

**HAVERHILL PLANNING BOARD
MEETING MINUTES**

DATE: Wednesday, August 11, 2021

Place: City Council Chambers – Room #202 City Hall

Time: 7:00 PM

Members Present: Member Karen Peugh
 Acting Chairman Robert Driscoll
 Member Ismael Matias
 Member Karen Buckley
 Member William Evans
 Member April DerBoghosian, Esq.
 Member Kenneth Cram

Members Absent: Member Nate Robertson
 Chairman Paul Howard

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

Approval of Minutes: July 14, 2021
July 14, 2021

After board consideration, Member William Evans motioned to approve the July 14, 2021 meeting minutes. Member April DerBoghosian seconded the motion.

Karen Peugh – abstain
Bill Evans – yes
Karen Buckley – yes
April DerBoghosian, Esq.- yes
Kenneth Cram – yes
Nate Robertson- absent
Robert Driscoll – yes
Paul Howard – absent
Ismael Matias - yes

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Motion Passed.

Member Karen Peugh: Read the conduct of hearings into the record.

Public Hearings:

Definitive Plan for Ringgold Street:

Member Karen Peugh: read the conduct of hearings for a public meeting.

Attorney Robert Harb addressed the board on behalf of the applicant. Also, with us is Bergman and Associates, the engineers for the project. As you know this was continued from last month. I am sorry that I was not able to be here last month. What I submitted to the clerk for the record is 11 letters signed in favor of this petition from 11 parties that live on Ringgold Street and Baltimore Street. I also submitted certified mail receipts. We sent out three certified mails to other abutters, two were collected and one was rejected. Although I see that abutter Mr. Desjardins is here tonight. We also reached out to Mr. Desjardins as was requested by the Planning Director to try to talk with him but we received no response back, but he is here tonight. I am sure we will all listen to what he has to say. I have reviewed the file and I didn't see any department head objections. Mr. Bergman will talk about responding to Mr. Pettis, the City Engineer's comments that he filed just today but he has a response immediately for that. I believe that we have done everything we can...I think this plan as submitted meets all the regulations and requirements for reviewing the definitive plan which some of you may remember back when I was a younger man these were just road design plans. We are not creating a subdivision. We are just designing the road but recently it was now defined as a definitive plan hence we are here to get the approval of the definitive plan. I would like to now call up Mr. Bergman and he is going to address what they have done regarding the City Engineer's comments and answer any questions you may have today regarding the plan and proposal including the waivers.

Mr. Paul Bergman of Bergman and Associates and as Attorney Harb said a few minutes ago, this afternoon midafternoon, the City Engineer John Pettis submitted comments on the application, and they were regarding a clerk of the works for road construction and bonding. One of our engineers, Taylor Moylan has already made those changes to the drawings and submitted them on the city portal. Are there any engineering related questions?

Acting Chairman Driscoll: Does the board have any engineering questions? Hearing none. Are there objections to the plan? Anyone wish to speak in opposition? Anyone here to speak in opposition? Hearing none we will have comments of the....

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Mr. Pillsbury: Close the public hearing.

Acting Chairman Driscoll: and we have to close the hearing and we will now hear from the Planning Director.

Mr. Pillsbury: As a month ago, we began this hearing and I want to add one element to the information that we left you last month. I asked the building inspector to go out and take a look at the property in light of some of the comments that were made. He did that and reported back to me and took some photographs and reported back that the area was very overgrown and obviously there had been a lot cleared previously but there was not a lot of additional indication of any damage or anything from that prospective as was noted at the meeting. Again, we don't have a definitive way to look because it is overgrown at this point but there was nothing egregious according to the building inspector. As Attorney Harb mentioned we have received reports from all the city departments on this particular application. It is for a duplex unit. The City Departments have reviewed the plans and the comments are in your packet. I recommend at this point that the project is suitable to move forward. Again, the definitive plan requirements have been met with the exception of the waivers that are requested. Again, we would be moving forward with a definitive plan voting on the waivers first. I would also ask that any City Department comments that have been raised and Mr. Bergman has indicated that he has already included some of them I would just need to confirm that with the City Engineer that they have been added to the plan as required. Those can be done during the appeal period and prior to final plan endorsement on any additional notes or comments. Chairman, if there are any questions or comments from the board.

Acting Chairman Driscoll: Any comments from the members of the board? Hearing none from the members of the board we will now move to the waivers. Motion on the waivers.

Member Karen Peugh: One at a time? Curbing would be first.

Mr. Pillsbury: let's do them as a group.

Member Karen Peugh: Curbing, cul-de-sac-hammerhead, sidewalks, grass/planting strips, 8' shoulders, streetlights, street signs and monuments.

Acting Chairman Driscoll: Can I get a motion on the waivers?

Audience: Can I talk? I am deaf I can't hear what you guys are even saying.

Acting Chairman Driscoll: I am sorry but...

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Mr. Pillsbury: We called for opposition to speak.

Audience: I am not for any of this. You guys I can't hear you.

Acting Chairman Driscoll: I am sorry.

Audience: So, I don't get to say anything?

Acting Chairman Driscoll: Your opportunity was there to speak, and you chose not to.

Audience: I couldn't hear you guys I didn't know what you were saying.

Audience: I mean I...

Audience: She couldn't hear you either.

Audience: This is the first time I have ever been to one of these so am not overly familiar. I am not familiar with the process. So, I would like to speak as well.

Audience: I was here at the last meeting.

Mr. Pillsbury: I know you were, but we went through a process of describing how the hearing would be handled. We announced that there was the opportunity for anyone in opposition to speak and nobody stood up.

Audience: Well, I want to speak. My opportunity...

Mr. Pillsbury: The hearing is closed at this point. We can't reopen the hearing. If you read the rules of the hearing, we can't reopen the hearing.

Audience: What do I have to do get my own attorney?

Mr. Pillsbury: I'm not here to give advice. I am just here to tell you what the process is.

Audience: Ok.

Audience: So, is the process us getting an attorney?

Audience: So, I am done. You guys don't want to hear my side of the story.

Acting Chairman Driscoll: You had your opportunity.

Audience: I couldn't hear you sir, I'm deaf.

Acting Chairman Driscoll: Okay.

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WAIVERS:

Member William Evans motioned to approve the waivers as stated. Seconded by Member Karen Buckley.

Member Nate Robertson – absent
Member Karen Peugh – yes
Member Bill Evans – yes
Member Karen Buckley -yes
Member April DerBoghosian, Esq. – yes
Member Ken Cram – yes
Acting Chairman Robert Driscoll – yes
Member Ismael Matias – yes
Chairman Paul Howard – absent

Motion Passed.

Acting Chairman Driscoll: Motion on the plan with the waivers.

Member Karen Buckley motioned to approve the definitive plan with the waivers. Seconded by Member Bill Evans.

Member Nate Robertson – absent
Member Karen Peugh – yes
Member Bill Evans – yes
Member Karen Buckley -yes
Member April DerBoghosian, Esq. – yes
Member Ken Cram – yes
Acting Chairman Robert Driscoll – yes
Member Ismael Matias – yes
Chairman Paul Howard – absent

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
Property owner permission
Form F Covenant

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Form D-1

Form D

Form C

Email Paul Bergman, 7.19.21

Email Lori Robertson, 8.3.21

Email John Pettis, 8.3.21

John & Judy Call (Couburn family)

John & Judy Call (Sullivan family)

John & Judy Call (Boucher family)

John & Judy Call (Perella family)

John & Judy Call (Bianco family)

John & Judy Call (homeowner 19 Ringgold Street)

John & Judy Call (Brena Parry)

John & Judy Call (Soucy family)

John & Judy Call (Crateau family)

John & Judy Call (Otero family)

Certified mail receipts (Goulet, Keenan, Desjardins)

USPS Tracking

City Department comments

Definitive Plan for undeveloped Morse Avenue off of Peabody Street:

Please be advised, the Haverhill Planning Board at its meeting held on 8/11/21 at 7:00 pm In Room 202 City Council Chambers continued the above cited definitive plan to the September 8, 2021, meeting at 7:00 pm in the City Council Chambers.

Member Karen Peugh read the public Hearing conduct into the record.

Attorney Paul Magliocchetti of 70 Bailey Blvd. addressed the board on behalf of the applicant. I am here on behalf of MED Properties. Dennis Greicci is here with me this evening. Its MED intent to construct 2 duplex dwellings.

Dennis Greicci of Andover Consultants addressed the board. This is off of Peabody Street its an existing way. It's 40' wide. The applicant is proposing to develop a road of 26' wide paved way. This will create 3 lots. At this point two of those lots are proposed to be constructed with a duplex. A third lot shown there is proposed to remain undeveloped at this point. If this lot is proposed to be developed it would require a wetland crossing. This would involve a wetland permitting process. This point it will remain undeveloped and if it will be developed it will be brought before the appropriate boards. This project was reviewed by the Conservation Commission. There are wetlands that are delineated on the property. Through that process

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the storm water management system was reviewed by a peer reviewer. We did respond to comments that reviewer had and satisfied the commission. We closed the meeting on July 15th. They voted to issue the Order of Conditions. After the last meeting we received comments from City Engineer John Pettis. We issued a response memo on July 28th addressing those comments that the engineer had, and we received a note through the online portal today that we satisfied the comments the city engineer had. We also received comments from other city departments, and we satisfied their comments they had, water, sewer, fire. At this point if the board has any questions specific to the project, engineering, stormwater management I would be happy to answer those. If you want, I can go through the waivers. It sounds like that maybe read at a later point.

Mr. Pillsbury: One clarification, did I hear you say 26'? Its 28' wide pavement.

Mr. Greicco: 28' wide pavement.

Mr. Pillsbury: Second of all, I don't know if there is a note on the plans currently regarding the fire departments requirements for residential sprinklers. If there is a note on the plan that's fine. I just want to make sure it's there.

Mr. Greicco: The note should be on the cover sheet. Let me just make sure. General note 1 does states that it will require sprinkler systems. That is on the cover sheet.

Acting Chairman Driscoll: I would like to open it up to the public for any comments they may have or speaking in opposition.

Mr. Tim O'Mullane of 10 Peabody Street addressed the board. This is directly adjacent to the paper road. I have a few questions, according to the plan it has been referred to as a private way (Morse Avenue). With the stormwater drainage the plan that is put in place is that up to the developer to maintain and clean every year that has been laid out in the plans by the storm water peer review. Also, I have a question that my property is made up of three different parcels of land, so if this is a private way does that mean I am not going to have access to my lot that is in the back of my property from the new street? Will I have to enter through my own property to get to the back?

Mr. Pillsbury: To give you a general answer to the question, when a development like this goes forward part of the requirement is ultimately the street is accepted by the city. There is a street acceptance process. It's a private way now that is being developed to city standards so it can be accepted by the city and become a public way. At the appropriate time once the property is done to the satisfaction of the city engineer it will go before the city council and it will be accepted as a public way. It will be public as any other street for access.

Mr. O'Mullane: So, in that case it would be the city performing the maintenance of all the drywells and different things that have been designed.

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Mr. Pillsbury: Right.

Mr. O'Mullane: My other question is the line of site from the entrance of that street that is between my house and the neighbor which is Morse Avenue. I was under the impression that you needed 300' of line of site clear from the exit of a street from an intersection. Where Peabody Street is located this street is right at the base of the hill. My house is on the upper side of the street. There is a huge maple tree in the front of my yard that pretty much blocks my neighbor Pat's view. His driveway right now is Morse Avenue. It has been partially paved over I don't know the exact date but over 25 years ago. My parents have been on the street since 1988. It was paved at that time. From the entrance of the street now, you can't see Salem Street which is the street that Peabody intersects with. I am not sure if that satisfies that requirement or if that is an actual requirement of a line of sight.

Mr. Pillsbury: The 300' is generally for a much more intensely developed road with a higher traffic count. That is usually where the 300' came from. The lower standard for what are called secondary street...I am going to ask the engineer to comment on this.

Mr. O'Mullane: The old papermill property that is on the bottom of Peabody Street there has been work going on there. I don't know if there have been plans submitted for that. It looks like they are doing some test drilling for soil samples.

Mr. Pillsbury: What they are doing down there is cleaning up the final remnants of work required by DEP when the original groups that took the buildings down. This has now been acquired by a new party. What is happening right now is they are going through a meticulous final cleanup of that site. They are getting everything out of there and trucking it away. It is under a DEP permit. It is done being properly and supervised by the state. When it's done it should be the end of it for the cleanup perspective. As for plans filed, I have seen no plans for any redevelopment. We have had discussions and people have talked about it and people have looked at it. As of right now there are no plans for any redevelopment.

Mr. O'Mullane: So, if this proposal is accepted and there are plans for next year that could change the whole entire traffic pattern on Peabody Street already where there is no storm water drainage. I'm concerned for the increase of traffic and the two duplexes could be up to four different families or four individuals. There could be an increase of cars there as well. I believe there is over 120 acres down the street. Those are my concerns.

Acting Chairman Driscoll: Does any else wish to speak in opposition? Anyone else wish to speak in opposition?

Ms. Erin Hetzel of 9 Peabody Street addressed the board. I live directly across the street from Tim. I have the same concern regarding the line of sight issues coming in and out of my driveway which has already been an issue. It's becoming a bigger issue with traffic. Peabody

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Street is used as a cut-thru. The addition of this and the building in the back and making this another road it just increases my concerns. I just want to put that on the record.

Acting Chairman Driscoll: Anyone else? Anyone else wish to speak in opposition?

Mr. Pat Lyons of 14 Peabody Street spoke in opposition. We have almost got in numerous accidents pulling out of there. I am just concerned with the line of sight and the kids at the bus stop what will happen there.

Ms. Lynne Cote of 13 Peabody Street addressed the board in opposition. This is directly across from Morse Avenue. We have almost had our own accidents leaving for work at the same time in the morning. The visibility is very poor and in the winter-time everybody gets stuck on that road. There is more traffic and a lot more problems for the Fire people and police. I just wanted to say my peace for the record as well.

Acting Chairman Driscoll: Is there anyone else who wishes to speak in opposition? Anyone else who wishes to speak in opposition? Anyone else?

Mr. Pillsbury: I would like to hear from the engineer relative to the line of sight on the traffic.

Attorney Magliochetti: Absolutely, Mr. Pillsbury. There is also someone who would like to speak in favor.

Mr. Griecci: Regarding the line of sight...

Mr. Pillsbury: Can I ask you to get on the mic a little bit closer.

Mr. Griecci: Regarding the line of site as you are entering Morse Avenue as you are looking left you can see for quite a distance. 250' is a required line of sight for a proposed way. Looking left from Morse Avenue you can see for quite a ways much greater than 250'. Looking right on Morse Avenue up Peabody Street you can see approximately 176'. That is the height of the of the isle which is 3.75' looking right, 176'. What we have done and again this is an existing way Morse Avenue Peabody Street we are stuck with the existing conditions. This isn't a proposed way its an existing way. We proposed to have Morse Avenue be stopped controlled. We added a stop sign at the end of Morse Avenue to make sure people are stopping fully at the end of Morse Avenue. Further up on Peabody Street to the left as you are leaving Morse Avenue we proposed another sign an intersection ahead sign, another warning for people that are coming from Salem, down Peabody towards Morse Avenue just a warning that there is an intersection ahead.

Member Buckley: Can you turn the map so the audience can see.

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Mr. Griecci: As we are leaving Morse Avenue looking left, we can see for quite a ways. Much greater than the 250' that is required. Looking right up Morse Avenue its not the maple tree that is in the way...we went out and located that 42" maple tree. What it is when you are cresting on Peabody Street and it starts to level out you get to 176' and then there is about 8" of road obstructive view. Again, that is an existing condition. Its an existing way. If we were proposing two new roads here this would be graded differently. We are proposing a stop sign here. That is an R1-1 stop sign. This will be fully stopped controlled leaving Morse Avenue. Further up on Peabody Street we also put in or proposed an intersection ahead sign another warning for cars coming from Salem Street down Peabody Street. There will be a visual indication of an intersection ahead.

Mr. Joe Arsenault addressed the board in opposition. I want to know how close to my land will they come with that circle. I would also like to know I used that since the early 60s and that was always used by farmers to go in and out of my property. They would cut hay. I use it because I have tractors. Am I going to be able to use that to get to my land now?

Mr. Pillsbury: It's a private way now.

Mr. Arsenault: Morse Avenue was put in to get to the properties at farm. The property that I own used to have a horse farm and they use to plow the streets of Haverhill. Its not the streets but the sidewalks. I have used that to get to my land. Farmers have used that to get to it. You are putting a street in there now. I want to know how close you are getting to my land.

Mr. Pillsbury: That is a question that the engineer will respond to. The question as to whether you are you are going to have access over it as much as you have access today you will have access in the future whether it is a private way and ultimately if it's a public way it's an accepted city street.

Mr. Arsenault: So everybody else will too?

Mr. Pillsbury: yes.

Mr. Arsenault: they will all be able to pull on my land. That's what I am asking.

Acting Chairman Driscoll: You will have access to the street.

Mr. Pillsbury: I thought you were talking about using the right of way.

Mr. Arsenault: The right of way I have no use for the right of way if I am going to the house. What I am saying that property is used to get to my land. This is my land here....my land where I pay taxes on....i want to know how far that street is going.

Mr. Pillsbury: The engineer will answer that question.

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Mr. Arsenault: That's what I'm asking that's why I am here. I'm not bashful by the way.

Mr. Pillsbury: I am glad you are not bashful but the only thing I would ask is to use the microphone please. We are recording the meeting.

Mr. Arsenault: Usually people tell me I am too loud.

Mr. Pillsbury: I won't tell you that.

Mr. Arsenault: I want to know if this road goes right to my property line.

Mr. Griecci: The right of way will be tangent to your property here. The pavement will be approximately 5' from your land. The right of way will not extend onto your land. This will be a lot here, this will be a private lot here, this will be a private lot here. The circumference of the right of way will be adjacent to that property line that you share with MED Properties.

Mr. Arsenault: this is going right up to my property line is what you are telling me.

Mr. Griecci: Correct.

Mr. Arsenault: Can I use this to get to my property?

Mr. Griecci: you....

Mr. Arsenault: you're an engineer.

Mr. Griecci: I am an engineer, I am not a lawyer but this is a public right of way. As the planning board just said you can access this right of way. I suppose that you could cross from this right of way to your property.

Mr. Arsenault: So, everybody else can too?

Mr. Griecci: They are not allowed on your property.

Mr. Arsenault: I realize that. I had a problem in the past. That's why it was here. Everybody...

Acting Chairman Driscoll: Can you use the microphone?

Mr. Arsenault: Everybody was coming off of this property. They were driving between my house and that property. I got tired of it. I will probably get tired of people starting to use that. Either they are going to have to do something they can't use it or they are going to let me use

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it. Put a fence up with a lock on it. What's the answer? You're a lawyer. If its your property you would be concerned too.

Attorney Magliocchetti: Absolutely.

Mr. Arsenault: I have paid taxes for the last 50-60 years there so I want to....

Attorney Magliocchetti: I understand. I am trying to follow....do you want to prevent people from going onto your land from the right of way? Is that what I am hearing?

Mr. Arsenault: I am saying this...first of all I wanted to know how close it was.

Attorney Magliocchetti: Within 5' of your boundary line. That's what he said.

Mr. Arsenault: Are people going to be able to drive on my property?

Attorney Magliocchetti: Nobody can drive on your property.

Mr. Arsenault: Legally they can't. I can't drive on yours either. If there's a driveway I can go on there without you knowing. I have a big field down there. I know what happened down back years ago. The reason I can't use down back is because everybody was down there parking and threw their beer cans...

Attorney Magliocchetti: Where is the fence....he is supposed to be putting up a fence along your boundary line. Is that going by where the pavement is?

Mr. Arsenault: No that is up by my house.

Attorney Magliocchetti: That is up by your house. What if we put some post up, some post in the ground...off of the road? They won't go through the post.

Mr. Arsenault: That's fine. Okay but I am asking I used to be able to use that to get to my property. Can I still do that?

Attorney Magliocchetti: well...

Mr. Arsenault: What about a lock and a hinge.

Attorney Magliocchetti: you want a gate?

Mr. Arsenault: I am just asking a question.

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Attorney Magliocchetti: He has agreed to put a gate and give you the key so then you will access. You will be the only one who has the key.

Mr. Arsenault: And I also want my fence up in my yard.

Attorney Magliocchetti: That is with you and him. You didn't agree on a fence yet.

Mr. Arsenault: I have asked my neighbors...they are right here they will testify it hasn't been settled yet. If it don't get it settled I will be up to see you.

Attorney Magliocchetti: Did you give him the kind of fence yet?

Mr. Arsenault: No because he hasn't come over.

Attorney Magliocchetti: He will get over there. I had him take care of them and now he will take care of you. Okay, so we are going to put a gate up.

Mr. Arsenault: With a key.

Attorney Magliocchetti: It's on the record.

Mr. Pillsbury: Paul I am going to ask you to re-summarize for the record for what the conversation was. He was not on the record. So, if you don't mind....

Attorney Magliocchetti: I will. What's your address, sir?

Mr. Arsenault: 176 Salem Street.

Attorney Magliocchetti: The owner of 176 Salem Street was here. He has concerns, the pavement of the turnaround goes within 5' of his boundary line. He is concerned that people are going to go up Morse Avenue and onto his property through that 5' of lawn. Our client MED Properties, LLC has agreed to put a gate up in that little section where the pavement goes up to his property line and give him the key so he can prevent people from going up there.

Mr. Arsenault: So, I can go...

Attorney Magliocchetti: So you can access it through your tractor. He seems to be happy with that. As I said earlier are there any other questions that you would like to us address. I think he addressed the line of sight issue. I think that was the primary concern of everyone here in opposition. Like he said, it is an existing roadway. It is what it is. The circumstances are what they are there this isn't something that we created or something that we can adjust.

Member Kenneth Cram: What was the distance from Morse Avenue to Salem Street?

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Mr. Greicci: The sight distance or...

Member Kenneth Cram: The actual physical distance.

Mr. Greicci: I don't know that. Sorry, unfortunately I don't have that. The distance of Morse Avenue to the intersection of Peabody and Salem Street. I am sorry I don't have that.

Member Kenneth Cram: You said you have 176'

Mr. Greicco: 176' looking right at the end of Morse Avenue.

Member Ken Cram: That is your intersection sight distance what about your stopping sight distance coming down Peabody Street towards Morse Avenue.

Mr. Greicco: That we have not analyzed.

Member Kenneth Cram: I would be more concerned with the stopping sight distance than the intersection sight distance. That is the more critical distance.

Member Karen Buckley: Is that part of our concern on an existing street?

Member Ken Cram: Its not so much the existing street it's a safety factor.

Mr. Tim O'Mullane of 7 Peabody Street addressed the board in opposition. If you come out on Morse Avenue and look right there is no way you can see Salem Street. You can see the top of the hill. You have no view. If you take a left the cars come flying down right over the hill and you have no chance. Traffic is crazy right now. There is no line of sight to Salem Street coming out on Morse Avenue and looking right.

Attorney Magliocchetti: I don't know how much more we can keep addressing this issue. The line of sight is the line of sight. The numbers are what the numbers are. If it's the wish of the board to have calculations with regards to the stopping distance we can always come back and deal with that. Again, the road is where it is. This land has been here for many years. As he just testified this was former farmland and this road has been there and used as a right of way by farmers in the area for years and years. Regardless of what the numbers are I believe we have a right to put something there. With regards to addressing the issues we would make...we can stipulate that we will address whatever the concerns are whether the stopping distance or sight distance as best we can. We have already agreed to put a stop sign at the end of Morse Road. We have agreed to request that the city place an intersection sign on Peabody Street to the extent that we can address the issues with signage we will agree to that. We will cooperate and work with the city to do all that we can. I don't know what else we can do. Whatever the number might be. We are talking about right now two duplex homes. It's not going to have a

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significant traffic impact. I mean time and time again studies show when you have developments like this it doesn't add to our problem in any significant way. So, I would say that to the board.

Mr. Pillsbury: I want to ask the engineer I just want a clarification. I just went through the list of waivers and I do not see a waiver for line of sight. Is there a waiver request for line of sight? Am I missing it? Or is there just not a request for line of sight?

Mr. Greicci: This was just added to....the line of sight this was just responded to recently before the plans were issued. We are not requesting a waiver at this point for that line of sight.

Mr. Pillsbury: You are not requesting a waiver for line of sight? You are not requesting a waiver from the 250' to the 176'?

Mr. Greicci: Based on the review of the engineer we don't believe one was necessary because this was an existing way and was not a proposed way. The way the subdivision regulations read its for a proposed way. It states for a proposed subdivision intersection we are not proposing a subdivision road. If its appropriate we can add that waiver to the list.

Mr. Pillsbury: What I would like to suggest, Member Cram I don't know if you are making a recommendation to understand the stopping sight distance better before we proceed.

Member Ken Cram: Yes, I would. The mitigation that has been recommended is I believe adequate. It's definitely not a question of volume increase. Its the safety factor period. Coming down Peabody Street I mean if...I have not seen anything of any sort of crash research or history of any crashes for driveway for instance. If there is an issue, if there is no issue and there are no crashes then that would tell me that it maybe not as bad as it is being reported. There has been no evidence submitted to back that up.

Mr. Pillsbury: Is this something you would be looking to see before moving forward?

Member Ken Cram: I would like to see that, yes.

Mr. Pillsbury: Mr. Chairman, I would like to recommend that we continue the hearing and ask the applicant to provide the additional information regarding stopping sight distance and crash records for this particular intersection given and also adding the fact that we don't have a waiver request. I guess I am going to give the engineer the benefit of the doubt that he's making an interpretation. I want our City Engineer to look at that interpretation as well and agree or not agree that the waiver is either needed or not needed. If the waiver is not needed you are fine, if the waiver is needed, I want you to request it. I guess what I would like to request at this time Mr. Chairman, through you is to postpone the hearing for a month and come back in a month and ask you to provide that additional information.

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Attorney Magliocchetti: We don't have a problem with that. The only question I have do we need to readvertise if the waiver is necessary. Are we going to have time to do that for the next meeting?

Mr. Pillsbury: Do we need readvertise? No we don't need to readvertise. We are going to continue the open hearing. You are going to add a waiver request that is fine. You can do that.

Ms. Sandy Young of 3 Peabody Street addressed the board in opposition. When you mentioned the crashes and I asked if that had even been discussed. I have lived at this house for 32 years. I can tell you I have been there has been speed on that road. There has been school buses up and down that road. The road is very narrow. And no offense to you at all I had a crash right through my driveway and into my garage after I lived there. I know the neighbors on the corner of Salem and Peabody have had at least two crashes. People coming around the corner way to fast. There have been issues with the speed and has been addressed at times but it is still 30 going down that street. Whether you are coming down the hill or coming up the hill...its crazy you can't see. Its very nerve wrecking to pull in and out of my driveway being nervous coming around the corner and coming up...at school bus time with it being so narrow it's a whole other concern. That road has never been as road. I didn't even know it was there. I actually had called one of you no I'm sorry it was the conservation commission to find out what road it even was and why I was considered an abutter. That road had been there the entire time I thought it was property between the two homes. I have known the people that have owned it before. It doesn't even look at road. It's a slant with a fire hydrant at the end. It doesn't appear to be a road at all. I am concerned about the increased traffic, concerned about the wideness of the road, issues with the drainage, the neighbors that live down the street. They have had problems. They have put in two French drains, two sump pumps, and having the property behind theirs is going to create an even bigger problem. They were both working and couldn't come tonight. I just have problems all over the place with this going in.

Mr. Pillsbury: Okay, so we need a motion to continue the hearing and I would expect Attorney Magliocchetti you understand what we are looking for. We are looking for an updated traffic analysis that would incorporate stopping sight distance, accident crash data and again clear delineation for us. You gave us a good delineation of the mitigation, but I want to see that and perhaps notes on the plan.

Attorney Magliocchetti: Are you going to be looking for a report from him? Or are you going to be looking for something from a traffic engineer, from an engineer that does traffic studies...like a letter.

Mr. Pillsbury: However you can convince the Planning Board to make the decision. I would suggest that you probably would want to go to a traffic engineer. We happen to have one on the board, but he can't do it.

Attorney Magliocchetti: I know you do. The best.

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Mr. Pillsbury: The reality of it that would be the most prudent at this point. Again, I want to make the right decision and understanding this is an existing right of way, existing private way. It's not a brand new street, I understand that. I think we want to take the appropriate steps regarding safety in this area with the opportunity to postpone for a month and with no urgency apparent I would recommend that a motion to continue.

Attorney Magliocchetti: Okay, thank you.

Acting Chairman Driscoll: You might want to consider getting it from the police department if there's accident reports.

Attorney Magliocchetti: We will get a traffic engineer its part of what they do.

Acting Chairman Driscoll: Could we have a motion to continue this hearing until next month?

After board consideration, Member Kenneth Cram motioned to continue the hearing to the September 8, 2021, Planning Board meeting at 7:00 pm in the City Council Chambers – Room 202. Member April DerBoghosian seconded the motion.

Member Nate Robertson-absent

Member Bill Evans-yes

Member April DerBoghosian, Esq.-yes

Member Kenneth Cram-yes

Member Robert Driscoll-yes

Member Ismael Matias-yes

Chairman Paul Howard-absent

Member Karen Buckley-yes

Member Karen Peugh-absent

Motion Passed.

Zoning Amendment:

Please note at the August 11, 2021, Planning Board meeting held at 7:00 pm in the City Council Chambers the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a recommendation to the city council to move forward with a modified version of an inclusionary housing ordinance after receiving input from the public and housing advocates.

Member Karen Peugh: read the conduct of hearings for a public meeting.

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Mr. William Pillsbury addressed the board. There has been a lot of discussion about this, and I feel very confident discussing this this evening since I filed and wrote the ordinance. I am very confident with what we have in front of us being really an intentional first step to move forward on the topic of inclusionary housing in the city. The document that is filed is very basic and rudimentary and insufficient. It basically requires significant revision and broadening. Again, it's a document was intended to be just that a first step towards conversation which has now begun. I think that is really good that we have a conversation going on. I know there was one city council last night regarding housing in general, the housing crisis in general and development as it relates to housing in general, and also inclusionary housing and affordable housing. All of those things were discussed last night. With that Mr. Chairman, I would recommend that we send a recommendation to the city council to move forward with a modified version of an inclusionary housing ordinance after receiving input from the Mayor's new housing task force, public and a variety of housing advocates. I would make that recommendation, so it goes to the City Council. They are already intending to conduct hearings and to have a subcommittee meeting. We will be conveying a new housing task force that the mayor is appointing in the very near future. Again, inclusionary zoning was held out of the zoning amendment, the major zoning amendment you all saw when we did it several months ago specifically to be brought in later, but this was to inspire the dialogue. I think we have done that. We will not be proceeding as the order as presented this evening but would recommend that the City Council continue the dialogue, continue the conversation and we would present a very much modified inclusionary zoning ordinance at a future date. The hearing is open if anyone would like to speak.

Acting Chairman Driscoll: Anyone wish to speak on this matter? Anyone wish to speak on this matter?

Mr. John Cuneo of 20 Hyatt Avenue addressed the board. I would just encourage you to move forward on this. Its really important. I am no longer the leader of Community Action, but I believe strongly that we need to do more in terms of affordable housing. I look forward to continuing dialogue.

Mr. Pillsbury: We would love to have you involved John in the dialogue through the housing task force again that the mayor has appointed. We would love to have you with your continuing participation. It's going to happen. I think this point the issue has risen to a great level and we are where we want it to be. We need to keep it going. I appreciate you coming out. With that Mr. Chairman I would welcome a motion to sending a recommendation of moving forward with a modified version of inclusionary housing ordinance.

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Member Bill Evans motioned to send a recommendation to the city council to move forward with a modified version of an inclusionary housing ordinance. Seconded by Member Ken Cram.

Nate Robertson – absent

Karen Peugh – yes

Bill Evans – yes

Karen Buckley – yes

April DerBoghosian, Esq.- yes

Kenneth Cram – yes

Ismael Matias - yes

Robert Driscoll – yes

Paul Howard – absent

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:

Letter Planning Director, William Pillsbury, 6.24.21

Zoning Amendment for inclusionary zoning

Letter Mayor James Fiorentini, 6.25.21

Request for comments

Letter, Robert Ward, Deputy DPW Director, 8.10.21

Letter, Eric Tarpy, Fire Department, 8.9.21

Frontage Waiver for 1057 Main Street:

At the beginning of the meeting the rules of public hearings were stated by the Member Karen Peugh.

Attorney Russell Channen addressed the board on behalf of the applicant. Mr. Defeo couldn't be here this evening, so he asked me to step in and appear on his behalf. What I can tell you and its actually noted, in the actual agenda it specifically states the role of the Planning Board for a frontage waiver application and request is limited solely to confirm adequate access can be provided to the site. Again, we were here before the zoning board a number of months ago and received the variance for the frontage. The application that was submitted for the frontage

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shows the existing lot would have approximately 121' and the new lot with the single family home would be constructed would have 90'. The existing home is a two family. There are four spaces on each side. None of those spaces would be used as part of the new lot being created. There would be three off street parking spaces. As we all know no one can park on Main Street. As part of that new lot there would still be a single family home with three spaces to park on one side of the property. From our standpoint there would be adequate access for parking for individuals and for people that need to park at the property site.

Acting Chairman Driscoll: Anyone here wish to speak in opposition? Anyone in opposition? Seeing none we will close the public portion of the hearing.

Mr. Pillsbury: The role of the Planning Board is limited to the issue of whether there is adequate access to the site via the reduced frontage and that is our purview as the Planning Board. At this point it has been reviewed by the Building Inspector, City Engineer and myself adequate access exists via Main Street. With that I would recommend the approval of the frontage waiver for 1057 Main Street.

After board consideration, Member Bill Evans motioned to approve the frontage waiver for 1057 Main Street as recommended by the Planning Director, William Pillsbury. Member Ismael Matias seconded the motion.

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

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.

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

Online application
Owner permission letter
Form D
Frontage waiver application
City department comments

Definitive Escrows:

Scotland Heights Escrow:

Please be advised, the Haverhill Planning Board at its meeting held on 8/11/21 reviewed the request of Michael Crowe to reduce the amount being held for completion of work within the cited subdivision.

The board advised that the request was referred to the city engineer. The request was to review the work cited as required; advise if all work cited was completed under the approved definitive plan; if the work was completed in accordance with the approvals; and if all required remaining work was listed and if the dollar values were accurate. Please note that Planning Director William Pillsbury, Jr. recommended that the board vote to reduce the account as recommended by the City Engineer in his report to the board dated 8/11/21.

In consideration of the report from the City Engineer, John Pettis, Member William Evans motioned to reduce the amount \$54,107.50 from the \$140,012.50 balance and maintain a balance of \$85,905.00 as recommended by the city engineer in his report to the board dated 8/11/21. Member Ismael Matias seconded the motion. All members present voted in favor to reduce the account to the balance of \$85,905.00 as recommended by the city engineer in his report addressed to the board dated 8/11/21. Members Absent: Nate Robertson and Paul Howard. **Motion passed.**

As a condition of the board's vote, the **TREASURER is required** to notify the board that the minimum amount of \$85,905.00 is held for the completion of all remaining work. The account shall not be further reduced or released without formal board approval.

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

Escrow Materials

Reminders for escrow:

Emma Rose Escrow: Reminder letter to go out.

Emma Rose Modification Escrow: Reminder letter to go out.

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Form A Plans: John Gigiliotti for 7 Alton Avenue:

Member Karen Buckley motioned to approve and endorse the Form A for 7 Alton Avenue. Seconded by Member Ismael Matias. All members present voted in favor. **Motion Passed.**

Endorsement:

Definitive Plan for 66 Emerson Street: Member Karen Buckley motioned to endorse the definitive plan for 66 Emerson Street. Seconded by Member Ken Cram. All members present voted in favor. **Motion Passed.**

Definitive Plan for 235 Essex Street: Member Karen Buckley motioned to endorse the definitive plan for 235 Essex Street. Seconded by Member Ken Cram. All members present voted in favor. **Motion Passed.**

Mr. Pillsbury: In the second hearing I did not see anybody in the back row that responded to the request to speak in opposition have any problem hearing the call. I am just putting that out for the record that the gentleman had a hard time hearing perhaps he has a handicap but again I thought the call was very clear and was sitting much closer than those who heard that later on. Again, I just note that for the record in case we ultimately have a scenario where this maybe appealed. I note that for the record. Again, I think we followed the rules of public hearing, and I would be willing to validate that.

Any other matter:

Meeting adjourned.

Signed:

Paul Howard
Chairman