

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, December 14, 2022

Place: City Council Chambers – Room #202 City Hall

Time: 7:00 PM

Members Present: Member William Evans
 Member Bobby Brown
 Member April DerBoghossian, Esq.
 Member Nate Robertson
 Member Karen Buckley

Members Absent: Member Carmen Garcia
 Member Ismael Matias
 Member Robert Driscoll
 Chairman Paul Howard

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

Approval of Minutes:
November 9, 2022

After board consideration, Member Nate Robertson motioned to approve the November 9, 2022, meeting minutes. Member Bobby Brown seconded the motion.

Carmen Garcia – absent

Bill Evans – yes

Karen Buckley – yes

April DerBoghossian, Esq.- yes

Bobby Brown – yes

Nate Robertson- yes

Robert Driscoll – absent

Paul Howard – absent

Ismael Matias - absent

Motion Passed.

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Public Hearings:

Street Discontinuance for the following streets:

The City of Haverhill requests a favorable recommendation to the City Council to discontinue Haseltine Court, Pecker Street Court, portion of Pecker Street (portion between Merrimack Street and Bailey Boulevard/formerly Bailey Street), Saltonstall Court, Masonic Court, Fleet Street, Court Street, City Hall Court, Mechanics Court and Academy Court. (99247,99246,99245,99244,99243,99242,99241,99240,99239,99237)

Please note at the December 14, 2022, Planning Board meeting held in Room #202 City Council Chambers at 7:00 p.m. the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for the discontinuance of the following streets- Haseltine Court, Pecker Street Court, portion of Pecker Street (portion between Merrimack Street and Bailey Boulevard/formerly Bailey Street), Saltonstall Court, Masonic Court, Fleet Street, Court Street, City Hall Court, Mechanics Court and Academy Court.

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

William Pillsbury, Planning Director addressed the board. The City of Haverhill is requesting a favorable recommendation to the City Council on the discontinuance of a number of streets that are basically underneath the Goecke Parking Deck. Because we are selling that Goecke Parking Deck the title company that is looking at it and looking at the transaction wanted us to.... although most of these streets except for two exceptions have already been formally discontinued they want us to do it again. We are going through the bureaucratic step of extinguishing any rights of way that exist. There are still a couple that have easements that have to be cleared up but that will be taken care of before the Council meeting. The hearing tonight is basically to discontinue Haseltine Court, Pecker Street Court, portion of Pecker Street (portion between Merrimack Street and Bailey Boulevard/formerly Bailey Street), Saltonstall Court, Masonic Court, Fleet Street, Court Street, City Hall Court, Mechanics Court and Academy Court. These are all the little streets that ran up and down Merrimack Street and what is now Bailey Blvd. Again, this is being requested by the Attorney's for the title company and with that I would recommend that we send a favorable recommendation to the City Council. Anyone from the public who wishes to speak on this matter? Seeing none, I will close the public portion of the hearing and recommend a favorable recommendation to the City Council on the street discontinuances so that we can clear up any title or potential title issues.

Member William Evans motioned to make a favorable recommendation to the City Council as recommended by the Planning Director, William Pillsbury for the discontinuance of Haseltine Court, Pecker Street Court, portion of Pecker Street (portion between Merrimack Street and Bailey Boulevard/formerly Bailey Street), Saltonstall Court, Masonic Court, Fleet Street, Court Street, City Hall Court, Mechanics Court and Academy Court. Member Nate Robertson seconded the motion.

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Member Robert Driscoll-absent
Member William Evans- yes
Member Bobby Brown - yes
Member Carmine Garcia- absent
Member Ismael Matias- absent
Member Karen Buckley - yes
Chairman Paul Howard - absent
Member April DerBoghosian, Esq.-yes
Member Nate Robertson-yes

Motion Passed.

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

Repetitive Petition for 5-9 John Street: The applicant/owner Jean B. Doresca seeks permission to go back to the Board of Appeals showing specific and material change from the old application on 2/16/22. The new proposal reduces the footprint of building from a side by side two family to a more traditional vertical two-family home with 1 unit on the first floor and the other unit above it. It also reduces the height of the proposed building by 1/2 a story. The number of parking spaces will be doubled for the proposed new lot as well. By reducing the footprint, the variances required will also be reduced. See map:603, block:465, lot:12 (BARP-22-2)

The Haverhill Planning Board at its regularly scheduled meeting held on 12/14/22, Wednesday evening, at 7:00 p.m. in Room 202, City Council Chambers, considered the request of the owner/applicant, Jean Doresca.

Member Karen Buckley: Read conduct of a public hearing into the record.

Attorney Caitlin Masys of Downey Law Group with offices in Topsfield, MA addressed the board on behalf of the applicant. The applicant is seeking to propose a repetitive petition to the Board of Appeals for the subdivision of property on the corner of Franklin Street and John Street. The material change is the design of the proposed structure no longer requiring a front setback variance and also decreasing the footprint of the building itself to try to better comply with zoning laws and seek fewer variances and less relief than previously proposed.

William Pillsbury: Those items were basically part and parcel with the reason for the denial.

Attorney Caitlin Masys: That is correct.

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William Pillsbury: Any questions for the attorney? I will open it to the public. Anyone from the public wish to speak?

Jean Doresca, the petition is for myself. Last time I was here I did not really speak. I wanted to...it is for 5-9 John Street. The deed says 5-9 John Street, its 5-7 John Street because its two apartments apparently there was a house in the back that was broken down years ago. The reason I chose to speak is because there are many reasons that actually make me come back again before the board for a third time. One of the reasons is because I felt what I was asking was not outside of the board approval in a sense where it has been done in my neighborhood. Right now there is a two family like I previously brought to the board, the two family duplex. There is one actually being built on Franklin Street, between Franklin Street and Dustin Street. One has been built on a smaller land than my own.

William Pillsbury: Are you the applicant?

Jean Doresca: Yes.

William Pillsbury: That is your client? Just so the board understands. Maybe I am the only one who didn't.

Jean Doresca: There has been one built right now, and that land is way smaller.

William Pillsbury: I don't want to interrupt you but basically what we are looking at tonight as the Planning Board pursuant to a repetitive petition is fairly limited. Its basically to see whether there is a specific and material change from the previous application which was denied to what you have before the Board of Appeals subsequently. We are about to do that, I think because again, there is a specific and material change present. I think what you have is, now all the things you are telling us are great and important but the proper place for that is at the Board of Appeals meeting when it does occur and when the repetitive petition goes to that board, not this board. I am not trying to discourage you from talking but your attorney has correctly asked for what she needs to have. I just want you to understand that we are not acting on the actual case. We are just allowing it to go back to the Board of Appeals as a repetitive petition.

Jean Doresca: Sounds good.

William Pillsbury: Anyone else wish to speak on the John Street property? Hearing none I will close the public portion of the hearing. The indication from Attorney Masys and the review by the city is that there is a specific and material change. The denial was based on concerns because of density and the footprint of the building. The project was going to be two units side by side. The current application includes a specific and

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material change to include a smaller footprint one on top of the other. More of a traditional two-family configuration. The reduced footprint results in a doubling of the available parking. The plan has been reviewed by the city departments and no objections have been received. With that I would make a recommendation to approve and indicate to the Board of Appeals that there is a specific and material change present and they can proceed to review the repetitive petition.

MOTION

After board consideration Member Bobby Brown motioned to forward this repetitive petition back to the Board of Appeals as recommended by the planning director. Member Nate Robertson seconded the motion.

Member Robert Driscoll-absent
Member William Evans- yes
Member Bobby Brown - yes
Member Carmine Garcia- absent
Member Ismael Matias- absent
Member Karen Buckley - yes
Chairman Paul Howard - absent
Member April DerBoghossian, Esq.-yes
Member Nate Robertson-yes

Motion Passed.

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

Street Discontinuance for a portion of Hale Street from Burke Street and Norfolk Street: Guy Bresnahan requests a favorable recommendation to the City Council to discontinue a portion of Hale Street from Burke Street and Norfolk Street (96935)

Please note at the December 14, 2022, Planning Board meeting held in Room #202 City Council Chambers at 7:00 p.m. the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional recommendation for the discontinuance of the following street Hale Street from Burke Street and Norfolk Street.

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

Guy Bresnahan addressed the board on behalf of the owners Robert and Angela Brown of Broco Energy. I am an employee of Broco Energy. We are seeking your favorable recommendation of our discontinuance petition to the City Council for a meeting later this month. I believe December 20th. I am here to answer any questions that you have

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about our submission. I would like to say that the actual discontinuance was recommended by the City Engineer. We only learned about this parcel which is the unfinished portion of Hale Street behind our property when we went for a fence permit. During the deliberations for the fence permit there was some abutters who had some concerns and we had a meeting with the city about their concerns. The fencing and the gate work that we did at our property was to secure the facility. Members of the board may have learned that about a year ago we had a truck fire under our loading rack. It was very disconcerting and fortunately nobody was injured. We did lose five vehicles in that fire. Thankfully no one was hurt. We had been working with the fire department and other city departments to improve the security around the terminal. People were gathering around that day in December and there was nothing to stop them from walking into a potentially dangerous situation. We have since put up security gates, motion activated security gates at both of our entrances at 168 Hale and at 161 8th Avenue our lower lot. We have connected our property with chain link fencing to those gates. There is an objection that a 35' section of the chain-link fencing which goes up to the property line of the abutters at 29 Burke Street. It was denying them access to the municipal right of way that they had a right to. If you can envision a lot line a corner and a fence going up to the corner, it was designed to keep people from going around the gate and walking through the property. There is a lot of homeless individuals down there, vandalism, different traffic coming through. We did this for very common-sense reasons but then we were told that we were denying the abutters access to property that they had the right to. The abutter at 29 Burke Street has quite a bit of space in the back that they could just walk from their yard into the property. We weren't keeping the abutters out, we were keeping the public and unwanted members of the public out from trespassing and getting on the dangerous railroad right of way. There was for a time a homeless encampment just north of our facility a man was killed there tragically last summer. He was hit by an Amtrak Train. It's no place for people cutting through getting to a homeless encampment. We did it for good reasons and in the process of applying for a fence permit which we still don't have even though the fence is constructed. This whole business for the municipal right of way came to light. As a result he asked if we would consider a discontinuance of the street. It's a 40' section, 240 yards long behind our property between and our property and their property. There are two abutters. If I can give you a visual this is 29 Burke Street, this is the property owner that has two lots on Norfolk Street. This is our offices here and this is the parcel in question. The plan was to divide this parcel evenly between Broco Energy and the two abutters. So what was one property. It is now 1X will become part of Broco, X2 to be Laurence Hinkle and the Verette Family. This was their idea, we said fine. We bore all the costs associated with this, we paid for all the survey, we also agreed to do major landscaping improvements to create more of a buffer between our property where people park and their home. We created a berm area and planted it with I don't know how many bushes and shrubs. We created a concrete retaining wall and improved the property greatly. The fence itself is a tremendous improvement. If you are ever at the bottom of Burke Street you should see how it looks compared to how it looked when it was a mismanaged piece of land. So anyway, we did this and we did this at our expense and just this morning in preparation for this evenings meeting I saw at 7:00 this morning Paul Jessel's with the Wastewater Commission comments. He said he was not going to

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support this petition because within that area we are talking about is a 6" watermain and its pretty much underneath our parking lot. We are aware of it and I had been talking previously to the water department particularly after this fire that we had. We have to get more water at the end of that street. The former water department employee who recently left stated, his name was Glen Smith at a minimum the 6" Hale Street watermain should be connected to the 8" Norfolk Street watermain. A fire hydrant should be located at the end of the watermain at the existing watermain on Hale Street, the unapproved section. The improvement of the watermain on Hale Street, Burke Street and 8th Avenue should be considered with the continue growth of this property, meaning Broco Energy. We want water down there. We have been pushing for it for years. Mr. Jessel's request is that the City be granted an easement for that waterline and any future improvements that they want to make down there. I am here tonight to tell you should you act favorably on our petition and move it forward to the City Council we are willing to do so with the stipulation that we would provide the city with the easement that they are seeking. I just want to make that clear.

William Pillsbury: Excellent, thank you. I will open the public portion of the hearing and I don't see anyone here so I will close the public portion of the hearing. The recommendation would be for a favorable recommendation to the City Council as Mr. Bresnahan stated this was proposed by the City Engineer initially with the condition for the easement created and brought to the City Council and when the street is discontinued that the easement will be represented there. Favorable recommendation to the City Council with the condition to add the easement language between now and the City Council hearing.

Member Karen Buckley motioned to make a favorable conditional recommendation to the City Council as recommended by the Planning Director, William Pillsbury for the discontinuance of Hale Street from Burke Street and Norfolk Street. Member April DerBoghossian, Esq. seconded the motion.

Guy Bresnahan: Point of order on that, would the City be drawing up such an easement?

William Pillsbury: I don't know if you have an attorney but usually the attorney would draw up the easement and submit it to the City Solicitor for review. Your engineer would probably do it with the meets and bounds and the actual location.

Guy Bresnahan: We do have the meets and bounds prepared as part of this process.

William Pillsbury: That would work. It would probably be very easy to generate the easement. If you need guidance through the City Solicitor's Office just let me know.

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Member Robert Driscoll-absent
Member William Evans- yes
Member Bobby Brown - yes
Member Carmine Garcia- absent
Member Ismael Matias- absent
Member Karen Buckley - yes
Chairman Paul Howard - absent
Member April DerBoghosian, Esq.-yes
Member Nate Robertson-yes

Motion Passed.

Member Buckley: Thank you for being such a good citizen.

Guy Bresnahan: Thank you very much for those kind words. We try to be good neighbors.

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

Reminders for expiring definitive escrows:

Scotland Heights Escrow: Reminder letter to be sent.

Form A Plans:

Peter Swartz, Leewood Realty for 60 Newark Street: Member Bill Evans motioned to approve and endorse the Form A for 60 Newark Street. Seconded by Member Nate Robertson. All members present voted in favor. Motion Passed.

Endorsement:

Any other matter:

Meeting adjourned.

Signed:

Paul B. Howard

Paul B. Howard

Chairperson