

HAVERHILL PLANNING BOARD MEETING MINUTES

DATE: Wednesday, August 14, 2019
Place: City Council Chambers, Room 202
Time: 7:00 PM

Members Present: Member Robert Driscoll
Member Karen Buckley
Member Bill Evans
Member Alison Colby-Campbell
Member April DerBoghossian, Esq.

Members Absent: Member Kenneth Cram
Chairman Paul Howard
Member Karen Peugh

Also Present: William Pillsbury, Planning Director

Approval of Minutes: July 10, 2019

July 10, 2019

After board consideration, Member William Evans motioned to approve the July 10, 2019 minutes. Member Karen Buckley seconded the motion. Members present voted in favor: Karen Buckley, Robert Driscoll, April DerBoghossian, Esq., William Evans, Alison Colby-Campbell. Members Absent: Kenneth Cram, Paul Howard and Karen Peugh. **Motion Passed.**

Mr. William Pillsbury: Read the conduct of hearings into the record.

Acting Chairman Driscoll: We would like to take an item out of order.

Mr. Pillsbury: We have an administrative item regarding the Crystal Springs Definitive Plan. We have a request from the Lowell Five Bank to have some action on that tonight. We will move that up and do that right now.

Crystal Springs Escrow: Please be advised, the Haverhill Planning Board at its meeting held on 8-14-19 at 7:00 pm in the City Council Chambers – Room #202 considered the request of John Pratt, Senior Vice President of Lowell Five Savings bank to release three lots in the Crystal Lake Estates subdivision. The specific lots 7, 9 and 24 of the project's definitive plan.

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Mr. John Pratt of Lowell Five Cents Savings Bank addressed the board. At this time the bank is requesting release of the three building lots for the homes that are partially completed with the restriction that no construction or building will occur before the booster station is fully operational. We submitted a plan to the board for review. The electrical work on the site – National Grid installed new utility pole with three transformers to bring power to the site. We will be completing some roadwork on Front Nine Drive to clean up some potholes. The contractors have ordered the as-built drawings for completion of Back Nine Drive. We are anticipating a request for the beginning of September for the DEP inspection of the project (inaudible).

Mr. Pillsbury: After lengthy discussion from legal counsel regarding this matter as you know, its been a matter of legal concern for quite some time. The recommendation based on this request is that we would entertain a motion and vote to release the three lots that are in question but the release of those three lots will only be operationalized once the booster station is in operation which is scheduled to be around September 27th according to the schedule. We would be releasing the lots for building purposes only upon the actual operationalization of the booster station at that time. That is the recommendation of the legal department and myself at this time.

Member Buckley: Who will declare that it is operational?

Mr. Pillsbury: That would be the City Engineer and the Water Director, Robert Ward.

Member William Evans motioned to release the three lots once the booster station is operational and the City Engineer and Water/Wastewater Director declare it operational. Seconded by Member Karen Buckley. Vote on motion:

Member William Evans – yes

Member Karen Buckley – yes

Member April DerBoghosian, Esq. – yes

Member Alison Colby-Campbell – yes

Acting Chairman Robert Driscoll – yes

Members Absent:

Member Karen Peugh

Member Kenneth Cram

Chairman Paul Howard

Motion Passed.

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

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- **Escrow Materials**

Public Hearings:

Plan Alteration for Hillside Street and Bellevue Avenue:

Please note at the August 14, 2019 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for a plan alteration which would take a portion of Bellevue Avenue and add it to Hillside Street.

Mr. Pillsbury: We have a request from the City Engineer to clarify and cleanup a situation on Bellevue Avenue and Hillside Street. A portion of Hillside Street is being renamed as Hillside Street which is currently a portion known as Bellevue Avenue. It has been very confusing and difficult in terms of public safety vehicles, mail, etc. The City Engineer is bringing forth a plan to clarify this. John Pettis will be bringing this before City Council and we need a recommendation tonight.

Acting Chairman Driscoll: Is there anyone in the audience who wishes to speak in favor or against this petition? Hearing none, I will close the public portion of the hearing and open it up to comments from the board.

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

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

- **Alteration Plan, 5-1-19**
- **Ordinance altering the street**
- **City Engineer, 6-21-19**
- **Comment due sheet**
- **Fire Department, 6-24-19**
- **Conservation, 7-19-19**

Repetitive Petition – 19 Observatory Avenue:

Board of Appeals Chairman & Members:

The Haverhill Planning Board at its regularly scheduled meeting held on 8/14/19, Wednesday evening, at 7:00 p.m. in the City Council Chambers, Room 202, considered

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the request of the owner/applicant, Michael Cassel, Tr. There was a request for a specific and material change in the reduction of the number of units from 2 to 1.

Mr. William Pillsbury: Read conduct of a public hearing into the record.

Attorney Michael Migliori of 18 Essex Street addressed the board on behalf of the applicant. Within the past year, another applicant applied to the Board of Appeals for a variance for a two family home. Mr. Cassell who has owned the lot for many years is requesting to go back before the Board of Appeals to construct a single family home. Since there has been a decision within the past two years on this property the repetitive petition process goes into play. We need to start with the Planning Board this evening. The Planning Board needs to determine that there was a specific and material change between the old application and this new one. We would hope to get a favorable vote from this board tonight.

Acting Chairman Robert Driscoll asked if anyone in the audience wished to speak in opposition or favor? Hearing none, I will close the public portion of the hearing and open it from comments from the Planning Director.

Mr. Pillsbury: This request is a repetitive petition for an application previously acted upon unfavorably by the zoning board of appeals. The applicant must demonstrate that the new proposal is both a specific and material change to the plan previously acted upon unfavorably. In this case the number of units (2) was the reason for denial. The current proposal is to reduce the number units from 2 to 1. This change has been reviewed by the Building Inspector and myself and does in fact represent a specific and material change. Therefore, I recommend that the board make a finding that there is specific and material change present and return this finding to the Board of Appeals.

MOTION

After board consideration Member William Evans motioned to forward this repetitive petition back to the board of appeals as recommended by the planning director. Member April DerBoghosian, Esq. seconded the motion. All members present voted in favor.

Member William Evans – yes

Member Karen Buckley – yes

Member April DerBoghosian, Esq. – yes

Member Alison Colby-Campbell – yes

Acting Chairman Robert Driscoll - yes

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Members Absent:

Member Karen Peugh

Member Kenneth Cram

Chairman Paul Howard

Motion Passed.

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

- **Quitclaim deed**
- **Memorandum from Michael Migliori, 7-22-19**
- **Floor Plan**
- **Plan of land, 5-9-19**
- **Board of Appeals decision, 1-16-19**
- **Board of Appeals application, 7-22-19**
- **Comment due sheet**
- **Building Department comment, 7-30-19**
- **Water/Wastewater, 6-29-19**
- **Fire Department, 7-26-19**

Definitive Plan for Forest Acres Drive:

The Haverhill Planning Board at its meeting held on 8.14.19, Wednesday evening at 7:00 pm in the City Council Chambers heard the above mentioned definitive plan. Mr. William Pillsbury 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.

Ms. Katie Enright, professional engineer from Chelmsford, MA addressed the board. The project itself is on parcel "a". Right now it is a wooded area. We received feedback from the Fire Department and the access drive will become a little bit wider. It would then split off into two way traffic. We added the request from the fire department to widen the road to 24'. We are proposing 1.5 parking spaces. Also the Fire Department asked for a fire access drive that connects us to an adjacent parking lot. We had to relocate two spaces. The site was complicated grading wise. The site ranges in elevation. (inaudible). We are putting the drainage into underground infiltration areas. It helps keep the tree cover that we wanted to keep. (Inaudible). With regards to the

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drainage calculations we are essentially reducing flow off-site in all directions. (Inaudible) There are 32 different varieties of plants. I have pictures of the building here with me tonight.

Mr. Pillsbury: There is one letter from the City Engineer, I know the easement issue is resolved but there was also a note about an outfall.

Ms. Katie Enright: inaudible.

Acting Chairman Robert Driscoll: Would anyone like to speak in favor or against this project? Hearing none, I will close the public portion of the hearing and open it up to comments from the Planning Director.

Mr. Pillsbury: This is a request for a definitive plan for Forest Acres Drive. This plan received a special permit modification approval by the City Council to add 34 units to the existing community. The role of the Planning Board is to act on the definitive plan making sure it is consistent with the approval of the City Council. 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 City Departments have reviewed the plan and no objections have been received. The definitive plan is consistent with the approval of the city council and I recommend approval of the plan with any additional notes/comments discussed this evening or others that have been requested by the departments being added to the plans during the appeal period and prior to final plan endorsement.

After board consideration, Member William Evans motioned to grant the plan for Princeton Properties/Forest Acres Drive as recommended by the Planning Director William Pillsbury with any of the additional notes/comments discussed this evening or others that have been requested by the departments being added to the plans during the appeal period and prior to final plan endorsement. Member Karen Buckley seconded the motion.

Members that voted in favor:

William Evans-yes

Karen Buckley – yes

April DerBoghosian, Esq. – yes

Alison Colby-Campbell – yes

Robert Driscoll – yes

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Members Absent:

Karen Peugh

Paul Howard

Ken Cram

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.

Supplemental Data report, 7-11-19

Site Plan, 7-11-19

Form D

Princeton Properties, 7-11-19

Belveron Partners, 7-11-19

Form D-1

Form C

Comment due sheet

Fire Department, 7-23-19

Conservation, 8-12-19

City Engineer, 8-14-19

Definitive Plan for Lot 8 Curtis Street:

The Haverhill Planning Board at its meeting held on 8.14.19, Wednesday evening at 7:00 pm in the City Council Chambers heard the above mentioned definitive plan. Mr. William Pillsbury 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

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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.

Mr. Michael DeLuca addressed the board. I have owned this lot for 10 years. We have met with the Fire Department and Engineering Department. We thought it was approved some time ago. We are looking to extend the road about 40-50'.

Acting Chairman Driscoll: Is there anyone here that wishes to speak in favor or against this project? Hearing none, I will close the public portion of the hearing and open it up to comments from the Planning Director.

Mr. William Pillsbury: We have a number of waivers on this plan. I reviewed these waivers with the City Engineer and he is recommending approval of the waivers. There are items that John Pettis has asked to add a few additional notes that he would like worked out between now and the endorsement of the final plan.

Mr. DeLuca: I think Mr. Ward wanted something too.

Mr. Pillsbury: My recommendation is this is a single lot for a duplex. The roadway is being extended to the satisfaction of the Fire Department. It's a small road to begin with but the extension is required. The turnaround has been agreed to by the Fire Department as well as residential sprinklers. The waivers are substantial – there are about 7 of them. We would vote on the waivers and then vote on the plan with the condition that any additional notes/comments being added during the appeal period and prior to final plan endorsement.

Waivers requested:

1. Pavement width 18' (20' ROW)
2. No sidewalk
3. No granite curb (bituminous berm)
4. No street trees (2 on lot)
5. No cul-de-sac (exist row, provide hammerhead)
6. No street lights (driveway lamp)
7. Street parking (street shall be signed for no parking, both sides)

After board consideration, Member Karen Buckley motioned to grant seven waivers as recommended by the Planning Director William Pillsbury. Member William Evans seconded the motion.

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Members that voted in favor:

William Evans-yes

Karen Buckley – yes

April DerBoghosian, Esq. – yes

Alison Colby-Campbell – yes

Robert Driscoll – yes

Members Absent:

Karen Peugh

Paul Howard

Ken Cram

Motion Passed.

After board consideration, Member William Evans motioned to grant the plan for Lot 8 Curtis Street as recommended by the Planning Director William Pillsbury with any of the additional notes/comments discussed this evening or others that have been requested by the departments being added to the plans during the appeal period and prior to final plan endorsement. Member Karen Buckley seconded the motion.

Members that voted in favor:

William Evans-yes

Karen Buckley – yes

April DerBoghosian, Esq. – yes

Alison Colby-Campbell – yes

Robert Driscoll – yes

Members Absent:

Karen Peugh

Paul Howard

Ken Cram

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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.

- Site Plan, 6-18-19
- Revised site plan, 7-31-19
- Form D-1
- Form D
- Form F
- Form C
- Comment Due Sheet
- Revised comment due sheet
- Fire Department, 8-1-19
- Water/Wastewater, 8-6-19
- Conservation, 8-12-19
- Email, City Engineer, 8-14-19

Definitive Escrows:

Emma Rose Modification (Extension):

Please be advised, the Haverhill Planning Board at its meeting held on 8-14-19 reviewed the request of Lawrence Palmisano to reduce the amount being held for completion of work within the cited subdivision.

The board advised that the request was referred to the city engineer. The request was to review the work cited as required; advise if all work cited was completed under the approved definitive plan; if the work was completed in accordance with the approvals; and if all required remaining work was listed and if the dollar values were accurate. Please note that Planning Director William Pillsbury, Jr. recommended that the board vote to reduce the account as recommended by the City Engineer in his report to the board dated 8/14/19.

In consideration of the report from the City Engineer, John Pettis, Member William Evans motioned to reduce the amount \$100,452.50 from the \$162,782.50 balance and maintain a balance of \$62,330.00 as recommended by the city engineer in his report to the board dated 8/14/19. Member Karen Buckley seconded the motion. All members present voted in favor to reduce the account to the balance of \$62,330.00 as

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recommended by the city engineer in his report addressed to the board dated 8/14/19. Members Absent: Paul Howard, Karen Peugh and Kenneth Cram. Motion passed.

As a condition of the board's vote, the **BANK is required** to notify the board that the minimum amount of \$62,330.00 is held for the completion of all remaining work. The account shall not be further reduced or released without formal board approval.

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

- **Escrow Materials**

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

- **Escrow Materials**

20 Augustin Avenue Escrow:

Please be advised at the Haverhill Planning Board meeting held on 8/14/19 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 Planning Director, William Pillsbury, 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 **August 9, 2020**. 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 William 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 Karen Buckley seconded the motion. All members present voted in favor. Members absent were Karen Peugh, Paul Howard and Kenneth Cram. **Motion Passed.**

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

- **Escrow Materials**

Lyons Farm Estates: Please be advised at the Haverhill Planning Board meeting held on 8/14/19 at 7:00 pm in the City Council Chambers reviewed the request to endorse the extension of the agreement for the above cited development.

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The Planning Director, William Pillsbury, 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 **September 9, 2020**. 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 William 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 Karen Buckley seconded the motion. All members present voted in favor. Members Karen Peugh, Paul Howard and Kenneth Cram were absent. **Motion Passed.**

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

- **Escrow Materials**

Tenny Place: Please be advised upon the review of the escrow file it was noted that the above cited Bi-Partite Agreement will expire on September 30, 2019 for completion of all work and the funding will expire on October 30, 2019. You are required to follow-up with an updated agreement using the date recommended by the city engineer for completion of all work. Please submit an extension of the bi-Partite Agreement for the **September 11, 2019** Planning Board meeting considering that this agreement is due to expire on September 30, 2019. If not received for the September 11, 2019 meeting the board will have to consider attaching the amount being held for completion all remaining work.

Please call the Planning Department if you have any questions or concerns regarding the expiration and possible attachment of the above cited Bi-Partite Agreement.

Please Note: The agreement needs to be approved as to form by the City Solicitor before the meeting.

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

- **Escrow Materials**

Cobblestones @Bradford a/k/a Comanche Circle:

Please be advised upon the review of the escrow file it was noted that the above cited Tri-Partite Agreement will expire on August 22, 2019 for completion of all work and the

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funding will expire on September 22, 2019. You are required to follow-up with an updated agreement using the date recommended by the city engineer for completion of all work. Please submit an extension of the Tri-Partite Agreement for the September 11, 2019 Planning Board meeting considering that this agreement is due to expire on August 22, 2019 and funding on September 22, 2019. If not received for the September 11, 2019 meeting the board will have to attach the amount being held for completion all remaining work.

Please call the Planning Department if you have any questions or concerns regarding the expiration and possible attachment of the above cited Tri-Partite Agreement.

Form A Plans: None

Endorsement: None

Meeting adjourned.

Signed:

Paul Howard
Chairman