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By City Clerk at 11:58 am, Nov 26, 2024

1. Amesbury Planning Board Meeting Minutes
2. In Person Meeting – September 9, 2024, at 7:05 PM
3. Chairman Pascal Rettig called the September 9, 2024, Planning Board meeting to order at 7:05 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 – Absent
9. Lorri Krebs- YES
10. Michael Jewell – YES
11. Tracey Chalifour - YES
12. David Frick – Absent
13. Pascal Rettig - YES
14. Also: Nipun Jain (Planning Director) and Becky Frey (Community Development Coordinator)
15. **Continued Public Hearings – 2 Merrimac St.**
16. Lorri Krebs motioned to continue the public hearing to the September 23, 2024, meeting. Seconded by Keith Ratner.
17. Pascal Rettig initiated roll call vote –
18. Keith Ratner – YES
19. Joel Nice – ABSENT
20. Lorri Krebs- YES
21. Michael Jewell – YES
22. Tracey Chalifour - YES
23. David Frick – ABSENT
24. Pascal Rettig - YES
25. Motion passed 5-0
26. **Continued Public Hearings – 13 Merrimac St.**
27. This was addressed in the item above.
28. **Continued Public Hearings – Bill 2024-098**

29. Nipun Jain commented that the Board opened the hearing at the last meeting and continued it to this meeting. This is a proposed zoning amendment to adopt provisions required by the State. It will incorporate the amendments to bring into Amesbury into compliance. Amesbury is an adjacent community and required to provide one district in the community that allows 15 units per acre with no special permits associated. They have done a planning analysis to identify suitable areas. This amendment would adopt the MBTA Act requirements in the area known as the Golden Triangle. This amendment will also target the missing middle and support higher, more traditional densities. It will not just be high density apartments but also duplexes, triplexes, etc. It will provide more affordable options and create walkable neighborhoods with traditional building design. This amendment will establish a new section in the zoning ordinance and create a new overlay district. The MBTA act requires an area that allows 15 units per acre for 50 acres or more. They are looking to deed restrict up to 10% of the units as affordable. In a prior presentation they talked about incorporating other elements in the neighborhood to better incorporate it into the fabric in Amesbury. The intent would be to make a walkable neighborhood with multiple transportation options. It will allow for different densities in the zoning by creating sub districts. There will also be placemaking amenities in the development. The area is a little over 60 acres and 25 acres is developable. Most of it is not visible from the road and it is mostly undeveloped. There are two large portions that are developable. The wetlands have been identified on the site and a large portion will be potentially conserved as open space. The development would have a north and south neighborhood with a common arterial access way. The overlay district has a northern multifamily subdistrict and southern separate subdistrict. These projects would be regulated through a site plan review. That would establish performance and building design standards and in this case affordability requirements. They are not incorporating new performance standards. The intent is to rely on what is already in place in the zoning. They have taken a similar approach to the 40R developments. They took all the development provisions in the zoning code and put them in one section to be easier for review. The density and dimensional controls are based on each individual neighborhood. The north allows for up to 4 stories and a maximum height of 48 feet and the south allows for up to 3 stories and a maximum height of 38 feet. The second table shows the open space requirements. The site plan review would encompass all current review items. They will also have a design handbook that has been created separately and will be incorporated in the zoning bylaw. That will provide standards and guidelines for the buildings and placemaking site amenities. Nipun Jain showed slides of what the neighborhood could look like. There would be a boulevard entrance to a neighborhood with public open spaces and community spaces around the buildings. Many elements have been identified in the pattern book and parks will be weaved into the development proposals. They could include recreation and civic amenities too. The northern neighborhood can have higher densities. One potential scenario could include two apartment style units at the end. The development will incorporate different housing types and affordability. There would be on street parking to allow for visitors and for traffic calming opportunities. The next steps for this would be a public review and hearing. Once the local adoption process is complete, it will still need to be signed off and approved by EOHLC at the State level. They will need to

submit additional forms and supporting materials to show that this complies. The State has a 90-day review period and they have been using the full 90 days. It would be ideal to have a recommendation back to the City Council for their September 24, 2024, meeting.

30. Pascal Rettig updated the audience that the Board had already continued the 2 and 13 Merrimac St. application and they planned to continue the public hearing for Bill 2024-096 as well.
31. Pascal Rettig clarified that this zoning amendment would put Amesbury fully in compliance with MBTA Act. Nipun Jain responded that this new overlay would get them closer to the requirement. They will also be asking for certification of the smart growth districts Amesbury already has to fully bring the city into compliance. This is the only amendment they need to adopt to comply.
32. Pascal Rettig commented that the Planning Department has done a lot of excellent work given the amount of controversy in other communities. Nipun Jain responded that this would not have happened without the cooperative development team to give us the data we need. It is not an easy site to map. They don't have a project yet. However, in order to get to a place to visualize it they need data. The Merrimack River District Study was also helpful to hear and give a road map for when a project is filed.
33. Keith Ratner questioned if any commercial development was allowed. Nipun Jain responded that there was no commercial use in the proposed overlay district. The MBTA act allows for mixed uses, but it is a complex formula on how to allow it. They had considered some commercial uses in the middle, however, now they are hoping to incorporate commercial along Elm St. Adding businesses along Elm St. would give them a stronger chance to thrive.
34. Keith Ratner questioned where the pattern book came from. Nipun Jain responded that they worked with a consultant design team.
35. Tracey Chalifour commented that she sent out questions after the presentation and did not get a response back. The Merrimack River District Study did recommend mixed use in that area.
36. Tracey Chalifour questioned what the buildable acreage was compared to the MBTA minimum. Nipun Jain responded that the ANRAD that was approved by the Conservation Commission confirms there's 25 acres. It will be developed at the densities of 15 units per acre which would lead to a gross of 435 units.
37. Tracey Chalifour questioned how the northern and southern neighborhoods would be connected. It is concerning there is only one accessway. Nipun Jain responded that all of those requirements would be reviewed, and they would need to meet the performance standards in the site plan review.
38. Tracey Chalifour noted that some of the south neighborhood seemed to be in designated Chapter 61A land. Nipun Jain responded that he believed all of the land had been taken out of Chapter 61A. If it has not, then they will need to resolve that.
39. Tracey Chalifour commented that the Merrimack River Study report talked about mixed use and infrastructure improvements. Nipun Jain responded that there will be several opportunities for the community and Planning Board to weigh in on the infrastructure improvements.

40. Tracey Chalifour commented that other cities and towns have been evaluating whether or not to approve the zoning. Tracey Chalifour questioned what grants would be impacted if this was denied. Nipun Jain responded that it could possibly impact Chapter 90 money, Massworks Grants, and school related funding that the State gives to cities and towns. This is not about reacting to the State asking to create the zoning. Amesbury was one of the first communities to adopt a smart growth district. This is a different impact for other communities that have not planned for diverse housing. Amesbury has done a lot of that groundwork, and they are drawing from the work that has already been done. They focused more on what to bring forth and have in place to benefit the community.
41. Pascal Rettig commented that he didn't see any down sides. This project has been sitting around for the past 10 years. The design looks fantastic. Mixed use would be nice in theory, but it would not work as well in this design as well. The boulevard lends itself to being exclusively residential especially with its proximity to Elm St.
42. Nipun Jain commented that when they did Amesbury Heights, they had commercial units along the Route 110 corridor. They wanted to strengthen the economic base of the existing businesses. Covid has impacted the dynamics too. They are also competing from a regional perspective with Seabrook and Salisbury. Small businesses are surviving better off major commercial zones because they are benefiting from high traffic counts. That is why they are focusing on strengthening the Elm St. corridor.
43. Tracey Chalifour commented that there was no affordability requirement in MBTA adjacent communities zoning. Nipun Jain responded that was correct. They have chosen to require up to 10% even though the Act does not require it. Tracey Chalifour questioned if that would be in ownership. Nipun Jain responded that affordability does not require that either. Ownership has a different set of criteria than rental.
44. Lorri Krebs commented that it could be an opportunity to work with Mass DOT to put up sound barriers because this zoning is right near the highways. Nipun Jain responded that those sound barriers would be something the State would need to choose to do, but it could be part of the review.
45. Pascal Rettig opened public comment. No one was there to speak.
46. Keith Ratner motioned to send a positive recommendation to City Council for Bill 2024-098 as presented. Seconded by Lorri Krebs.
47. Pascal Rettig initiated roll call vote –
48. Keith Ratner – YES
49. Joel Nice – ABSENT
50. Lorri Krebs- YES
51. Michael Jewell – YES
52. Tracey Chalifour - NO
53. David Frick – ABSENT
54. Pascal Rettig - YES
55. Motion passed 4-1
56. Keith Ratner motioned to close the public hearing for Bill 2024-098. Seconded by Michael Jewell.
57. Pascal Rettig initiated roll call vote –

- 58. Keith Ratner – YES
- 59. Joel Nice – ABSENT
- 60. Lorri Krebs- YES
- 61. Michael Jewell – YES
- 62. Tracey Chalifour - YES
- 63. David Frick – ABSENT
- 64. Pascal Rettig - YES
- 65. Motion passed 5-0

66. Continued Public Hearings – Bill 2024-099.

- 67. Nipun Jain commented that the purpose of this was to include in a provision in the bylaw to limit the number of licenses for marijuana establishments. From a land use perspective there are two areas in town where you can propose retail establishments. One is along the Route 110 corridor and the other is the recent expansion into the downtown area. That expansion included some of the Lower Millyard as well. Diversity in the retail establishments makes the downtown more attractive. Part of section J of the special permit is to look to see if the use is going to overburden the area. This provision is in keeping with the spirit of the section. Limiting licenses allows for a more diverse business space. Staff supports this initiative that is led by the Councilors.
- 68. Keith Ratner questioned what the limit was today. Nipun Jain responded that it is tied to a formula, and the license is issued by City Council. Pascal Rettig noted that there was a minimum of 2.
- 69. Nipun Jain commented that the RMOD amendment just talks about where the uses are allowed. Usually, the code would be regulating numbers. Legal counsel believed that in order to enforce the restrictions it would need to go hand in hand with the zoning code. The intent is to make sure it was consistent with the land use policy.
- 70. Pascal Rettig clarified that the town counsel recommendation was to codify it in the town bylaw. Nipun Jain confirmed that was correct.
- 71. Lorri Krebs motioned to send a positive recommendation for Bill 2024-099 to City Council. Seconded by Keith Ratner.
- 72. Pascal Rettig opened public comment. No one present to speak and no written comment was submitted.
- 73. Pascal Rettig initiated roll call vote –
- 74. Keith Ratner – YES
- 75. Joel Nice – ABSENT
- 76. Lorri Krebs- YES
- 77. Michael Jewell – YES
- 78. Tracey Chalifour - YES
- 79. David Frick – ABSENT
- 80. Pascal Rettig - YES
- 81. Motion passed 5-0
- 82. Keith Ratner motioned to close the public hearing for Bill 2024-099. Seconded by Michael Jewell.

- 83. Pascal Rettig initiated roll call vote –
- 84. Keith Ratner – YES
- 85. Joel Nice – ABSENT
- 86. Lorri Krebs- YES
- 87. Michael Jewell – YES
- 88. Tracey Chalifour - YES
- 89. David Frick – ABSENT
- 90. Pascal Rettig - YES
- 91. Motion passed 5-0

92. Continued Public Hearings – Bill 2024-096.

- 93. Nipun Jain commented that originally Staff was requesting that the Board continue this to the September 12, 2024, Planning Board Meeting. Since the agenda was posted, there have more recent developments. The City has received further opinion from the attorney representing the Lake Attitash Association and we are waiting for a response back from KP Law. They have not had enough time to review what was indicated in that memo. The City's Legal Counsel have requested additional time and have indicated it would be ready for September 23, 2024.
- 94. Keith Ratner motioned to continue the public hearing for Bill 2024-096 to the September 23, 2024, Planning Board Meeting. Seconded by Lorri Krebs.
- 95. Pascal Rettig initiated roll call vote –
- 96. Keith Ratner – YES
- 97. Joel Nice – ABSENT
- 98. Lorri Krebs- YES
- 99. Michael Jewell – YES
- 100. Tracey Chalifour - YES
- 101. David Frick – ABSENT
- 102. Pascal Rettig - YES
- 103. Motion passed 5-0

104. Administrative – MVPC Commissioner Appointment

- 105. Pascal Rettig commented that Keith Ratner requested to be the MVPC Commissioner.
- 106. Tracey Chalifour motioned to nominate Keith Ratner as the Planning Board's MVPC Representative. Seconded by Michael Jewell.
- 107. Pascal Rettig initiated roll call vote –
- 108. Keith Ratner – YES
- 109. Joel Nice – ABSENT
- 110. Lorri Krebs- YES
- 111. Michael Jewell – YES
- 112. Tracey Chalifour - YES
- 113. David Frick – ABSENT
- 114. Pascal Rettig - YES
- 115. Motion passed 5-0

116. Administrative – 19 Evans Place – Bond Release

117. Nipun Jain commented that this is a request by the Mayor's Office to release the \$6,000 the Planning Board is holding for street acceptance. All necessary steps have been completed and the bond can be released. They have received confirmation from the Chief of Staff and DPW that funds can be released.
118. Tracey Chalifour motioned to approve bond release of \$6,000. Seconded by Lorri Krebs.
119. Pascal Rettig initiated roll call vote –
120. Keith Ratner – YES
121. Joel Nice – ABSENT
122. Lorri Krebs- YES
123. Michael Jewell – YES
124. Tracey Chalifour - YES
125. David Frick – ABSENT
126. Pascal Rettig - YES
127. Motion passed 5-0

128. Administrative – Meeting Scheduling

129. Nipun Jain noted that Tracey Chalifour requested to put this on the agenda.
130. Tracey Chalifour commented that she understood that there could occasionally be additional meetings due to the heavy workload. However, in her short time there have been 3 special meetings. It is a struggle when the extra meeting requests come up, but she is cognizant that City business has to continue. It seems like there is an urgency around things and then there isn't. Thursday is perfect example where something comes up and now it is canceled. It is hard to add another meeting to the calendar.
131. Pascal Rettig commented that they scheduled the extra meeting to try to avoid a large agenda, like the last meeting where it went until 11 pm and 3 public hearings had to be continued. They tried not to do that this week and hopefully the Board will be out of here before 9 pm. In the past they have most often scheduled additional meetings on a Monday.
132. Tracey Chalifour commented that she did not understand that an applicant could request a continuance at any time. It does not make sense why an applicant would ask for a continuance because the full board won't be present. The Board is expected to accommodate but they do not get the same reciprocity. It is frustrating for the Board and the public.
133. Keith Ratner questioned what was left on the Thursday meeting. Nipun Jain responded that there were 2 sign applications and one of them has indicated changes to the package. It would make sense to move them to the September 23, 2024, meeting as well. The whole point of having DRC is to give the Planning Board the ability to act on the sign applications expeditiously.
134. Pascal Rettig commented that typically the approach is to wait until closer to the date of the meeting to make a special accommodation.
135. Nipun Jain commented that this has always been a struggle. They have a deadline that unfortunately sometimes has to be flexible. They try to weave through the quagmire rather than getting too stringent on deadlines. Sometimes it is project dependent. It is not a perfect system.

136. Tracey Chalifour motioned to cancel the September 12, 2024, Planning Board Meeting.
Seconded by Keith Ratner.

137. Pascal Rettig initiated roll call vote –

138. Keith Ratner – YES

139. Joel Nice – ABSENT

140. Lorri Krebs- YES

141. Michael Jewell – YES

142. Tracey Chalifour - YES

143. David Frick – ABSENT

144. Pascal Rettig - YES

145. Motion passed 5-0

146. Pascal Rettig provided a brief update on the Master Plan 2023. They have met with Administration and the Task Force. The Task Force is going to review the suggested updates and let the Board know what they choose to include. The land use element is still missing. This will be back on the agenda when they have a document and time to review it.

147. Administrative – Contracts, Bills, and Invoices

148. Nipun Jain commented that staff has reviewed the Stantec invoices and noted that they recommended payment.

1. A Stantec Bill for 12 S Hunt Rd. in the amount of \$5,470.50

2. A Stantec Bill for 12 S Hunt Rd. in the amount of \$3,616.49

3. A Stantec Bill for Bailey's Pond in the amount of \$386.80

4. A Stantec Bill for Bailey's Pond in the amount of \$1,201.80

149. Keith Ratner motioned to approve the payment of invoices listed in the summary above.
Seconded by Lorri Krebs.

150. Pascal Rettig initiated roll call vote –

151. Keith Ratner – YES

152. Joel Nice – ABSENT

153. Lorri Krebs- YES

154. Michael Jewell – YES

155. Tracey Chalifour - YES

156. David Frick – ABSENT

157. Pascal Rettig - YES

158. Motion passed 5-0

159. Adjournment

160. Lorri Krebs motioned to adjourn at 8:53 pm. Seconded by Tracey Chalifour.

161. Nipun Jain read the legal ad into the record.

162. Pascal Rettig initiated roll call vote –

163. Keith Ratner – YES

164. Joel Nice – ABSENT

165. Lorri Krebs- YES

166. Michael Jewell – YES

- 167. Tracey Chalifour - YES
- 168. David Frick – ABSENT
- 169. Pascal Rettig - YES
- 170. Motion passed 5-0