

**HAVERHILL PLANNING BOARD  
MEETING MINUTES**

**DATE: Wednesday, September 8, 2021**

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

**Time: 7:00 PM**

Members Present:           Member Karen Peugh  
                                    Chairman Paul Howard  
                                    Member Ismael Matias  
                                    Member Karen Buckley  
                                    Member William Evans  
                                    Member April DerBoghosian, Esq.  
                                    Member Kenneth Cram  
                                    Member Robert Driscoll

Members Absent:           Member Nate Robertson

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

**Approval of Minutes:**       August 11, 2021  
**August 11, 2021**

After board consideration, Member Robert Driscoll motioned to approve the August 11, 2021 meeting minutes. Member William Evans seconded the motion.

Karen Peugh – yes

Bill Evans – yes

Karen Buckley – yes

April DerBoghosian, Esq.- yes

Kenneth Cram – yes

Nate Robertson- absent

Robert Driscoll – yes

Paul Howard – abstain

Ismael Matias - yes

**Motion Passed.**

**Planning Board Meeting  
9-8-21**

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

**Public Hearings:**

**Definitive Plan for undeveloped Morse Avenue off of Peabody Street:**

Please be advised, the Haverhill Planning Board at its meeting held on 9/8/21 at 7:00 pm In Room 202 City Council Chambers continued the above cited definitive plan to the October 13, 2021, meeting at 7:00 pm in the City Council Chambers.

Member Karen Peugh read the public Hearing conduct into the record.

Planning Director William Pillsbury: You will remember at the last meeting we had a robust discussion about traffic, and it was very good but ultimately at the end we decided it was appropriate to both continue the hearing and to postpone it to tonight so the traffic engineer could follow up with some information that they promised. Well, we got the information, but we got it at 4:48 yesterday and obviously it was not in a timely fashion which is rather upsetting. Again, we obviously had no time to review it with that Mr. Chairman, I did talk with the Attorney, and I recommended, and he agreed that we should continue the hearing because it is open still to the October meeting to allow time for proper review. Member Cram will be looking at it from a traffic perspective with John Pettis. We will come back next month with some recommendations now that we do have that information. With that I would welcome a motion to continue item number 1 to the October meeting.

After board consideration, Member William Evans motioned to continue the hearing to the October 13, 2021, Planning Board meeting at 7:00 pm in the City Council Chambers – Room 202. Member Ken Cram seconded the motion.

Member Nate Robertson-absent

Member Bill Evans-yes

Member April DerBoghosian, Esq.-yes

Member Kenneth Cram-yes

Member Robert Driscoll-yes

Member Ismael Matias-yes

Chairman Paul Howard-yes

Member Karen Buckley-yes

Member Karen Peugh-yes

**Motion Passed.**

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

Letter Attorney Paul Magliocchetti, 9-8-21

**Planning Board Meeting  
9-8-21**

**Zoning Amendment – 25 Bond Street**

Please note at the September 8, 2021, 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 send an unfavorable recommendation to the City Council on the proposed amendment.

Member Karen Peugh: read the conduct of hearings for a public meeting.

Mr. William Pillsbury addressed the board. I just want to remind the Planning Board the role of the Planning Board in this type of hearing a zoning amendment is a recommended body. The City Zoning Ordinance requires that the Planning Board provide a recommendation to the City Council on the matter that is proposed for rezoning or zoning amendment. That is what we are doing tonight. It is just a recommendation no binding vote tonight. It is a recommendation to the City Council, and I will provide my recommendation to you once the hearing is closed, Mr. Chairman.

Attorney Daniel Glissman of Prince Lobel and Tye. I am here on behalf of our client Andre Colon, President and CEO of True House Cannabis, LLC. As the Planning Director just mentioned Mr. Colon is requesting a zoning amendment to add 25 Bond Street to the marijuana overlay district to permit a cultivation and production facility. So, no retail sales to be located at this facility. Andre is a former substance abuse counselor who made his way towards the cannabis industry. He is hoping to start not only this cultivation and production facility but also a retail establishment in Haverhill as well as another facility potentially in Methuen. All the projects are still in the works, but he is working towards a new company and a substantive company. We are here this evening as the Planning Director mentioned for a recommendation and discussion on this proposed amendment. We certainly believe this proposed project is going to be a good benefit for the city. These facilities are economic drivers, they bring jobs, they bring redevelopment, and they bring activity to often time underutilized or underdeveloped areas. So, we are eager to move forward with this project. We recognize this is the first of many steps. We are grateful to be here before the board this evening and to discuss with you folks and answer any questions that you might have. Thank you again for having us this evening.

Member Peugh: I have a question. Why not in one of the approved areas?

Attorney Glissman: That's a great question, thank you. There is an approved area about a mile from this proposed facility just on the other side of 125. Andre and his team have spent countless hours on site selection and frankly the first and most difficult component one of the many difficult components of locating and developing one these cannabis projects. He was unsuccessful in finding a willing landlord to site this proposed facility. He started looking elsewhere and was able to come to terms with a lease agreement with the property owner at 25 Bond Street.

Member Peugh: I am just saying that we spent painless hours and so did the City Council in identifying zones for this particular issue. So, I appreciate that they spent time, but we already identified the areas. I guess my other thing would be is this within...isn't that building within 500 yards...

**Planning Board Meeting  
9-8-21**

Mr. Pillsbury: ½ mile.

Member Peugh: A ½ mile of a school?

Attorney Glissman: We have not done a buffer zone analysis at this point. We would be happy to provide that information to the board.

Member Peugh: I think that would be key.

Member Driscoll: I have a question. Counselor you....

Attorney Glissman: I apologize I just want to clarify for my client that it is from his understanding there is no school within ½ mile of this proposed facility.

Member Peugh: I think you should look. I think there is a school not far from there on the other side of the highway.

Attorney Glissman: Understood, thank you.

Member Driscoll: Counselor you made mention that this would be an economic boom to the area, or undeveloped area, or less desirable. The Ward Hill Industrial Park is pretty much a full facility, isn't it? Pretty well inhabited by businesses and so forth.

Attorney Glissman: Yes, absolutely. I was speaking in more general terms. These facilities are often times brought to underdeveloped or underutilized properties. My understanding is there is an existing 20,000 s/f building there. The proposal here at some point is to add additional space and additional cultivation to this particular property so they would be building it out and developing it further. Certainly, adding to the infrastructure and the tax base in that area.

Member Driscoll: So, at some point you want to come back and ask for more space within this or are you renting the whole space now?

Attorney Glissman: Renting the whole space now but we would certainly...it depends I guess on how the phasing of the project occurs as to whether or not amendments would be needed to a special permit granted by the City Council. The proposal here would authorize the project on that site.

Member Peugh: What type of establishment are you proposing?

Attorney Glissman: It's a marijuana cultivation and production establishment. Its the cultivation and growing of the cannabis crop as well as the processing of it. So, the creation of various marijuana infused products and sort of the business-to-business side of the cannabis industry. This particular aspect of this facility would cultivate and process to a final product cannabis that would then be sold to other cannabis establishments other retail cannabis establishments potentially other product manufacturing establishments or delivery operators, but this is a business-to-business proposal.

**Planning Board Meeting  
9-8-21**

Member Peugh: You mentioned in addition to coming to an area that is being underutilized you mentioned jobs, how many jobs do you think you would bring to the area?

Attorney Glissman: There is a rough range that at this stage a project would have. You could expect anywhere from 20 to 50 employees for a 20,000 s/f cannabis establishment.

Chairman Howard: Any other questions from the board?

Member Driscoll: You also had mentioned that at some point you would like to open a retail operation, did I hear?

Attorney Glissman: That is correct. Yes, True House Cannabis, LLC intends to seek at least two retail establishment licenses.

Member Driscoll: I think one was Methuen and one was Haverhill?

Attorney Glissman: That's correct.

Member Driscoll: I would presume that establishment would be in our existing retail location?

Attorney Glissman: That is correct. That is the intention.

Chairman Howard: Questions from the board? There is no public so....

Mr. Pillsbury: Just call it anyway.

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

Mr. Pillsbury: The proposed ordinance amendment seeks to allow marijuana establishment outside of the existing zones created by the city council for such entities. The proposal is to modify the approved ordinance to include one building at 25 Bond Street in the Ward Hill Business Park. The City Council undertook extensive measures to establish zones where LME's are allowed. The zones were established to provide and achieve the following purposes. 1. To provide for the placement of adult use marijuana establishments in the appropriate places and under specific conditions in accordance with the provisions of MGL c.94G, Regulation of the Use and Distribution of Marijuana Not Medically prescribed. 2. To minimize any adverse impacts of adult use marijuana establishments on adjacent properties, dense or concentrated residential areas, school or other places where children congregate, and other sensitive land uses. 3. To regulate the siting, design, placement, access, security, safety, monitoring, modification and discontinuance of adult use marijuana establishments. 4. To provide applicants, owners, and operators with clear guidance regarding adult use marijuana establishments siting, design, placement, access, security, safety, monitoring, modification and discontinuance. The proposed location in the Ward Hill Business Park was not included in the areas established and the proposal seeks to modify the approved zones by adding a single isolated building. A fundamental principle of zoning is to not create isolated locations of an otherwise prohibited use. LME uses are not allowed at 25 Bond Street. This is sometimes referred to as spot zoning and as a principle with precedent in the City of Haverhill is not the

**Planning Board Meeting  
9-8-21**

best interest of the City particularly when zones have been established with locations which are potentially available for additional LME uses. This proposal is not consistent with the purposes of the zoning ordinance which is "to encourage the most appropriate use of land throughout the City." The City should continue to abide by the existing zones created to achieve the purpose of the ordinance. This is not any issue with the use itself it's the location and the establishment of existing zones that should be continued and perpetuated. I recommend that the planning board send an unfavorable recommendation to the city council on this proposed zoning amendment of one isolated property when the city has undertaken an extensive process to establish zones pursuant to MGL 94G and in establishing these zones has complied with the purposes and objectives of the ordinance. The ordinance specifically established zones and not isolated individual structures "for the placement of adult use marijuana establishments in appropriate places." With that Mr. Chairman, I would recommend an unfavorable recommendation to City Council on the proposed amendment.

Member Buckley: Would LME's include retail, agriculture and manufacturing?

Mr. Pillsbury: In the definition that we have in our ordinance is all types. Every type is allowed in the various zones. Cultivations is certainly one of the allowed uses within the zone.

Chairman Howard: Is there a motion?

Attorney Glissman: Mr. Chairman?

Member Driscoll motioned to accept the recommendation of the Planning Director for an unfavorable recommendation to the City Council. Member Karen Buckley seconded the motion.

Attorney Glissman: May I address the board briefly? I understand the public comments is closed.

Chairman Howard: The public part of the hearing is closed.

Attorney Glissman: If I might I just wanted to comment briefly on the spot zoning component that was raised by the Planning Director. Would it be appropriate to have leave to address one comment briefly?

Mr. Pillsbury: Its up to you Mr. Chairman. We would be violating the rules of the hearing.

Chairman Howard: The public portion is closed. We are going to move on. Is there a second?

**Planning Board Meeting  
9-8-21**

Member Ismael Matias seconded the motion.

Nate Robertson – absent

Karen Peugh – yes

Bill Evans – yes

Karen Buckley – yes

April DerBoghosian, Esq.- yes

Kenneth Cram – yes

Ismael Matias - yes

Robert Driscoll – yes

Paul Howard – yes

**Motion Passed.**

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

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

Letter from True House Cannabis, LLC, 6/23/21

Municipal Ordinance relating to zoning (licensed marijuana establishment overlay zone)

Letter from KAN LLC, 6/22/21

Comment due sheet

Letter from Fire Department, 8/9/21

Letter from Planning Director, 9/9/21

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

**Reminders for escrow:**

**Emma Rose Escrow/Emma Rose Modification Escrow:**

Please be advised at the Haverhill Planning Board meeting held on 9/8/21 at 7:00 pm in Room 202, City Council Chambers reviewed the request to accept the extension of the letter of credit for the above cited developments.

The Chairman, advised the board that the Letter of Credit was reviewed by the Planning Director as to form. The new expiration date for funding is on **12/31/21**. The Planning Director recommended that the Planning Board vote to accept the Letter of Credit.

**Planning Board Meeting  
9-8-21**

After board consideration, Member William Evans motioned to accept the above cited letter of credit. Member Robert Driscoll seconded the motion. All members present voted in favor. Member Nate Robertson was absent. **Motion Passed.**

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

**Escrow Materials**

**Form A Plans:**

**Fitzgerald Family Trust for 191 Kenoza Street:**

Member Karen Buckley motioned to approve and endorse the Form A for 191 Kenoza Street. Seconded by Member Ismael Matias. All members present voted in favor. **Motion Passed.**

**Commonwealth Collective for 23-25 Fountain Street: Member**

Member Karen Buckley motioned to approve and endorse the Form A for 23-25 Fountain Street. Seconded by Member Robert Driscoll. All members present voted in favor. **Motion Passed.**

**Endorsement:**

**Any other matter:**

Meeting adjourned.

Signed:

Paul Howard  
Chairman