

**HAVERHILL PLANNING BOARD  
MEETING MINUTES**

**DATE: Wednesday, May 10, 2023**

**Place: City Council Chambers – Room #202 City Hall**

**Time: 7:00 PM**

Members Present:           Member William Evans  
                                  Member Karen Buckley  
                                  Member Michael Morales  
                                  Chairman Paul Howard  
                                  Member Bobby Brown  
                                  Member Ismael Matias

Members Absent:           Member April DerBoghosian, Esq.  
                                  Member Carmen Garcia  
                                  Member Nate Robertson

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

**Approval of Minutes:**

**April 12, 2023**

After board consideration, Member William Evans motioned to approve the April 12, 2023, meeting minutes. Member Michael Morales seconded the motion.

Carmen Garcia – absent

Bill Evans – yes

Karen Buckley – yes

April DerBoghosian, Esq.- absent

Bobby Brown – yes

Nate Robertson- absent

Michael Morales – yes

Paul Howard – yes

Ismael Matias - yes

**Motion Passed.**

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**Public Hearings:**

**Zoning Amendment Old Ferry Road:**

Please note at the May 10, 2023, Planning Board meeting held at 7:00 pm in the City Council Chambers the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to withdraw the request for a zoning amendment on Old Ferry Road.

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

Planning Director William Pillsbury recommended the withdrawal of the request for a zoning amendment on Old Ferry Road. It was withdrawn last night from the City Council meeting.

After board consideration, Member William Evans motioned to withdraw the zoning amendment request for Old Ferry Road as recommended by the Planning Director. Member Ismael Matias seconded the motion.

Member Michael Morales-yes

Member William Evans- yes

Member Bobby Brown - yes

Member Carmine Garcia- absent

Member Ismael Matias- yes

Member Karen Buckley - yes

Chairman Paul Howard -yes

Member April DerBoghosian, Esq.-absent

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:**

Letter, Attorney James Cleary, 5.4.23

Email, Rob Moore, 4.11.23

Comment Due sheet, Building Inspector, 4.11.23

Letter, Attorney James Cleary, 3.34.23

Quitclaim deed

Legal description of land

Plan of land

Assessors plan

Assessors card

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**Definitive Plan for 188 Lake Street:**

Member Karen Buckley read the conduct of hearing for public meetings.

Ian Ainslie from Meisner Brem Corporation addressed the board on behalf of the applicant. I am filling in for Jeffery Brem who you saw last time. He could not be here tonight.

Planning Director William Pillsbury: Just for the record the hearing is still open. This was continued from last month.

Ian Ainslie: Yes. This was continued from I think February 15<sup>th</sup>? I'm sorry April 15, 2023. At the time there were a couple of outstanding issues on this property. It's an 11-lot flexible development that went through City Council. There were a couple of things that came up during the previous hearing. I think the most important was the access through Mohawk Trail. We did prepare an easement plan and that did go before City Council. I don't know if it was approved last night.

Planning Director William Pillsbury: It was approved.

Ian Ainslie: I believe that issue has been resolved. There is an easement now to provide access to the property. We also did some other items that came up in discussions with Rob Moore from the Conservation Commission. Most of what we did was centered around Mohawk Trail up front. We added two gravel parking spaces in the front. We added some post and rail fencing to mark the entrance. We are showing the trail to be widened 10' all the way down the length of the property. We are also showing some revised landscaping in this area in order to provide that access onto the trail. There will also be a sign and map posted there as well to give information to people walking on the trail. That was kind of the main focus of our plan revision since we last were here. I know we have received comments from various departments that I believe are resolved at this point. I don't know if there were any other outstanding issues.

Planning Director William Pillsbury: I know there was some discussion in the City Council about a recreation area.

Ian Ainslie: We did add several benches along the path here.

Planning Director William Pillsbury: Those will all be publicly available?

Ian Ainslie : Yes. Mohawk Trail is a publicly owned right of way, so anybody will be able to go on there and use the trail. The trail exists now, but it will just be improved, widened.

Planning Director William Pillsbury: You do have some waivers that you are proposing?

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Ian Ainslie: Yes, we are requesting one waiver and that is to not do a sidewalk on one side of the street. The main reason for that is because that side is closest to the wetlands so that would provide greater environmental protection by getting rid of that 5' strip the entire length of the road. If you actually look at the layout of the plan almost all of the units are on this side of the street. So there really aren't any units except for the first one that would be served by a sidewalk going all the way up here. That is why we requested the waiver.

Planning Director William Pillsbury: We also have some comments from the City Engineer, did you add his notes to the plan?

Ian Ainslie: Yes.

Planning Director William Pillsbury: Clerk of the Works?

Ian Ainslie: We did do that today. I believe one of them was a Fire Department note.

Planning Director William Pillsbury: Residential sprinklers?

Ian Ainslie: Yes.

Planning Director William Pillsbury: Clerk of the Works?

Ian Ainslie: 28' wide road that the Fire Department requested and a Clerk of the Works basically a construction inspector that would be out there.

Planning Director William Pillsbury: The fact that the road will be accepted at some point.

Ian Ainslie: Yes, it is intended to be a public road as well.

Chairperson Paul Howard: Is there anyone who wishes to speak on this project?

William Bourque of 201 Lake Street addressed the board. I live directly across the street. Again, like I said last meeting I am not against subdivisions, if it was regular subdivision, I would be all for it. I would put signs out for it. Sticking 11 houses in an land area that basically according to the RR zone is suitable for 2 ½ houses. We already have a Danielle Drive there. That didn't work. That is right out behind my house. The issue of not putting a traditional subdivision in because they are trying to protect the wetlands according to the application if I am reading it correctly. There's 211,066 square feet of conservation land that is being disturbed. How is that utilizing the best of conservation land. If they did the traditional from what I saw on the original plan I'm sure its changed from the 11 lots from the 12. If it was a traditional subdivision. I think from what they talked about at the City Council meeting they would have to cross a wetland. They didn't want to do a crossing of the wetlands to get out to the upland area out back. That is where most of the dry area is. According to the proposed plan the no build zone is the back of the houses. That is where the no-build zone is. You are not going backwards, you're not going forward, you're not going sideways. From just where the test pits that were done on this land. The test pits were done during the summer of 2022. It's probably the worst drought and heat wave we have had in 100 years. The water table estimates that they are coming up with are based upon that. Under general project information it says it's

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down 20" to the water table. That is during the drought. It's the first time since the 1950's at my parents' house that I ended up buying that the sump hole in the basement dried up. First time in seventy something years. That's what the data is that they are basing this on. So, doing some quick math and I am going by what was brought up. If you do down, the water table is 20" and I think that they said that they had to come up 5' from the water table for the finish floor, that would put 40" above the ground for the basement floor. The existing ground that is out there right now. I have a 25' back yard before he hits the wetlands. You want to go up roughly 8' for the grading to the top of the foundation. It will still give you enough for a window. You are going to grade 8' of fill around the house and then pitch it back to the 25' buffer. The backyard is going to go like this...empty out onto a wetland. I don't know what kind of yard that is but they also stated that it wasn't going to be a Danielle Drive. They are going to market these for \$900,000. I don't know who is going to pay \$900,000 for no yard, it's surrounded by a swamp. You can't add on to it. You can't put a patio, pool, deck, basketball court anywhere on it because there is no room. You are within the no build zone. This is what you are proposing. Just because something is allowable doesn't mean it's a good idea. Last time I made a comment about the trailer park on foundations, basically. I was basically talking about the density not the pictures of the houses, how there sided or anything like that. That's my problem, you are going to look at this and it doesn't fit in the RR zoning. It just doesn't. People made the biggest investments of their lives, and everybody came here to speak and got online to speak about this, all against it. They invested everything in houses in an RR zone. It's 80,000 s/f of zoning for your lot sizes. These are a fraction of that. They are stacked right on top of each other. It doesn't fit into according to the criteria the traditional landscape. It doesn't meet it, it just doesn't. It's not going to add to the value of the property or anybody else's property for that matter. It's just a way to get a lot of houses in a very small area without investing in a roadway. Thank you for your time.

Robert Ferreira, a property owner, 91 Snow Road addressed the board. I was before this Planning Board last month. You granted me permission to build 10 houses. I am here in solidarity with the Orso Group. I have followed the Lake Street project pretty close, and I have been in that area for quite a long time. Just to give you an idea, I bought a piece of property that was in the RR zone, 35 years ago. It was 40,000 s/f and I have dreams of building 14 houses. Then city government changed it to 80,000. I guess I lost out there. Then the city government had a cluster where you can preserve open space and give the developer a little bit of a bonus to make the investment. Then we got rid of the cluster and now we have a flexible development 8.4 that the City Council and a lot of people put a lot of hard work into that piece. To make it attractive for homeowners to move to Haverhill because there is no housing. It's not a mystery that there is no housing. The city, state, commonwealth and the country. He has a challenging parcel. The way it looks today, if I had my choice to put 11 beautiful homes in there, I would do it. I don't have any allegiance to the Orso Group. I am not friends with them. We are kind of in competition with each other. I can tell you that I have seen his work. I can assure these property owners that it won't be a Danielle Drive. I can assure you that. He's a man by his word. He does get 900,000 to a million dollars for his houses. I don't know what he will get in Haverhill. I have been here and watching him and no one is supporting him. I just can't believe it. I used to live on Rolling Meadows Lane. It was a beautiful house, Mohawk Trail. If

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someone has a 25-acre parcel and they are willing to make improvements to it and bring in tax revenue to the city which we are going to need because we have schools, a lot of buildings going up, lot infrastructure, water and sewer. We are going to need it. What happens is if you don't approve it everybody's taxes are going to go up. They are going to get taxed out. The elderly are going to get taxed out of the city. They will have to sell their property. That is all I have to say. I will be in front of you next month for endorsement. Thank you.

Fiona Richie of 176 Lake Street addressed the board. My property is immediately in front of the proposed development. The road will curl around my property. I have lived there for 17 years. Again, I echo some of what my neighbors said we moved to community with certain expectations because of the zoning. My biggest concern for our property is the land that is going to be developed is very wet. It's soggy. My husband went around last week taking pictures of the puddles of the land. I understand the developer is sort of making an island by bringing in fill. I think they said 3-5' of fill for the entire area. At this point the property is slightly lower than where my house is. None of it is paved. The driveway, nothing is paved. There are several buildings with roofs but otherwise the land absorbs whatever rainfall comes down and percolates. I am concerned about what happens when you pave that entire area and put roofs. You raise the level, what happens to the water table and the water level around my house. Is my house going to take on water and the other houses that abut the marsh. If so, what recourse do we have. Again, I do agree it might be a Danielle Drive scenario with the houses maybe with nicer looking houses. They are very expensive for that neighborhood. They don't really address Haverhill's affordable housing shortage. I believe someone last week mentioned that Haverhill is developing jobs and there's no housing. I'm pretty sure the kind of jobs that Haverhill is developing right now will not allow people to afford this development. Thank you.

Preston Rowe of 176 Lake Street, that was my wife Fiona, addressed the board. I don't know if I can show this to you, this is a picture of my backyard after a few days of rain. (goes to the board members to show his phone-inaudible). My wife and I sent an email to the City Engineer asking for his opinion on this. We have not heard back from them. I am also concerned about the fact that we are talking about benches and extending the Mohawk Trail. It clearly abuts my land. The last thing I want is more people sitting on benches right outside my backyard where my pool is. It kind of bothers me. It already bothers me that we are building 11 houses behind our house but the fact that they are now going to put benches abutting my land which I live there for privacy. It's going to get worse. It was also just brought up to me is I think they talked about this is supposed to be public trash pickup. It says right here that it is going to be private. I thought that it was supposed to be public. It shows that it is going to be private.

Member William Evans: Is that an HOA?

Ian Ainslie: The road is intended to be public and eventually be accepted as a town way.

Planning Director William Pillsbury: Can you characterize right now where you are in terms of the process with Conservation? Have you actually gone for an Order of Conditions?

Ian Ainslie: We have filed a Notice of Intent with Conservation. I believe their peer review engineer is reviewing it. We are going to the first Conservation meeting tomorrow night.

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Planning Director William Pillsbury: All of the items related to the storm water management, wetlands and to control the water, puddling and all that.

Ian Ainslie: We have a 200-300 page storm water report of all calculations how it meets the Mass Storm Water Standards. All that will be reviewed by an engineer hired by the Conservation Commission. I will speak to one thing and Cedar Crest has been building homes for a long time. I think they know their market. You can go to Salem, not that far away, Salem, NH and look at many of their projects. I think they are all beautiful. I think there is high demand for them. There's clusters. There are similar projects to this that are fill, small lot development and they are selling. There is a demand for it. I do think they know their market and I do think there is a demand for this based on that.

Chairperson Paul Howard: Can you explain the storm water management regulations and pre and post.

Ian Ainslie: So generally, any work that you do within a 100' of a wetland you need a Conservation Permit. As part of that you have to comply with the Massachusetts Stormwater standards. Now a lot of cities and towns have added more to that, their own city standards. They also have added other scenarios where you are not necessarily conservation, but you are adding impervious area etc. The base state standards kind of focus on 3 main things. One is water quality, to make sure you are not putting pollutants, sedimentation etc. into a downstream wetland or environmental area. The second is groundwater recharge so any existing soil you are now making impervious you have to replace that infiltration that was happening before that you now have replaced with imperviousness. The third is pre vs. post. We look at the predevelopment of the site as it is now. How much rainwater is leaving and after development how much rainwater will be leaving. We look at the rate of that for various storms. We look at a once every 2-year storm, or 10-year storm. We have actually had to go up to a 100-year storm. I believe at the request of the Conservation Commission we have actually looked at...they tried to extrapolate out the future with climate change, kind of what the future effects would be and we did look at a 100 year storm for that too. The basins that are shown on the plan, I believe there are two of them. Those are sized to meet that requirement. The runoff leaving the property based on our calculations will not be anymore than what is leaving right now. Part of that too is, as people have mentioned, it is a wet site that generates a lot of runoff compared to if it was dry sandy site. So, you have something that is wet runoff already. To compare and contrast between the two it is actually smaller because of that.

Chairperson Paul Howard: (inaudible) less of an impact. Any questions from the board?

Member Bobby Brown: I am just curious when we are talking about the drainage, we are talking a lot about the Conservation land as a whole but after hearing the public portion of it. Are the homes that were just spoken about being considered as far as the drainage is concerned. Where will the water be diverted from, so we don't have flooded basements that already live there.

Ian Ainslie: I believe the city has a regulation; basement floor has to be 2' above the ground water table. A lot of cities don't necessarily have that codified. So, we did do that and like I said

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because we are filling up the property, we are filling up higher than what is there now. You do kind of have that sloped gradient coming high up front and going down low in the back so you have that slope to run away from the houses.

Member William Evans: Is this going to remain unseen from the street? The trees are going to stay, you said last meeting?

Ian Ainslie: we do have some screening in the front. There are trees there and the trees are going to stay. We are going to be putting more. There is a berm of landscaping. I would say that it will be less visible than it is now as far as tree buffer. I don't know how tall the trees are and I don't quite know the gradient, it's possible that you can kind of see the tops of the buildings depending on the height of the trees. We are providing more buffering than what is there now.

Member Michael Morales: I guess my concern is for the concerned neighbors would be about the water table and the conservation commission. I would like to see what conservation would say in terms of how this is projected. I think that you are crossing your ts and dotting your is as best as possible, but I do feel that the neighbors particularly the family behind you with their adjacent property and giving all the rain that we have had recently my concern would be if there was any impendment that any drainage um excuse me runoff would have on their property. I am certainly cognizant of everything that is being presented and I am all for the development of myself being a real estate professional I think it would be great however I do have my concerns about being in tight spaces as well. I think the other gentleman raised legitimate concerns about the back yards. The market is going to take care of that. My only concern right now is making sure that the water table is high enough based off even more. How the changes are affecting all the neighbors. I live not too far away there and one of my neighbors had a big problem with flooding in their basement. So, with that being a swamp area I definitely am cognizant about what everyone is saying. That is my only concern.

Chairperson Paul Howard: That is under the prevue of the Conservation Commission. That is why they are required to file a Notice of Intent for this project. Their plans will be presented at the Conservation Commission. They will look at all those things. The applicant explained in the City of Haverhill hires an independent engineer to review all the storm water.

Planning Director William Pillsbury: So, the peer reviewer has been hired?

Ian Ainslie: As far as I know.

Planning Director William Pillsbury: You said there is a hearing tomorrow night?

Ian Ainslie: Tomorrow night.

Planning Director William Pillsbury: Interested parties should be aware that Conservation is going to have a hearing on this.

Ian: I believe it's a zoom.



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Planning Director William Pillsbury: It can be in person as well. If there is a question about when the meeting is just call our office tomorrow and we can make sure people are aware when that Conservation meeting is. The application before them is for a full notice of intent?

Ian Ainslie: Yes.

Planning Director William Pillsbury: You will be going through all the work?

Ian Ainslie: everything.

Planning Director William Pillsbury: I think it's important to point out the status of this project and the role of the Planning Board tonight. The determination about the approval of the project has already been made. That was made by the city council. The City Council held a hearing, all the abutters were offered the opportunity to speak. The City Council in approving the flexible zoning amendment was basically indicating that this type of project is an approval project. It's the type of thing that makes sense to preserve open space and at the same time create opportunities for creating new housing. It's really a trade off on public policy from the perspective of development types. It is a state-of-the-art type of approval that other communities are getting engaged with. This is our second one. I think this is the type of project that we want to be careful with and that's why we have this step of the definitive plan. What we have before us tonight is a definitive plan that basically looks at all the subdivision regulations, all the environmental requirements, all the roadway requirements and puts it all before the planning board for a review of those technical things. Not whether this is a good idea to do the project type of thing. That has already been determined by the City Council at the special permit. A determination has been made by the council that this project is in the best interest of the city. That determination has already been made. Tonight, we are looking at the technical things that deal with the subdivision regulations and the technical standards for roadways and drainage and those types of things. The main purview for anything related to water, drainage and that type of thing falls not with this board but with the Conservation Commission. That is why that is an important step in the process that is going to be fully vetted as this project goes forward. It's an opportunity tonight to look at the roadway, creation of the lots and how this project stacks up against our subdivision standards. Conservation is a side and separate standard that they will be held to as well. For everybody's benefit I want that to be the background. We are not determining whether this is a good idea tonight that's been done previously. The hearing is still open.

Chairperson Paul Howard: Any more questions from the board? Hearing none, I am going to close the public portion of the hearing and open it up for comments from the Planning Director.

Planning Director William Pillsbury: As I indicated just previously that this flexible development plan went before the City Council to create these lots, a new roadway and subdivision known as Mohawk Trail. The plan has been reviewed by the City Departments. The City Department comments are in your packages. The developer has responded to many of the comments that have been raised over the previous month when we first brought it here a month ago. There was as significant amount of comments raised by the city departments, engineer, water/wastewater people and onservation. All those departments have been consulted. The

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easement plan was a result of that, it went before the City Council. The City Solicitor approved that and that was approved by the City Council last night relative to the Mohawk Trail and the usage of that trail. Those comments and conditions of the City Council as well as the departments have now been resolved. With that I would recommend approval of the waiver requested relative to the sidewalk and recommended by the city engineer and approval of the definitive plan as presented with any required notes or final comments being added to the plans during the appeal period and prior to final plan endorsement. We need a motion and second on waiver and on the plan.

Member William Evans motioned to approve the waiver. Seconded by Member Ismael Matias.

Chairperson Paul Howard: Waiver for sidewalk on one side of the street.

Ian Ainslie: Right, there will still be a sidewalk.

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

Member William Evans motioned to approve the definitive plan for 188 Lake Street as stated by the Director will all the notes. Seconded by Member Ismael Matias.

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

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**List of all documents and other exhibits used by the public body during the meeting: Online application (PBDP-23-2)**

**Definitive Plan for Montrose Avenue/4 Newburg Street (aka 5 Newburg Street)/Revere Avenue:**

Member Karen Buckley read the conduct of hearing for public meetings.

Attorney Robert Harb of 40 Kenoza Avenue addressed the board on behalf of the applicant. I am here tonight with the owner and developer and along with him is Chris Melo from Eastern Land Survey and consultant Rob Tersolo. Although the plan itself says it's a definitive plan and as the advertisement says we are really here for you as I used to call in my younger days road developmental approval. These lots and these streets came about in 1910 in a subdivision, and this is the next level since 1910. When Mr. Melo the surveyor comes up and goes through the waivers you may say there are a lot of waivers but most of them not all are related to the fact that the roads are already there and the plan I won't say approved since it was 1910 but it was recorded in 1910. For example, one of the roads is 30' wide. I can't do anything to make it 50'. I can't take land from somebody else to make it wider. The other road is 40'. I am told that the 30' wide road is already a town road taken by the town. I am personally not sure about the 40', and I mention that because the Planning Director at some point is going to ask me are we going to petition the town to make these roads public. Probably not, because one I am told that it is already public. The other one we are only doing a short section of Montrose not the entire road up and down. I haven't verified whether Montrose is public or private. It's been there on paper since 1910. The comments of the City Departments were very reasonable. Nobody was against the plan. I will mention one thing that relates to the 1910 subdivisions there are already houses on this street so when the Fire Department says in the last note of the foot note sprinklers systems in all buildings. We are taking that and contacting Mr. Tarpy. That's new buildings because I can't force the people on the street in existing buildings to have sprinklers. You will note on our plan the developer memorized the note numbers, note 11 on page whatever is we will put sprinklers in the new duplexes.

Planning Director William Pillsbury: That will need to be added on the front page of the definitive plan.

Attorney Robert Harb: Its on the plan but I...

Planning Director William Pillsbury: Just for the record Attorney Harb you are questioning whether it's a definitive plan there is no mechanism for what you refer to in your history lesson of a roadway plans. We did them in the past and they were not legal. From the City's prospective we are doing things legally, the proper way. The definitive plan. When a definitive plan is done when a roadway has to be constructed in front of new lots. That is exactly why it is a definitive plan. We have vetted that with our attorney and our zoning attorney and we believe that is what the subdivision regulations require that this be a definitive plan. That's why it is filed that way.

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Attorney Robert Harb: I understand that but I wanted to give a history lesson because maybe there are some new members and also we are not creating new lots here. Like a normal...

Planning Director William Pillsbury: You are providing access to the lots via that particular subdivision definitive plan.

Attorney Robert Harb: Some of these lots have existing houses. I am not questioning the system I am just trying to do a short history because I am old. So, that's the Fire Department, that's the road question. I talked to Mr. Pettis' the city engineer today and followed up with what we discussed probably at 5:30 was what he submitted after that at 5:34. His comments, he had 4 and I have reviewed them with the developer and we are fine with it. The Clerk's of the Works, the page of the plan if you do grant the waiver of the streetlights he would like a pole on the lots and that is pretty consistent with what he has been suggesting and what you have been doing in the past if you waived the street lights. We talked about the sewer service and storm water and if there are any questions the survey has answer to Mr. Pettis' concerns. They will be addressed at the development review stage. Mr. Pettis was happy with that, so wasn't the developer. Another note that will be changed during the appeal period the plans all have the old City Clerk's name on it. When the plans are all amended and updated, and the appeal period should you grant it they will change the name of the City Clerk. I would like to turn it over to our surveyor to go through the waivers and go through the plan. It's his plan and he has knowledge about it since he drew it. Then we are here to answer any questions that you might have.

Planning Director William Pillsbury: As he is coming up, I think the issue from the Planning Board many of you remember and some newer ones may not have dealt with this yet. Again, we do have situations like this going back to Attorney Harb's history lesson where existing roads are already there and it's not appropriate to have a 54' ROW and not appropriate to have any sidewalks in this area where none exists now. You are basically adjoining a new roadway component to an area that is already pre-existing. We acknowledge that it was there that's why the waivers become appropriate because you are not starting from scratch from the previous projects starting from scratch with a 28' wide roadway with sidewalks etc. When you hear a list of waivers that sounds like it is extensive it is but it's to match the existing conditions.

Attorney Robert Harb: Thank you.

Chris Melo of Eastern Land Survey. We prepared the plans and thank you for inviting me to your definitive plan meeting. I agree with you 100% that's why we are here. As an overview of the project the piece of land that was brought before you with these plans as some utilities in the existing streets. We are fortunate that we have a portable water system in Montrose that runs the length of our property and goes all the way down to River Street. We have a sanitary sewer in Newburg that we will be connecting our services to and we don't have any storm water on the streets that are municipal. There is some storm water up stream on Montrose that goes onto private property. What we propose to do is bring Newburg Street into Montrose, create a T intersection and not connect it to the upper section of Montrose and provide connections to the water line that is already there with a hydrant, bringing some line in and connecting to the existing sanitary sewer system in Newburg and create a storm water system on our new paved

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roadway. 3 catch basins that will intercept the runoff and bring it in a storm water vault. Storage and water quality through a water quality inlet and outlet it on a downstream area. We do have some upstream storm water coming across our site previously developed area that has two private storm water systems on their lots. They outlet to their back property line which is common with ours. The overflow run down the back lot line our grading is such that will continue to do so and will not be impeded. Again, we are lucky to do that because we have a fairly nice slop. We don't have a flat spot that impedes that. That's the overview of what we are doing and why we are here. The reason we are here with substantial with many waivers is that we have a 30' right of way and a 40' right of way as the attorney mentioned on a 1910 plan. We don't have a 50' layout so we cannot build in conformance with your current design standard for a cross section of a roadway that would have sidewalk on either side, grass strip, some type of berm or curbing and a certain width of pavement. What we have tried to do and we have a list of waivers that enumerate these portions of construction is to build a 28' wide strip of paving on both streets. On the 30' strip it is a little tough we have some areas that we have to feather the grading that will intersect with some transition curbs. We are looking to dead end those. We are looking to waive the sidewalks, curbing, grass strip, underground utilities and the geometry in the centerline intersection where we have existing we will call them paper streets if that pleases the director. They have a current construction grade although they are not built or paved they are passable if the trees weren't there. We hope to maintain those grades because we have abutting properties that we don't control and the grade works with the design with the existing slopes to allow the construction in a manor that will be least detrimental to the abutting edges. So with that being said would you like me to go through the list that we have would you like me to go through the list that we have?

Planning Director William Pillsbury: I think the board has the list. They have all been reviewed by the city department's and recommended for the entire list of waivers.

Chris Melo: I would be happy to answer any questions for the reason for the waivers that we are requesting through the chair if you would like. Other than that, I would be happy to answer questions. Thank you very much.

Chairperson Paul Howard: Is there anyone who wishes to speak on this project?

Kevin Lynch of Montrose Avenue addressed the board. My only concern, I actually found out today from City Engineer Pettis that I assumed that the sewers were through the city which they are not. They come into my property and the property next to me is a tank and the runoff is coming the pipe is right at my backyard which is eroding my backyard considerably. The tree roots are extremely visible. When I first moved in the pipes showed about 5" coming out of the ground and now its about 2'. My concern is if this is built, I know he said nothing is going to change but it is going to change. Where is this water going to go that it now currently going into this land, now we are putting a house here so that is my concern. I don't know why I pay an astronomical amount of money for water and sewer bill when the wastewater from the sewer is coming into my property.

Planning Director William Pillsbury: The applicant can rebut that.

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Kevin Lynch: We have spoken. To fix it the city could pipe it right out to River Street. I know there is pipe down on River Street, and again, that costs money and this is the City of Haverhill.

Planning Director William Pillsbury: Again, that is a matter...I would like to hear what the applicant has to say? If we could continue the hearing and let people make comments and then maybe he can rebut several comments at once. Is that okay?

Kevin Lynch: That is fine.

Chairperson Paul Howard: Is there anyone else who wishes to speak? Rebuttal?

Chris Melo: We have spoken about this and...I just want to look real quick. There were two duplexes that were developed I am going to call it up hill on Montrose adjacent to our property, and when those were developed there was a roadway improvement construction plan process in place. I don't believe that went through the definitive. It was some time in the 80's. I could be wrong. The stormwater drainage for those two houses and the extension of that street are a couple of catch basins that were built in the street and piped in to storage vaults on both of these duplex lots. They might be infiltration vaults, or they might be total storage I can't tell by the plan. I am not sure and it really doesn't make much difference to the gentleman's issue. Those storage vaults take the water from the road, possibly from the roof and driveway, they hold it and release it through a smaller pipe at the other end of the back lots lines. Both of these duplexes do that, they discharge at the rear property line which is a stone boundary wall and that is what the design shows and then they run towards River Street along the back property line. That is what they do today and as he mentioned they erode. There are some trees that eroded the roots. That is where the water does go. Our design anticipates that will stay there. We are not looking to fill anything against that stone wall. We have kept our grading away from the current swale that is there so that the water from these two facilities on the uphill lots will continue to have the opportunity to run towards River Street as it does today. We won't exacerbate the issue. We certainly won't be able to solve it either.

Planning Director William Pillsbury: Did John Pettis comment on this or suggested any improvements?

Chris Melo: None that I am aware of at this time.

Planning Director William Pillsbury: I guess I am a little reluctant to hear that we resolved some comments at 5:34 this afternoon when we still have some issues that perhaps should be discussed regarding these issues. Again, the answers are there if John is looking for them.

Attorney Robert Harb: John has looked at it like I said when I talked with him at 5:30 he apologized because of personal things he couldn't get to the plans faster otherwise we could have more details. He said there are solutions that's why in his letter to you he suggested we will handle all this at the definitive not the definitive

Planning Director William Pillsbury: Developmental review.

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Attorney Robert Harb: Developmental review, he has some ideas on how to do it and some of them involve the city spending money as Mr. Lynch mentioned. He just wants to review the calculations and how we calculated what is going on with what the engineer and the surveyor did. He says I can take care of that, we can resolve anything at development review. I said do you want to hold up this plan for that? He said no because we will deal with it at development review. He is basically going to review the calculations and see if there is something the city can do. He would like to form either a partnership or have the city do it. He understands that there are water issues out there before that we are not creating, that are there. All I am saying is he does not feel it is necessary to hold up the plan approval for that. In his response on the cloud is we will deal with that at development review. He has looked at it and he has some ideas. Since I am not an engineer he didn't go through all the details with me but he did say Bob its okay to let this go through. I am not going to hold it up we can address it at development review. He also basically wants to review the calculations. The surveyor says that he has all sorts of calculations. So, we can handle that I believe at development review.

Planning Director William Pillsbury: My only concern with that its not a public hearing process. Again, the abutters are not notified. They would not be in attendance. That is my only concern about that. I know Mr. Lynch I don't know if you have a sense would want to work with the city from that perspective and work with John Pettis to try to resolve this. It would basically be a step prior to the issuance of any building permits. There would be an opportunity to intervene. I think what the city engineer is saying it can be worked out its just not going to be worked out tonight. I guess is the point. That's okay?

Audience: inaudible.

Planning Director William Pillsbury: He did say it was an item that could be worked out during the development review. Which is a very thorough process. Its just not a public process that's the only difference. In this case again if we can work with the good offices of you Attorney Harb to make sure this gets dealt with we can make recommendations tonight to move forward. Again, we will have the opportunity to again before we would endorse the plan to take another look at it as well. Before endorsement we would want to hear from John Pettis, that's what he usually writes in his note. During the appeal period and prior to endorsement.

Attorney Robert Harb: I didn't discuss with him. Is he going to make another comment, Mr. Director because he filed the comment on this and said I will deal with this and work it out at development review. We are not going to development review before the plans endorsed. But I will follow up, I will give you this word, I will follow up with Mr. Pettis and see if he can say something. I don't know what he can say maybe we can have the surveyor...

Planning Director William Pillsbury: He can certainly expand upon his comments. His comment was he can look at it. If he can say I have looked at it and I think it's going to be resolved in this matter that would be information the Planning Board would like to see before endorsement. It's not a condition obviously the plan is approved, and we have to proceed to the requirements to endorse the plan. I just want to make sure that this gets dealt with. I will talk with John as well.

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Attorney Robert Harb: Why don't we both talk to him. I am reading his note, this can be handled during the development review stage. I am not sure he is going to write another comment in the next month.

Planning Director William Pillsbury: What you might not be familiar with is prior to endorsement every department looks at these plans again. My hope was that he could add an additional comment at that time that would take this to a further understanding of where we are.

Attorney Robert Harb: If I could have my surveyor call him with the calculations and tell him that in advance maybe they could have a discussion before developmental review.

Planning Director William Pillsbury: I think that would be very helpful.

Attorney Robert Harb: Okay great we will do that. Thank you.

Joe Blair, 16 Wyoming Avenue addressed the board. I am all for the development. I am at the top of the hill. I have a sump pump in my cellar. The neighborhood is wet. In fact, the city came down yesterday right down a couple of houses down from me and they are putting another basin in. When it rains out their waterfront property. I told them they could sell their house when it rains, they could sell it as waterfront property. The neighborhood is wet. Unfortunately, it comes down from Hadley West. Water runs down the hill. I have one of my neighbors in back of me trying to convince me that water runs up hill to put my sump pump in front of the house and I said no. It is a wet neighborhood. I am for the development.

Chairperson Paul Howard: Is there anyone else who wishes to speak? Seeing none we are going to close the public portion of the hearing and open it up to comments from the Planning Director.

Planning Director William Pillsbury: Again, we have had this plan reviewed by the City Departments. In this new area of roadway it will service two new duplex lots. The lots have received relief from the Board of Appeals previously Attorney Harb and those lots were not that relief was not appealed to this point. What's left to be done is to have the roadway established for these approved lots. With that the plan has been reviewed by the City Departments and no major objections have been received the comments have been resolved and added to your packages for the most part the City Engineer and other departments have no objections to the waivers so with that I would recommend approval of the waivers and I would recommend approval of the plan with any additional notes or comments being added during the appeal period and prior to endorsement. We need a motion on the waivers.

Chairperson Paul Howard: Do we have to do them individually?

Planning Director William Pillsbury: You can do them as one vote. First we need a motion on the waivers.



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Member Michael Morales motioned to approve the waivers. Seconded by William Evans.

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

Member Michael Morales made a motion to accept the plan.

Chairperson Paul Howard: Can we do it as the recommendation from the Planning Director. Approve the definitive plan with additional comments being added to the final plans during the appeal period prior to endorsement.

Member Michael Morales motioned to approve the definitive plan with the comment. Seconded by Member Ismael Matias.

Michael Morales - yes  
Carmen Garcia - absent  
Bobby Brown - yes  
Ismael Matias - yes  
Nate Robertson - absent  
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 filing PBDP-23-3**

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**Frontage Waiver for 5-7 John Street:**

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

Attorney Caitlin Masys of 462 Boston Street, Topsfield, MA addressed the board on behalf of the applicant. Mr. Doresca went before the Board of Appeals and was granted several variances to create a buildable lot on John Street. The Board of Appeals granted a variance for frontage of 66.97' where 80' is required. The role of the Planning Board is to determine that there is adequate frontage for access. Given that the frontage is less than 20' for the difference between what is allowed in the zone and what was approved by the Board of Appeals we ask for your approval.

Chairperson Paul Howard: Since there is no one in the room I will close the public portion of the hearing and open it up for comments from the Planning Director.

Planning Director William Pillsbury: There is adequate access to the buildable portion of the lot via the reduced frontage. The recommendation will be a favorable recommendation because there is adequate access presented in the plan and there are no objections from the city departments. With that I would recommend approval of the frontage waiver for John Street.

After board consideration, Member William Evans motioned to approve the frontage waiver for 5-7 John Street as recommended by the Planning Director, William Pillsbury. Member Ismael Matias seconded the motion.

Member Nate Robertson: absent

Member Bobby Brown: yes

Member William Evans: yes

Member Karen Buckley: yes

Member April DerBoghosian, Esq.: absent

Member Carmen Garcia: absent

Member Michael Morales: yes

Member Ismael Matias: yes

Chairman 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.

**List of all documents and other exhibits used by the public body during the meeting: Online application (PBFW-23-1)**

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**Definitive Escrows: None at this time.**

**Reminders for expiring definitive escrows: None at this time.**

**Form A Plans:**

**25 Kenoza Avenue LLC/Kenoza I LLC for 25 Kenoza Avenue and 31-41 Kenoza Avenue:** Member Michael Morales motioned to endorse the Form A for 25 Kenoza Avenue and 31-41 Kenoza Avenue. Seconded by Member William Evans. All members present voted in favor. Motion Passed.

**Cristian De Leon for 346 Hilldale Avenue:** Member William Evans motioned to endorse the Form A for 346 Hilldale Avenue. Seconded by Member Bobby Brown. All members present voted in favor. Motion Passed.

**123 White Street, LLC for 119-123 & 127 White Street:** Member Michael Morales motioned to endorse the Form A plan for 119-123 & 127 White Street. Seconded by Member William Evans. All members present voted in favor. Motion Passed.

**Endorsement: None at this time.**

**Any other matter:**

**Meeting adjourned.**

Signed:  
*Paul B. Howard*  
Paul Howard  
Chairperson