

**HAVERHILL PLANNING BOARD  
MEETING MINUTES**

**DATE: Wednesday, June 12, 2024**

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

**Time: 7:00 PM**

Members Present:           Member William Evans  
                                  Member Karen Buckley  
                                  Member Michael Morales  
                                  Member April DerBoghosian, Esq.  
                                  Chairman Paul Howard  
                                  Member Bobby Brown  
                                  Member Ismael Matias

Members Absent:           Member Nate Robertson  
                                  Member Carmen Garcia

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

**Approval of Minutes:**

**December 13, 2023**

After board consideration, Member April DerBoghosian, Esq. motioned to approve the December 13, 2023, meeting minutes. Member Bobby Brown seconded the motion.

Carmen Garcia – absent

Bill Evans – yes

Karen Buckley – yes

April DerBoghosian, Esq.- yes

Bobby Brown – yes

Nate Robertson- absent

Michael Morales – yes

Paul Howard – yes

Ismael Matias - yes

**Motion Passed.**

**Public Hearings:**

**The applicant/owner Dennis and Susan Suslavich seeks permission to go back to the City Council showing specific and material change from the old application before the City Council on 12.12.23. The new petition reduces the petitioners request from a duplex to a single-family residence. See Map:640 Block:600 Lot:8 (CCSA-24-1)**

The Haverhill Planning Board at its meeting held on 6.12.24, Wednesday evening at 7:00 p.m. in the City Council Chambers, Room 202 heard the above cited repetitive petition.

Member Karen Buckley read the rules for a public hearing.

Planning Director William Pillsbury addressed the board. I would just like to remind the board of their responsibilities tonight relative to this particular type of plan. This is a unique type of hearing which is called a repetitive petition. Under the law there is a limited scope of what the board will be looking at. That scope is limited to what is known as a specific and material change that must be represented by the revised application now on file with the city. The specificity and materiality of it basically come from reasons for the denial of the original application. There needs to be specific changes and material changes relative to this plan from what was before the City Council previously and denied. I just want to make sure that we limit our discussion to that. It is not a discussion on the merits of the project, good or bad. It is a discussion of what is before us and that it is represented as a new application with both specific and material changes related to the reason for the prior denial. There will be an opportunity should this move forward; it will move forward tonight and the City Council makes a similar finding at its hearing and then that would open the door for the new hearing to discuss the merits of the actual case. All the drainage issues, and all the things that go along with that in the new hearing. Tonight, I want to remind everybody that we are limited to those particular areas. If the public wishes to speak, that is fine, but we need to address ourselves to whether this is specific and material change. You will hear from Attorney Channen and the record will reflect what has been filed relative to whether or not there is a specific material change. If there is, the board will vote on that and move onto the city council. If it is not, the board will reflect that to the City Council, and we will proceed accordingly. I just want everyone to be aware of what the requirements are and for the board to know what their responsibilities are and are limited to those specific and material change issues.

Attorney Russell Channen, 25 Kenoza Avenue addressed the board on behalf of the applicant. As Mr. Pillsbury, indicated, this is an application for a repetitive petition under section 10.5.1 of the Haverhill City Code. The reason for this application is because there was a request for a special permit filed within 2 years from the prior denial of the special permit. That special permit was denied the first time in December 2023. Therefore, if in fact my client did not request this repetitive petition, he could not have requested a new special permit until some time after December 2025. As Mr. Pillsbury indicated under section 10.5.1 to approve the repetitive petition we have to show a specific and material change to the first special permit and the reason why the City Council back in December 2023 denied that request by Mr. Judkins at that time. As I have indicated in my brief and hopefully the board has had a chance to look at it a review of the City Council minutes of the meeting back in December 2023 based upon my review of those the denial was based on the fact that Mr. Judkins filed an application for a special permit for a two-family home on the property, on Stanley Drive. The application that we have presented this evening, as part of the repetitive petition and one that will be filed for the special permit if this board approves it is for a single-family home on that property. In fact, as Councilor Michitson indicated and I put that in my brief before the board, he indicated that if in fact Mr. Judkins or subsequent owner of the property filed a request for a special permit for a single-family home rather than a two-family home that the City Council would consider that to be a specific and material change. That is the first reason why we believe that this request for a repetitive petition should be approved just because the idea of changing the potential scope of the project from a two family to a single-family home that would be owner occupied by the Suslavich's rather than rent it out to another person. This represents a specific and material change. The other reason just from reviewing the minutes of the denial back in December of 2023 was number of councilors had an issue with the potential drainage issues for the property. We have indicated in our brief was that Mr. Suslavich as well as his engineers have looked at those reasons and have come up with a game plan that we believe represent a specific and material changes that would help alleviate any potential concerns of the neighbors as far as the runoff. As the planning director indicated that is something that would be delved into in a much deeper fashion before the City Council where Mr. Suslavich had indicated there would be french drains on both sides of the property. There would be additional pervious pavers put onto the property as well that would help alleviate any potential runoff. There will be barrels put out front to help address any of the runoff concerns. Again, the question tonight is whether or not the change of the potential special permit application from a two family to a single-family home and the change in the drainage issues represent specific and material changes to the prior denial of the application. We believe it does and for those reasons we ask the Planning Board to approve the repetitive petition so we can then present the request to the City Council and then to have the special permit application addressed again in its entirety.

Chairman Howard: Are there any questions from the board? Is there anyone who wishes to speak on this project?

Member Morales: Moving from a multifamily to a single family, does that change the square footage?

Dennis Suslavich of 47 Village Woods Road addressed the board. Yes, it's about 360 square feet less. We have taken out the rear deck to put just the pervious pavers to help alleviate. This being a green home, it's 100% carbon free, no gas. I have been in the gas business for 40 years and I am doing all electric. It's actually going to put about 200 gallons a day back into the groundwater from the condensates (sp) from my E-pumps. I am doing solar panels. I am going to try to make this a zero.

William Pillsbury, Planning Director: This is something you will talk about at a later time.

Linda Downey of 5 Quimby Street addressed the board. I guess my main concern, and I don't know much about this is the underground water with the potential of new construction being pushed back into neighboring basements.

Chairman Paul Howard: Again, that is not the issue that we are addressing tonight.

Linda Downey: Okay, they mentioned the french drains and I didn't know whether that would accommodate this concern.

Chairman Howard: This should be brought up at the City Council. We are just looking at the changes they made and whether they are specific and material, not the details of what would happen with the design.

Linda Downey: When would this question be asked?

Planning Director, William Pillsbury: At the City Council hearing. The way this process works under the zoning requirements; they need to come here first for a determination that there is a specific and material change, then it goes to the City Council, they have to find the same thing. All that then does is open the door for their application to basically start over with a brand-new hearing and a brand-new invitation to all the abutters to come and heard on the merits of the drainage and all the merits of the issues that are raised. It's just tonight we are limited as to what...normally we would love to have this kind of discussion. That is what we like to do but the reality of it is we are limited by the legal requirements to only look at the specific and material change. I hope that is clear.

Linda Downey: Okay, I will be notified?

William Pillsbury, Planning Director: Yes.

Linda Downey: Thank you.

Palmer Lewis of 14 Quimby Street addressed the board. As far as the material change, its still a watershed area, I believe. I don't know if that...that doesn't change whether it is a one family or a two family.

Chairman Paul Howard: That wasn't the reason for denial. The denial was what they had mentioned.

Palmer Lewis: I thought part of it was done on the watershed too. The drainage was part of the denial as well.

William Pillsbury, Planning Director: I think what the attorney is representing and I believe is represented in the new application is a new set of plans, new approach, new methodology that we don't anything about because we aren't doing that tonight. We are basically saying there are a new set of plans that are different from the original set of plans on the basis of what was denied. That is the determination that we will make tonight.

Palmer Lewis: Okay.

William Pillsbury, Planning Director: It's just a matter of when you get to have that conversation. Whatever zoning district, watershed district doesn't change, it still is. I think the idea is to get it to the appropriate venue to be able to talk about it and have that considered. I know this is a very odd way to have a hearing. It is uncomfortable for everybody. The reality is that we are limited as to what we can have as the prevue as this hearing.

Palmer Lewis: Okay, very good. I didn't think that was a change.

Chairman Paul 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.

William Pillsbury, Planning Director: As I was just attempting to explain it basically a limited scope are the reasons it was denied. It was denied because it was two units, it was very specific in the minutes everybody on the council agreed that they did not want a two family. There were concerns and issues a large number of issues relative to drainage. Those were both the reasons for denial. What was presented tonight is the reduction of two units to one unit which again from the legal prospective is both specific and material because it was related to the denial. The drainage issues the applicant is

purporting, I am not making a value judgement on it at all and I don't think the board is he has a new set of plans. He has a plan that is going to comply with the city ordinances that was the other thing the councillors said. The elements of that plan did not comply with the city water shed ordinance and other ordinances. He is saying now he has a set of plans that will do that. The only way he gets to go to the council is to go through these first two steps. With that Mr. Chairman I do believe there is specific and material change present in the reduction from two units to one. I do believe the revisions to the plans represent a significant amount of change relative to decide whether that is specific and material related to the drainage plans which should enable this to go back before the council for a rehearing and with that I would recommend for the Planning Board to approve the repetitive petition representing both a specific and material change for the reason for the denial.

Member William Evans made a motion to make a favorable recommendation to the City Council as recommended by the Planning Director, William Pillsbury for the repetitive petition for Stanley Drive. Member Bobby Brown seconded the motion.

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

City Departments 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 (20) days of the board's filing of this decision and notice of decision with the City Clerk.

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

Online filing: ccsa-24-1

**Confirmatory Votes:**

**Crystal Springs Escrow:** The performance guarantee was due to expire on 3.13.24 and funding on 3.12.24. The developer submitted an extension of the performance guarantee to 3.13.25 and funding on 3.12.25. Member Bobby Brown motioned to approve the extension of the performance guarantee. Seconded by Member Michael Morales. All members present voted in favor. Motion passed.

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

**Escrow Materials**

**Sylvan Hill Escrow:** The performance guarantee was due to expire on 3.19.24 and funding on 4.19.25. The developer submitted an extension of the performance guarantee to 3.19.26 and funding on 4.19.26. Member Bobby Brown motioned to approve the extension of the performance guarantee. Seconded by Member April DerBoghossian, Esq. Motion passed.

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

**Escrow Materials**

**Michael Anthony Escrow:** The developer requested a bond reduction for the above mentioned escrow. Member April DerBoghossian, Esq. motioned to approve the bond reduction for Michael Anthony Way to the amount of \$388,373.98. Seconded by Member Bobby Brown. All members present voted in favor. Motion passed.

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

**Escrow Materials**

**Confirmatory Votes:**

**Form A Plans:**

- Max Mortgage Lending, LLC for 345, 337-339 & 355 River Street (pbfa-24-1) Member Bobby Brown motioned to endorse the Form A for 345, 337-339 & 355 River Street. Seconded by Member April DerBoghossian, Esq. All members present voted in favor. Motion Passed.
- Joseph Ambrosino for 29 John Street (pbfa-24-2) Member William Evans motioned to endorse the Form A for 29 John Street. Seconded by Member Bobby Brown. All members present voted in favor. Motion Passed.

- Pinnacle Builders for 57 South New Street (PBFA-24-3) Member Bobby Brown motioned to endorse the Form A for 57 South New Street. Seconded by Member April DerBoghossian, Esq. All members present voted in favor. Motion Passed.
- City of Haverhill/Conservation/Water Departments for Crystal Street and Jericho Road (PBFA-24-4) Member William Evans motioned to endorse the Form A for Crystal Street and Jericho Road. Seconded by Member April DerBoghossian, Esq. All members present voted in favor. Motion Passed.
- 3-7 South Central Street for 3-5 South Central Street (pbfa-24-5) Member Bobby Brown motioned to endorse the Form A for 3-5 South Central Street. Member April DerBoghossian, Esq. seconded the motion. All members present voted in favor. Motion Passed.

**Endorsement:** None at this time.

**Any other matter:**

**Meeting adjourned.**

Signed:

*Paul Howard*

Paul Howard

Chairman