing until the May Planning Board meeting as recommended by the Planning Director, William Pillsbury. Member Michael Morales seconded the motion.

Michael Morales - yes
Carmen Garcia - yes
Bobby Brown - absent
Ismael Matias - absent
Nate Robertson - yes
Bill Evans – yes
Karen Buckley – yes
April DerBoghosian, Esq. - absent
Paul Howard, Chairperson – yes
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 (PBDP-23-2)

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200 Merrimack Street – The Merrimack Street Gateway Renaissance Overlay District:

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

Attorney Russell Channen of 25 Kenoza Avenue addressed the board on behalf of the applicant. I am here with Jonathan Cody who is the manager of Atlantis Investment. This is an application in accordance with the newly created Merrimack Street Gateway Renaissance Overlay District. At the end of my application the creation of the Merrimack Street Gateway Renaissance Overlay District was to encourage smart growth in the downtown core, foster a range of housing opportunities, along with mixed-use development components. This is a situation where my client is seeking to take what we all know as the Casey building and to transform it into 21 residential units with 3 commercial units at the location as well. We have included as part of our application authorizations from all the current owners of the condominiums located at the site which I believe is total of 16. They are all in agreement with this proposal. We are looking to turn this structure into 21 residential units and 3 commercial units on the first floor and the basement. We are also looking to restore the façade of the building to what was shown years ago. As part of our application, we have included a photograph of the façade probably from the 1920s which is something that Jonathan Cody is cognizant about wanting to make sure that as part of the development that he makes sure that not only the insides of the property is maintained but also the outside of the property in the way that will be nice to the downtown. We followed the requirements contained within the code in that it qualifies as a priority project that requires some math work and with did that with Mr. Bridgewater prior to submitting this application. We also met the requirements for parking. I know if somebody looked at that property someone would question where is the parking going to be? As part of the application a site plan at 17-19 West Street which is a property owned by Mr. Cody as well. That property is approximately 500' from the Casey building. There are the required 21 parking spots at the West Street location. That satisfies the 1:1 ratio required under this new section. So again, I am here with Mr. Cody along with Eric Carlstad with Wellesley Design out of the firm that designed and created the plans that we submitted as part of the application. We think this a project was exactly planned for by the creation of this section. and we are happy to answer any questions that the board might have.

Planning Director Pillsbury: You referenced that the building is historic it is actually on the national register of historic places. We that it is my understanding from our conversation that you intend to do a full historic restoration of the façade, including working with the Mass Historic Commission. You have been before the Washington Street Historic Commission (Haverhill Historic Commission at this point).

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Jonathan Cody: Yes, I have met with them. This is actually the oldest building in the historic district, 1856. We have already submitted our packets to the state, and feds for the historical tax credit. We are restoring it back to how it was.

Planning Director William Pillsbury: You have your approval with the historic commission as well?

Jonathan Cody: Yes.

Member Michael Morales: This is a general question, what do you envision for the commercial spaces?

Jonathan Cody: Currently in the building there are 9 separate owners and 16 condos. Wellesley Design, who is on the 4th floor is moving to 1st floor where Essex Management is now. The music studio upstairs he is going down to the corner and the Art Studio is moving downstairs that is upstairs we already have built in tenants.

Chairperson Paul Howard: We have to open it for comments from the public.

Member Michael Morales: You say these are market rate apartments.

Jonathan Cody: Basing my numbers off of St. Joseph's same breakdown of studios and one bedroom. We are averaging \$1,600 for a studio and around \$1,900-\$1,950 for a one bedroom.

Member Michael Morales: Any openings.

Chairperson Paul Howard: Anyone from the public who wishes to speak?

Member William Evans: You are paying him you might as well let him speak.

Eric Carlstaid of 11 Lakeview Avenue addressed the board in favor of this petition. I also work in the building. I want to express my support for this project, the building has served its usual commercial life. I won't be sad to say goodbye to some old building spaces. I have also worked with Jonathan on his other project he has done here in town which is the St. Joseph's Lofts. I have to say working with him he has done everything that he said he would do. He has made a commitment to the community not only to develop housing for our community but to supporting artists for creative Haverhill. He went to the extent of developing with others with our program at St. Joseph's which feature Haverhill artists and historical images from the building and from the city. His work is fantastic, it is very important to the community, and I would advocate your support of this project. Thank you.

Chairperson Paul Howard: Is there anyone else from the public who wishes to speak?

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Seeing none, I am going to close the public portion of the hearing and open it up to comments by the Planning Director.

Planning Director William Pillsbury: The applicant has been doing great projects in the City of Haverhill as you just heard. This one is filed under the Merrimack Street Gateway Renaissance Overlay District which was specially designed...it has flexibility to it, it also created the Heights. It can deal with the historic restoration, or it can deal with the new construction. It is the subzone of the south side of Merrimack Street. We hope this isn't the last building that gets done on the south side of Merrimack Street. Essentially, we have a building re-use 21 residential units and 3 commercial units as I said it is on the National Register of Historic Buildings. They will be rehabbing with full compliance with the historic guidelines. This is a significant property in the downtown. It really bifurcates the Merrimack Street urban renewal area the death of urban renewal stopped, thank God. The historic district was preserved beyond that. This is really a transitional building. This substantial investment in the development with the ongoing revitalization of our downtown. Under the Merrimack Street Gateway Renaissance Overlay District the Planning Board in this case is the plan approval authority. Usually this has been reserved for the City Council. The Planning Board can consider themselves unique in this regard that you do get to be the plan approval authority. We have done 3 now, the Heights, Harbor Place and this one. Do you have a name for this?

Jonathan Cody: The Casey Building.

Planning Director William Pillsbury: If the plan does comply the requirements for the zone the board shall endorse it as a by-right multifamily mixed-use project, under zoning that is very important language. Upon review I believe that the project meets the requirements and standards set forth in the zoning code and I recommend approval. Additionally, the review of the project was made by the city departments and no objections were received. With that I would recommend the approval of the major site plan of the project at the Casey Building with any additional comments being added to the final plans prior to endorsement.

After board consideration, Member William Evans motioned to approve the major site plan project at 200 Merrimack Street/17-19 West Street as recommended by the Planning Director, William Pillsbury. Karen Buckley seconded the motion.

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

Findings of Fact:

- A. The applicant filed the application with the PAA on February 21, 2023
- B. The PAA has conducted a properly convened and advertised hearing on the project.
- C. The Application has been reviewed by the PAA for consistency with the purpose and intent of the MSGROD and such plan review is an as-of-right review and approval process as required by and in accordance with MSGROD and applicable law.
- D. The PAA finds the applicant has submitted all required fees and information as set forth in Sections 255-146 and 255-147 of the MSGROD.
- E. The project and approved plans meet the requirements and standards set forth in the MSGROD, and therefore satisfy the requirements of the MSGROD; notwithstanding any revisions thereof which do not materially vary or substantively conflict with the consistency the project and approved plans and do not materially vary the overall purpose and objectives of the MSGROD, pursuant to the authority in Section 255-149 of the MSGROD.
- F. The PAA finds that the project will not have an extraordinary adverse potential impacts on nearby properties, and that such impacts as the project may have on neighboring properties have been adequately mitigated, and that the project and the approved plans therefore satisfy the requirements of MSGROD.

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.

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

Site plan – 200 Merrimack Street, dated 1.5.23
Proposed site plan – 17-19 West Street dated 1.5.23
Franklin Block Renovations, Floor plans 1.12.23
Letter, Jeffrey Xenakis, 2.16.23
Letter, James B. Collett, 2.17.23
Letter, Diana Nguyen, 2.23
Letter, Faith Marabella, 2.16.23
Letter Theresa and Stephen Boy, 2.16.23
Letter, Emily Boulger, Benjamin Goldbaum, 2.21.23
Letter, Timothy Day, 2.21.23
Letter, David Kres & Richard Rosa, 2.21.23
Letter, Thomas Mortimor, 2.17.23
Letter, Diane Cormier, 3.10.23
Letter, Attorney Russell Channen, Application, 2.21.23
Letter, Attorney Russell Channen, Zoning opinion, 2.21.23
Comment due sheet
Email, William Pillsbury/Lori Robertson, 2.22.23
Letter, Russell Channen, amended application, 3.2.23
Comment due sheet, amended
Letter, Mark Tolman, Board of Health, 4.7.23
Letter, Andrew Herlihy, Community Development Division Director, 4.7.23
Email, John Pettis, City Engineer 4.6.23
Email, Rob Moore, Environmental Health Technician, 3.14.23
Email, Eric Tarpy, Deputy Fire Chief, 3.6.23
Letter, Eric Tarpy, Deputy Fire Chief, 2.28.23
Letter, Thomas Bridgewater, Building Inspector 3.13.23

Scotland Hill Road/Snow Road Definitive Plan:

Member Nate Robertson read the conduct of hearing for public meetings.

Planning Director William Pillsbury: I just want to remind the Planning Board that this a definitive plan that is following on to a prior approval from the City Council. We already have City Council approval of this project for 10 lots and a new roadway. The City Council heard this, approved it and no appeal was taken on that matter. The next requirement is to come with a definitive plan. I am just reiterating planning board 101 because we haven't done many of these. The hearing we will have tonight is on the definitive plan which is actually the roadway and lots and the infrastructure.

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Attorney Paul Magliocchetti of 70 Bailey Blvd. addressed the board on behalf of the applicant. He and his brother purchased this land some years ago, unfortunately his brother died too young. Bob was left with the land, and he is trying to follow through with developing the site. As Mr. Pillsbury said we did get it approved from the City Council and the development is going to be known as Sunset Oaks. It is a 10-lot subdivision, a cluster. Unlike the project on Lake Street this is all upland, there are no wetlands on this site. As you can see with all this greenspace that is all the land that they are donating, and Essex County Greenbelt is involved in that. There will also be a trail system that works its way around. Not only is it all upland, it will be used as natural walkway. It's great space for that purpose, in which we all care about and why we came up with this kind of development to begin with. We are preserving open land and protecting the natural environment. We are protecting the value of the properties in the neighborhood, promoting more sensitive sightings of the buildings as you can see. We are perpetuating the appearance of the city's traditional New England's landscape. We are facilitating the construction and maintenance of streets, utilities and public services. We are offering an alternative to standard subdivision development. I am not going to get too much into the details because we have already gone into an in-depth presentation at the City Council meeting. I am going to say that we have been working with the City Departments throughout for months even before we went to the council, we had countless meetings with the site plan review team. After the City Council we continued to talk with the departments and as you can see you probably have the comments in front of you, they are all positive comments. Everyone is happy with what we have done here. We have been a true partner with the city. So, with that being said I am going to introduce Bill Hall, the engineer that has been working with this. There are three waivers that we are going to be asking for this evening and I am going to let him get into those.

Bill Hall of Civil Design Consultants addressed the board on behalf of the applicant. As Mr. Magliocchetti stated this is a 10-lot subdivision that we went to City Council for because it was approved back in January. The existing site is approximately (inaudible) acres this includes a 50' strip that goes into access Snow Road in this larger parcel on the city line of Haverhill and Methuen. As it exists there is a high point in the southerly portion of the parcel which is up in this area (points to plan). It all more or less drains down into the undeveloped Scotland Hill Road where there is a drainage ditch down there and a culvert that goes across it. When evaluating drainage its pretty much what we do down to Scotland Hill Road, on the other side there are no abutters the whole parcel is surrounded by open space so it's a really good use for the land. It would add to the open space to the cluster development that is next door. This roadway, as I stated is designed to come in off of the 50' strip of the existing Snow Road cul-de-sac. In about 200' in there will be a trailhead with parking area to access the trails that were mentioned. All of these lots are served by water and sewer as shown in the provided

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plans. Stormwater Management is provided in compliance with the city regulations as well as the stormwater handbook that is going through the review as well. We are managing that with a combination of roof drywells where we can and also with the infiltration basin. So, we have roof drywells for all of the downhill lots including one off the end of the cul-de-sac and an infiltration basin in this area, in the northerly portion. Everything has been designed to capture and infiltrate runoff for up to and including the 100-year storm event that is required by both the handbook and the local regulations. The peak runoff of the site is not increased by the development for up to and including that storm event. As was mentioned we are requesting three waivers in order to reduce impacts on the site. The 1st waiver is for dead-end length maximum dead end street length of 800' a road length of 822' is proposed. 2nd waiver is from the requirement for sidewalks on both sides of the road. A sidewalk is proposed on one side of the road. Where we abut open space on both sides and there is no connection to continue any part of the roadway we believe the less impervious the better. Its less impact on the site and smaller storm water basins. We believe that one sidewalk would be appropriate for the number of houses here. Waiver #3-waiver from minimum cover of 6' over sewer lines in a roadway. A minimum of 3' of cover is proposed. The reason for this is when you are coming in off the site, it slopes down and the sewer manhole on Snow Road is fairly shallow and by the time you get to where you open up into the property you have a pretty substantial fill there, even with 3' cover over the sewer main if you had 6' that's another 3' of fill you need to bring on top of that. Everything comes up 3'. It just seems unnecessary for the development. We are providing materials to the City Engineer to show that the pipe that is being used is suitable for that cover. He will be satisfied with what we are providing him.

Planning Director William Pillsbury: You will be able to incorporate that as a comment on the plan.

William Hall: We will be providing the manufacturers specifications that says that 3' under pavement is suitable.

Planning Director William Pillsbury: That will be one of the notes that we would want to see on the plans.

William Hall: It has been reviewed by city staff and there has been minor comments with a handful of notes that we need to add to the plan set. Otherwise, it's a pretty clean review. With that I would like to hand it over to the board and answer any questions that you might have.

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Planning Director William Pillsbury: One thing in particular that needs to be added you are going to be providing residential sprinklers?

William Hall: Yes.

Planning Director William Pillsbury: That needs to be added on the front page of the definitive plan. The actual front cover sheet. So, it's visible to all parties who choose to look at it. From the perspective of any of the other comments "town of Haverhill" needs to be changed to "City". There was no objection raised at all by the City Departments on any of the three waivers.

Member Nate Robertson: I have a question about the open space, is it going to Greenbelt?

William Hall: Yes. The intent would be to have it go to Greenbelt because Greenbelt owns this open space for the development next door as well. It would provide a big contiguous parcel of open space for them.

Member Nate Robertson: That will add to their existing space.

William Hall: What we have is what I believe is a 20-30' strip that they own that directly abuts our access and we would be adding to that.

Member Nate Robertson: Is it the parcels that circle Snow Road?

William Hall: Yes.

Member Nate Robertson: inaudible

William Hall: Greenbelt.

Planning Director William Pillsbury: There is one additional note that we want to make sure...during the City Council meeting there was conversation about...again the water analysis indicates that the water is sufficient pressure at the high point. The conversation at the City Council indicated that if anything changes with the project that is going to have an adverse effect on the booster station that it would be the developer's responsibility to deal with that.

Robert Ferreira addressed the board. I am the owner of the property. I just want to clarify a couple of things. The cluster next door has a 10-acre parcel and a 3-acre parcel that is owned by Greenbelt. There is a trail loop system there to begin with. What we are going to do is incorporate a larger loop system over a mile. I am working with Maggie Brown at Greenbelt. We are providing 2 gravel parking spaces on the 200'

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strip for hikers and mountain bikers to traverse up to the top of the hill and do their loop. As far as the water goes, I too spent money with Wright Pierce to get a water analysis and the study came back positive. The language that was used in there was typical...it passes typical dwelling development. What that really means is 2 ½ baths and if I am to build 4 ½ baths than that language in there I believe is a safeguard because I am going above and beyond a typical dwelling. I have agreed to do that. I have been up in this hill for 35 years and there has been numerous water issues on River Street with the watermain. The water main is being reconstructed from 8" to 12" which is going to help the PSI to the pump station and the pump station has been cleaned out once already because of the sediment of the breaks (brakes) on River Street to provide better flow to the top of the hill. I don't suspect any problems with flow up there, but I do agree to the conditions.

Chairperson Paul Howard: I am just going to open it up to the public. I know there is no public here. I will close the public portion of the hearing and open it up for comments from the Planning Director.

Planning Director William Pillsbury: This is a plan that is coming forward under the flexible development program which has been instituted in the most recent zoning update. There will be 10 lots and a new roadway. The plan has been reviewed by the City Departments and no major objections were raised. The comments we discussed will be incorporated. After review of the definitive plan and input from the City Departments I recommend approval of the waivers and approval of the definitive plan with any of the additional notes being added during the appeal period and prior to the final plan endorsement. As a procedural matter for the board, we will need to have a motion and a second a vote on each waiver first. Once we have (inaudible)

Member Nate Robertson motioned to approve waiver #1- waiver for dead-end length maximum dead end street length of 800' a road length of 822' is proposed. Member William Evans seconded the motion.

Michael Morales - yes

Carmen Garcia - yes

Bobby Brown - absent

Ismael Matias - absent

Nate Robertson - yes

Bill Evans - yes

Karen Buckley - yes

April DerBoghosian, Esq. - absent

Paul Howard, Chairperson - yes

Motion Passed.

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Member Nate Robertson motioned to approve waiver #2- which is from the requirement for sidewalks on both sides of the road. A sidewalk is proposed on one side of the road. Member Carmine Garcia seconded the motion.

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

Member Nate Robertson motioned to approve waiver #3- which is from minimum cover of 6' over sewer lines in a roadway. A minimum of 3' of cover is proposed. Seconded by Member William Evans.

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

Member Nate Robertson motioned for the endorsement of the Morse Avenue.

Planning Director William Pillsbury: Approval not endorsement.

Member Nate Robertson motioned to approve the definitive plan for Scotland Hill Road/Snow Road.

Chairperson Paul Howard: Excuse me, Nate also add in comments from the Planning Director.

Member Nate Robertson motioned to approve the definitive plan for Scotland Hill Road/Snow Road with notes from the Planning Director.

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Attorney Paul Magliocchetti: Clarification Sunset Oaks off of Snow Road and Scotland Hill Road.

Planning Director William Pillsbury: Was that filed with all your filings?

Attorney Paul Magliocchetti: Scotland Hill Road and Snow Road.

Planning Director William Pillsbury: That's how it is being referred to. Love Sunset Oaks.

Chairperson Paul Howard: A little retirement community.

Member Nate Robertson: Stick with the original name?

Member Karen Buckley motioned to approve the definitive plan for Scotland Hill Road/Snow Road with notes from the Planning Director. Seconded by Member Michael Morales.

Michael Morales - yes
Carmen Garcia - yes
Bobby Brown - absent
Ismael Matias - absent
Nate Robertson - yes
Bill Evans - yes
Karen Buckley - yes
April DerBoghosian, Esq. - absent
Paul Howard, Chairperson - yes
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 (PBDP-23-1)

Definitive Escrows: None at this time.

Reminders for expiring definitive escrows: None at this time.

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Endorsement:

Definitive Plan for Morse Avenue (PBDP-21-5): Planning Director William Pillsbury recommended endorsement of the definitive plan for Morse Avenue.

After board consideration Member Karen Buckley motioned to endorse the definitive plan for Morse Avenue as recommended by the Planning Director. Seconded by Member William Evans.

Michael Morales - yes

Carmen Garcia - yes

Bobby Brown - absent

Ismael Matias - absent

Nate Robertson - yes

Bill Evans - yes

Karen Buckley - yes

April DerBoghosian, Esq. - absent

Paul Howard, Chairperson - yes

Motion Passed.

Any other matter:

Meeting adjourned.

Signed:

Paul B. Howard

Paul Howard

Chairperson