

**HVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, November 13, 2019
Place: City Council Chambers, Room 202
Time: 7:00 PM

Members Present: Member Robert Driscoll
Member Alison Colby-Campbell
Member Kenneth Cram
Chairman Paul Howard
Member Karen Peugh
Member Nate Robertson

Members Absent: Member Bill Evans
Member April DerBoghosian, Esq.

Also Present: William Pillsbury, Planning Director
Lori Robertson, Head Clerk

Approval of Minutes: October 9, 2019

October 9, 2019

After board consideration, Member Robert Driscoll motioned to approve the September 11, 2019 minutes. Member Alison Colby-Campbell seconded the motion. Members Nate Robertson – yes
Karen Peugh – yes
Bill Evans – absent
Karen Buckley – yes
April DerBoghosian, Esq.- absent
Kenneth Cram – yes
Alison Colby-Campbell- yes
Robert Driscoll – yes
Paul Howard – yes
Motion Passed.

Member Karen Peugh: Read the conduct of hearings into the record.

Public Hearings:

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Street Acceptance Delray Drive:

Please note at the November 13, 2019 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation for a street acceptance for Delray Drive.

Member Peugh read the rules of public hearing into the record.

Mr. Pillsbury stated the applicant has requested that the above street to be accepted by the City. This roadway was built pursuant to an approved definitive plan. The City Engineer has reviewed the project and determined it to be complete and in conformity with the definitive plan and recommended that the bond be reduced to zero.

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 my recommendation is a favorable conditional recommendation to City Council.

Member Karen Buckley motioned to make a favorable conditional recommendation to the City Council as recommended by the Planning Director, William Pillsbury. The condition being the inclusion of all the comments/letters from city departments. Member Alison Colby-Campbell seconded the motion.

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

Zoning Amendment Watershed Protection:

Please note at the November 13, 2019 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for a zoning amendment to the watershed protection ordinance.

The Planning Director read the rules of public hearing into the record.

Mr. Pillsbury stated this minor zoning amendment seeks to clarify the watershed protection. The clarification is to add the words “uncovered and uncontained” making the prohibited uses where covered and contained uses are allowed.

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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 my recommendation is a favorable recommendation to City Council.

Member Karen Buckley motioned to make a favorable recommendation to the City Council as recommended by the Planning Director William Pillsbury, Jr. Member Alison Colby-Campbell seconded the motion.

Chairman Paul Howard - yes

Member Robert Driscoll - yes

Member Alison Colby-Campbell- yes

Member Kenneth Cram-yes

Member Karen Buckley-yes

Member Karen Peugh-yes

Member Nate Robertson-yes

Member Bill Evans- absent

Member April DerBoghosian, Esq. – absent

Motion Passed.

Definitive Plan for South Central Street:

William Pillsbury: This is a small definitive plan to allow a duplex unit to be constructed on an extended stretch of South Central Street. It has been reviewed by the City Departments and some comments have been made which can be incorporated into the final plans prior to final endorsement should the plan go forward this evening.

Mr. William Collins of RAM Engineering addressed the board on behalf of the applicant. The proposal is to extend South Central Street pavement wise. (points out the existing pavement on the plan and the proposed extension-a Form A application has been completed.) We are asking for waivers: No sidewalks- there are no sidewalks on the street now.

Mr. Pillsbury: The recommendation from John Pettis is looking for a sidewalk contribution. If that waiver is granted we would modify that to add the language.

Mr. Collins: Bitumous curb instead of granite curbing. Presently there is no berm on the street. An overhead electric from an existing pole that is across the street. Also lamp-post rather than a street light.

Chairman Howard: Anyone from the public who wishes to speak? Seeing none, we will close the public portion of the hearing and open it up for comments from the Planning Director.

Mr. Pillsbury: This is a small plan to allow one duplex unit to be constructed on South Central Street. There have been no major objections have been received and we have

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comments from the City Engineer not objecting to the plan but wanting to modify some of the waivers. These can be incorporated and brought forward onto the definitive plan prior to endorsement during the appeal period if the board is inclined to do so. I would recommend approval of the waivers as requested with the interjection of the language from the City Engineer. There are comments to each waiver so I would ask that we would go back and reconstruct the waivers with the City Engineers language being incorporated. I would recommend the approval of the waivers as modified by the City Engineer and I would also as a second vote recommend approval of the definitive plan as proposed with all the notes and other changes being incorporated during the appeal period and prior to final plan endorsement.

Chairman Howard: Should we vote on all the waivers at once, Bill?

Mr. Pillsbury: Yes.

Member Robert Driscoll motioned to approve all four waivers with the condition that we interject the language from the City Engineer. There are comments to each waiver so I would ask that we would go back and reconstruct the waivers with the City Engineers language being incorporated. Seconded by Member Nate Robertson.

Nate Robertson – yes
Karen Peugh – yes
Bill Evans – absent
Karen Buckley – yes
April DerBoghosian, Esq.- absent
Kenneth Cram – yes
Alison Colby-Campbell- yes
Robert Driscoll – yes
Paul Howard – yes
Motion Passed.

Member Robert Driscoll motioned to approve the definitive plan with the conditions that any notes or additions being added to the plan during the appeal period and prior to final plan endorsement. Seconded by Member Nate Robertson.

Nate Robertson – yes
Karen Peugh – yes
Bill Evans – absent
Karen Buckley – yes
April DerBoghosian, Esq.- absent
Kenneth Cram – yes
Alison Colby-Campbell- yes

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Robert Driscoll – yes

Paul Howard – 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.

Master Plan Update: Will Cohen and Tim Love from Utile Company gave a detailed presentation that can be found in the Planning Office – Room #201.

Definitive Escrows:

South Central Street Escrow:

Please be advised the Planning Board at its 11-13-19 regular scheduled meeting considered your request to establish the bond amount and endorse the agreement for the above cited development. No lots are to be released until the required funds are submitted along with a properly executed escrow agreement in exchange for the release of said lots from the Form F Covenant for the above cited development. The board reviewed your cited request along with the report dated 11-13-19 from the City Engineer, which is in the established amount of \$60,916.65 that will guarantee the completion of all required work for the lots within the above cited development.

Please note, a properly, executed performance guarantee agreement was submitted and is approved as to form by the city solicitor in the above cited amount in a report from the city engineer dated 11-13-19. Said agreement will be required to be recorded at the Registry of Deeds and recorded copy provided to the board that shows the registry's recording stamp.

After board consideration, Member Robert Driscoll motioned to approve the established amount and endorse the agreement approved as to form by the City Solicitor of 60,916.65 that was recommended by the City Engineer. Seconded by Member Alison Colby-Campbell. All members voted in favor. Members was absent: Bill Evans and April DerBoghossian, Esq. Motion Passed.

West Gile Street Extension Escrow:

Please be advised, the Haverhill Planning Board at its meeting held on 11-13-19 reviewed the request of to reduce the amount being held for completion of work within the cited subdivision.

The board advised that the request was referred to the city engineer. The request was to review the work cited as required; advise if all work cited was completed under the

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approved definitive plan; if the work was completed in accordance with the approvals; and if all required remaining work was listed and if the dollar values were accurate. Please note that Planning Director William Pillsbury, Jr. recommended that the board vote to reduce the account as recommended by the City Engineer in his report to the board dated 11/13/19.

In consideration of the report from the City Engineer, John Pettis, Member Karen Buckley motioned to reduce the amount of \$28,796.00 from the \$74,876.50 balance and maintain a balance of \$46,080.50 as recommended by the city engineer in his report to the board dated 11/13/19. Member Alison Colby-Campbell seconded the motion. All members present voted in favor to reduce the account to the balance of \$46,080.50 as recommended by the city engineer in his report addressed to the board dated 11/13/19. Members Absent: Bill Evans and Alison Colby-Campbell. Motion passed.

As a condition of the board's vote, the **BANK is required** to notify the board that the minimum amount of \$46,080.50 is held for the completion of all remaining work. The account shall not be further reduced or released without formal board approval.

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

- **Escrow Materials**

Augustin Avenue/MacKenzie Way Escrow:

Please be advised, the Haverhill Planning Board at its meeting held on 11-13-19 reviewed the request of Tom Hodgson to reduce the amount being held for completion of work within the cited subdivision.

The board advised that the request was referred to the city engineer. The request was to review the work cited as required; advise if all work cited was completed under the approved definitive plan; if the work was completed in accordance with the approvals; and if all required remaining work was listed and if the dollar values were accurate. Please note that Planning Director William Pillsbury, Jr. recommended that the board vote to reduce the account as recommended by the City Engineer in his report to the board dated 11/13/19.

In consideration of the report from the City Engineer, John Pettis, Member Karen Buckley motioned to reduce the amount \$103,132.00 from the \$128,915.00 balance and maintain a balance of \$25,783.00 which is reduced to 20% of the original value. As stated in the letter from John Pettis, he will not recommend any further reductions until the items above have been properly, completed, per the subdivision regulations. Member Nate Robertson seconded the motion. All members present voted in favor to reduce the account to the balance of \$25,783.00 as recommended by the city engineer in his report addressed to the board dated 11/13/19. Members Absent: Bill Evans and April DerBoghosian, Esq. Motion passed.

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As a condition of the board's vote, the **TREASURER is required** to notify the board that the minimum amount of \$25,783.00 is held for the completion of all remaining work. The account shall not be further reduced or released without formal board approval.

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

- **Escrow Materials**

Form A Plans:

Michelle Larkin for 119 Winona Avenue: It was noted the building inspector commented on 10-31-19 "Lot 1 has frontage 200' area 20,005 s/f, access when pavement is complete." Member Robert Driscoll motioned to approve the Form A plan. Seconded by Member Karen Buckley. All members present voted in favor. Motion Passed.

Douglas Locke, Trustee of ECL Realty Trust for 30 & 34 Fountain Street: It was noted the building inspector commented on 10-31-19 "Lot 1 multifamily area of 5,087 s/f where 40,000 s/f are required; frontage of 42.03' where 100' is required; Lot 1 has access. Lot 2 area of 7,072 s/f where 40,000 s/f are required; frontage of 47.97' where 100' are required and Lot 2 has acces." Member Karen Buckley motioned to approve the Form A plan. Seconded by Mmember Robert Driscoll. All members present voted in favor. Motion Passed.

Endorsement: Lot 8 Curtis Street: No mylar was submitted.

Meeting adjourned.

Signed:

Paul Howard
Chairman