

**HAVERHILL PLANNING BOARD  
MEETING MINUTES**

**DATE: Wednesday, January 13, 2021**  
**Place: ONLINE MEETING DUE TO COVID-19**  
**Time: 7:00 PM**

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

Members Absent:           None

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

**Approval of Minutes:**       December 9, 2020  
**December 9, 2020**

After board consideration, Member Karen Buckley motioned to approve the December 9, 2020 meeting minutes. Member William Evans seconded the motion.

Karen Peugh – yes  
Bill Evans – yes  
Karen Buckley – yes  
April DerBoghossian, Esq.- yes  
Kenneth Cram – yes  
Nate Robertson- yes  
Robert Driscoll – yes  
Paul Howard – yes  
Ismael Matias - yes  
Motion Passed.

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

**Public Hearings:**

**Frontage Waiver Tenadel Avenue:**

Attorney William Faraci addressed the board on behalf of the applicant. This is a request for a frontage waiver on Lot 42 Tenadel Avenue. This is similar to other frontage waivers that have been given to other lots on this street. The lot originally had a 100' of frontage when it was created, nothing has changed since then. A variance has been obtained from the Board of Appeals and at this stage of the game Tenadel Avenue is mostly completed. With the variance and with the required access, I would ask that you approve the frontage waiver.

Mr. Pillsbury: Just for the information of the public I would reiterate that the role of the Planning Board is not looking at the variance. The variance has been granted and the variance has not been appealed. The role of the Planning Board is to look at whether there is adequate access to the property via the way in front of it, via the reduced frontage. That is the only criteria that the Planning Board is to look at and that will be what we look at through the course of this hearing. With that Mr. Chairman I believe you can throw the hearing open to the public.

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

Mr. Pillsbury: The approval has been received for the frontage variance for this project. There was no appeal taken. At this point the review has been determined that there is adequate access to the buildable portion of the lot via the reduced frontage and with that I would recommend approval of the frontage waiver for this lot on Tenadel Avenue.

After board consideration, Member Nate Robertson motioned to approve the frontage waiver for Tenadel Avenue Lot 42 as recommended by the Planning Director, William Pillsbury. Member William Evans seconded the motion. All members present voted in favor. Member absent: none. 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.

Mr. Pillsbury: Read the online public hearing rules.

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

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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
- Frontage waiver application
- Frontage waiver plan dated 10-14-20
- Form D

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

**Special Permit for 149 Washington Street:**

Mr. Pillsbury: Read the rules of the online hearing.

Please note at the January 13, 2021 ONLINE Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional-recommendation for a special permit for 149 Washington Street.

Planning Director read the rules of public hearing into the record (online version). He also stated the role of the Planning Board is to make a recommendation to the City Council. In the case of special permits, that is the role of the Planning Board. The items is referred to the Council from the Planning Board. The Planning Board holds a hearing to make a recommendation to the council. The council will have its hearing subsequent to this. All the information that is generated tonight will be forwarded to the City Council at the appropriate time. With that Mr. Chairman we can proceed with the hearing.

Mr. Timothy Woodland of 149 Washington Street addressed the board. I am seeking a special permit to construct five residential units in this particular building. This is a conversion from a mixed use and looking to go entirely residential. At the moment I have an approval from the Board of Appeals for a parking variance for this particular project. The building itself is pretty consistent with residential building compared to a commercial. I don't believe that it had a commercial use in this building for over three years. More importantly, the high demand for market rate residential housing. This is the reason why I am looking to put the five residential units here.

Mr. Pillsbury: Currently how many units?

Mr. Woodland: Currently it is a two-story building 3 total units. First floor is one quote on quote commercial and the upstairs is currently two residential apartments.

Mr. Pillsbury: You are going from 2 residential apartments to 5 residential apartments?

Mr. Woodland: Correct.

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Mr. Pillsbury: You have your variance for parking in place?

Mr. Woodland: Correct.

Member Peugh: What are the apartments? Are they one/two bedroom?

Mr. Woodland: The existing (which is not part of the plan to do any work to) is a three bedroom/two bedroom and the first floor will be a two bedroom/one bedroom/studio.

Member Robertson: There used to be a clothing company on the first floor. I bought a couple of things there. They have since moved away to Pittsburgh. I'm happy to see this building move along. I know that is a tough first floor space. To see more investment and bring more housing into that spot is certainly good use.

Chairman Howard asked if anyone from the public who wishes to speak?  
Hearing none, we will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury: The review of the plan indicates that the project complies with all required zoning dimensions. The density is consistent with the surrounding neighborhood. The city departments have reviewed the plan and no major objections were received. This will be requiring a site plan at the appropriate time with that I would recommend a conditional favorable recommendation. The conditions being the incorporation of the city department letters as part of the city council permit approval that maybe forthcoming. I would recommend a conditional favorable approval with the condition being the inclusion of the City Department letters and any request they make being incorporated into the special permit.

Member William Evans motioned to make a favorable conditional recommendation to the City Council as recommended by the Planning Director, William Pillsbury. The condition being the inclusion of all the comments/letters from city departments. Member Nate Robertson 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-yes  
Member Nate Robertson-yes  
Member April DerBoghossian, Esq.-yes  
Member William Evans-yes

Motion Passed.

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

**Online application**

**Sven Amirian letter, 9-9-20**

**Trisha Wishart letter, 9-9-20**

**Ismael Gonzalez letter, 9-9-20**

**Plan of land 7-10-20**

**Special Permit (Watershed) Brandy Brow Road:**

Please note at the January 13, 2021 ONLINE Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional-recommendation for a special permit for Brandy Brow Road.

Planning Director read the rules of public hearing into the record (online version).

Attorney Don Borenstein of 12 Chestnut Street, Andover, MA addressed the board on behalf of the applicant. I will give the board a quick overview of the history of this site. You maybe familiar with it. It has been to the Planning Board and the City Council on prior occasions. I would also note, that David Jordan, the project engineer is on with us and I will hand it over to him after I give you the history. We do have a proposal for 11 single family homes on 29.4 acres on a currently undeveloped section of Brandy Brow Road. It is in the SC district. The history of the land, basically before 1996 became trouble because of illegal dumping and a favorite spot for underage drinking. In 1996, the City Council was considering the discontinuance of this section of Brandy Brow Road. The ultimately elected not to discontinue it. That would have triggered eminent domain taking of the abutting property. They did elect to temporarily close the road. When they closed it with the use of the vehicular control gates that you see out there now. They closed off the road and it is still existing as a public road. When they approved the temporary closure of it. The City Council has made at least one prior amendment to that closure by allowing some homes at the Plaistow end of the road to be constructed. The gate was moved slightly further away from the Plaistow end of the road. In 2006, my client, D&D Realty Trust petitioned the City Council and through this board to either remove both gates entirely or to remove the Plaistow end gate to allow for single family home construction on land that was owned by the trust on Brandy Brow Road. That was approved by the City Council and issued an order in 2006. It would allow either/or either allowance of the removal of both gates or the allowance of just the Plaistow sided gate. That was issued with conditions. The primary condition was that watershed special permit be obtained and that no gate be removed until the first home was constructed. My assistants back then, went forward with a proposal for 13 homes along the road, that included a section that had a definitive subdivision road that would have stubbed off of Brandy Brow. It also had multiply common driveways to get to the 13 lots. This went through this board and significantly reviewed at City Council and a full peer review at that time. It ultimately was withdrawn due to market conditions at that time back in 2006-2007. Since then the project has sat relatively dormant. Going back 2019 it was revisited and David Jordan the project engineer who will be on with us in a moment and I sat with several different

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city staff and looked at reconfiguring the project and bringing it back before the city boards. It is now reintroduced as 11 home project on the nearly 30 acres. The definitive aspect of it has been eliminated. All these 11 homes would be on Form A lots. The frontage would be on Brandy Brow Road. It is still limited to the removal of the single gate. The Plaistow sided gate would be removed. The road would not be a thru street. I will save the specifics of the proposal for David to go over. We had made significant progress up until the March shut down. We filed this proposal with the City Council back in October of last year. We are also scheduled for city department review next Thursday and for City Council hearing on February 2<sup>nd</sup>. With that I would like to turn it over to Dave.

Mr. David Jordan engineer and land surveyor with Green and Peterson, Salem NH addressed the board. (shared the plan online) The lots that are being discussed tonight are existing lots along Brandy Brow Road. (shows snapshot from the Haverhill GIS system). As you can see, Brandy Brow Road runs left to right on this plan. I have highlighted the 13 existing lots that D&D Realty owns. We have the west end of Brandy Brow Road over here (up at the Plaistow/Route 108) and Corliss Hill Road coming in here. The green dashed line is the portion of Brandy Brow that is currently gated. This is the portion that is starting at the west end and extending to this last lot over here. That is the portion that we are looking to reconstruct. This is the subject of the special permit application. Further off to the east, is the east end of Brandy Brow Road that comes off of Route 110. Again, there are 13 existing lots out here owned by D&D Realty and as Don said the proposal that we have before you are actually for 11 lots. I can run through that for you here. Again, Brandy Brow Road runs left/right across this plan here. Over to the far-left hand side is the Plaistow end of Brandy Brow and if you head easterly the existing gate that is there currently is located at this point here. There are several existing homes already on Brandy Brow prior to that gate. You can see that actually a couple of them involved with the special permit are on the west side of the gate as well. I've used this plan to highlight the lots that are part of this proposal. Basically we have four different areas. There are three lots on the south side of Brandy Brow Road and across from that there are another two lots. Heading further east there is five lots and one lot off by itself at the very end. In all we will be reconstructing approximately 3,300' of Brandy Brow Road. Starting about 100' west of the existing gate, picking up the road where the pavement ends Its actually west of the gate that is out there. Part of this proposal that is in front of you tonight and different than the proposal that was presented in 2006 we are actually eliminating some lots out here. I will go through those with you. I basically want to use this plan to give you some high-level overview of what we are doing. The green lots in total are approximately 29.4 acres in size. There are 11 lots that we are proposing. On Brandy Brow Road starting from the gate on the west side or just before the gate on the west side extending east to the end here about 3,300'. We have as part of this petition submittal; we have received comments from a number of departments already. I know the Fire Department has issued a number of comments and we actually have had several meetings with them prior to submitting this plan. As part of that, I want to highlight some facts here to be clear to this board. The majority of the newly proposed reconstruction portion of Brandy Brow Road is going to be 28' pavement (28' paved surface). The only exception to that is the first 300' where it is going to be 24' and that is because we have an existing wetland crossing (inaudible). The rest will be in accordance with the town's subdivision regulations. In addition to a full turn around at that end of Brandy Brow Road there will be a midpoint turnaround about 1,600' in from the gate to provide 2 points in which emergency vehicles could turn around as to not drive to the end of

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Brandy Brow Road to do that. I will go through some of the other plans here, quickly for you. As we get into the road construction plan and what we are calling a lot preparation plan (three lots south side of Brandy Brow) currently there is four existing form a lots. We would be looking to come in at some point with a form a plan to take 3 lots and reduce those down to 2. Those lots would be served by a common driveway that would provide the access to two of those lots. The third lot on this side of Brandy Brow Road will have its own independent access off of Brandy Brow Road. The next plan shows across the street from those 3 lots. This currently is 3 lots the existing lots lines are shown in red – we would be looking to resub divide with a form a process into just 2 lots. The reason for that is a result of analyzing the steep slope out here. There is a vernal pool, so we are taking into account the environmental factors here. We would reduce this down to two lots. Each of these lots will have their own driveway with a access off of Brandy Brow Road. There will be no common driveway here. While these plans do show potential house and driveway locations that is not the specific purpose of this application. The final location of any lot or house on these lots will be determined at a later date when the house will be built and the desire of the developer of these lots. As part of Brandy Brow Road though – the first portion is the portion that would be 24’ of pavement for the first 300’. Again we have a wetland crossing at this location where we are kind of pinched in and constrained. Once we get beyond that constraint, we would widen the road up to 28’ of pavement. We do propose a new storm water drainage system. It’s a combination of closed drainage system, catch basins, and treatment holes. Where we have likewise constraints due to wetlands, we have an open country like drainage system consisting of roadside swales. All of the water, however, will be collected and treated, infiltrated to provide proper treatment and mitigation of the stormwater coming off of this road. Continuing further east these are five existing lots and still will be five house lots in the future. This shows the intermediate turnaround, adjacent to that one of the storm water infiltration basins and sediment forebay. Continuing east towards the end, this is the last lot at the end of the section of Brandy Brow Road that we are approving, again, there is a full turnaround drainage infiltration basin and discharge areas. As I have mentioned we have started receiving a number of comments from the various departments within the city. We have a meeting scheduled as Don said, next Thursday with the Engineering Department and the interdepartmental review process. We are going to further our discussion with the city departments. Based on the comments that have already been received and additional comments that we expect that will come out of that discussion next Thursday. I will stop sharing my screen and turn it over to the board. I would be happy to answer any questions that you may have.

Mr. Pillsbury: If I may interject as we continue this hearing portion. The role of the Planning Board tonight as I have said earlier is to make a recommendation to the City Council. This is not acting on the plan tonight. This is simply an opportunity for the plan to be heard. This is for the Planning Board to make recommendation and comments to the City Council and forward those along to the City Council. The City Council hearing is scheduled for February 2<sup>nd</sup>. That will be the opportunity for the City Council hearing the detailed information. For the public tonight, the recommendation to the City Council at the end if the Planning Board takes an action that action is based on a recommendation to the City Council not an approval or anything that would imply the ability to go forward. Again, with that Mr. Chairman, I would turn it over to you for the public portion.

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Member Peugh: What is some of the feedback that you received from the City Departments and what changes have you already made?

Mr. Jordan: As I mentioned, we have had a number of meetings over the past basically over a year now with different departments. When this plan was brought before the City Council back in 2006-2009 at that time we were proposing to construct Brandy Brow Road with 24' of pavement along the entire length and based on discussions we had with the Fire Department last year they made it very clear that because of the location of these lots within the City they were concerned about providing proper access for emergency vehicles. Out of that came the change where we did widen the road to the 28' where we could. We also provided intermediate turn around point which was not part of the prior proposal. The other thing we have done.... we have had a couple of discussions with Rob Moore of the Conservation Department. Obviously, there is a lot of interest from their part. We are in the watershed and there a number of wetland areas in and around these lots. That is why in the first couple of groupings of lots we have eliminated to what currently exist out there. Again, trying to balance the developers needs with these lots that he owns with the regulations both within the watershed and the Conservation rules. Those are the most significant changes that have come out of this latest plan.

Member Peugh: Do you have a sense already of the houses you are looking to build, size, price point?

Mr. Jordan: We really don't. These are single family house lots. They are all essentially two acres or greater. I think...I would expect them to be certainly four-bedroom homes, 2-3 car garages.

Member Robertson: My concerns are less about emergency access and more sympathetic towards Rob Moore's point. The land sits in the East Meadow River watershed district. These are large footprint single family homes. It's essentially taken 29.4 acres of land and putting 11 homes on it and a road thru it. This is what I am concerned about when we talk about protecting East Meadow River watershed. I guess if you could offer some clarity on the...a lot of these are two-acre sites because it is in the SC zone. Any idea in terms of footprint in terms of 1. What is going to be cut down and what is going to be replaced with? 2. How will that affect the surrounding watershed?

Mr. Jordan: I will share my screen again. On the plans we did include the approximate tree clearing on all the lots. For example starting with the first lot on Brandy Brow Road you can see where we have identified a potential spot for a house and driveway. These obviously will be on septic systems and wells. It is shown approximate area of disturbance of what I will call lot clearing. You can see on this lot...which is an existing lot and is just under 2 acres 80,000 s/f (pre-existing lot) while the front would be cleared, potentially the back 2/3<sup>rd</sup>s remains undisturbed. Likewise were we have this common driveway we have identified an area around these which are significantly smaller than the lots themselves. We have wetland buffers which we will need to stay out of anyway. These lots are much larger than what is needed for a house and yard. One thing I looked at earlier today (Haverhill GIS) this is a 2019 aerial...these are showing the existing lots, so again, these 4 lots would now be 3. You can kind of get a sense from the existing homes on Brandy Brow Road...2 houses here...kind of like what I just



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described they cleared the area around the house but the back still remains very wooded. We would expect that to be the condition on all these lots through here. Likewise on the other end of Brandy Brow Road where we are not connecting to you see houses on similar size lots but the majority of those lots remain wooded and vegetated. There is no intention of clear cutting those lots. The disturbance on the lots is intended to be only what is necessary for the construction of these homes. Nothing more than that.

Member Robertson: My worry...after seeing this on the docket I walked that roadway yesterday. There is a surprising amount of people walking their dogs...it's kind of like a destination now because it is a unique walkable area. My fear is always to go back out and see it all clear cut which I think we don't want to see. Half of it is a sandpit which serves no use to anything. I would expect any use is better than a sand pit. Why not connect the two ends of the road?

Mr. Jordan: I think Don may want to weigh in on that one.

Attorney Borenstein: The sandpit in the same vain as Dave was just describing there actually is some opportunity for reforestation. Because you have a large cleared sandpit area that is obviously going up for some landscaping that is highly likely for some reforestation for those lots that are not necessary for the single-family homes. As far as extending the road...when we came before the City Council before they made clear to us by abutters on the Haverhill side of Brandy Brow Road, they were not in favor of Brandy Brow Road returning to a thru street. There is concern from certainly neighbors about the thru-street aspect. Although the City Council vote would allow either the removal of both or removal of one that was a concern we wanted to take into account. Also there is an issue with the status of the bridge. There is a bridge at the Haverhill end that is in some disrepair and apparently a monumental item to address. It would be (inaudible) to rebuild that bridge in total. For those two reasons.

Member Robertson: Thanks for the clarity.

Member Peugh: We received a communication from the Water Department regarding the Millvale Reservoir. I didn't know if you had the opportunity to see that memo, but the Water Department has some significant concerns regarding protecting the City's water supply. I don't know if you had any information that you could share regarding those concerns.

Attorney Borenstein: We did see those comments come in through the portal. That is the nature of this project. You have the push and the pull of the intention of this project is bringing some good development to this road that had some long...relatively abandoned bringing appropriate single-family use and appropriate access and refurbishing this public way to being suitable to that. At the same time respecting the significant concerns of developing in the watershed district. That is the very thing that we will be doing going forward with the city council and conservation commission, of course we will need an order of conditions here and it's the watershed issues that will be discussed and balanced during that process with the city council for sure. We are well aware of those and will be part of our ongoing discussion.

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Member Peugh: I know you stated the scope of the project. Is there any opportunity to decrease it any further?

Attorney Borenstein: I think at this point I don't know that there is. I never want to say never to sort of anything on a project because things develop and evolve over the course of the process that is what is meant to happen through these processes. To refurbish that that length of roadway, to put in the significant drainage necessary to protect the watershed, you do need on the income side for the developer to have enough funds to balance that and make it feasible. Part of what we have here is the opportunity for good demand for home sites like this especially now and to do that in way that balances both access and watershed. We are trying to juggle those three things and we think this plan does that and you need the income to support those things like the extra drainage items, width of the roadway. We are hoping to have a robust discussion next week too at the departmental review meeting. We will try to tighten some of those up and respond to the Water Department comments. I think Rob Moore, from Conservation will be in that discussion as well.

Chairman Howard: Any other questions from the board?

Can the public ask questions?

Chairman Howard: We will open it to questions from the public now.

I would like to talk about (inaudible)

Mr. Pillsbury: Excuse me. The rule.... anyone would like to speak please just notify us of your name and address and this particular caller there is something definitely something with the sound. There is a lot of feedback. Please just give us your name and address for the record and try to keep any outside noise around your phone muted as well so you can be heard more clearly.

Ms. Anita Toscano of Brandy Brow Road addressed the board: I am basically ignorant about how to do this. My question is...regarding the 20-year plan that was recently published. The plan was of major importance was to protect the environment areas in Haverhill. That development was to be done more inner-city, closer to walking distance to town. There is not that much conservation land left of which this does abut. Watershed areas and conservation areas were changed to be a prime area to keep pristine of the way they were in Haverhill. This is such a valuable and critical part of the watershed and I don't see where this plan should be able to fly. I know Haverhill doesn't have a lot of money, but this is one of the areas that they should purchase rather than put any houses in there. I guess that is my opinion. I don't support it at all.

Chairman Howard: Duly noted.

Ms. Christine Kwitchoff of 14 Colby's Lane addressed the board: I would like to echo some of the comments that have been previously made by Nate and the Water and Conservation Department. I just want to start by saying an observation. During last night's city council meeting the city agreed to the order of taking 25 acres of land that is owned by the same D&D Realty Trust on Old Groveland Bridge Road for the protection of watershed purposes. During

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that meeting it was stated that 70% of our water supply comes from the East Meadow River of which Old Groveland Bridge Road directly abuts. Brandy Brow Road the property that is being discussed tonight also abuts the East Meadow River. The worst threat to our water supply is development. If we want to protect our water, we need to protect our land. It was really interesting to learn at the City Council meeting that the city allocated \$272,000 for the purchase of Old Groveland Bridge Road. In the end the price was reduced to \$41,000.00 to comply with city charter requirements. The city got a pickup of \$231,000.00 as a result of that revision. So this is my question and suggestion because I do oppose this project. Water supply protection is identified as a concern and challenge during the MVP workshop that took place in June 2020. Giving the importance of this irreplaceable water supply on Brandy Brow Road can we purchase this property in the same way we purchased Old Groveland Bridge Road. We could use the pickup of the \$231,000.00 that we got from Old Groveland Bridge Road. We could apply for a land grant, and a drinking water supply grant. Between those grants and the pickup from Old Groveland Bridge Road can we cobble something together and preserve this as valuable watershed. That is what I would like us to consider. Thank you.

Chairman Howard: Thank you. Anyone else that wishes to speak?

Mr. David Lescizka, Sr. of 153 Corliss Hill Road addressed the board: my main concern is if they go through with this...I don't like it that they are just stopping...(inaudible) obviously Corliss Hill is on the Plaistow side. My house is the last house on Corliss Hill and I actually have an easement with the electric company that they use to go across my land for the four houses that are on Brandy Brow. If they do fully develop Brandy Brow, Mass Electric is supposed to take that underground system and replace it. I would assume they would come in from the east side. With 11 more houses...I mean we have a hard-enough time up here on Corliss Hill and I am sure Brandy Brow too when we lose our electricity. I am worried from that concern. Also, without opening that road the whole way I would find it hard for the houses if they do get put in...the houses further down to be able to get out. I think it's easier to go out in the direction of Whittier Vo-tech in that area. That's my opinion.

Chairman Howard: Okay, we can note that.

Mr. Bill Briggs of Corliss Hill Road addressed the board: I agree with the previous statements and I just wanted to reiterate that I have concerns with this wetland area. With more and more residents being added in that area it slowly eats away at the watershed. It's kind of dying by inches you might say. These proposed lots appear to take a sizable chunk of that area. The developers may be working some protections of the watershed into their plan but how much is too much. There has been development on the upper end of Corliss Hill and Brandy Brow. These waterways lead into Kenoza Lake. I question whether continuing developments up in that area should be allowed. It was also mentioned by one of the board members that he would hate for that area to be clear-cut. It's a significant area of open space in Haverhill. It should be preserved. Other developments have attempted in this area in the past and Haverhill has rightly, in my opinion rejected them because of these concerns. I would ask that you strongly take that into consideration. Thank you.

Chairman Howard: Thank you. Anyone else who wishes to speak?

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Mr. Eric Klimas of 3 East Meadow Drive addressed the board. I am almost at the end of the gate. Across the street from my house, I don't know if you realized...the town of Haverhill back in 1905-07 bought about 70 acres from Merrimac. They spent a lot of money to preserve that area for that watershed. I understand what everyone else is saying but the problem is you have the pond out here that leads into East Meadow Drive culvert. I know someone earlier said something about opening up the road and doing that...I think you have to keep this side shut because you already have access coming from that other side. It is easier for both the Fire and Police Department to get from that side. Allowing that you cross East Meadow Drive, cars, trucks, construction vehicles, etc. etc. You are going to bring a lot of (inaudible) watershed. Those people were smart enough to buy that land down here because they knew it would be valuable down the line. If we now start opening the road and letting traffic, go through as well as allow development we are putting ourselves in a real tough position here. They didn't buy that for no reason. They bought it from Merrimac for a reason. That was to protect that initial start of where East Meadow River goes and cuts across. Also, that cu-de-sac is in tough shape. It's going to cost anywhere \$400,000-\$500,000 to pull out that culvert, redo it again. Is it necessary for 11 houses that will now turn into a freeway. Hopefully in the long run you will keep the road closed and come from the other side. This side here...everybody is used to it. It has been 20 years and everybody is used to the traffic.... the least amount of traffic you will save this wetland. I know sometimes your hands are tied because of a Form A but at that point also make sure you control what can happen with this gate. Only one side should open up. There is really no reason for traffic to go all they way through. It's only going to aggravate and cause more trash. It will probably keep the cost to the City down by not opening this side. Pretty much a lot of this area is wondering...two dead ends will be a nice little neighborhood. David I know that you were suggesting not to go through with that gate hopefully you stay with that and keep it that way. I think that would work for both neighborhoods. I think that would be beneficial as well as for the watershed. Thank you.

Chairman Howard: Anyone else wish to speak?

Mr. Richard Corielle of 380 Brandy Brow Road addressed the board. Good evening, everyone. I am interested in knowing as part of the site improvement being a life safety concern. That is whether street lighting is intended to be provided along Brandy Brow Road. Which would now be the west end of Brandy Brow Road. I am not sure if the board members are aware but currently there are no streetlights for the four residential homes at the west end of Brandy Brow Road. I just wanted to know if street lighting would now be provided since we are going to be introducing more car traffic and foot traffic. Secondly, looking at the site plan and it was explained that there is a proposal to have two cul-de-sacs (turn-around) as part of the roadway which I think would certainly be necessary. I would like to know if the rubbish disposal company could confirm that they could use that turn around to pick the trash around the west end of the residential homes on Brandy Brow. Not sure if the board members are aware those four residential properties on the west end of Brandy Brow have to bring their trash and recycling up to the top of the street each and every week. I don't think potential for 16 residences now would be to happy if that were the case at the end of each week. Thirdly, there is proposed construction berm at the construction exit for the 11 homes along the roadway. I believe in the summary description it states that this construction berm will be maintained. I would just like to make sure

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that it is indeed maintained and enforced if necessary. Building my home on that road I know how much of a mess the construction of one home can create on a roadway. I can only imagine how much a mess can be created with the construction of 11 homes and a roadway as well. I would say if those items could be addressed, I would have no objections to recommending an approval for this special permit. Thank you.

Chairman Howard: Anyone else from the public wish to speak?

Mr. Michael McCarthy of 288 Brandy Brow Road addressed the board: I am concerned about...I am the last house right before the gate where the bridge is. There is a tributary that goes right underneath that. I think opening that up is just going to create all kinds of havoc for the watershed. That seems to be one of the main feeds...or exits for the pond. My concern would be opening up that road on that end. I wouldn't be in favor of that. That's all I have to say. Thank you.

Chairman Howard: Anyone else wish to speak?

Mr. Jack Roy of Brandy Brow Road addressed the board. I am one of Michael's neighbors. I do get people here thinking its 380 so I do have to send them up to your house for deliveries (just so you know). Anyway, yes, I remember all the issues that have been discussed. Just a few things...yes that bridge has been condemned. I believe by one of the building inspectors and I think someone from Mass Highway came out once and looked at it and just shook his head. The bridge goes over East Meadow Brook. I know for everybody that doesn't realizes there is a bridge there. Its hard to see because its blocked off and it is in disrepair. That is why the took the city's compost pit out of there many years ago because they were worried about the bridge collapsing. As far as the water shed is concern it would be wonderful if the city purchased this land many years ago like it was suggested. When we first went before the Planning Board way back when in the original plan. That was a suggestion. The other suggestion was also a cul-de-sac which I appreciate that being put in the plan now. Eric Klimas who spoke before was the one who (inaudible).

Mr. Pillsbury: Can I interrupt for one second sir. If you are online and you are waiting to be heard. Please mute your phone so the gentlemen that is speaking or whoever has the floor can be heard. We are starting to get some conflict. Please mute your phone if you are not speaking.

Mr. Jack Roy continued speaking. The environmental concerns are real. We still have dumping down here. Over the summer we experienced dumping. We experienced hypodermic needles by the 100's. I had to call the police chief to get him involved. The other day I was out in the old compost pit and somebody threw a propone tank in east meadow brook. Of course everyone knows we have a serious amount of four-wheeling out there. As a matter of fact it's on facebook pages all over New England. That's what the police department has told me. I don't know if its feasible I hope the city does what a couple of the callers suggested before, getting grants and buying the land. I kind of doubt it at this point. With that said if it can't be done it seems as though they have done a great job in trying to mitigate the environmental concerns. Some folks on the board had concern about clear-cutting The houses out there now we only use about ¾ of an acre – 1 acre of our lot. They are about 3-4 acre lots. Some are even larger. The rest of the

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lots are wooded and are wetlands and for the most part unusable. At this point, I don't favor opening the road as a through road and I know you haven't suggested that. I don't know what the avenue of what that would be. Would it be this board or city council to actually officially discontinue the road. In some spots on Brandy Brow Road, the road is very narrow. That would entail a lot of issues with 2-way traffic. Secondly, its actually shorter coming up Route 108 to that area. I actually scoped it out with mileage. That is the shortest route. With that said, that is some of the stuff that has gone on and is going on so everyone knows. I thank you for the opportunity to speak on this project.

Chairman Howard: Anyone else wish to speak? Hearing none Is there anything the applicant wants to say in rebuttal?

Attorney Borenstein: Thank you, Mr. Chairman. I appreciate the comments of the neighbors and abutters to the project. There are issues that we have heard and working on and we have made good efforts to address them in the plans. This will be something that we will be continuing to discuss as we move towards to the City Council process. I do appreciate the feedback and input.

Chairman Howard: We will close the public portion of the hearing and turn it over for comments from the Planning Director.

Mr. Pillsbury: As Attorney Borenstein, said in the beginning, this project has been around for quite some time. It has always had a large amount of interest and concern as it has come forward. That obviously continues to be the case now. It is a very sensitive area of the city. It is important that it be protected. Someone mentioned that we did just go through the masterplan and obviously the preservation of open space certainly is one of the core elements of the plan. Especially in these outer-lining areas. As also that is part of the plan is the importance of providing for housing in the best way possible. There is always that balance. That is really what this hearing is all about tonight. It is to open the dialogue and to allow people to be heard from all sides of the issues. For the Planning Board to do that in sense that we are not acting in a way that is making any decisions. The Planning Board's role is to make a recommendation and to incorporate all of the comments that are coming forward from the city departments and all the comments that are heard at this hearing and then package those and submit those to the city council for the deliberation. With that Mr. Chairman, I would recommend from this evening, there are significant concerns raised by the Fire Department, City Engineer, Water/Wastewater Department and Conservation Department. Those are the departments that we head from, some of them unfortunately just as recently as today. That doesn't afford the applicant a chance to react. What I would like the board to do to convey a conditional recommendation to the City Council contingent upon the applicant responding to and addressing both of those terms being very important. Responding to and addressing the comments contained, all the city department letters and also responding to and addressing the comments that have been made this evening at the Planning Board. With all of that I would recommend that we have all those responses provided to the City Council prior to their hearing so they can be acted upon and the information will be available to the public and provided to the city council and part of their agenda. That information would be able to be reviewed before hand by the public. In this particular situation it would be important for us to covey to the council that there are significant number of issues,

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number of concerns that have to be looked at. More engineering...some requirements of the watershed protection is to make sure that it is properly engineered project. I know Mr. Jordan has done a great job pulling together the engineering but there are a lot of issues that still have to be looked at...Water Department is very concerned. I think there is a lot of issues that need to be looked at before...so that the Council can be properly informed and I think that is our role to help the council to be properly informed for their hearing when they do come together. I would recommend that we make this a conditional recommendation -- condition being that all comments and correspondences from the various city departments and all that was heard this evening will also be responded to and addressed by the applicant prior to the city council hearing.

Chairman Howard: Thank you, Bill. Do we have a motion?

Member Karen Buckley motioned to make a favorable conditional recommendation to the City Council as recommended by the Planning Director, William Pillsbury. The condition being the inclusion of all the comments/letters from city departments and all that was heard this evening will also be responded to and addressed by the applicant prior to the city council hearing. Member William Evans seconded the motion.

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

Motion Passed.

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

**Online application**

**Road construction/Lot Preparation plans 10-16-20**

**Donald Borenstein, Esq., 10-28-20**

**Supplemental hydrogeologic Evaluation, 6-3-11**

**Horsley Witten Group Peer Review 5-22-08, 7-22-11, 10-3-11, 10-13-11, 11-3-11**

**REC Wetland Delineation, 5-15-20**

**City council order, 6-6-06**

**Robert Ward letter, 1-13-21**

**Definitive Escrows:**

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**Carrington Estates Phase I & Phase II:**

No Reduction recommended per John Pettis email dated 1-13-21

No vote was taken.

**Carrington Estates Phase I: Bond Reduction**

No Reduction recommended per John Pettis email dated 1-13-21

No vote was taken.

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

**Escrow Materials**

**Greenough Street Escrow:**

The Haverhill Planning Board at its 1/13/21 meeting held on Wednesday evening at 7:00 pm reviewed the request to reduce the account to a zero balance in return for the completion of all work.

Economic Development/Planning Director William Pillsbury, Jr. advised the board members to reduce the account to a zero balance as recommended by the City Engineer. The City Engineer recommended the board reduce the account to a zero balance. The City Engineer had reviewed the subject bond, inspected the roadway and associated improvements, and compared the quantities to the roadway definitive plan. The calculations indicated that all items had been completed and therefore recommended that the board reduce the cited escrow account to a zero balance.

In consideration of the City Engineer's recommendation along with the Planning Director's recommendation, Member William Evans motioned to reduce the account to a zero balance. Seconded by Member Karen Buckley. All members present voted in favor. Members Absent: None. Motion Passed.

**Reminders for escrow:** Scotland Heights Escrow

**Form A Plans:** None at this time.

**Endorsement:** None at this time.

**Any other matter:**

Meeting adjourned.

Signed:



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Paul Howard  
Chairman