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Attachment **

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, February 10, 2021

Place: ONLINE MEETING DUE TO COVID-19

Time: 7:00 PM

Members Present: Chairman Paul Howard
Member Robert Driscoll
Member April DerBoghossian, Esq.
Member Karen Peugh
Member Ismael Matias
Member Karen Buckley
Member Nate Robertson

Members Absent: Member Ken Cram
Member William Evans

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

Approval of Minutes: January 13, 2021
January 13, 2021

After board consideration, Member Robert Driscoll motioned to approve the January 13, 2021 meeting minutes. Member April DerBoghossian, Esq. seconded the motion.

Karen Peugh – yes
Bill Evans – absent
Karen Buckley – yes
April DerBoghossian, Esq.- yes
Kenneth Cram – absent
Nate Robertson- yes
Robert Driscoll – yes
Paul Howard – yes
Ismael Matias - yes
Motion Passed.

**Planning Board Meeting
2-10-21**

Mr. William Pillsbury: Read the conduct of hearings into the record ONLINE VERSION.

Public Hearings:

Zoning Amendment

Please note at the February 10, 2021 ONLINE Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for a zoning amendment.

Planning Director read the rules of public hearing into the record (online version).

Mr. Pillsbury: As a result of going through the zoning ordinance and implementing the zoning ordinance we have encountered several areas that needed to be adjusted (technical changes). There is no substantive changes in any of the things that I am about to go over with you. We are not changing any lot areas, we are not changing any dimensional requirements of substance. We are not changing anything other than just these technical things. I think you will see as I walk through that they are very technical in nature. If you have any questions, we can certainly talk about them. I will go through them as quickly as possible. You have two things in front of you. You have a memo and three page ordinance. If you have both of those in front of you we can quickly go through those. I will go paragraph by paragraph in the ordinance. For purposes of the record I may not read every word but we will be superimposing every word into the minutes by reference. Again, let me get started. If you have any questions you can interrupt me at any point. The first eight paragraphs of the ordinance deal with naming configurations. We are actually correcting a lot of things that we intended to correct but didn't make it into the document.

Paragraph 1/ is the rural special is actually the special rural designation is going to be made to rural special. That will be just a naming configuration.

Paragraph 2/ Very similarly we had something in the past that was called industrial general zone. We are now changing that to the business general zone to mirror what we have with business parks.

Paragraph 3/ There are other special districts in the ordinance that we label as special districts. We are also labeling that as special/overlay district. We are actually bringing in the word to encompass all of the special and overlay districts.

Paragraph 4/ Simple change to the Merrimack Overlay District, we are adding the word gateway. There was a word omitted in error.

Paragraph 5/ Campus development district, same thing a naming configuration change.

Paragraph 6/ The Marijuana zones is changing the name of that in terms of the LMEOZ, creating that designation.

Paragraph 7/ Also, the medical marijuana Overlay zone and the initials MMOD.

Paragraph 8/ And by adding the words water supply protection overlay district and the initials WSPOD in section 2.1.2; and by deleting the words water supply protection district and the initials WSPD in section 9.2 and wherever they may appear and inserting in place thereof the words water supply protection overlay district and initials WSPOD respectively;

I hope that I am conveying the fact they are minor naming configurations in those first eight paragraphs. Paragraph 9&10/were intended to be in the document that the building inspector

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brought forward. One deals with a height restriction of adjoining residential decks. This is obviously a very technical component of the ordinance, but it is something that they run into all the time with the decks being certain amount of feet and compliance with the building code. Number 9 is to bring it into compliance with the building code and to implement a change that was intended to be in the original document. Number 10 is the same thing. We intended to increase the square footage of signage in the business park zone we didn't do that we are doing that now. We are also eliminating in number 10 the word special permit or in paragraph 2 of section 10.1.4 we are eliminating those three words because it was confusing and duplicative. We are taking that out.

Paragraph 11/ deals with filing requirements. We are coming into the modern age and we will be filing our plans electronically and this requires our applicants to do that. The way it reads in the current document still has to deal with paper and this replaces that. Also in number 11 we are moving into the modern age we will probably be having a lot of cars that are electric and rather than just having gas stations we are going to have service stations as opposed to gas stations alone. We are going to need to have...we have an inquiry from Tesla they want to put a service center out in the business park, and we don't allow a gas stations in the business park. We allow service stations. We are correcting a technical wording aspect to allow that to go forward.

Paragraph 12/ deals with a simple error/omission on the part of Mark Bobrowski. The last three pages of the waterfront zoning technical data amendments, how to do it, how to apply, what you have to file. They were just left out. Those had to be added back in. We are adding those back in. We are not changing a word, just adding them back in to the ordinance (section 9.3).

Paragraph 13/ is a number of things with the table. This refers to the table (table 1) parking and use regulations. The letters N and S...there are a series of those that are being corrected. One of which was very obvious was we had no under single family homes in the RS district. We couldn't have an RS district that doesn't allow a single family. It wouldn't make sense. If we did that with every house in the zone it would be non-conforming. Obviously, it is an error – it needs to be a y and not an s. Same with deleting a reference to the Planning Board for 2 families having to go to the Planning Board. It was never configured there in the RH and RU zone, changing that from Planning Board to yes. The rest of them...banks in the CM zone were allowed before for some reason it said “n”. Health Care Services in the BP zone said “n” should say “y”. Lumber/Delivery Service/Hotel/Motel/Construction industry/manufacturing industry/assembly all those types of things were intended to be allowed in various zones for some reason that ended up being “n”. We are correcting the “n” and putting the proper designation in there.

Paragraph 14/ deals with a specific issue with storage containers. City Council had passed an ordinance making the change to 14 brings us into conformance with what the City Council had previously approved.

Paragraph 15/ we create a table of abbreviations. This will let people know what “y” means. It means yes. “N” means no. “BA” means Board of Appeals. “CC” means City Council.

Member Buckley: That's called a key.

Mr. Pillsbury: Thank you. I was deficient in my terminology.

Paragraph 16/ deals with the table of dimensional regulations. We listed an amount of square footage required for a first dwelling. It was very confusing. This was intended to correct that. It didn't get put in, it is getting put in now.

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Lastly paragraph 17/ enforcement section to include the correct references to the zoning code. Those are the changes. They are three pages in length, highly technical and specific of corrections to things that were intended but didn't make it in. So with that Mr. Chairman, I would open it up to the public and to the board for comments/questions.

Chairman Howard asked if anyone from the public who wishes to speak (he asked numerous times)?

Hearing none, we will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury: It was the will of the City Solicitor that we go through the very formal process of doing this. There is a certain limitation of how much you can call a Scribner's error and just change it without going back to the City Council We are going back and bringing these things back. My whole purpose and intent of how we laid this out is to make sure that the Council understands that these are only technical changes. We are not changing anything that was substantive, contentious, problematic in the original application of these zoning changes. I want you all to know that this is technical and straight forward as it gets. I would appreciate a favorable recommendation to the city council on the package.

Member Karen Buckley motioned to make a favorable recommendation to the City Council as recommended by the Planning Director, William Pillsbury. Member Nate Robertson seconded the motion.

Chairman Paul Howard-yes
Member Robert Driscoll-yes
Member Ismael Matias-yes
Member Kenneth Cram-absent
Member Karen Buckley-yes
Member Karen Peugh-yes
Member Nate Robertson-yes
Member April DerBoghosian, Esq.-yes
Member William Evans-absent

Motion Passed.

attached as part of the record of the meeting tonight
Memo from William Pillsbury 2-8-21
Municipal Ordinance relating to zoning (3 pages)

Definitive Escrows:

Carrington Estates Phase I & Phase II:

No Reduction recommended.

No vote was taken.

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Scotland Heights Escrow:

Please be advised at the Haverhill Planning Board meeting held on 2-10-21 at 7:00 pm ONLINE due to Covid reviewed the request to endorse the extension 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 the performance guarantee is February 8, 2022. The Planning Director recommended that the Planning Board vote to endorse the extension agreement. It was noted, that the developer must record the extension agreement at the Registry of Deeds and provide proof of said recording to the Planning Office for its file.

After board consideration, Member Robert Driscoll motioned to endorse the above cited agreement and the developer provide the Planning Office with a recorded copy of said agreement as required. Member Nate Robertson seconded the motion. All members present voted in favor. Members absent: Ken Cram and Bill Evans. Motion Passed.

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

Escrow Materials

Reminders for escrow: None at this time.

Form A Plans: Snow Cassell, LLC for 33-35 Eighth Avenue:

Member Karen Buckley motioned to endorse the Form A for 33-35 Eighth Avenue. Seconded by Member Robert Driscoll. All members present voted in favor. Member absent: Ken Cram and Bill Evans.

Endorsement: None at this time.

Any other matter:

Meeting adjourned.

Signed:

Paul Howard
Chairman

File 10 days

8.3



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDINANCE

MUNICIPAL ORDINANCE

CHAPTER 255

AN ORDINANCE RELATING TO ZONING

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Zoning, as amended, be and is hereby further amended as follows:

① By deleting the words "Special Rural" and the initials "SR" in section 2.1.1 and wherever they may appear in reference to zoning districts, and, by inserting in place thereof the words "Rural Special" and the initials "RS", respectively; and

② By deleting the word "General" and the initials "IG" in section 2.1.1 after the word "BUSINESS" and wherever they may appear in reference to zoning districts, and, by inserting in place thereof the words "Business General" and the initials "BG", respectively; also, by deleting the word "industry" or "industrial" wherever they may appear and by inserting the word "business" in place thereof; and

③ By deleting the words "Special Districts" in section 2.1.2 and wherever they may appear in reference to zoning districts, and, by inserting in place thereof the words "Special/Overlay Districts"; and

④ By deleting the words "Merrimack Street Overlay District" and the initials "MSOD" in section 2.1.2 and wherever they may appear in reference to zoning districts, and, by inserting in place thereof the words "Merrimack Street Gateway Renaissance Overlay District" and the initials "MSGROD", respectively; and

⑤ By deleting the words "Campus Development District" and the initials "CCD" in section 2.1.2 and wherever they may appear in reference to zoning districts, and, by inserting in place thereof the words "Campus Area Development District" and the initials "CADD", respectively; and

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By adding the words "Licensed Marijuana Establishment Overlay Zone" and the initials "LMEOZ" in section 2.1.2; and

By adding the words "Medical Marijuana Overlay Zone" and the initials "MMOD" in section 2.1.2; and

By adding the words "Water Supply Protection Overlay District" and the initials "WSPOD" in section 2.1.2; and by deleting the words "Water Supply Protection District" and the initials "WSPD" in section 9.2 and wherever they may appear and inserting in place thereof the words "Water Supply Protection Overlay District" and the initials "WSPOD", respectively; and

By deleting the words "which are not over four feet above the average level of the adjoining ground," in section 4.2.4, and, the words "and under four feet in height," from Note 8(B) in Table 2: Table of Dimensional and Density Regulations; and

By deleting the number "80" in section 6.2.9(1)(b) and by inserting the number "120" in place thereof; and

By adding the following:

"6.2.12 General Filing Requirements

Notwithstanding any other filing requirements provided for herein as to petitions, applications or other requests pursuant to Chapter 255, petitioners or applicants shall file electronically using the electronic filing methodology as provided for from time to time by the City Clerk. In addition, petitioners or applicants shall file one paper copy of all plans with the designated office."; and

By deleting the word "gasoline" in section 9.3.7(6), 9.5.6(6), 11.1 - AUTOMOBILE SERVICE STATION, and, 11.1 - SELF-SERVICE GASOLINE STATION, and by inserting in place thereof the word "fuel"; and in H.1. of Table 1: Table of Use and Parking Regulations by deleting the word "gas" and by inserting in place thereof the words "fuel/service"; and

By adding the attached sections 9.3.18 - 9.3.23 to Section 9.3 Waterfront District; and

- Table 1: Table of Use and Parking Regulations:

A.1. One family detached dwelling - Delete "N" under RS and insert in place thereof "Y"; and

A.2. Two family dwelling - Delete "PB" under RH and RU and insert in place thereof "Y"; and

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E.2. Bank and other financial institution - Delete "N" under CM and insert in place thereof "Y"; and

F.5. Health care services - Delete "N" under BP and insert in place thereof "Y"; and

F.11. Lumber and/or building materials sales - Delete "N" under BP and insert in place thereof "Y"; and

I.6. Delivery service and/or parcel post - Delete "N" under BP and insert in place thereof "Y"; and

I.15. Hotel or motel - Delete "N" under BP and insert in place thereof "CC"; and

J.4. Construction industry, including suppliers - Delete "N" under BP and insert in place thereof "Y"; and

J.5. Manufacturing, assembling and/or processing of manufactured products - Delete "N" under CH and insert in place thereof "Y"; and

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K.21. Delete line in its entirety and insert in place thereof "K.22. Storage containers and structures, subject to compliance with section 3.2.4", "Y" in all districts and "None" under PC; and

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At the beginning of Table 1 add the following: "Tables of Abbreviations: Y = Yes; N = No; BA = Board of Appeals; CC - City Council"; and

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- Table 2: Table of Dimensional and Density Regulations:

Under District RH and after the words "All other multifamily dwellings - First dwelling unit delete the figure "40,000" and insert in place thereof the figure "10,000"; and

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Also, Chapter 1-16, as amended, is hereby further amended by deleting "Chapter 255, Article VII" and by inserting "§255-6.2" in place thereof; by deleting "§255-69" and inserting "§255-10.1.8" in place thereof; and, by deleting "§255-72" and inserting "§255-10.1.5" in place thereof.

APPROVED AS TO LEGALITY:

City Solicitor