

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, December 13, 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 April DerBoghossian, Esq.
 Chairman Paul Howard
 Member Ismael Matias

Members Absent: Member Nate Robertson
 Member Carmen Garcia
 Member Bobby Brown

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

Approval of Minutes:

October 11, 2023

After board consideration, Member Michael Morales motioned to approve the October 11, 2023, meeting minutes. Member William Evans seconded the motion.

Carmen Garcia – absent
Bill Evans – yes
Karen Buckley – yes
April DerBoghossian, Esq.- yes
Bobby Brown – absent
Nate Robertson- absent
Michael Morales – yes
Paul Howard – yes
Ismael Matias - abstain

Motion Passed.

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Public Hearings:

Street Acceptances: The City of Haverhill seeks a favorable recommendation to the City Council to accept the following as public ways: Augustin Avenue, Ethel Avenue, James Avenue, Joseph Avenue and MacKenzie Way. (109885, 109887, 109888, 109889, 109890)

Please note at the December 13, 2023, Planning Board meeting held at 7:00 pm in the City Council Chambers the board considered the above-mentioned street acceptances.

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

Mr. Pillsbury: Mr. Chairman, I would like to take a moment to explain for the public and for a reminder of the board of what we are doing tonight. We have a number of streets that have proposed to be accepted as public ways. John Pettis, the City Engineer has proposed them. Thank you, John, for coming out. Basically what we have is a number of streets that have been approved by this board and developed and the bond has been closed out many years ago. None of these streets are recent situations. We handle things differently now trying to make sure we get street acceptances before we actually close out of the project. At this point we are doing some catch-up on some of these ones that were not accepted some time ago. The role of the planning board is very limited. Its to make a recommendation to City Council. There is no street acceptance going on tonight. Its basically a recommendation from the Planning Board at some point in time, positive or negative, conditions. Whatever the recommendation is, to go to the City Council then the City Council has their hearing which actually happens to be this coming Tuesday night, December 19th. Tonight's action is to make a recommendation to Council and Council can choose to accept that recommendation and they will act on that (checked the audience for what hearing they were here for tonight). The hearings will start with are Augustin Avenue, Ethel Avenue, James Avenue, Joseph Avenue and MacKenzie Way.

John Pettis, City Engineer addressed the board. As Bill said we have been doing this awhile. We are trying to catch up to get streets that are built to our standards that have never been accepted to get them accepted. It helps us with our Chapter 90 money, the money that we get from the state for paving our roads. The more miles of roads that we have accepted, the more money we get from the state. Again, these are typically what we are already maintaining. It's kind of money that we are losing out on. It happens to be a lot of work for my office to pull all this together, as well as the Planning Office determining that these were built to our standard per our definitive plan. I will start with Ethel. Basically the 11x17 I gave everyone...everything you see in yellow is considered right now a private way. The ones in tan are city roads and down below you can see River Street which is in green and

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that is state road. Ethel Avenue is basically what the limits of what you see there in the yellow is what we are looking to accept. Typically, we accept a road from end to end, Ethel Avenue is a little bit different on the left hand side of your sheet, Ethel Avenue continues on and turns right into someone's driveway so...we are not looking to accept the area in someone's driveway, its before the driveway.

Fletcher Fluentes of 26 Ethel Avenue addressed the board. My question is Joseph Avenue ever going to be connected?

John Pettis: Not that I know of.

Fletcher Fluentes: My next question is this area of Ethel Avenue, my house sits right here. Is there anyway that can be deeded to me or given to us? How would I go about getting that?

John Pettis: For the property to become yours that part of the road would have to be discontinued. What happens with a discontinuance is the abutters on each side get to the centerline.

Fletcher Fluentes: Thank you.

William Pillsbury: No other questions about anything I would ask if there are any questions.

Chairman Paul Howard: I would close the public portion of the hearing and turn it over for comments from the Planning Director.

John Pettis: Am I talking about the other ones afterwards?

William Pillsbury: I don't think there are any questions about any of them.

John Pettis: I just want to add one thing. It came to our attention going through this procedure we received a call to our office. The little section you see in green off of Ethel at the lower part of Joseph Avenue on a definitive plan that was shown as...that was paved as part of when Ethel was paved because of a fire turnaround. Talking to our City Solicitor now the cleanest part because this property is still a private way we can't ordinance the fire turnaround there. The only way we can do it is by accepting that small section. I would ask as part of your recommendation to also accept the bottom lower 40' of Joseph Avenue.

William Pillsbury: Is that currently paved?

John Pettis: It is. It's already improved.

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William Pillsbury: Its improved and acting as a turnaround already, we just have to make it legal.

John Pettis: Yes, so we can post and enforce it.

William Pillsbury: With that, Mr. Chairman I would recommend a favorable recommendation to the City Council for the street acceptances for: Augustin Avenue, James Avenue, Joseph Avenue and MacKenzie Way as presented by the City Engineer. Also, Ethel Avenue with the extension of the area shown in green (you are going to show this to the Council? John Pettis: I am.) as part of the existing fire turnaround that would be added to the acceptance meets and bounds description that will be presented to the Council. I would ask for a favorable recommendation on that.

After board consideration, Member Karen Buckley motioned to forward a favorable recommendation to the City Council as recommended by the Planning Director, William Pillsbury. Member Michael Morales seconded the motion.

Member Michael Morales-yes

Member William Evans- yes

Member Bobby Brown - absent

Member Carmine Garcia- absent

Member Ismael Matias- yes

Member Karen Buckley - yes

Chairman Paul Howard - yes

Member April DerBoghossian, Esq.-yes

Member Nate Robertson-absent

Motion Passed.

City department reports are attached to and considered part of this board's decision and notice of decision. Any appeal of this board's decision and notice of decision shall be taken in accordance with M.G.L. Chapters 40A and 41 within twenty (20) days of the board's filing of this decision/notice of decision with the city clerk.

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

Online filings: (109885, 109887, 109888, 109889, 109890)

Street Acceptance: The applicant/owner seeks a favorable recommendation to the City Council to accept the following as a public way: O'Leary Way. (110726)

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Please note at the December 13, 2023, Planning Board meeting held at 7:00 pm in the City Council Chambers the board considered the above-mentioned street acceptances.

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

TJ Melvin of Millennium Engineering addressed the board on behalf of the applicant. We are on for January 9th at the City Council. This was a subdivision that was approved by the board in 2020-2021 at this point the developer has completed the construction of the roadway, drainage system and as Mr. Pillsbury mentioned we requested the bond to be zeroed out. I know that the City Engineer hasn't relayed any comments or issues to us at this point. With that I would be happy to answer any questions that you may have.

Chairman Paul Howard: Does anyone from the public wish to speak? If there are no other comments we will close the public portion of the hearing and open it for comments by the Planning Director.

William Pillsbury: This is a recommendation for January 9th City Council hearing and again, I would recommend a favorable recommendation to the City Council for street acceptance. This is one that has gone smoothly and well. This board approved it, the work got done and inspected and we believe it was completed to the satisfaction of the definitive plan. We move now to have that street accepted and would accept a motion to accept the street. A favorable recommendation.

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

Member Michael Morales-yes

Member William Evans- yes

Member Bobby Brown - absent

Member Carmine Garcia- absent

Member Ismael Matias- yes

Member Karen Buckley - yes

Chairman Paul Howard - yes

Member April DerBoghossian, Esq.-yes

Member Nate Robertson-absent

Motion Passed.

City department reports are attached to and considered part of this board's decision and notice of decision. Any appeal of this board's decision and notice of decision shall be taken in accordance with M.G.L. Chapters 40A and 41 within twenty (20) days of the board's filing of this decision/notice of decision with the city clerk.

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

online filing (110726)

O'Leary Way Escrow:

The Haverhill Planning Board at its 12/13/23 meeting held on Wednesday evening at 7:00 pm reviewed the request to reduce the account to a zero balance in return for the completion of all work.

Economic Development/Planning Director William Pillsbury, Jr. advised the board members to reduce the account to a zero balance as recommended by the City Engineer. The City Engineer recommended the board reduce the account to a zero balance.

In consideration of the City Engineer's recommendation (email) dated 12.1.23 Member Ismael Matias motioned to reduce the account to a zero balance for the O'Leary Way escrow. Seconded by Member April DerBoghossian, Esq. All members present voted in favor. Members Absent: Bobby Brown, Carmen Garcia and Nate Robertson. Motion Passed.

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

91 Snow Road/Michael Anthony Road Escrow:

Please be advised, the Haverhill Planning Board at its meeting held on 12-13-23 reviewed the request of Steven Hatem 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 11.16.23.

In consideration of the report from the City Engineer, Member William Evans motioned to reduce the amount \$280,856.68 from the \$820,557.43 balance and maintain a balance of \$539,700.75 as recommended by the city engineer in his report to the board dated 11.16.23. Member April DerBoghossian, Esq. seconded the motion. All members present voted in favor to reduce the account to the balance of \$539,700.75 as recommended by the city engineer in his report addressed to the board dated 11.16.23. Members Absent: Nate Robertson, Carmine Garcia and Bobby Brown. **Motion passed.**

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As a condition of the board's vote, the **BANK is required** to notify the board that the minimum amount of \$539,700.75 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:

- King Davis Properties-MA, LLC for 38 Kenoza Avenue (PBFA-23-11) Member William Evans motioned to endorse the Form A for 38 Kenoza Avenue. Seconded by Member April DerBoghossian, Esq. All members present voted in favor. Motion Passed.
- JCG Investments, LLC for 94 Gile Street (PBFA-23-12) Member Michael Morales motioned to endorse the Form A for 94 Gile Street. Seconded by Member Ismael Matias. All members present voted in favor. Motion Passed.
- 8 Arch Avenue Trust for 8 Arch Avenue (PBFA-23-13) Member William Evans motioned to endorse the Form A for 8 Arch Avenue. Seconded by Member April DerBoghossian, Esq. All members present voted in favor. Motion Passed.
- City of Haverhill/Lupoli Companies for 86 Merrimack Street & 1 Haverhill Place (PBFA-23-14) Member William Evans motioned to endorse the Form A for 86 Merrimack Street & 1 Haverhill Place. Seconded by Member April DerBoghossian, Esq. All members present voted in favor. Motion Passed.
- City of Haverhill/Lupoli Companies for 86 Merrimack Street, 5 Merrimack Street & 1 Haverhill Place (PBFA-23-14) Member William Evans motioned to endorse the Form A for 86 Merrimack Street, 5 Merrimack Street & 1 Haverhill Place. Seconded by Member April DerBoghossian, Esq. All members present voted in favor. Motion Passed.
- Procopio Companies for 31-35 & 19 Railroad Avenue and 236 South Elm Street City Solicitor William Cox recommended endorsement of the Form A plan (no online application/no paper application was filed) City Engineer, John Pettis and Building Inspector Tom Bridgewater reviewed the plan. Member April DerBoghossian, esq. motioned to endorse the Form A for 31-35 & 19 Railroad Avenue and 236 South Elm Street. Member Michael Morales seconded the motion. All members present voted in favor. Motion Passed.

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Endorsement: None at this time.

Any other matter:

Meeting adjourned.

Signed:

Paul Howard

Paul Howard

Chairman