

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, March 9, 2022

Place: City Council Chambers – Room #202 City Hall

Time: 7:00 PM

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

Members Absent: Member Karen Peugh

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

Approval of Minutes:

February 9, 2022

Member Cram: April's name is missing the "n" on the first page.

After board consideration, Member Robert Driscoll motioned to approve the February 9, 2022 meeting minutes with correction. Member William Evans seconded the motion.

Karen Peugh – absent

Bill Evans – yes

Karen Buckley – yes

April DerBoghosian, Esq.- yes

Kenneth Cram – yes

Nate Robertson- yes

Robert Driscoll – yes

Paul Howard – yes

Ismael Matias - yes

Motion Passed.

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Member Nate Robertson: Read the rules of public hearings

Public Hearings:

Street Acceptances for Fasulo Court, Mariah Ridge Road, Pamela Lane and Marina Drive:

Dear City Council President and Councilors:

Please note at the March 9, 2022, Planning Board meeting held in Room #202 City Council Chambers at 7:00 p.m. the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable recommendation for the acceptance of the following streets:

- **Fasulo Court**
- **Mariah Ridge Road**
- **Pamela Lane**
- **Marina Drive**

Mr. Pillsbury: The City Engineer for the past year or so has been catching up on street acceptances. For a variety of reasons, they did not go through formal street acceptances. This is the case for four of the five streets we have this evening. I recommend a favorable recommendation to the city council on the proposed street acceptances.

Chairman Howard: Does anyone wish to speak on the street acceptances?

Member Karen Buckley motioned to make a favorable recommendation to the City Council as recommended by the Planning Director, William Pillsbury. Member Robert Driscoll seconded the motion.

Chairman Paul Howard-yes
Member Robert Driscoll-yes
Member Ismael Matias-yes
Member Kenneth Cram-yes
Member Karen Buckley-yes
Member Karen Peugh-absent
Member Nate Robertson-yes
Member April DerBoghosian, Esq.-yes
Member William Evans-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

Street Acceptance for Emma Rose Circle:

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Please note at the March 9, 2022, Planning Board meeting held in Room #202 City Council Chambers at 7:00 p.m. the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional -recommendation for the acceptance for the following street:

- **Emma Rose Circle**

Member Nate Robertson read the rules of the public hearing into the record.

Mr. Pillsbury: This is one that we did do as a subdivision that the bond was recently zeroed out. The City Engineer is recommending a street acceptance. There is one caveat from Conservation that they need to close out their Order of Conditions. I would recommend that we make a favorable recommendation with the condition to the City Council that they clean up that particular item.

Chairman Howard: Does anyone wish to speak on the street acceptances?

Member Robert Driscoll motioned to make a favorable recommendation to the City Council with conditions as recommended by the Planning Director, William Pillsbury. Member William Evans seconded the motion.

Chairman Paul Howard-yes
Member Robert Driscoll-yes
Member Ismael Matias-yes
Member Kenneth Cram-yes
Member Karen Buckley-yes
Member Karen Peugh-absent
Member Nate Robertson-yes
Member April DerBoghosian, Esq.-yes
Member William Evans-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:

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Definitive Escrows:

Crystal Springs Escrow:

Please be advised at the Haverhill Planning Board meeting held on 3/9/22 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 2/12/23 for the agreement and 3/12/23 for the funding. 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.

The board had asked the developer to be present at the meeting to discuss the remaining escrow items. He was not present at the meeting.

William Pillsbury, Planning Director: We are unable to reach him at this point. We left him a voice message. I will read through his schedule. For the bond extension for the project, we are looking for a one-year extension. We only have one more foundation to install and expect to have all the heavy construction on that house done by June. We have the curb company scheduled to start in June and we will follow with the sidewalks and the 4 remaining streetlights and loam and seed as soon as possible after the curb is done. Getting a six-month extension will not do us any good because of the start of the work can't be done in the winter. We fully expect to have the project completed sometime in October with the tree planting and that will give the engineer a few months to finish his work. What he is referring to from the engineer is the stone bounds, and the final engineering requirements. Those need to be filed to close out the project. That is his schedule. That is the information that he has provided. Again, I was hoping for more detail this evening. Hopefully he might still come by. This is the schedule that we have and a request for a one-year extension has been reviewed by the City Engineer. Apparently, everything being completed sometime in October and finishing up between now and then. This is not a hearing. I would just ask that you give your name and address for the record.

Neighbors addressed the board:

James Remmes of 67 Front Nine Drive: My question for the board is we have been living there for quite some time. Is there any person or person to contact regarding the engineering that is going into this project?

William Pillsbury, Planning Director: Absolutely.

James Remmes: The definitive plan has certain things the city is required to enforce with regards to what the developer is doing. Several of those things I don't feel are being enforced. For example, drainage and runoff is very, very bad. I don't think the drains are being done or opened or installed on

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the street. I am concerned about that. I am also concerned that the amount the bond what it was lowered to in the current day will not cover what they say they are going to do. I am concerned that they are not going to do a job that is quality. We as a private road, as you know, will be stuck with the aftermath of that down the road if it's not done correctly or well. Is there somebody as a point of contact?

William Pillsbury, Planning Director: The City Engineer is responsible for the implementation of the project. When we approve a definitive plan that plan then goes to him for bonding and inspection of the bonding through the clerk of the works. We have a clerk of the works that would be assigned to the project. I would strongly recommend; in fact, I will facilitate a conversation if you want, or you can go directly to John Pettis and talk with him. Obviously, the drainage sounds like an issue, and you are concerned about his numbers, and I think that is a valid question to ask. Again, it would be appropriate at this time to reevaluate his numbers to make sure that it is adequate. I would have no problem with facilitating that kind of conversation.

James Remmes: That would be wonderful. The other question that I have is, is it my understanding that the City Engineer does a walk-thru to make sure the work that needs to be done prior to work beginning.

William Pillsbury, Planning Director: Way back when in ancient history they had a preconstruction conference that went on I am sure. That was a long time ago. They do a final walk-thru, a final punch list, final evaluation to make sure that the project is built in compliance with the definitive plan.

James Remmes: Prior to any of that construction being done does the engineer do a walk-thru of what needs to be done based on what I see?

William Pillsbury, Planning Director: prior to....

James Remmes: Prior to road work for example.

William Pillsbury, Planning Director: The developer has to build it according to...if there is a question about the preparation, we could certainly make that part of the conversation with the City Engineer. There is a clerk of the works that oversees all of this. If there is an item that you are particularly concerned about we can make sure there is an inspection beforehand and afterwards.

James Remmes: My original question leads to my next question if there is a pre-walkthrough or something or an engineer that goes through with the clerk of the works is that somewhat of a public meeting that other people can attend.

William Pillsbury, Planning Director: I would say yes, and I would say the developer would probably have no problem with it. I can't speak for him because he is not here. Generally,....

Chairman Paul Howard: It's not typical but you certainly request it, there is no reason why you can't be there.

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James Remmes: So just call Mr. Pettis' office?

William Pillsbury, Planning Director: Yes, or I can, or we can...why don't you do that. Why don't you call him and if you have any issues or difficulties getting a hold of him or getting the information or having a meeting with him or whatever let me know and I would be happy to facilitate.

Peter Sullivan of 38 Front Nine Drive: Following up with what Jim said. The concern of quality of construction and everything and addressing it with the City Engineer. What concerns me is Back Nine Drive is a mess because of construction, poor quality workmanship. I don't want to whack anybody for it or incriminate anybody for it but that same scenario can't happen again. That street is crumbling, failing, the catch basins are collapsing. They are falling apart from the inside out because they weren't built properly. That road is a mess. It is going to cost us fortune. I got a quote for \$42,000.00 to fix the road already. Those things like Jim were saying participating in a walk-thru. We have a class A example of why we can't let the same thing happen again.

William Pillsbury, Planning Director: The only thing I am going to say and you are probably not going to want to hear it. It was a different developer. We were dealing with a very different breed of cat that moment.

Peter Sullivan: I understand that but....

William Pillsbury, Planning Director: It's no excuse. As I am saying it, I know that it is not an excuse but I am going to point it out that it is a different animal, it is a different developer. This developer is present.

Audience: Not tonight.

Peter Sullivan: This is part of the problem though because and again, I want to be careful but and respect Jay, but Steve is extremely accessible and extremely cooperative but Steve as soon as the houses are done he is basically done. June comes and that last house sells Steve's red truck is pulling out then we have Jay it's a little bit concerning, great guy, nice guy but...

William Pillsbury, Planning Director: What you do have though...there is a balance, and you want to verify that the balance is adequate to get the work done. They aren't getting any of that money until it has been signed off as being complete. You can be involved in those final walk-through before we release it. We have come this far with the project we are going to do everything we can not to...

Peter Sullivan: You ought to try living it.

Audience: To Peter's point there as a final walk-thru on the last street....

William Pillsbury, Planning Director: Those last days of that last street was a very difficult time with that developer and trying to get him to perform. We had him before this board four or five times at the end.

Audience: We all know him.

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William Pillsbury, Planning Director: My point is it was a very difficult attempt just to get him to do what he did.

Inaudible

William Pillsbury, Planning Director: I don't think we are going to be doing any bond reductions on this project. I am not going to be recommending any until we get to a place where everybody is satisfied. This is our one shot to get it right.

Peter Sullivan: It's not really his fault but it's a fact. The subdivision has been there.... how long has that binder been on there, Front Nine?

Audience: Front Nine? 8 years.

Peter Sullivan: The street construction company that I had come out to evaluate Back Nine says the binder is good uncovered for 3-maybe 4 years. It has to go. If we put finish paving over what's there, we are going to have Back Nine Drive in 5 years.

William Pillsbury, Planning Director: That is the conversation that you need to have right now with the City Engineer.

Peter Sullivan: I just want to make sure all these issues...not to attack the City Engineer. I just want to make sure these are all City Engineer issues not a different board issue or something within that nature.

William Pillsbury, Planning Director: It's all in the purview of the City Engineer as it relates to implementing everything on the definitive plan.

Peter Sullivan: He would be the one we would talk to...

William Pillsbury, Planning Director: The point of default would be right here at this Planning Board. We are not going to release the money.... he may request to release the money, the City Engineer may recommend releasing the money that's when the board gets involved in making sure that...

Peter Sullivan: This question may not be for here either but if we wanted to look at amendments, I am not saying we do but let's say we did...like sidewalks, trees things of that nature. That is one of the big problems we are having on Back Nine Drive. The sidewalks are heaving because the trees that were planted the root systems are coming up through the sidewalks. Now we have to make a decision either rip off the sidewalks or rip out the trees and repair the sidewalks. We want to make sure we don't blindly walk into the same problem. The sidewalks are too close to the curbing, you have this much grass and these big trees are growing and just pushing the curbing and breaking up the sidewalks. If we were to as a whole Front Nine Drive have a meeting saying do you want to go forward with sidewalks or not...what would be the vehicle for us to go through to get this approved for an amendment.

William Pillsbury, Planning Director: The developer would have to request a modification to the definitive plan. It would be a full-blown modification to the definitive plan. As a City we have not been supportive of eliminating sidewalks from subdivisions. We have a desire to have them there.

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Peter Sullivan: eliminate trees from that side?

William Pillsbury, Planning Director: That's different. Trees are different. Those maybe able to move from one side to the other of the planting strip onto the lot or whatever. That is something we could see as basically a field change. That wouldn't require a modification. The developer has asked me about that. He said what about moving the trees? Again, with the City Engineer's blessing it could be done as a field change as opposed to a modification. A modification is a much higher level. It comes here before the board, its notifying the abutters, its bringing the neighbors out again. If the developer wants to do it, we would have to do it. We have been down this road with this project.

Peter Sullivan: We are not trying to delay it. We just are trying to make sure we don't repeat the past.

William Pillsbury, Planning Director: Again, your conversation with the City Engineer I would incorporate that desire to see the tree issue dealt with. I am not prejudice this board to make a decision. They would make the decision. I don't know if I would recommend removal of the sidewalks. I am just one person. These guys would have their vote. As a city we have been really trying to incorporate sidewalks into our subdivisions. You could have the meeting and decide you want to take them out but the developer would have to bring it in here as request for modification.

Peter Sullivan: That answers a good question because we weren't sure if it was something we would have to address.

William Pillsbury, Planning Director: It is something the developer would have to address. I guess I apologize for him. He told me he was coming. Before we.... we will make sure he literally....I apologize he told me he was coming.

Audience: Not your fault.

After board consideration, Member Nate Robertson 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 William Evans seconded the motion. All members present voted in favor. Member Karen Peugh was absent. **Motion Passed.**

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

Escrow materials

Reminders for escrow:

Form A Plans: 1117 Middlesex LLC for Essex Street (Lafayette Square): Member Nate Robertson motioned to approve and endorse the Form A for Essex Street (Lafayette Square). Seconded by Member William Evans. All members present voted in favor. Member Absent: Karen Peugh. Motion Passed.

Endorsement:

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Any other matter:

Meeting adjourned.

Signed:

Paul B. Howard

Paul B. Howard

Chairman