

1. Amesbury Planning Board Meeting Minutes
2. In Person Meeting – June 10, 2024, at 7:00 PM
3. Chairman Pascal Rettig called the June 10 , 2024, Planning Board meeting to order at 7:01 PM.
4. *To submit a public comment ahead of time email Becky Frey at freyr@amesburyma.gov. To speak live at the meeting fill out a public comment form and turn it into Becky Frey. There will be a public comment portion of each public hearing discussed tonight.*
5. *The Chairman notes that tonight’s Planning Board meeting is being recorded by Amesbury Public Access Television; this legal step has been taken but does not act as the official record. The written meeting minutes by the Recording Secretary is the official record.*
6. Pascal Rettig initiated roll call –
7. Keith Ratner – YES
8. Joel Nice – YES
9. Lorri Krebs- YES
10. Michael Jewell – YES
11. Tracey Chalifour - YES
12. David Frick – YES
13. Pascal Rettig - YES
14. Also: Nipun Jain (Planning Director) and Becky Frey (Community Development Coordinator)
- 15. Minutes – 4-22-24**
- Lorri Krebs motioned to approve the minutes from the April 22, 2024, Planning Board Meeting. Seconded by Joel Nice. The motion passed unanimously.
- 16. Minutes – 4-29-24**
17. These minutes were pushed to the June 24, 2024, Planning Board Meeting Agenda.
- 18. Minutes – 5-13-24**
19. Lorri Krebs motioned to approve the minutes from the May 13, 2024, Planning Board Meeting. Seconded by Joel Nice. The motion passed unanimously.
- 20. Continued Public Hearings – 87 S Hampton Rd.**
21. Keith Ratner motioned to continue the application for 87 S Hampton Rd. to the July 22, 2024, Planning Board Meeting. Seconded by Lorri Krebs. The motion passed unanimously.
- 22. Continued Public Hearings – 12 S Hunt Rd.**

23. Nipun Jain noted that there were two permits that were applied for at this address. One was a modification to the earthwork special permit. The Board determined that was a minor modification, so that no longer needs a public hearing. The site plan portion still needs a public hearing. They have not completed the peer review at this time, so there is no new information.
24. David Frick motioned to continue the application for 12 S Hunt Rd. to the June 24, 2024, Planning Board Meeting. Seconded by Lorri Krebs. The motion passed unanimously.

25. Continued Public Hearings – 2 Merrimac St.

26. Nipun Jain commented that the marina project has two separate addresses, so there are two separate filings for the one project. The applicant requested to continue their applications to the July 8, 2024, meeting.
27. Joel Nice motioned to continue the applications for 2 and 13 Merrimac St to the July 8, 2024, Planning Board Meeting. Seconded by Michael Jewell.
28. Pascal Rettig initiated roll call vote –
29. Keith Ratner – YES
30. Joel Nice – YES
31. Lorri Krebs- YES
32. Michael Jewell – YES
33. Tracey Chalifour - YES
34. David Frick – YES
35. Pascal Rettig – YES
36. Motion passed 7-0

37. Continued Public Hearings – 13 Merrimac St.

38. This was addressed in the motion above.

39. New Public Hearings – Bill 2024-065

40. Pascal Rettig commented that the map was not included in the copy presented to the Board.
41. Nipun Jain commented that the red on the map represented the commercial zoning district and the yellow is R40 zoning. The top map shows the existing conditions. Map 85 parcel 60 is split between the two zoning districts. Furthermore, the existing structure is split between the two zones. This creates a hardship to the property owner to make any changes to the building. The structure on Map 85 Parcel 59 is currently a residential use and structure, but it is in the commercial district. It makes the use and structure on the parcel encumbered by the commercial zoning district. This Order proposes to modify the zoning and put both of those properties and structures in the R40 zone, so it will be governed by that zone. The property owner of the structure in the commercial zone approached the City to rebuild their barn and improve the residential structure. Currently, they cannot do it because it is in the commercial zoning district. Changing the zoning makes the most sense to allow for this. The property owner also noted that he would be interested in pursuing a historic preservation special permit for the property.

42. Pascal Rettig questioned if they knew approximately how old that property was. Nipun Jain responded that they did not know the exact age, but it predates zoning.
43. David Frick motioned to send a positive recommendation to City Council for Bill 2024-065 with the recommendation to include the map in the Order. Seconded by Keith Ratner.
44. Pascal Rettig initiated roll call vote –
45. Keith Ratner – YES
46. Joel Nice – YES
47. Lorri Krebs- YES
48. Michael Jewell – YES
49. Tracey Chalifour - YES
50. David Frick – YES
51. Pascal Rettig – YES
52. Motion passed 7-0

53. David Frick motioned to close the public hearing. Seconded by Michael Jewell.
54. Pascal Rettig initiated roll call vote –
55. Keith Ratner – YES
56. Joel Nice – YES
57. Lorri Krebs- YES
58. Michael Jewell – YES
59. Tracey Chalifour - YES
60. David Frick – YES
61. Pascal Rettig – YES
62. Motion passed 7-0

63. New Public Hearings – Bill 2024-066

64. Nipun Jain commented that this Bill contained proposed changes to the existing Gateway Village Smart Growth District. The purpose of these changes are driven by external factors that come up before the board. Cities and towns in Massachusetts have to have 10% of their housing stock as deeded affordable units. Amesbury does not have that percentage currently, which leaves the potential for properties to be developed under 40B. A 40B development does not have to meet local zoning requirements or sometimes environmental regulations. These amendments will increase the desirability to allow for higher density developments. Amesbury is subject to the State's MBTA zoning requirements and is required to zone to allow for 15 units per acre for up to 800 units. The Smart Growth District can qualify toward that zoning requirement. The 40R provisions require 20 units per acre. The housing production plan also shows that Amesbury wants to increase housing diversity in terms of types and affordability. A 40R development requires 20% of the development to be affordable units. Amesbury Heights has 240 units, and they all count toward the SHI because they are rental units. A 40R district has separate design standards. The MBTA does not require any design standards. This Smart Growth District was originally created in 2007. The Amesbury Heights development made it possible to use investments to improve water, sewer, and traffic along Route 110. These amendments will be trying to conserve some of the environmentally sensitive areas and create walking trails.

There is also the ability to improve the streetscape in that area. This area is currently zoned office park and not much has happened since the 1970s. Two major parts in the Smart Growth District contain Amesbury Heights and the open parcel next to it, which is known as the Gorman Farm. Most of the Gorman farm is undeveloped and heavily wooded. It is only accessible from Route 110. Amesbury Heights is already built, and the rest of that parcel is conserved land. Typically, an area like this would see more development but the office park zone has not been conducive to allowing that. Some of the known environmental features on the Gorman Farm are open fields and a perineal stream. The northeast portion of the site has 4-5 acres of upland that are developable. There are already abutting walking trails. The City created the gateway village to offer additional development opportunities. If the zoning does not change, then it could potentially be redeveloped under by right zoning. They could build around two 4 story buildings with 200-250 parking spaces. The existing overlay district would allow high intensity uses along Route 110. The only portion of Gorman farm that is developable is up against Route 110.

65. Pascal Rettig requested clarification on the map coloration. Nipun Jain responded that the white area between the salmon color and the animal hospital was indicating steep slopes. The green indicated future open space.
66. Nipun Jain commented that with the existing overlay there could be a development of 2 mixed use buildings closest to the street. It would be about 10,000 sf and there could be 20 units total with 8-10 duplexes in the back. There would be a total of 40 residential units. A lot has changed since the overlay was adopted in 2007. This property sold last year, and staff provided this concept to the developer, but the numbers did not work.
67. Pascal Rettig questioned if either scenario included a 40B development. Nipun Jain responded that he did not play that scenario out. At that time there were at less than 8% and Amesbury Heights proposed as 40B and proposed 270 -300 units. After some analysis they pursued a 40R to partner with the developer and have more control over the project and receive incentive payments.
68. David Frick questioned if it was safe to assume that something would be built there. Nipun Jain responded that the current property owner has barely been holding off from pursuing a 40B because they were presented with this amendment. These amendments have been brought to the State. A 40R allows for bonus payments from the State. The Planning Board looked at the benefits of these amendments via a presentation last summer. Right now, the owner is planning to just do residential, but there may be an opportunity mixed use around the intersection.
69. Nipun Jain commented that the first major change was modifying the subdistrict areas on the map. Everything to the left of the Gorman Farm remains unchanged. Everything to the right of Amesbury Heights are the areas subject to change. The area along the top would change from 4MU to 4MF. The remaining portion of the Gorman property will change into two different districts. The portion next to mixed use will be multifamily and the bottom would be future open space. The animal hospital area will change to mixed use. There was a thin sliver of land that would change to mixed use. There are limitations to how much can be future open space under the 40R zone. Since the back is future open space, they had to balance it by changing the sliver to mixed use.

70. Pascal Rettig commented that there would still be a grass strip next to the sliver that is part of the roadway. Nipun Jain confirmed that was correct.
71. Nipun Jain commented that these changes increased the density and building type. It is anticipated that these buildings would have a higher unit count, around 75 units, and they would be at the street level. Parking has to be 50 feet from the front façade. If more parking is needed, then they can create it either behind or under the buildings. The dimensional and density controls would change to allow the height in the MF district to be 55 feet and 5 story buildings. That is what was allowed at Amesbury Heights. They increased the density table to support up to 150 units, but that is only if 80% of the site is permanently protected. There is already a set of building design standards, and those guidelines were used to approve Amesbury Heights. Because this development would be closer to the street, there are two additional steps to reduce the impact. Along the street edge only 4 stories would be allowed. Then further back a development could step up to 5 stories. Also, no building façade facing the street will be longer than 80 feet in length. That length is similar to a typical colonial single-family home with an attached garage.
72. Tracey Chalifour questioned what the benefit of open space was if it was unnavigable and inaccessible. Nipun Jain responded that there were constraints both under local and state constraints that limit the developable area. If a 40B was filed, then some of that area would not be constrained. Buffers from the wetlands are much smaller under state regulations. There are economic and public benefits to a cluster development. Pascal Rettig added that there could be public trails through the area, so it could be a public benefit. Po hill is also very steep and has several trails. The steepness is a constraint for the development.
73. Keith Ratner added that there were several environmental benefits to open space as well. Joel Nice noted that they can connect to the trails in Amesbury Heights. Lorri Krebs noted that the area was in the watershed feeding into Bailey's Pond as well.
74. Tracey Chalifour commented that there was a typo in the order where it says 4 stores but should say 4 stories. Nipun Jain confirmed that would be corrected.
75. Nipun Jain commented that showed scenarios that could be developed with these amendments. It could be two buildings. The front 50 feet would be 4 stories and then it would bump up to 5 stories. The shorter end of the building would face the street. The bottom floor would be used for parking and the entrance would be at the back of the building.
76. Joel Nice questioned if this scenario would require the 80% open space waiver. Nipun Jain confirmed that was correct.
77. Nipun Jain summarized the goals of the increased density. There are incentives for increased density the Planning Board would retain control of the architecture and placement. They would get priority for state funding and grants, 40R bonus payments, a large public conservation and, streetscape and intersection improvements. It would also provide some 40B protections while helping to achieve the MBTA zoning initiative. The Board's next step is to send a recommendation to City Council. It has also gone to other subcommittees for review. It will go back to City Council in July. Once adopted, it will go to the state and then the property owner will be able to file a project.
78. Joel Nice commented that this will help that area move in a good direction for the city. It would be a miss if they didn't take advantage of this.

79. David Frick commented that this came down to either doing a 40B or doing something smart. The City needs to make the 800 units possible with the MBTA zoning mandates. Nipun Jain added that this could maximize 200 units vs. 40 units with the current zoning. A 40B development would not count toward the MBTA zoning requirements.
80. David Frick motioned to make a positive recommendation to City Council. Seconded by Joel Nice.
81. Pascal Rettig noted that the Board did see this presentation last year and made a motion to send a letter of support. There were a few changes added based on feedback. This is a positive outcome and a positive rework of the area.
82. Pascal Rettig opened public comment.
83. Joe Finn of 412 main St. commented that he thought it was a great idea to make the land available to the public. They will need to work out how the trails would be created and who pays for that. They should make the land accessible.
84. Nipun Jain responded that when a project is being proposed and reviewed and public space is being proposed, then that is the time when the details would be worked out.
85. David Frick modified his motion to send a positive recommendation to City Council with one edit to modify “stores” to “stories.” Seconded by Joel Nice.
86. Pascal Rettig initiated roll call vote –
87. Keith Ratner – YES
88. Joel Nice – YES
89. Lorri Krebs- YES
90. Michael Jewell – YES
91. Tracey Chalifour - YES
92. David Frick – YES
93. Pascal Rettig – YES
94. Motion passed 7-0

95. Keith Ratner motioned to close the public hearing. Seconded by Lorri Krebs.
96. Pascal Rettig initiated roll call vote –
97. Keith Ratner – YES
98. Joel Nice – YES
99. Lorri Krebs- YES
100. Michael Jewell – YES
101. Tracey Chalifour - YES
102. David Frick – YES
103. Pascal Rettig – YES
104. Motion passed 7-0

105. **Administrative – 12 S Hunt Rd. Minor Modification to Earthwork Special Permit.**
106. David Frick Recused himself from this discussion.
107. Nipun Jain commented that the applicant has requested to be able to move soil from portions of 14 S Hunt Rd. onto 12 S Hunt Rd. This is going to allow portions of 12 S Hunt Rd. to be reprogrammed for a recreational field. None of this is related to a new project. It is just grading, and the changes are incidental to the allowed uses. That is the reason why the

Board determined this be considered a minor modification. The earthwork permit pertains to grading and shaping where the soil was being stockpiled. The parameters in the Geotech have been established in the initial permit. The mechanics and safeguards are already in the existing special permit approval.

108. Josh Berman commented on behalf of the applicant and confirmed they were interested in getting the earthwork request formally approved.
109. Pascal Rettig clarified that the conditions in the earthwork special permit would be upheld with this approved minor modification. Nipun Jain confirmed that it would continue to uphold the requirements of the existing earthwork approval and this permit is subject to the approval of the site plan approval when approved.
110. Keith Ratner motioned to approve the minor modification to the earthwork special permit for 12 S Hunt Rd. Seconded by Lorri Krebs.
111. Pascal Rettig initiated roll call vote –
112. Keith Ratner – YES
113. Joel Nice – YES
114. Lorri Krebs- YES
115. Michael Jewell – YES
116. Tracey Chalifour - YES
117. David Frick – Recused
118. Pascal Rettig – YES
119. Motion passed 6-0

120. **Administrative – 130 Market St. Covenant**

121. Nipun Jain commented that this was a request from the developer at 130 Market St. One of the conditions of approval was prior to the release of the final two building permits of the last 2 duplexes the developer would post a performance bond. The developer has reservations and concerns about that and felt they were moving too fast to put a bond in place. They anticipate finishing by late November or early December. They have requested to modify the covenant to withhold the certificate of occupancy permits for the final two units in lieu of posting a performance bond. Staff is supportive of the applicant's request. The condition was put in because abutters were concerned about storm water and landscaping. Staff has not heard from any abutters, so staff is assuming the developer has done their best to not encumber abutters.
122. Pascal Rettig clarified that they would still post a bond to ensure landscaping survives. Nipun Jain confirmed that would be a separate bond posted for a smaller amount.
123. Joel Nice motioned to modify the covenant for 130 Market St. to say that in lieu of posting a performance bond, the certificate of occupancy permits for the final two units will not be released until the improvements required are completed and the Board has received sign off from Inspection's and Public Safety. Seconded by Keith Ratner.
124. Pascal Rettig initiated roll call vote –
125. Keith Ratner – YES
126. Joel Nice – YES
127. Lorri Krebs- YES
128. Michael Jewell – YES

- 129. Tracey Chalifour - Abstained
- 130. David Frick – YES
- 131. Pascal Rettig – YES
- 132. Motion passed 6-1-0

133. Administrative – 20 Maple St. Bond Release

- 134. Nipun Jain commented that the historic plaque has been installed and the trail and steps are completed. As a result, Staff recommends the release of the bond for 20 Maple St.
- 135. David Frick motioned to release any remaining Performance Bond money for 20 Maple St. Seconded by Lorri Krebs.
- 136. Pascal Rettig initiated roll call vote –
- 137. Keith Ratner – YES
- 138. Joel Nice – YES
- 139. Lorri Krebs- YES
- 140. Michael Jewell – YES
- 141. Tracey Chalifour - YES
- 142. David Frick – YES
- 143. Pascal Rettig – YES
- 144. Motion passed 7-0

145. Administrative – Curaleaf Notice of Ownership Change

- 146. Nipun Jain commented that the Board received a letter from the proponent with a request to modify the existing special permits associated with the site for marijuana manufacturing facility at 10 Industrial Way. When there is a change in ownership the future owner has to come before the Board and seek the modification for the special permit.
- 147. Attorney for Mass Grow LLC, Kevin Conroy, spoke to the request. The new proposed owner of the special permit is Mass Grow LLC. They are a well-known and respected company. There are no proposed changes at the site, and they will abide by the special permit conditions. They need a new host grow agreement with Amesbury as well and are in discussion with the Mayor about it. They also need approval from the Cannabis Control Commission.
- 148. David Frick requested a history on past ownership. Kevin Conroy responded that originally it was ATG and then Curaleaf bought it in 2020. Mass Grow LLC is buying the Amesbury licenses, and the leases will be transferred to Mass Grow LLC. The request is for the Board to change the license in the special permit to Mass Grow LLC. David Frick questioned if the Board could approve this with the condition for when the host agreement is in place and signed by the mayor.
- 149. Nipun Jain commented that if an application was made to the Planning Board under zoning, then they would not condition it on a receipt of the host agreement. The completed host agreement would be part of the permit application. The host community agreement outlines many conditions. Even if operations are not changing in this matter, the City still needs to negotiate. Those negotiations are not complete. It is recommended that the Board wait for a communication from the Mayor's Office on this.

150. Pascal Rettig commented that it seemed reasonable to wait for that before approving it at the Planning Board
151. Nipun Jain commented that he forwarded the request to the Chief of Staff requesting a letter of support.
152. Pascal Rettig noted that they did not want to make a motion with conditions on this matter.
153. David Frick motioned to table this item to the June 24, 2024, Planning Board Meeting. Seconded by Keith Ratner. The motion passed unanimously.

154. Administrative – IAmesbury 2030 Master Plan

155. Pascal Rettig commented that the Board had outlined a few items that were missing according to MA GL and formed a working group to review the plan. The working group has met and reviewed it in detail. It is currently on Mr. Rettig's plate to reformat the Google Doc list and will send it over. The working group has already sent a round of typos to the task force. Staff is still working on creating the land use element. The major comments were that there were some lacking details in the historical element. It could benefit from additional pieces especially given how much importance was placed on it in the previous master plan. The land use element could include that historical piece as well.
156. Tracey Chalifour added that they pointed out citing the data sources more appropriately and enhancing the maps to higher resolutions.
157. Pascal Rettig confirmed they would send out the comments when he was done consolidating them.
158. Tracey Chalifour commented that the working group also collectively questioned why the plan included things that have already been completed.
159. Pascal Rettig commented that this will be on a future agenda to review the comments.
160. Nipun Jain commented that it would make sense to put this on the first July meeting. The Board still needs to receive the implementation plan to review as well. Pascal Rettig confirmed that he would follow up about the implementation plan.

161. Administrative – Covenants and Bonds

162. There were not any additional covenants or bonds to address.

163. Administrative – Contracts, Bills, and Invoices

164. Pascal Rettig commented that they should take the invoices first. The invoice summary sheet is included.
165. Nipun Jain commented that staff has reviewed the Stantec invoices and noted that they recommended payment.

1. A Stantec Bill for 47-57 Kimball Rd. in the amount of \$326.80
2. A Stantec Bill for 14 S Hunt Rd. in the amount of \$386.80

166. David Frick motioned to approve invoices listed above. Seconded by Joel Nice. The motion passed unanimously.

167. Adjournment

168. Keith Ratner motioned to adjourn the meeting at 9:23 pm. Seconded by Lorri Krebs. The motion passed unanimously.