

RECEIVED

By City Clerk at 12:54 pm, Mar 10, 2026

1. Amesbury Planning Board Meeting Minutes
2. In Person Meeting – December 8, 2025, at 7:03 PM
3. Chairman Pascal Rettig called the December 8, 2025, Planning Board meeting to order at 7:03 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. Michael Jewell – YES
10. Tracey Chalifour – YES
11. Tom Salemi - YES
12. David Frick – YES
13. Pascal Rettig – YES
14. Also: Nipun Jain (Planning Director) and Becky Frey (Community Development Coordinator)
- 15. City Council Referral – Bill 2025-121**
16. Nipun Jain commented that this pertained to the Kimball Road subdivision that is almost complete. Bill 2025-121 is to accept the open space and Bill 2025-122 and Bill 2025-123 pertain to the acceptances on Kimball Road. Bills 122 and 123 will require a public hearing, so those two Bills are likely to be reintroduced in the next legislative session. The open space Bill can move forward because no public hearing is required.
17. Michael Jewell joined the meeting 7:05 pm.
18. Pascal Rettig questioned if staff had a recommendation. Nipun Jain responded that this related to the Board decision. The open space was created per the subdivision approval and the intent of the open space was to be part of city's public open space. Staff recommends a positive recommendation.
19. David Frick motioned to send a positive recommendation for Bill 2025-121 back to City Council as presented. Seconded by Keith Ratner.
20. Pascal Rettig initiated a roll call vote –
21. Keith Ratner – YES
22. Joel Nice – YES
23. Michael Jewell – YES

- 24. Tracey Chalifour – Abstain
- 25. Tom Salemi - YES
- 26. David Frick – YES
- 27. Pascal Rettig – YES
- 28. Motion passed 6-0.

29. Continued Hearings – 27.5-29 Clarks Road

- 30. Tracey Chalifour recused herself from the application review.
- 31. Nipun Jain commented that the Board had authorized VHB to do a peer review on engineering and traffic. Patrick Dunford was present to give an overview of the traffic findings and Nathan Poretta was available to review the civil findings.
- 32. Patrick Dunford commented that he was retained to do an independent peer review for the proposed development. They produced a letter dated December 5, 2025. First and foremost, they reviewed both the site plan and the traffic impact study. Both were generally well prepared and acceptable by industry standards. The existing conditions was closely related to the proposed roadway improvements and other proposed Elm St. development. One request they had was to not lose track of the pedestrians. They requested a little more detail on the existing and future activity. Also, the other development project for Rocky Hill did a detailed crash analysis and roadway safety audit. That identified existing deficiencies. They are generally minor in nature. That development will implement certain measures. They wanted to ensure those would be inherited by this project if that one did not move forward. Traffic counting was done appropriately they also captured vehicle speeds with that. The roadway has a 25-mph speed limit. The speeds reported were a little lower. They suggested the developer clarify where that speed collection was done and do another round of speed observation. Once the existing inventory was done, they did account for the Mass Works grant analysis. They used the ITE data standards for the trip generation. The 2-way trips generally range between 50-60 trips per hour. One thing they looked at was the distribution of the traffic. The regional distribution was similar to the Rocky Hill proposal. Traffic going on Clarks Road down to Main Street can bypass a lot of Route 110 activity. They recommended the applicant revisit the trip distribution to make sure they are not underestimating that route. They also recommended doing a traffic count on the Birchwood driveways to get a feel for how many cars were going north vs south. Mr. Dunford did not expect it to significantly affect the findings. As an industry standard they tend to aim a little for parking generation. Their parking data aligns with ITE. Projections show parking will be at 92% at peak times. They asked the applicant to provide more documentation around the parking demand estimates. Mr. Dunford believed it could be contained in the site. They will only have a single driveway on Clarks Road. The speed limits used on the driveway sight lines are based on posted speed limit. The future Mass Works will incorporate a number of improvements that are compatible with this development. The northbound off ramp nearby is going to see longer delays. This development is not adding to that particular movement, but it should be evaluated. The critical part for this development is the queueing on Clarks Road. Analysis showed the backup would not go back to the Burger King or Starbucks driveway. That may be happening today but changing the traffic light timing and lanes will address that. The

city has a representative looking at this through the Mass Works grant perspective too. The sight line analysis should show how long it would take to get in and out of the driveway. It should not change anything significantly, but it should be documented. The traffic study itself had some takeaways that should happen if the Elm St. development doesn't go forward. They would be conditions that should still happen. In the peer review memo, they asked to explore traffic calming measures. Mr. Dunford did not think they had a speed problem, but the developer needed to document that. There should be some sidewalk accommodations. There are sidewalks out there today, but they are narrow. They are suggesting it should be extended from the signal to the Birchwood Condos. The city may be contemplating a similar condition on the opposite side of the street. Within the site they put in a request to add a crosswalk at the garage exit. They included a parking generation narrative on how they would be managing onsite parking. They should be clear on how they are moving trucks for deliveries through the site. Mr. Dunford had no major issues with the plans, but he needed some clarification and additional information to bolster the study.

33. David Frick requested more information about the city looking to put in sidewalk on the west side of Clarks Road. Patrick Dunford responded that was on the radar, but it was nothing official. The east side sidewalk was mentioned on the Mass Works grant. David Frick questioned if northbound on 110 would put in a right turn lane or keep it left turn lane. Patrick Dunford responded that the most recent plans were showing an exclusive right lane and a left/through.
34. Tom Salemi commented it was important to confirm speed was not a problem or introduce traffic calming measures.
35. Michael Jewell commented that northbound on Clarks Road has a backup for people trying to go straight in the right lane
36. Patrick Dunford commented that the report included a traffic capacity analysis, and it would not go back to the Starbucks or Burger King. It may back up beyond the length of the right lane at the busiest time, but it still wouldn't get to the driveways. If it did become an issue, then they could stripe to not block the intersection. That is not necessary at this time.
37. Michael Jewell questioned if they took into consideration the Starbucks traffic. Patrick Dunford responded that they did in the future conditions.
38. Michael Jewell commented that the study looks out 7 years in the future and questioned if it took into consideration something that may replace Burger King or the car dealership that would generate more traffic. Patrick Dunford responded it did not. These studies want to deal with current reality and what you know is going to happen in the next 7 years. The benefit to that is they are able to isolate this project's impact and identify what needs to be done. They did it appropriately.
39. Michael Jewell commented that making a left off the I-95 southbound ramp was treacherous. Patrick Dunford responded they did a weaving analysis in one of the reports. It has been evaluated and the traffic from this development was included.
40. David Frick questioned if a traffic light would be added there. Nipun Jain responded that they are reviewing the impact of this project as it pertains to the surrounding intersection. The majority of the improvements being made as a result of the Rocky Hill Development. Ultimately Mass DOT is reviewing all the improvements as it relates to all projects. They have a larger say in what is needed. There are two phases to the off site improvements.

The Route 110, Clarks Road, and Elm Street intersection is phase one. The exit ramps are phase 2. The city only got funding for phase 1. They do anticipate a signalization to come next year with another round of grants. The majority of the offsite improvements are being evaluated by a separate consultant.

41. Tom Salemi questioned what improvements they would see if Rocky Hill doesn't move forward. Nipun Jain responded that the Mass Works grant is separate from the Rocky Hill development. Those improvements will physically take place as approved by DOT.
42. Pascal Rettig commented that the peer review was asking the applicant to measure traffic leaving Birchwood Point to better understand the trip distribution. Patrick Dunford clarified they did not think the results would be dramatically different. It would be good to quantify. Pascal Rettig commented that parking based on bedroom vs units was calculated differently and questioned which tended to be more accurate. Patrick Dunford responded over the years they have done it both ways. The data from the transportation commission found residential parking was being dramatically over parked. One important thing to mention is ITE data includes people that live there and visitors. Pascal Rettig commented that the peer review wanted an understanding of the parking management because it would adjust the parking volume. Patrick Dunford confirmed that was correct. The site should have a parking management plan. That is less technical and more day to day management.
43. Keith Ratner commented that he appreciated the thorough review and comments. Keith Ratner questioned if the sight line data changed with any changes to the driveway. Patrick Dunford responded that adding a median would not dramatically effect that, but they should not put in tall landscaping.
44. Tom Salemi questioned if they had a parking management plan. Alex Loth responded that they have done both ways. They often end up with stickers for residents and if they find that's what is needed, then they will implement it. Alex Loth did not envision needing it at this site.
45. Nathan Poretta provided an overview of the engineering peer review. They reviewed the civil engineering and storm water for the project. The review included a detailed evaluation of the site layout, drainage, grading, the storm water system and design and compliance with the zoning ordinance, storm water ordinance, and MA storm water standards. They met and coordinated with Nipun Jain and the applicant team to review the status of plans and several of the technical items in more detail. In the peer review they did not identify any issues that would be a showstopper. Anything identified can be addressed through plan revisions. There are some missing items like erosion control plan, pipe size and calculations, and a soil report. They are important for completeness, but generally minor in nature. Those can be part of the plan revisions or conditions of approval. In regards to zoning compliance, there are a few areas that need clarification like the ADA parking count. The applicant is requesting a waiver for parking count and loading area. The storm water system is generally a good design, but several components must be supplemented or refined. The infiltration relating to brown water mounding TSS calculation needs refinement. Nothing will rise to a fatal flaw, but it is necessary to demonstrate full compliance to the standards. The applicant is requesting several waivers. Peer review is not taking a position on the waivers, but from a technical or design implication they can raise considerations. There are steep grades on the site, and they highlighted the

considerations in the written comments. The conditions of approval as noted earlier are also identified. They did not identify any engineering issues.

46. David Frick commented that they would need to ensure the memo comments were addressed during the review process or as conditions of approval.
47. Pascal Rettig commented that it did not seem like there was a lot of snow storage. Nipun Jain responded that the site is being used very efficiently. Parking is close to the property line and some areas are shown for snow storage but may not be practical. That is a matter of revising the plans and not showing those areas for snow storage. The applicant does not intend to extensively use the site for snow storage. At times it will truck snow away from the site. That is a management issue more than a location issue.
48. Joel Nice requested more clarification on the mounding analysis. Nathan Poretta responded that it is required if the underground water separation was less than 4 feet. The other is if the underground system design for storage is attenuating a 10-year storm or higher. Both are true here, so it is needed.
49. Alex Loth commented that their team was meeting and have spoken preliminarily about it. They hope to get a response to VHB this week.
50. Pascal Rettig opened public comment
51. Kerri Dalton of 33 Clarks Road commented that she has lived there for 25 years and there has always been discussion about a development there. Ms. Dalton would love to see something there, but you can't put 10 pounds of sand in a 5 pound bag. Every morning the traffic backs up everywhere. People cut down by the water and back up Clarks Road to get to 110. Now there's an overlay district there and Amesbury Chevrolet can pave that and use that as an entrance. Burger King is hanging on by a thread. If that use changes, then traffic will significantly increase. There should be a dedicated right-hand turn lane on Clarks Road. They should take sidewalk to do that and then make a straight lane and left turn lane. Ms. Dalton commented that she did not think the traffic study was sufficient and questioned if they could request another one.
52. Pascal Rettig responded that they could not, but they did have it peer reviewed.
53. Kerri Dalton questioned if they considered buses, garbage trucks, Ubers, and deliveries. The hotel parking lot fills up in the summer. They need sidewalks now before they put anything else in on that street. The neighbor already has sump pump running all the time. There is no way this would pass a perk test.
54. Nipun Jain commented that the intersection improvements with Mass DOT should have a public hearing when they are at the 25% design stage. The purpose of that is to ensure any concerns are discussed. The city had a consultant look at these issues with DPW before submitting to DOT. They looked at it holistically.
55. Tracey Chalifour submitted written public record that is at the end of the minutes.
56. Kendra Ocanes submitted written public record that is at the end of the minutes.
57. Tracey Chalifour of 25 Clarks Road commented that the traffic study is a snap in time not the lived experience. They should include Evans Place, Main Street, and Rocky Hill Road in the study. There is nothing happening specific to Clarks Road in the Mass Works grant other than a sidewalk to the development. The issues on Clarks Road are not just speed it is also the volume of vehicles. They need to account for people turning off 110 to cut through to Newburyport or going to Starbucks. They need to evaluate the management of the site

and snow storage locations. They don't have visuals of the mechanicals on the roof. There are no visuals showing the other side of the Clarks Road development.

58. Pascal Rettig commented that they were waiting for the developer to respond to the peer review memos and questioned if it made sense to continue it to the December 22, 2025, Planning Board meeting. Nipun Jain responded that the applicant has committed to an expeditious turnaround. It would be reasonable to go to the next meeting.
59. Michael Jewell commented that the first public hearing speaker raised a few major points and questioned if there was any way those could be addressed by the developer.
60. Alex Loth responded that he took notes on all comments. Many of the things listed as missing were actually submitted to the city and uploaded on the portal. They provided a comprehensive response to comments on November 14, 2024. They met with fire and have made revisions to the plans to accommodate access. They also got the peer review memos on Friday. They provided studies on the underground parking and the water. There is a high-water table there and studies show the plane will work.
61. Keith Ratner motioned to continue the public hearing to the December 22, 2025 Planning Board Meeting. Seconded by David Frick.
62. Pascal Rettig initiated a roll call vote –
63. Keith Ratner – YES
64. Joel Nice – YES
65. Michael Jewell – YES
66. Tracey Chalifour – RECUSED
67. Tom Salemi - YES
68. David Frick – YES
69. Pascal Rettig – YES
70. Motion passed 6-0.

71. Continued Hearings – 102 Kimball Road

72. Joe White from BSC reviewed the revised materials. They submitted a written response to the comments and a draft easement for the access driveway and open space. They provided a yield plan and hydro flow test for the fire department. On the plan they added fencing around the perimeter of the development with two different styles. Some sections of the fence will be a privacy fence, and some will be split rail. They also adjusted the limits of the driveway and will be reducing the impervious area as a result. The plan has a table on the top to summarize the impervious area and a shortened driveway for the access driveway. They are proposing to shorten it to ensure people aren't just driving out there to park. It will remain a gravel driveway.
73. Keith Ratner questioned why the applicant wanted it shorter. Joe White responded that they wanted to shorten it because it is abutting a single-family home.
74. Nipun Jain commented that the project is located in the WRPD and the fundamental basis of this proposal is being able to make the majority of the site protected open space. It will be public for multiple reasons. The open space will become part of the watershed so the city can protect the water supply. The Applicant has been very supportive of our efforts to make the project viable. The open space will be used passively. The access driveway will have a gated entrance. The access is important for a variety of reasons. The privacy

concern is understood, but they will make sure it is in keeping with the open space use as it outlined in the code. The perceived frequency of use will not happen in reality. It is a 12-foot-wide gravel driveway. They encourage the applicant to be amendable to the driveway. The applicant has shown a design for the house proposed at the end of the common access driveway. They need to make sure to put labels on the plan in regards to the finishes. That can be a condition of approval. The conservation restriction has been drafted and provided. They anticipate it can be reviewed by KP Law prior to adoption.

75. Pascal Rettig questioned if the open space would be owned by the applicant. Joe White responded that it would be deeded to the city.
76. Pascal Rettig opened public comment. There was no public comment.
77. Keith Ratner motioned to ask staff to draft a decision and continue the public hearing to the January 12, 2026, Planning Board Meeting. Seconded by Tom Salemi.
78. Pascal Rettig initiated a roll call vote –
79. Keith Ratner – YES
80. Joel Nice – YES
81. Michael Jewell – YES
82. Tracey Chalifour – YES
83. Tom Salemi - YES
84. David Frick – YES
85. Pascal Rettig – YES
- 86. Motion passed 7-0.**

87. Continued Hearings – 6 Lake Attitash Way

88. Brian Marchetti commented that they have received a variance approval from the ZBA for the setback from the property line and Conservation approval for the proposed design. The only supplemental material provided is that they added a clerk sign off block on the plan.
89. Nipun Jain commented they went to DRC and it's important the Board knows the house design was well received. DRC made a positive recommendation. They have made additional changes to the stormwater system to address water beyond just their property.
90. Brian Marchetti commented that the plan is to tie into the city storm water system. A lot of the storm water issues on the street today are because the road curves and water misses the catch basins in the street. This proposal will capture as much of that flow as possible. They are meeting or exceeding the storm water regulation standards.
91. Pascal Rettig questioned if the area on the south side was too wet for the junipers to survive. Brian Marchetti responded that was a higher area. It should be fine. It was designed by a registered landscape architect.
92. David Frick thanked the applicant for working with the Board and the neighborhood to improve the situation around that.
93. Tracey Chalifour commented that it was noted the storm water calculations were reviewed and approved by the Planning Board at the Conservation Commission. That was not the case. Brian Marchetti responded that he indicated to the Commission that they met with the Planning Board and the board had reviewed the storm water calculations. He did not recall saying it was approved by the Planning Board. The Conservation Agent Amanda Armington was clear that this application was not approved by the Board yet. The

Commission had discussion on continuing the project until the Planning Board approved it or not. The Commission knew the Board had not approved it yet.

94. Nipun Jain commented that the storm water calculations were reviewed by staff and they met the standards in the DEP regulations. At this time, it does not appear anything is missing.
95. Pascal Rettig opened public comment.
96. Angela Bik of 81 Lake Attitash Road commented that she represented the Lake Attitash Association was wanted to talk about the storm water runoff. Ms. Bik thanked the applicant for going over and above to mitigate the existing runoff and avoid additional runoff. Listening to the Conservation Commission meeting it is clear that this does not take care of the serious runoff problem the flows off this property. The drainage comes off Kimball Road and collects at 6 Lake Attitash Way then runs down abutting driveways. Pollutants end up in the lake and there are icing issues in the winter which results in more salt. The Lake Attitash Association sees this as an opportunity to fix the problem. This is the perfect time for the city to get involved to solve the problem. Ms. Bik requested that the Planning Board recommend the DPW get involved to solve this issue.
97. Pascal Rettig commented that they don't have any control over that, but agreed it would be a good opportunity to make a recommendation to look at what is going down there.
98. David Frick motioned to ask staff to draft a decision and continue the public hearing to the January 12, 2026, Planning Board Meeting. Also to ask staff to draft a note to the DPW to look at the Kimball Road runoff issue. Seconded by Tom Salemi.
99. Pascal Rettig initiated a roll call vote –
100. Keith Ratner – YES
101. Joel Nice – YES
102. Michael Jewell – YES
103. Tracey Chalifour – YES
104. Tom Salemi - YES
105. David Frick – YES
106. Pascal Rettig – YES
- 107. Motion passed 7-0.**
- 108. Pascal Rettig noted at 8:57 pm that the Planning Board was going to take a break. The Planning Board resumed their meeting at 9:02 pm.**

109. New Hearings – 6 Cedar Court

110. Nipun Jain read the legal ad into the record.
111. Sean Roaf commented that all utilities were in place and there was a little bathroom downstairs. The garage is 391 SF upstairs and it's wide open. There is an existing sewer line.
112. Pascal Rettig questioned if there was a sewer easement related to that building. Sean Roaf responded it was on the edge of the garage.
113. David Frick questioned if there were any exterior changes proposed. Sean Roaf responded there were no external changes and everything was on site for utilities. David Frick confirmed there were no window changes. Sean Roaf responded there would not be. The only change would be to make one an egress window if that was required by code.

114. Nipun Jain commented that DPW needs to go onsite to verify and document the utilities. The applicant should submit photos of the structure to include in the project file. The Board can approve this project with those conditions.
115. Joel Nice questioned if a second egress was required because it was on the second floor. Sean Roaf responded that would be up to code enforcement. Nipun Jain confirmed that if it's a code requirement, then they would need to address it to get a building permit. The Board can condition the proposal needs to meet any and all building code requirements.
116. Nipun Jain commented that staff recommends approval for the special permit as presented with two stipulations. The first is to provide photo evidence of the existing structure. The second is to allow DPW staff onsite to verify the utility location.
117. Keith Ratner motioned to approve the special permit for 6 Cedar Court with the two stipulations above. Seconded by David Frick.
118. Pascal Rettig initiated a roll call vote –
119. Keith Ratner – YES
120. Joel Nice – YES
121. Michael Jewell – YES
122. Tracey Chalifour – YES
123. Tom Salemi - YES
124. David Frick – YES
125. Pascal Rettig – YES
- 126.** Motion passed 7-0.
- 127.** David Frick motioned to close the public hearing for 6 Cedar Court. Seconded by Tom Salemi.
128. Pascal Rettig initiated a roll call vote –
129. Keith Ratner – YES
130. Joel Nice – YES
131. Michael Jewell – YES
132. Tracey Chalifour – YES
133. Tom Salemi - YES
134. David Frick – YES
135. Pascal Rettig – YES
- 136.** Motion passed 7-0.

137. New Hearings – 47 Macy Street

138. Nipun Jain read the legal notice into the record.
139. Eli Einsen commented that they were trying to move the dog grooming salon to 47 Macy Street. The intent is to own the building and bring in some more customers. The building will have a handicap accessible ramp. The interior will have a lobby, grooming tables, a kennel waiting area space, tub room, and break room area in the back. There is an exit at the front and back.
140. Keith Ratner questioned how much change was needed internally. Eli Einsen responded that they had to move a couple walls and convert a bathroom to the tub room.
141. Nipun Jain commented that the applicant was seeking to convert an existing structure. They were not proposing to expand or enlarge it. The change is the use. This is in the

commercial district, so it will become more conforming. The proposed use needs to comply with the zoning code and section XI.C. They have to address the trash location, landscaping, and traffic and circulation. There are various elements of the site plan. Staff has met with the applicant and discussed what was needed for the parking requirements for the use. It seems the parking would work, however, as it is currently laid out, it cannot happen on the site based on actual dimensions. Staff will work with the applicant to ensure what is being proposed for parking can function on the site. There are requirements for handicap parking and landscape buffers that need to be met. There are a few other minor items Staff will work with the applicant on as well.

142. Keith Ratner motioned to continue the meeting to 10 pm. Seconded by Tom Salemi.
143. Pascal Rettig initiated a roll call vote –
144. Keith Ratner – YES
145. Joel Nice – YES
146. Michael Jewell – YES
147. Tracey Chalifour – YES
148. Tom Salemi - YES
149. David Frick – YES
150. Pascal Rettig – YES
- 151.** Motion passed 7-0.
152. David Frick questioned if there was a parking area there today. Eli Einsen confirmed there was. They measured out the spaces and looked up the parking code. They can get the five spaces across the back. The handicap spot is closest to the ramp. They can't put cars against the building. The distance between the building and fence is 80 feet, so they should be able to make the turn. Nipun Jain commented they can work with the applicant and MiMap to make plan work. This parking layout does not work.
153. David Frick commented that they could work with ATG to make parking work as well. Employees could park there, and customers could do drop off on the site. Nipun Jain confirmed that was a possibility if they got a long-term lease.
154. Pascal Rettig commented that they can't approve a parking layout that doesn't meet the requirements.
155. David Frick questioned if the lot went toward the back. Eli Einsen responded that they could look at extending the parking lot. It could be a gravel lot.
156. Keith Ratner motioned to continue the public hearing to the December 22, 2025 Planning Board Meeting. Seconded by Tracey Chalifour.
157. Pascal Rettig opened public comment. There was no public comment.
158. Pascal Rettig initiated a roll call vote –
159. Keith Ratner – YES
160. Joel Nice – YES
161. Michael Jewell – YES
162. Tracey Chalifour – YES
163. Tom Salemi - YES
164. David Frick – YES
165. Pascal Rettig – YES
- 166.** Motion passed 7-0.

167. Administrative – Erosion Control Bond – Bailey’s Pond

168. Tracey Chalifour motioned to extend the meeting to 10:15 pm. Seconded by Tom Salemi.

169. Pascal Rettig initiated a roll call vote –

170. Keith Ratner – YES

171. Joel Nice – YES

172. Michael Jewell – YES

173. Tracey Chalifour – YES

174. Tom Salemi - YES

175. David Frick – YES

176. Pascal Rettig – YES

177. Motion passed 7-0.

178. Nipun Jain commented that they received memos from the developer and Stantec.

There is some information missing. This is a large-scale project with a large scope. Several storm water systems were modified and Stantec asked for information specifically for the phase three basin. It was used for construction management purposes, and they need to show there is infiltration capacity and it is working as designed for storm water management now. That information was not provided. If the Board releases the bond associated with that component, then there is no way to get a replacement. They do not have a Certificate of Compliance. The landscaping on the site has not gone through even one growing season. It was planted sporadically starting in the spring and through the summer and fall. All those things are already noted in the memo from Stantec.

179. Keith Ratner commented that based on all of that, the Board is not ready to give them a bond release.

180. Pascal Rettig commented that they should estimate the remaining work and suggest a bond release based on that. They are missing a whole bunch of pieces that need to be submitted and reviewed before getting a bond release. Micheal Leach from Stantec responded that was correct. They need to provide documents to demonstrate that final design and storm water system is functioning as approved by the Board. The phase three basin was used for sediment collection. They are supposed to reconstruct the basin. They have not shown the final testing and design. They have asked the developer to demonstrate it meets compliance with Mass stormwater regulations and they have not received that information.

181. Pascal Rettig agreed they should ask them to fill in the missing documentation before reducing the bond further.

182. David Frick questioned if it was appropriate to give them some sort of reduction.

Michael Leach responded it was acceptable to give some sort of reduction, but it would be prudent of them to provide more information.

183. Pascal Rettig commented they should provide more information before releasing anything. They should defer on taking a vote.

184. Keith Ratner motioned to ask the applicant to respond to the memo from Stantec and provide the information requested. Seconded by Tracey Chalifour.

185. Pascal Rettig initiated a roll call vote –

- 186. Keith Ratner – YES
- 187. Joel Nice – YES
- 188. Michael Jewell – YES
- 189. Tracey Chalifour – YES
- 190. Tom Salemi - YES
- 191. David Frick – YES
- 192. Pascal Rettig – YES
- 193. Motion passed 7-0.

194. Administrative – Erosion Control Bond – South Hunt Road

- 195. Andrew Mackin commented that they were making a request for a bond reduction and wanted to share a project update. Andrew Mackin shared pictures of the building.
- 196. Nipun Jain commented that they received a request by the proponents to reduce the bond. Stantec provided a letter in November. The city received a response from Josh Berman on December 3, 2025.
- 197. Nipun Jain commented that Stantec was in the process of reviewing those responses. Andrew Mackin commented that they originally requested bond reductions to \$20,000. The project has gone through one growing season, and they have replaced 10 trees and 2 shrubs. There is one growing season remaining. Stantec proposed a value of \$82,000 and they thought this was disproportionately high. They are looking for a reasonable reduction from the Board.
- 198. Pascal Rettig commented that the Stantec letter mentioned a number of missing documents. The response included some of those. Andrew Mackin responded that they allocated money for a partial CoC. The only open item is the growing seasons. They held \$8,000 for storm water maintenance for 2 years and \$15,000 for landscape maintenance. The As Built survey from March is complete and signed by the surveyor. They can include a 10% contingency.
- 199. Pascal Rettig commented that a whole bunch of trees were supposed to be planted at the back of the property. Pascal Rettig questioned if those were planted. Andrew Mackin confirmed they were all planted and had grown in nicely. Pascal Rettig questioned if the landscape bond included that. Andrew Mackin responded that was a separate bond for \$43,000.
- 200. Pascal Rettig commented that the Stantec letter noted the granite bound monuments and roadway maintenance were done.
- 201. David Frick commented that he felt comfortable releasing the surety bond and retaining the cash bond amount.
- 202. David Frick motioned to release the surety bond in it's entirety and retain the cash bonds for 14 S Hunt Rd. Second by Michael Jewell.
- 203. Pascal Rettig initiated a roll call vote –
- 204. Keith Ratner – YES
- 205. Joel Nice – YES
- 206. Michael Jewell – YES
- 207. Tracey Chalifour – YES
- 208. Tom Salemi - YES

- 209. David Frick – YES
- 210. Pascal Rettig – YES
- 211.** Motion passed 7-0.

212. Administrative – Covenant – 101-107 Market Street

- 213. Nipun Jain commented that they received a request to release 101 Market St. Unit A. All of the units have been sold except for the 3 units in 101 Market St. At this time staff recommends release. The remaining 2 units can be released after the project shows they have met all requirements.
- 214. David Frick motioned to release 101 Market St. Unit A from the covenant. Seconded by Tracey Chalifour.
- 215. Pascal Rettig initiated a roll call vote –
- 216. Keith Ratner – YES
- 217. Joel Nice – YES
- 218. Michael Jewell – YES
- 219. Tracey Chalifour – YES
- 220. Tom Salemi - YES
- 221. David Frick – YES
- 222. Pascal Rettig – YES
- 223.** Motion passed 7-0.

224. Adjournment

- 225. Tracey Chalifour motioned to adjourn at 10:14 pm. Seconded by David Frick.
- 226. Pascal Rettig initiated roll call vote –
- 227. Keith Ratner – YES
- 228. Joel Nice – YES
- 229. Michael Jewell – YES
- 230. Tracey Chalifour – YES
- 231. Tom Salemi - YES
- 232. David Frick – YES
- 233. Pascal Rettig – YES
- 234. Motion passed 7-0

27.5-29 Clarks Road – Public Comment – Tracey Chalifour

My name is Tracey Chalifour, I live at 25 Clarks Road #201.
Here are a few things I would like to convey and/or ask this evening.

1. The late submission of a couple of key documents is problematic

On Friday, 33 pages in two critical Peer review memos were uploaded. that doesnt allow enough time for PB members or the public to perform due diligence.

2. Some Waivers Requested that I believe are problematic

5.2.2.a -

To build one building containing 146 units, where “no more than forty-eight (48) units per building” are allowed, “provided that the minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply”.

This would essentially triple the # of units per building allowed.

7.2.1 -

to build two three family buildings each 10' from the front property line, where 20' is required

Moving the building closer to the road would not allow for more historically appropriate streetscape - the PB should look at the houses and condos on the street - none of them are that close.

1.5.b.1 -

To allow 1.33 parking spaces per unit where 1.5 spaces are required. the applicant wrote: "With approximately 65% of the units planned to be studios or one bedroom, the applicant's experience with similarly located projects of similar unit breakdown, and the Institute of Traffic Engineers 6th edition parking generation manual, which suggests .88 spaces per bedroom, which would suggest 194 spaces needed, the applicant believes our 203 spaces proposed are more than adequate for the needs of residents and guests."

The PB should be asking: where is the "similarly located projects of similar unit breakdown" they are referring to, with all the same conditions?

10.5.b.3 -

the applicant stated: "Reduction in Parking Requirements notes the PAA may consider “d. Age or other occupancy restrictions that are likely to result in a lower level of auto usage.”

The PB should ask the applicant what data point they are basing that comment on?

10.5.b.4 -

The applicant wrote that they want "16 compact spaces" to accommodate more fuel efficient vehicles - what does that mean? most fuel efficient vehicles are not smaller than traditional vehicles. and, what if the tenants don't have those vehicles? parking space quantities will be compromised.

The PB should consider that more parking is necessary because people living in these units will mostly need to commute to jobs, since there is a dearth of jobs in Amesbury

10.5.c.3

"to allow for stockade fences and chain link fence. Stockade fencing is proposed as a visual buffer to adjacent properties. Black chain link fencing is proposed around dog run and play areas, chosen for its limited visual impact, allowing for better views of surrounding nature.

The PB should insist on more visually appealing fencing to buffer adjacent properties.

At the November 3rd PB meeting, I raised the following issues - as far as I can tell given the short amount of time to review the recently uploaded documents, these questions do not seem to be addressed in the volumes of documentation provided:

3. The Large Building

Architectural drawings and sketches an accurate representation of the buildings ?? That should be shown. - THE DOCUMENTS REFERENCED IN THE PB RESPONSES MEMO ARE NOT VISIBLE IN THE PROJECT FILES THAT I CAN FIND

The materials provided still do not provide a good visual for the garage entry portion and surrounding units. The location of three units on either side of the underground garage entry is not optimum.

In the July 28 Planning Board pre application hearing:

at the 32 minute mark-Alex said views would be prepared so abutters (the house at 27 Clarks and Birchwood residents and 31 Clarks) could see what their perspectives of the large building would be. ONLY TWO VIEWS WERE PROVIDED, FROM 27 AND 31 CLARKS. NOTHING WAS PROVIDED FROM 25 CLARKS VIEWPOINT (AS IF I LIVED ON THE BACK SIDE OF 25 FACING THE EAGLE POINT PROJECT)

48 minute mark - Pascal – asked about the scale of building w/r/t neighborhood character being smaller mass - what can be done to keep it in line. Alex said economics require the height and scale. Pascal asked about screening to make it not as noticeable. THIS BUILDING WILL BE HOW MANY FEET ABOVE BIRCHWOOD POINTE - THIS STILL HAS NOT BEEN ANSWERED and WHAT ABOUT TAKE THE MECHANICAL SYSTEMS - THEY ARE NOT PICTURED ANYWHERE IN ANY ARCHITECTURAL RENDERINGS THAT I CAN SEE. WHY ARENT THESE VISUALS BEING PROVIDED, AND ADDED INTO THE BUILDING HEIGHT EQUATION?

4. The Trails and Open Space

July 28TH Planning Board pre application hearing

34 minute mark - Michael asked about trails - who would maintain. Alex mentioned it may be an easement or the land ends up being turned over to the city, if that happens, then wouldn't the number of units that can be built be altered because the calculation is done based on the parcel size? THIS STILL HAS NOT BEEN ANSWERED

36 minute mark – REGARDING THE PROPOSED connection to the trails up on Point Shore Road and THE surrounding area behind Birchwood Pointe, THE PB SHOULD BE MADE AWARE THAT The residents of Point Shore have not given access to the trails. He also made

a comment that people using the trails would maintain them. IMHO, This is not a guarantee. SADLY, IT DOES NOT HAPPEN in most cases.

Lastly, I WANT TO RE - IDENTIFY SOME CONCERNS FROM THE FD AND DOCUMENTED IN A TRC memo of October 13 related to Public Safety

1. Fire Department Access Concerns

A major concern is access for emergency apparatus, particularly the aerial ladder.

- The common area in front of the 146-unit building currently prevents aerial ladder access to approximately two-thirds of the building.
- This access issue poses a significant safety risk for occupants and first responders in the event of a fire.

Proposed Mitigation:

- Removal or relocation of trees or landscaping obstructing access
- Reconfiguration of the common area to allow sufficient clearance for aerial ladder operations
- Verification of access during final site plan review and prior to occupancy

The Fire Department considers these modifications essential for the safety of residents and personnel.

NOTE: This does not reconcile with the landscaping plan and screening request from Pascal at 7/28 meeting (for Birchwood)

5. Garage Concerns

Chief Serino asked for details on fire department access into and within the garage, including entry points, clearances, and emergency egress routes for responders operating below-grade. THESE QUESTIONS STILL HAVE NOT BEEN ANSWERED

27.5-29 Clarks Road – Public Comment – Kendra Ocanez

Hello, I am writing as a resident and owner on Clarks Rd, to voice my strong opposition to the approval of this development. The city is entertaining more large scale development proposals than it can support, and this level of growth and development is not sustainable, especially given the current city budget and recent override vote. 152 units is way more than the current infrastructure can support.

This development will destroy significant and crucial wildlife and bird habitats and further displace what is left of our remaining wildlife. This impacts the whole community. I moved here from Somerville and if the residents of Amesbury want Amesbury to look like Somerville, they should continue to support these large scale developments. If not, take a step back and think about the lost wildlife habitat, and the planned increase in buildings, people, cars, emissions, waste, and strain on our already strained community resources.

There are always arguments for "affordable housing" -- If the landowners are building this unit and giving the housing away for free, i'd like to see those documents. Generally these large developments are for the benefit of a few, and with a minimum of "affordable" housing-- which is subjective. What we do can't be undone and this proposal should not be

considered in a vacuum; it should be considered in light of the multitude of other proposed developments in the area and the strained city infrastructure.

It is also noted that a large number of documents were uploaded late on Friday giving the board limited time to review them

The long list of missing materials in the VHB memorandum uploaded 12/5 should be noted. With emphasis on the following: lack of ADA compliance for parking spaces, lack of compliance with providing a soils report, lack of information on the potential environmental impact of the area especially given steep slopes and wetland areas, lack of adequate information on architectural plans, lack of infrastructure for adequate parking and vehicle provisions, lack of clarity on utilities plans, lack of documentation or supplemental notes surrounding the test pits under the environmental impact-- see underlined portions, lack of adequate groundwater analysis, demonstrated lack of understanding of the needed documentation and testing required, need for 3d party verification on infiltration issues, lack of provided calculations and approaches to groundwater management, lack of adequate hydrostatic pressure and mounding evaluation, lack of clarity on visitor parking plans, lack of provision of parking plans in general. These are just the parts I have had time to review.

In sum, this project leaves more questions than answers and poses a serious environmental and infrastructure danger to the immediate areas that should be carefully considered prior to anything approaching approval.

Respectfully
Kendra Ocanes
Birchwood Point