

**HAVERTHILL PLANNING BOARD  
MEETING MINUTES**

**DATE: Wednesday, September 9, 2020**  
**Place: ONLINE MEETING DUE TO COVID-19**  
**Time: 7:00 PM**

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

Members Absent:            Member Ismael Matias

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

**Approval of Minutes:**    August 12, 2020

**August 12, 2020**

After board consideration, Member Nate Robertson motioned to approve the August 12, 2020 minutes. Member April DerBoghossian 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 - absent

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Motion Passed.

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

**Public Hearings:**

**Special Permit for 42 Lafayette Square:**

Please note at the September 9, 2020 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 42 Lafayette Square.

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

Attorney Russell Channen addressed the board on behalf of the applicant. The applicant John Cody was also present.

Atty. Channen: I tried to do the google online but it was not working. I had to phone in. This is a project that has been submitted by Atlantis Development, LLC. Mr. Cody is the manager of this LLC. This project is to revitalize another portion of Lafayette Square area. As the board may know, Mr. Cody is in the final stages of purchasing St. Joseph's School. That will hopefully happen by the end of this month. He has been given permission to develop 36 residential units. We are looking to take the vacant land and put there what was once there. In our application we provided a photograph. We are looking to put this building in the 21<sup>st</sup> century. We will be putting 2 commercial units on the first floor and 14 residential units on the second and third floors. We did go before the Zoning Board and were able to receive the required variances. Based on the current zoning, if we were not granted the variances basically nothing would be able to put there. We have been able to put together a plan with proper parking at this location. That is based upon Mr. Cody's current ownership of the former Haverhill Bank building and property that we currently have under agreement right behind this location on Hillside Avenue. With his foresight we were able to develop this property, obtain proper and sufficient parking for both residential and commercial. Again, it's a special permit that is allowed in the CG zone. We would ask the Planning Board to provide a favorable recommendation.

Mr. Cody: We are really trying to revitalize Lafayette Square. I think this is a key portion of that. There was a building there and we are trying to keep the look of the old building.

Chairman Howard asked if anyone from the public wished to speak.

Mr. Steve Pascoe of 52 Colby Road, Danville, NH addressed the board. I own a bunch of property in the Lafayette Square area. I am in favor of the project. I think the presentation and plan is good for the area. As you know, I am an investor in the area. I

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think it's going to do a lot of good things for Lafayette Square. We need more investment here.

Chairman Howard asked if anyone from the public wished 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: As Mr. Cody and Attorney Channen stated this is a strong indication of a very positive investment in Haverhill again by Mr. Cody. He is bringing in a project that is developing in an infill situation, an underutilized lot. This is exactly the type of thing we would like to see in that area. It has obviously been well received by the neighbors; Mr. Pascoe included. I think it's a good project for the City of Haverhill. It's a good investment. Mr. Cody has been showing good projects to us. I would make a favorable conditional recommendation with the inclusion of any City Department comments.

Chairman Howard: Are there any comments from the board?

Member Nate Robertson: Member of the Planning Board but also community development and planner by trade. I live in the Highlands, but Lafayette Square has been low hanging fruit in terms of needing investment and additional housing. I am really looking forward to seeing that area continue to attract investment development and get some more housing down there. It's something that the City and the region in general desperately needs.

Member Nate Robertson 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 Bill Evans seconded the motion.

Chairman Paul Howard-yes  
Member Robert Driscoll-yes  
Member Ismael Matias-absent  
Member Kenneth Cram-yes  
Member Karen Buckley-not online at the time of the vote  
Member Karen Peugh-yes  
Member Nate Robertson-yes  
Member April DerBoghosian, 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:**

- Site plan parking layout 8-3-18
- Proposed lot plan of land 6-6-20
- Lafayette Square redevelopment plan 6-25-20
- Photograph
- Letter, Attorney Russell Channen, 7-23-20
- Email, Attorney Russell Channen, 8-17-20
- Comment due sheet
- Letter, Ayad J. Maroun 7-14-20
- Conservation Department, 8-4-20
- Fire Department, 7-31-20

**Frontage Waiver for 12 Acorn Street & O Orange Street:**

Mr. Pillsbury, Planning Director: Went over the online rules of the public hearing.

Mr. Pillsbury, Planning Director: A variance was granted for lot frontage in the RH zone. The application was approved by the zoning board of appeals. There was no appeal taken on that particular application. The request is now before us to move it to the next stage as a frontage waiver and this plan will be recorded at the Registry of Deeds and it would indicate that there was adequate access via the reduced frontage. That is the one criteria, that the Planning Board looks at in these frontage waiver situations.

Chairman Howard asked if anyone would like to speak on this project?

Attorney Caitlin Masys addressed the board on behalf of the applicant. I am available if there are any questions.

Chairman Howard asked if there was anyone else who wished to speak on this project?

Avis Malcuit: Should I tell them there is a driveway that goes up?

Attorney Masys: This is the applicant. We are all set unless the board has any questions.

Chairman Howard asked if there was anyone else who wished to speak on this project? Hearing none, I will close the public portion of the hearing and turn it over to comments from the Planning Director.

Mr. William Pillsbury, Planning Director: In this particular case we do have a frontage variance that was granted by the Board of Appeals. No appeal was taken on that matter. In review of the plan does indicate there is adequate access as it was reviewed

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by the city engineer and the building inspector. I would recommend the approval of the frontage waiver as presented.

After board consideration, Member Robert Driscoll motioned to approve the frontage waiver for 12 Acorn and 0 Orange Street as recommended by the Planning Director, William Pillsbury. Member Nate Robertson seconded the motion. All members present voted in favor. Member absent: Ismael Matias (Karen Buckley was not online during the vote). 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/comments from departments
- Proposed site plan of land 5-8-20
- Form D
- Notice of Decision Board of Appeals
- Letter from Avis Malcuit 8-10-20
- Frontage waiver application

**Rep. Petition for unnumbered West Lowell Avenue & 70 Bailey Court:**

The Haverhill Planning Board at its regularly scheduled meeting held on 9/9/20, Wednesday evening, at 7:00 p.m. ONLINE, considered the request of the owner/applicant, Jeffrey Saab/Gregory and Christine Saab. There was a request for a specific and material change which increases the frontage presented from 0 to 50 feet.

Mr. William Pillsbury: Read conduct of a public hearing into the record (online).

Mr. William Pillsbury: The role of the Planning Board in dealing with a repetitive petition - when you have an unfavorable action on a case that has gone before the Board of Appeals. It is not possible for that property to come back before the board for two years unless they are able to present a repetitive petition to the Planning Board with a specific and material change to this new application. The language is very specific in the law needs to be related to both specific and material. It needs to specifically be related to reason why the prior application was denied. Attorney Harb is online tonight to speak.

Attorney Robert Harb addressed the board on behalf of the applicant.

Attorney Robert Harb (left meeting-trying to return online)

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Mr. William Pillsbury: While we wait for Mr. Harb to return, I will give a quick synopsis. This was presented for a variance of 0' where 125' or 150' is required. In this particular case the Board of Appeals felt that 0 frontage was not acceptable. The applicant has come back tonight to change 0' to 50'. It is both specific and material. The frontage issue was the reason why it was denied. That is my understanding of the case. The applicant is looking to build one house on a very large lot. It is a good scenario. The building inspector has reviewed this application and believes it to be specific and material.

Chairman Howard asked if anyone in the audience wished to speak in opposition or favor?

Attorney Harb (back online)

Mr. Pillsbury: I went over the details of the case.

Attorney Harb: I did hear your presentation. I was able to hear you, but I wasn't able to speak. Bill's presentation was what we submitted. We do believe that it is specific and material. We have 0' frontage and we wanted a waiver for the variance and now we are coming back with 50' of frontage and it's a significant change. We are hoping that you find this specific and material so we may go to the Board of Appeals next week. I would ask one question; do I have all but one member of the Planning Board at this hearing?

Mr. Pillsbury: Yes, we do. It is all but one member sitting anyway. Not of all members of the constituted board. Yes, we have eight members sitting.

Attorney Harb: Okay, thank you. That concludes our presentation. Our code for the zoning ordinance does require that as well as Chapter 40A.

Chairman Howard asked if anyone in the audience wished to speak in opposition or favor? Hearing none, I will close the public portion of the hearing and open it from comments from the Planning Director.

Mr. Pillsbury: I would recommend approval due to the fact that there is a specific and material change. This will be sent as a repetitive petition back to the Board of Appeals.

**MOTION**

After board consideration Member Robert Driscoll motioned to forward this repetitive petition back to the Board of Appeals as recommended by the planning director.

Member April DerBoghossian, Esq. seconded the motion. All members present voted in favor.

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

**Motion Passed.**

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

- online application
- variance plan
- photograph
- floor plan
- letter Attorney Robert Harb 8-11-20

**Street Acceptance for Amy Lynne Lane and Ryan Patrick Way:**

Please note at the September 9, 2020 (ONLINE) Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional -recommendation for the acceptance for the following streets:

**Amy Lynne Lane  
Ryan Patrick Way**

Mr. William Pillsbury, Planning Director read the rules of the ONLINE public hearing into the record.

Mr. Pillsbury: These streets have been completed for quite some time. These are not newly completed streets. These are subdivisions that were completed under the definitive plan rules and regulations many years ago. They were not taken forward to a street acceptance as is normally required in a subdivision. As you all know, over the last several years we have had a practice of not allowing the bonds to be reduced until they reach a point of filing their street acceptance. We actually have leverage with the developer to get the street acceptance filed and done. That was not happening back in these days. Many of these were before my time and I am not casting dispersions. John Pettis, the City Engineer is bringing these streets forward for acceptance so we can include them in our Chapter 90 inventory which is the inventory upon which we gain transportation money from the state to do roadway projects. In this particular case there has been a good amount of confusion amongst the folks that get the notices as to why

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we are doing this. It is rightfully confusion. I accept responsibility for that. John Pettis and I have had long conversations over the last couple of days about this. We are going to be changing the way we do these in the future. That doesn't help the folks that maybe online tonight. We are going to change the way we do them. I am not going to bring them in unless we have clearance from city departments. There was a comment from Rob Moore on this particular first streets which John and Rob have to work out. We cannot make a recommendation and not accept the street. That is not an acceptable recommendation to use funds that we don't have. John is going to be working with Rob at this point to clarify in this particular pair of streets and also the other three as well. With this particular scenario this evening, the Planning Board role is to make a recommendation to the City Council. The Planning Board is not voting to accept or not accept the streets tonight. The board has been asked by the City Council to make a recommendation on accepting the streets. Again, all with the exception of Rob's comments no other City Department has a concern with that. Generally the approach is to accept these streets and get them on the Chapter 90 list and be able to have some resources to fix them up. I will stop Mr. Chairman, if any abutters wish to speak, I can clarify if there are any questions. The recommendation tonight would be making a recommendation conditionally to accept the streets and that Rob and John work out their issues prior to the City Council meeting which will be happening in a few weeks. They will work those issues out before they go to the City Council.

Chairman Howard asked if anyone from the public wished 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 stated my recommendation is a favorable conditional recommendation to City Council on the acceptance of Amy Lynne Lane and Ryan Patrick Way with the condition being that the City Engineer and Conservation Agent come to a resolution on the issues before them and John is able to present those issues resolved before the City Council meeting to the City Engineer's satisfaction, so we can move these projects forward to acceptance.

Member Robert Driscoll 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 those items will be worked out between now and the City Council meeting. Member William Evans seconded the motion.

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



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Member William Evans-yes

Motion Passed.

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

- online application
- Email, Conservation 9-4-20
- Street acceptance plan 7-10-06
- Street description
- As-built
- Engineering letter, 7-30-20

**Street Acceptance for Pear Tree Road, Russett Hill Road and Cortland Road:**

Please note at the September 9, 2020 (ONLINE) Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury, Jr., to forward a favorable conditional -recommendation for the acceptance for the following streets:

**Pear Tree Road  
Russett Hill Road  
Cortland Road**

Mr. William Pillsbury, Planning Director read the rules of the ONLINE public hearing into the record.

Mr. Pillsbury: These projects were approved some time ago. They are being proposed by the City Engineer to be accepted because they never were, and they should have been. There was a question by Rob Moore, Conservation Department about using some escrow funds should there be any. There are no escrow funds left. The acceptance will go forward to the City Council at their appropriate hearing and after we hear from the public, I will give you a final recommendation.

Chairman Howard asked if anyone from the public wished 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 stated my recommendation is a favorable conditional recommendation to City Council on the acceptance of Pear Tree Road, Russett Hill Road and Cortland Road with the condition being that John Pettis and Rob Moore work out their issue with the maintenance strategy and will move forward with John's satisfaction to the City Council , so we can move these projects forward to acceptance.

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Member Robert Driscoll 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 those items raised by Rob Moore will be worked out between now and the City Council meeting. Member Karen Buckley seconded the motion.

Chairman Paul Howard-yes  
Member Robert Driscoll-yes  
Member Ismael Matias-absent  
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
- Email, Conservation 9-4-20
- Definitive plan – Pear Tree Village
- Description of street
- Engineering letter, 7-30-20

**Special Permit for 66 Emerson Street:**

Please note at the September 9, 2020 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 66 Emerson Street.

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

Attorney Anthony Rossi addressed the board. First of all, I want to apologize I thought this was on for tomorrow night. I purchased this property 3 years ago with the idea of developing the project. I originally had plans for 40 units. I was dealing with the City, Mayor's Office, Mr. Osborne and Tom Bridgewater regarding the project. We went back to the table to design the project to build everything in the special permit table. There is no relief or variances required. The project now consists of (11) two bedroom units, (2) three bedroom units and (10) studio units. It will be brand new construction. I will not be seeking any lot area, lot frontage, lot depth, front yard, side yard, rear yard, etc.

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Everything is being built within the current zoning. Everything is going to be separate units, separate utilities, central air, central heat. This is going to be a luxury brand new building next to the commuter rail. I will have an abundant amount of parking for this site. I would be happy to answer any questions.

Chairman Howard: Any questions from the board?

Member Driscoll: What material is the outside?

Attorney Rossi: Azek with hardy board.

Member Driscoll: is there a color?

Attorney Rossi: We were going to work with the City regarding a color scheme that they prefer. It would be something more historic looking in the area.

Member Driscoll: Is there any green space?

Attorney Rossi: Absolutely, if you look at the way the building the way it is...it is going to be recessed back further than what is existing now. If you look around the existing structure that will be removed it will be set back all the way around, including the sides. Where you see the parking lot on Walnut Street that will be all green space, and in the back and in the parking area.

Member Driscoll: is there something going on with the two front doors?

Attorney Rossi: The building itself is coming out. There will be a brand-new structure.

Member Driscoll: No, the new building.

Attorney Rossi: There will be two entrances, one in the front and back. They will both have intercoms at the entrances like I do at all my properties.

Member Driscoll: Is it a double set of doors?

Attorney Rossi: Yes. Its more for aesthetics.

Chairman Howard asked if anyone from the public wished 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: This is a project that I have been working with Mr. Rossi for quite awhile now. He has been very responsive from the input that he has received from the city in terms of putting this project together. He has done a good job down on Harrison Street. That project has been moving along quite well. This is a piece of property on the fringe of our 40R district and the fringe of our historic district that is very much in need of a

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makeover. There really is an opportunity to clean up that whole parcel at the intersection of Emerson and Walnut Street. We are excited about the housing. As you know, we have a housing crisis in the state and the city and we need to be able to create housing. This is important to note to continue to generate good market rate projects in the city. With that I would recommend a conditional favorable recommendation to the City Council. The condition being the incorporation of any comments/letters from City Departments into the information we forward along to the City Council.

Member Robert Driscoll 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-absent  
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.

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

- Online application
- Letter, Anthony Rossi, 7-9-20
- Plan multifamily development
- Floor plans
- Mortgage inspection plan
- Email, Daniela Rossi, 7-31-20

**Definitive Escrows:**

**Carrington Estates Phase I: Bond Reduction**

No vote was taken.

**Carrington Estates Phase II: Bond Reduction**

No vote was taken.

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**Crystal Springs Escrow:**

No vote was taken.

**Greenough Street Escrow:**

Please be advised at the Haverhill Planning Board meeting held on 9/9/20 at 7:00 pm in the City Council Chambers reviewed the request to endorse the extension of the agreement for the above cited development.

The Planning Director, William Pillsbury, advised the board that the agreement was reviewed by the City Solicitor as to form and was approved as attested to by his signature on said agreement. The new expiration date for performance is **January 10, 2021**. The Planning Director recommended that the Planning Board vote to endorse the extension agreement. **It was noted that the developer must record the extension of the agreement at the Registry of Deeds and provide proof of said recording to the Planning Office for its file.**

After board consideration, Member Robert Driscoll motioned to endorse the above cited agreement and that the developer provide the Planning Office with a recorded copy of said agreement as required. Member Nate Robertson seconded the motion. Members Karen Peugh, Nate Robertson, April DerBoghosian, Esq., Kenneth Cram, Robert Driscoll, Bill Evans, and Paul Howard voted in favor. Members absent Ismael Matias.  
**Motion Passed.**

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

**Escrow Materials**

**Emma Rose:**

Send reminder to developer.

**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