

**HAVERHILL PLANNING BOARD  
MEETING MINUTES**

**DATE: Wednesday, February 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

Members Absent:           Member Karen Peugh  
                                  Member Karen Buckley  
                                  Member April DerBoghosian, Esq.

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

**Approval of Minutes:**

**January 12, 2022**

After board consideration, Member William Evans motioned to approve the January 12, 2022, meeting minutes. Member Nate Robertson seconded the motion.

Karen Peugh – absent

Bill Evans – yes

Karen Buckley – absent

April DerBoghosian, Esq.- absent

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:**

**Frontage Waiver for 71 Jaffarian Road:**

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

Mr. Pillsbury, Planning Director addressed the board. We have a couple of frontage waivers this evening and I will take a minute or two for the requirements of a frontage waiver. The role of the Planning Board on acting on a frontage wavier is limited to one specific issue by statute which is to confirm that there is adequate access provided to the site from the reduced frontage. The purview of the planning board is limited to this one item and does include anything relative to the granting of the variance. Which was done previously by the zoning board of appeals. Any concerns of this issue as to whether there is access exists are not to be considered by the board in acting on the frontage waiver. Concerns relating to wetlands and site drainage are not to be considered by the Planning Board but are in the jurisdiction of the conservation commission whose approval is required prior to the issuance of a building permit. In this particular case we have a frontage variance that was granted for 71 Jaffarian Road. No appeal was taken on that particular action. The plan has been reviewed by the building inspector and city engineer and that adequate access does exist from the frontage to the buildable portion of the lot. When you close the hearing, Mr. Chairman, I will make a recommendation.

Chairman Howard asked if anyone from the public wishes to speak on this project, frontage wavier 71 Jaffarian Road? Seeing none, we are going to close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury: As I indicated, the review of the plan does indicate that adequate access exists via the reduced frontage. With that I would recommend approval of the frontage waiver as presented.

After board consideration, Member Robert Driscoll motioned to approve the frontage waiver for 71 Jaffarian Road as recommended by the Planning Director, William Pillsbury. William Evans seconded the motion.

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Member Nate Robertson: yes  
Member Karen Peugh: absent  
Member William Evans: yes  
Member Karen Buckley: absent  
Member April DerBoghossian, Esq.: absent  
Member Kenneth Cram: yes  
Acting Chairman Robert Driscoll: yes  
Member Ismael Matias: yes  
Chairman 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:**

**Online application**

**Application**

**Form D**

**Form D-1**

**Frontage waiver plan Jaffarian Road**

**Isnagtius and Thespina Tsagaris, letter, 1/5/22**

**Frontage waiver for unnumbered Snow Road/Scotland Hill Road:**

Mr. William Pillsbury, Planning Director addressed the board. Similarly, to what I just said for 71 Jaffarian Road, the Planning Board's role is to look at the frontage and make sure there is adequate access via the reduced frontage.

Mr. Jim Hanley of Civil Design Consultants addressed the board on behalf of the applicant. Again, we are here for property off of Snow Road which is in the RR zoning district. The one issue in front of you is whether or not the property has adequate access. The Board of Appeals has recently issued the variance, so we have that. We really have a minor improvement which is about a 250' driveway essentially to gain access to the parcel that is located out back. The current owner of the larger parcel has the parcel in between the road and its parcel under agreement. We are going to be able to own that and maintain that. There will be a 14' wide driveway just to provide access to one single family house, municipal utilities. If you have any questions, I can try to answer them.

Chairman Howard: Any questions from the board? Is there anyone from the public who wishes to speak on this project? Seeing none, we will close the public portion of the hearing and turn it over for comments from the Planning Director.

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Mr. Pillsbury: Similarly, to the last one we have a situation where a variance that was granted by the Board of Appeals and no appeal was taken. With the indication of city engineer and the building inspector and myself indicates that there is adequate access to the buildable portion of the lot via the reduced frontage. With that I would recommend the approval of the frontage waiver.

After board consideration, Member William Evans motioned to approve the frontage waiver for Snow Road/Scotland Hill Road as recommended by the Planning Director, William Pillsbury. Ismael Matias seconded the motion.

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

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

**Online application**

**Online application**

**Application**

**Robert Ferreira, Letter 1.4.22**

**Form D**

**Scotland Heights Realty Trust Letter, 1.12.22**

**Civil Design Consultants, Inc. Letter, 1.4.22**

**Form D-1**

**Repetitive Petition 5-7 John Street:**

Board of Appeals Chairman & Members:

The Haverhill Planning Board at its regularly scheduled meeting held on 2/9/22, Wednesday evening, at 7:00 p.m. in Room 202, City Council Chambers, considered the request of the

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owner/applicant, Jean Doresca. There was a request for a specific and material change which reduces the petitioners request from a 3-family residence to a 2-family residence.

Member Nate Robertson: Read conduct of a public hearing into the record.

Attorney Caitlin Masys of Downey Law Group addressed the board on behalf of the applicant. We are here tonight seeking approval to go before the Board of Appeals next week on a repetitive petition for several variances. Mr. Doresca went before the Board of appeals in October seeking a total of 8 variances to put a three family, 3 story structure on the lot next to his. That was denied by the Board of Appeals. Since then, my client has substantially reduced the asks and would like to have a chance to go before the Board of Appeals again before the time period has expired. With the Planning Board's recommendation, we would be able to do that next week at the Board of Appeals hearing. The specific and material change between the two applications is initially the application was for a three-family residence that has since been reduced to two. Initially we were seeking eight separate variances. The new proposal only requests for six. The plans include an underneath garage which would greatly improve the parking access and impact for the property.

Chairman Howard asked if anyone in the audience wishes to speak on this project? Hearing none, I will close the public portion of the hearing and open it from comments from the Planning Director.

Mr. Pillsbury: The applicant seeks a finding by the Board of a specific and material change to a previously denied application by the Board of Appeals. The denial was based on at least in part density concerns for the project of 3 units. The current application includes a specific and material change to 2 units. Again, specifically related to the reason of denial. The plan has been reviewed by the city departments and no objections have been received. I would recommend a finding that there is specific and material change presented in the revised application and so send that to the Zoning Board of Appeals.

**MOTION**

After board consideration Member Robert Driscoll 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 – absent

Member April DerBoghosian, Esq. – absent

Member Nate Robertson – yes

Member Robert Driscoll - yes

Member Karen Peugh - absent

Member Kenneth Cram - yes

Chairman Paul Howard - yes

Member Ismael Matias - yes

**Motion Passed.**

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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**

**Definitive Escrows:**

**Scotland Heights Escrow**

Please be advised at the Haverhill Planning Board meeting held on 2/9/22 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 June 30, 2022 for the agreement and July 31, 2022 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.

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 Karen Peugh, Karen Buckley and April DerBoghossian, Esq. were absent. **Motion Passed.**

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

Escrow materials

**Crystal Springs Escrow:**

Please be advised upon the review of the escrow file it was noted that the above agreement and letter of credit will expire on 2/12/22 and 3/12/22. You are required to follow-up with an updated agreement and Letter of Credit using the date recommended by the city engineer for completion of all work. Please submit an extension of the Tri-Partite Agreement and Letter for Credit for the March 9, 2022 Planning Board meeting considering that this agreement is due to expire on 2/12/22 and 3/12/22. If not received for the March 9, 2022 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.

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**NOTE:** The Planning Board would like you to attend the March 9<sup>th</sup> Planning Board meeting and to avoid attachment please provide a detailed schedule in advance of the meeting of the unfinished items and an extension agreement with a date agreed upon with John Pettis.

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

#### **Escrow materials**

##### **Sylvan Hill Escrow:**

Please be advised the Planning Board at its 2-9-22 regular scheduled meeting considered your request to re-establish the bond amount for the above cited development. No lots are to be released until the required funds are submitted along with the escrow agreement in exchange for the release of said lots from the Form E Covenant. The board reviewed your cited request along with the report from the city engineer, dated February 8, 2022, which showed the evaluation amount of \$1,055,150.30 to complete the remaining work.

Please note, that the lots will not be released until a properly executed agreement with notarized signatures is submitted to the Board for acceptance and endorsement. Said agreement would be required to be recorded at the Registry of Deeds and a copy provided to the board that shows the registry's recording stamp.

After board consideration, Member Robert Driscoll motioned to approve the established amount of \$1,055,150.30 that was recommended by the city engineer in his report dated February 8, 2022. Seconded by Member Bill Evans. All members present voted in favor. Members absent: Karen Peugh, Karen Buckley and April Derboghosian, Esq. Motion Passed.

##### **Reminders for escrow:**

**Form A Plans:** Essex County Greenbelt Association, Inc./Mark and Daniel Byra for 97 Corliss Hill Road: Member Nate Robertson made a motion to approve/endorse the form a for 97 Corliss Hill Road. Member William Evans seconded the motion. All members present voted in favor. Motion Passed.

##### **Endorsement:**

##### **Any other matter:**

Meeting adjourned.

Signed:

Paul Howard  
Chairman