

HVERHILL PLANNING BOARD MEETING MINUTES

DATE: Wednesday, March 13, 2019

Place: City Council Chambers, Room 202

Time: 7:00 PM

Members Present: Bill Evans, Karen Peugh, Karen Buckley, Robert Driscoll, Alison Colby-Campbell, Paul Howard and Ken Cram

Members Absent: April DerBoghosian, Esq.,

Also Present: William Pillsbury, Planning Director

Approval of Minutes:

February 13, 2019

After board consideration, Member Robert Driscoll motioned to approve the February 13, 2019 minutes. Member Karen Buckley seconded the motion. Members present voted in favor: Paul Howard, Karen Peugh, Karen Buckley, Ken Cram, Bill Evans, Bob Driscoll and Alison Colby-Campbell. Member Absent: April DerBoghosian, Esq.

Motion Passed.

Member Karen Peugh read the conduct of hearings into the record.

Planning Director William Pillsbury Mr. Chairman, we have a request to continue 2 of our hearings tonight.

Public Hearings:

Definitive Plan for Marbles Lane:

It was noted that the applicant's engineer requested a continuance until the April 10, 2019 Planning Board meeting.

After board consideration, Member Robert Driscoll motioned to continue until the April 10, 2019 Planning Board meeting at 7:00 pm in the City Council Chambers. Member Alison Colby-Campbell seconded the motion. Members present voted in favor: Paul Howard, Karen Peugh, Karen Buckley, Ken Cram, Bill Evans, Bob Driscoll and Alison Colby-Campbell. Member Abstained: Member Absent: April DerBoghosian, Esq.

Motion Passed.

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

- Letter of continuance, March 7, 2019

Definitive Plan for Gile Street (Zachary Heights):

Please be advised, the Haverhill Planning Board at its meeting held on 3/13/19 at 7:00 p.m. in the City Council Chambers continued the above cited definitive plan to the April 10, 2019 meeting. It was noted that the board received a request to continue until the April 10, 2019 Planning Board meeting from the applicant's engineer on March 13, 2019.

After board consideration, Member Bill Evans motioned to continue the hearing to the April 10, 2019 Planning Board meeting at 7:00 pm in the City Council Chambers. Member Alison Colby-Campbell seconded the motion. Members present voted in favor: Karen Peugh, Karen Buckley, Bill Evans, Alison Colby-Campbell, Bob Driscoll, Ken Cram and Paul Howard. Members Absent: April DerBoghosian, Esq. **Motion Passed.**

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

- Letter of continuance, 3-13-19

Definitive Plan Modification for Emma Rose:

The Haverhill Planning Board at its meeting held on 3.13.19, Wednesday evening at 7:00 pm in the City Council Chambers heard the above mentioned definitive plan modification. Member Karen Peugh read the rules into the record. The audience was also made aware that they could leave their name and address with the clerk if they wanted to be notified of any appeal filed for any of the public hearing projects acted upon this evening. If they choose to leave their name with clerk, the Planning Department would notify them if any appeal were filed so they could keep track of this action.

Attorney Michael Migliori, 14 Essex Street addressed the board on behalf of the applicant. Although we were not present at the last meeting. We have worked out the issue with the swales to the satisfaction of the neighbors and City Departments.

Mr. Pillsbury: There was a fairly active correspondence with Mr. Palmisano and the residents. They had expressed concerns of residents via letters that we had received. The board wanted to make sure there was a response to those. There was a response. I am not sure if there are any abutters here tonight. That would satisfy the concerns that we were dealing with last month.

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Attorney Migliori: It is my understanding and belief that we addressed and resolved all of those issues that they had and also the City Department, in particular the Conservation Commission had some issues with...

Mr. Pillsbury: I am trying to separate the issues the update from last month is complete and you can proceed with the hearing on the modification.

Attorney Migliori: With that I will turn it over to Steve Sawyer from Christiansen and Sergi.

Steve Sawyer of Christiansen and Sergi addressed the board on behalf of the applicant. Originally this was a subdivision with the road pushing through to the back property line. It was modified to shorten that up with two lots at the end. As part of the process this area zoning was amended to be changed to be like the remainder of the roadway. We are increasing the density to two additional lots that conforms to the current zoning. We met with the City Engineer, Fire Department with two technical review meetings to run through. One issue was how to handle the end of the cul-de-sac. Conservation wanted to push it straight through and remove the entire cul-de-sac. Fire wanted the cul-de-sac to remain. We ended up with a third version with a small bulb here to provide parking. These neighbors here, is a fairly tight front yard, the swales were constructed to the original plan but what we did was pull...they will get additional green space in their front yard. It's a very subtle swale in the original design. The swale does pick up the water and directed around to the catch basin eventually into the infiltration system here. Instead of a hammer head we did a full cul-de-sac that meets regulations, a turning radius for a fire truck and instead of two lots there are four lots. Originally we tied the right away around. The main reason we continued last time was because the details of the cul-de-sac and swale. They were both addressed to the satisfaction of engineering and conservation. We did receive approval from Conservation. It's a modification to that end of the subdivision out there.

Chairman Howard: Is there anyone from the public who wishes to speak in favor? Against? Seeing none, we will close the public portion of the hearing and turn it over to comments from the Planning Director.

William Pillsbury, Planning Director: The applicant seeks to modify a previously approved definitive plan to add two additional lots. The applicant has received approval of a rezoning of the area to allow this modification to proceed. The applicant has responded to the concerns raised last month and satisfied them with the abutters and to the satisfaction of the city. The plan has responded to the concerns raised last month and satisfied them with the abutters and the satisfaction of the city. The plan has been reviewed by the City Departments and several issues had been raised. These issues have been resolved now allowing the project to move forward. As such I recommend approval of the definitive plan modification with any notes or comments being incorporated into the final plans during the appeal period and prior to the final plan endorsement.

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Member Robert Driscoll motioned to approve the definitive plan modification with the conditions stated by the Planning Directors recommendation. Seconded by Member Bill Evans. All members present voted in favor. Members present: Karen Peugh, Bill Evans, Karen Buckley, Kenneth Cram, Alison Colby-Campbell, Robert Driscoll and Paul Howard. Members Absent: April DerBoghosian, Esq. **Motion Passed.**

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

Form F Covenant

Form D-1

Form D

Form C

Letter, Christiansen and Sergi, 2-26-19

Abutter, Tom Hollow, 2-27-19

Email, Larry Palmisano, 3-13-19

Email, William Pillsbury, 2-11-19

Email, William Pillsbury, 2-11-19

Continuance letter, 2-14-19

Email, Michael Migliori, 2-6-19

Email, Michael Migliori, 2-7-19

Letter, Wastewater Department, 3-13-19

Letter, Water/Wastewater Department, 2-11-19

Letter, Building Inspector, 3-12-19

Letter, Fire Department, 2-28-19

Letter, Conservation Department, 3-8-19

Letter, Water/Wastewater Department, 1-22-19

Letter, Fire Department, 1-29-19

Letter, Conservation, 1-30-19

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Frontage Waiver for 33 Dale Street and Lots 62-65 Booth Street:

Attorney William Faraci, Crosby Street, Extension addressed the board. This is a long standing family matter. These lots were bought all together in the early 1920's. Since that time there has been various estates and transfers that were giving off to various members of the Campana Family. They got together wanting to do something with the property. They received variances for frontage specifically on both Dale and Booth. On Dale Street the frontage is actually has been doubled because the existing house on Dale Street has two lots and we are adding the two beside it. On Booth Street the four lots are as they have been. Both streets are paved.

Chairman Howard asked if anyone would like to speak on this project? Hearing none, I will close the public portion of the hearing and turn it over to comments from the Planning Director.

William Pillsbury, Planning Director: This plan received approval for frontage variance and no appeal has been taken. The role of the planning board in acting on the frontage waiver is to ensure that there is adequate access provided to the site from the reduced frontage. The review of the plan indicates that the adequate access exists via reduced frontage. The plan has been reviewed by the city departments and their comments are in your packages. No objections have been received.

After board consideration, Member Alison Colby-Campbell motioned to approve the frontage waiver for 33 Dale Street and Lots 62-65 Booth Street as recommended by the Planning Director, William Pillsbury. Member Robert Driscoll seconded the motion. All members present voted in favor. 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.

Frontage Waiver application

Form D-1

Form D

Email, Bill Faraci, 2-12-19

Notice of Decision, Board of Appeals, 11-28-18

Letter, Water Department, 3-14-19

Letter, Conservation Department, 4-11-17

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Letter, Fire Department, 3-16-19

Letter, Deputy DPW Director, 2-8-19

Appeal of the City of Haverhill decision from Board of Appeals

Frontage Waiver plan, 2-28-17

Modification of a special permit for Forest Acres Drive:

Please note at the March 13, 2019 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a conditional favorable recommendation for a special permit to allow 34 units at Forest Acres Drive.

(Recording skipped)

Mr. Dan Endyke of Princeton Properties addressed the board. He discussed the history of Princeton Properties. We had an abutters meeting on February 6, 2019 and a department head meeting on February 26, 2019.

(Recording skipped)

Ms. Katie Emery with Howard Stein Hudson addressed the board. She discussed the current conditions of the site and the outline of the plans proposed. Our goal is to make sure it fits with what is there currently.

Chairman Howard: Does anyone from the public wish to speak?

Abutter, Mr. William McCibbin of 1 Pheasant Crossing addressed the board. (Recording skipped)

Why a special permit?

Mr. Pillsbury: Anytime a project in the City of Haverhill that is over two units is defined multifamily housing the applicant has to file a special permit. When they present the request to go over 2 units the method under zoning which is required is called a special permit. This is a special permit modification because there was an already granted special permit including all of this land in a previous time frame back in the 1970's. It's the language that is used in the zoning ordinance for the state and also the City of Haverhill.

Mr. McCibbin: Are wetlands involved?

Mr. Pillsbury: No.

Mr. McCibbin: The Conservation Commission has no involvement in this?

Mr. Pillsbury: No. There is no jurisdiction. If there were they would file a Notice of Request for Determine Applicability. That hasn't been raised as an issue because there really are no wetlands in this area.

(Recording skipped)

Mr. Pillsbury: That one you can direct to them.

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Chairman Howard: The time frame?

Mr. Dan Endyke: Depending on the weather they would start in the fall and complete construction in the spring/summer of 2020.

Mr. McCibbin: Changes in the water table, drainage.

Chairman Howard: Is your property to the north?

Ms. Kate Emery: They are located downhill from us here.

Chairman Howard: It's a 143' just from the property line to where you are not disturbing. There's probably a 180' to the building.

Ms. Kate Emery: Its about 200' to the building.

Chairman Howard: Part of the storm water regulations are their post construction, there can be no net gain in the storm-water off the site. All the storm-water will be managed on the site.

Mr. McCibbin: Will there be blasting?

Ms. Kate Emery: We don't anticipate blasting but if there was...

Chairman Howard: With the construction being on grade excavation, will not be as extensive as if there was a foundation.

Mr. McCibbin: (recording skipped) document before construction.

Chairman Howard: Typically a pre-blast survey is done which would video tape adjoining properties and then there would be a requirement for a seismograph to measure the severity of the blast. That it would be kept under a certain reading under the seismograph so it doesn't affect the adjacent properties. It depends on the extent of what they will have for a pre-blast survey. It's to their advantage to do that.

Mr. McCibbin: Is there a plan to cut-off our utilities?

Mr. Pillsbury: I think the current plan is to connect to systems which are in the Forest Acres development.

Chairman Howard: Everything comes up the driveway.

Mr. Pillsbury: There wouldn't be any shut-offs. Perhaps there might be shut-offs in Forest Acres but that would be intermittent as they have to do their connections.

Mr. McCibbin: Water pressure changes? Any fire hydrant changes?

Ms. Kate Emery: Those will tap into Forest Acres.

Mr. Pillsbury: As far as hydrants go...

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Ms. Kate Emery: We won't be tapping in to the hydrants that deal with the other subdivision. We aren't going that way.

Chairman Howard: The City of Haverhill has the water distribution system hydrological model that every new development that comes into the City is evaluated on that model to make sure that the existing customers aren't affected by the new construction.

Mr. McCibbin: (recording skipped)

Chairman Howard: Natural gas is being shown.

Mr. McCibbin: With cars coming and going the car lights are too bright.

Chairman Howard: This will be taken up at site plan.

Mr. McCibbin: Traffic and overflow parking, closer to our property? Where would the dumpster location be?

Ms. Kate Emery: (recording skipped) they do not want it enclosed.

Mr. Dan Endyke: These are higher end units. It is going to cost more money. (recording skipped)

Mr. McCibbin: Changes in wildlife.

Chairman Howard: Again, they are not affecting anything on your property. They are building on their own property.

Mr. McCibbin: Hours of construction?

Mr. Pillsbury: The City has codes for that. I can't tell you what they are off the top of my head.

Chairman Howard: Anyone else wish to speak?

Abutter, Mr. Ray Woods of 3 Pheasant Crossing addressed the board. There are some haunting memories for me from years ago when I lived across the street from Beverly Hospital. They blasted to expand the parking lot. My father and mother had a cape across the street. They never got a drop of water in that house until they did the blasting. When we got rain storms we were knee deep. The aggravation, expense, frustration (recording skipped) I don't want to go through that again. I don't think I should have to go through that again. If put in that position I want them to be fully responsible for the damages either they become a problem or even if it expands a previous crack. That and the water table are my biggest issues. (recording skipped). I have the same concerns that Bill just expressed with everything else. My biggest ones are I don't want to happen to my family again where someone comes in and does a big project, they make money and we suffer and lose. I don't want to eat any damage that they cause. I want them to be responsible for that. That is only fair thing. I want that noted and I wanted to address that.

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Mr. Dan Enkyde: I think we addressed the issue of blasting. I don't think we will have to. (recorder skipped) It's really in our best interest to make sure that we know...it's really unusual. We are not digging down.

Mr. Pillsbury: Just to add to that the state building code is very specific about the requirements of blasting. We've had blasting projects in the city before. Some of them were actually downtown when we put in the parking garage. When the state code applies any kind of blasting, pile driving or anything that is going to cause vibrations that there is very specific protocol that has to be followed with videotaping, seismographic measuring. All of that has to be done for them to get a permit. The City Building Inspector is very familiar with those requirements when and if blasting is required. They have to file a plan. There has to be pre- and post-evaluations. They would go to your foundation and take video tape, pictures of your house again, if that is within the blast radius. Those are the requirements of the state code in addition to what commitments they are making to you as a neighbor.

Chairman Howard: It's a separate permit?

Mr. Pillsbury: Yes.

Mr. Wood: We were more than 140' away. I don't want that to happen again. Right now when I look out my slider I see trees and blue sky. That's a huge thing. I've been there almost 25 years.

Chairman Howard: You are going to see trees and blue sky on the property that you bought. The adjacent property...I've seen it in the past realtors say nothing will ever be constructed here. Nothing will ever be done here. That's not the case. They have the property, they are developing it in accordance with the requirements of the City. They have every right to do that.

Mr. Wood: I'm just worried about damage. When they did the blasting before they said it was all up to code. They listed it and nobody is responsible for it.

Chairman Howard: There are times when things like that happen and we will do everything we can to prevent that. We don't envision that happening on a project such as this.

Mr. Endyke: (recording skipped) We are a local landlord. We aren't going anywhere. If you look at the properties we have and how we are maintained (recorder skipped). If something happens, we are going to react. We will do the right thing.

Abutter, Mr. Bill Cataldo of 5 Pheasant Crossing addressed the board. What is the process?

Mr. Pillsbury: Once the project is approved by the City Council, the special permit modification. They are then required to come back to this board with a full definitive plan.

Mr. Bill Cataldo: Is that open to the public as well?

Mr. Pillsbury: Yes, it's a public hearing and you will be notified just as you were tonight. The definitive plan at that stage even before the site plan. The definitive plan requires all the engineering to be done. They will have to submit that as part of the definitive plan along with any conditions that the City Council puts on there and that will be reviewed at this Planning

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Board. There's a lot of process to go through and a lot of engineering to be done. This will all be public record.

Mr. Cataldo: You mentioned 40'.

Chairman Howard: I think she mentioned it was a little over 200' to the building.

(Recording skipped)

Ms. Emery: It's kind of ½ on and ½ off.

Mr. Bill Cataldo: There is a certain amount of leveling that is going on. Are there certain height restrictions in the city? How elevated is this relative to the trees? If you look back on the property there are high and low areas.

Ms. Emery: We haven't done the full topography of the site.

Chairman Howard: Typically to make something cost effective they try to even the cut fill. It's not like they put it on the high spot.

Mr. Bill Cataldo: I have the same concerns about the water.

Audience: Does this have to be about Forest Acres? Maybe I missed the first section of the agenda about Gile Street.

Mr. Pillsbury: Gile Street has been postponed until next month. They continued until the April 10th meeting.

Chairman Howard: Is there anyone else who wishes to speak?

Member Cram: I've heard a lot of concern about the distance and what's in between the two buildings. I would just suggest that in your site plan package you put a profile in showing the height differences to clearly explain.

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

Mr. Pillsbury: We have been working with Princeton on this modification. They have wanted to sit down and work through the issues. We have been very pleased with that interaction. This request for a special permit modification is to be acted upon by the City Council. This previously approved special permit seeking to add the additional units as described. The role of the Planning Board this evening is to make a recommendation to the city council after a hearing. The review of the plan indicates that the lot complies with the required zoning dimensions. The density of the proposed plan is consistent with the surrounding neighborhood. The plan has been reviewed by the city departments and I recommend that all comments/letters from the city departments be made conditions of the recommendation and be incorporated into the special permit as conditions. With that I would recommend a conditional favorable recommendation to the City Council. The conditions being the inclusion of all comments/letters from all City Departments.

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After board consideration, Member Karen Buckley motioned to forward a conditional favorable recommendation to the City Council as recommended by the Planning Director William Pillsbury, Jr. Member Robert Driscoll seconded the motion. Members that voted in favor were: Bill Evans, Kenneth Cram, Alison Colby-Campbell, Bob Driscoll, Paul Howard, Karen Peugh and Karen Buckley Member Absent: April DerBoghossian, Esq. Motion Passed.

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

Warrantee Deed

Letter, Princeton Properties, 2-15-19

Letter, Princeton Properties, 2-22-19

Letter, Fire Department, 2-26-19

Letter, Conservation Department, 3-8-19

Letter, Building Department, 3-8-19

Letter, Water/Wastewater, 3-11-19

Letter, Wastewater, 3-13-19

Architect plans, 2-11-19

Concept plans, 2-15-19

Definitive Escrows:

Vincent Avenue: Please be advised at the Haverhill Planning Board meeting held on 3/13/19 at 7:00 pm in the City Council Chambers reviewed the request to endorse the extension of the agreement for the above cited development.

The Chairman, advised the board that the agreement was reviewed by the City Solicitor as to form and was approved as attested to by his signature on said agreement. The new expiration date for performance is **3/30/20** and funding on **3/30/20**. The Planning Director recommended that the Planning Board vote to endorse the extension agreement. It was noted, that the developer must record the extension of the agreement at the Registry of Deeds and provide proof of said recording to the Planning Office for its file.

After board consideration, Member Robert Driscoll motioned to endorse the above cited agreement and that the developer provide the Planning Office with a recorded copy of said agreement as required. Member Alison Colby-Campbell seconded the motion. All members present voted in favor. Member April DerBoghossian, Esq. was absent. **Motion Passed.**

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

- Escrow Material

Emma Rose Circle: Please be advised at the Haverhill Planning Board meeting held on 3/13/19 at 7:00 pm in the City Council Chambers reviewed the request to endorse the extension of the agreement for the above cited development.

The Chairman, advised the board that the agreement was reviewed by the City Solicitor as to form and was approved as attested to by his signature on said agreement. The new expiration date for performance is 4/7/20 and funding on 4/7/20. The Planning Director recommended that the Planning Board vote to endorse the extension agreement. It was noted, that the developer must record the extension of the agreement at the Registry of Deeds and provide proof of said recording to the Planning Office for its file.

After board consideration, Member Bill Evans motioned to endorse the above cited agreement and that the developer provide the Planning Office with a recorded copy of said agreement as required. Member Robert Driscoll seconded the motion. All members present voted in favor. Member April DerBoghossian, Esq. was absent. **Motion Passed.**

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

- Escrow Material

West Gile Street: The City Engineer did not complete the review in time. This item will be tabled until the April 10, 2019 Planning Board meeting.

Form A Plans: 1136 Boston Road-Rogers Family Realty,LLC It was noted the building inspector commented on 3-11-19 stating "All 3 lots meet zoning requirements for a RH zone." After board consideration, Member Robert Driscoll motioned to approve the Form A for 1136 Boston Road as recommended by the Planning Director, William Pillsbury. Member Bill Evans seconded the motion. All members present voted in favor. **Motion passed.**

Reminders for expiring Definitive Escrows: None at this time.

Endorsement:

Frontage Waiver: 33 Dale Street and Lots 62-65 Booth Street:

Member Alison Colby-Campbell motioned to endorse the 33 Dale Street and Lots 62-65 Booth Street mylars (it was noted the mylars will be kept in the Planning Office until the Appeal period is up). Seconded by Member Robert Driscoll. Member Bill Evans-yes.

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Member Ken Cram-abstained. Member Alison Colby-Campbell-yes. Member Robert Driscoll-yes. Chairman Howard-yes. Member Karen Peugh-yes. Member Member Absent: April DerBoghossian, Esq. **Motion Passed.**

Definitive Plans: Sylvan Hill Definitive Plan:

Member Robert Driscoll motioned to endorse the Sylvan Hill mylars. Seconded by Member Karen Buckley. Member Bill Evans-yes. Member Ken Cram-abstained. Member Alison Colby-Campbell-yes. Member Robert Driscoll-yes. Chairman Howard-yes. Member Karen Peugh-yes. Member Member Absent: April DerBoghossian, Esq. **Motion Passed.**

108 Harrison Street:

Member Robert Driscoll motioned to endorse the 108 Harrison Street project. Seconded by Member Karen Buckley. Member Bill Evans-yes. Member Ken Cram-abstained. Member Alison Colby-Campbell-yes. Member Robert Driscoll-yes. Chairman Howard-yes. Member Karen Peugh-yes. Member Member Absent: April DerBoghossian, Esq. **Motion Passed.**

Meeting adjourned.

Signed:

Paul Howard
Chairman