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1. Amesbury Planning Board Meeting Minutes

2. In Person Meeting – October 28, 2024, at 7:02 PM

3. Chairman Pascal Rettig called the October 28, 2024, Planning Board meeting to order at 7:02 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 – ABSENT
8. Joel Nice – YES
9. Michael Jewell – YES
10. Tracey Chalifour - YES
11. David Frick – YES
12. Pascal Rettig - YES
13. Also: Nipun Jain (Planning Director) and Becky Frey (Community Development Coordinator)

14. **Minutes – 7-29-24**
15. Tracey Chalifour Motioned to approve minutes from the July 29, 2024, Planning Board Meeting. Seconded by Michael Jewell.
16. Pascal Rettig initiated roll call vote –
17. Keith Ratner – Absent
18. Joel Nice – YES
19. Michael Jewell – YES
20. Tracey Chalifour - YES
21. David Frick – YES
22. Pascal Rettig - YES
23. Motion passed 5-0

24. **Minutes – 8-12-24**
25. Tracey Chalifour motioned to approve the minutes for the August 12, 2024, Planning Board Meeting. Seconded by Michael Jewell.
26. Pascal Rettig initiated roll call vote –
27. Keith Ratner – Absent
28. Joel Nice – YES
29. Michael Jewell – YES

30. Tracey Chalifour - YES
31. David Frick – YES
32. Pascal Rettig - YES
33. Motion passed 5-0

34. **Signs –** 14 S Hunt Rd. - Munters
35. Nipun Jain commented that the DRC reviewed the package and made revision recommendations. The sign company has submitted a revised package that incorporated the comments. The package should be approved as revised.
36. Pascal Rettig questioned if any Board member had any questions.
37. Michael Jewell questioned if there would be a sign at the road. Jason Parillo represented the sign company and responded that there would be a free-standing sign on the road and a small directional sign at the parking area.
38. Nipun Jain commented that staff's recommendation was to accept the building signs and the free-standing sign as revised. DRC looked at the base of the free-standing sign. They did not have any issues with the sign but did include the recommendation to make sure the sign was durable and reflected the industrial nature of the facility. In response to the DRC comments, they updated the free-standing sign and the base to it.
39. Jason Parillo confirmed they relocated the address to the base instead of the panel and changed the background.
40. Joel Nice questioned how big it was. Nipun Jain responded that it was 4 feet by 10 feet. Jason Parillo noted that the letters would only be on one side of the sign.
41. David Frick motioned to approve the two wall signs and free-standing sign for Munters as revised. Seconded by Michael Jewell.
42. Pascal Rettig initiated roll call vote –
43. Keith Ratner – Absent
44. Joel Nice – YES
45. Michael Jewell – YES
46. Tracey Chalifour - YES
47. David Frick – YES
48. Pascal Rettig - YES
49. Motion passed 5-0

50. **Signs –** 53 Friend St. – Quinn House
51. Nipun Jain commented that this was essentially a replacement in kind with a new name and DRC recommended the application be approved as submitted.
52. Paula Newcomb commented the proposed sign would be the exact same dimension as the sign that is there now. It is not really a wayfinding sign. It is just a historic marker. Michael Jewell commented that it would look nice.
53. Tracey Chalifour questioned if the size of the letters would be the same. Paula Newcomb responded they were intended to be the same. The existing sign has bar on either end and the new sign will not have that.
54. Tracey Chalifour motioned to approve sign for Quinn House at 53 Friend St. as submitted. Seconded by Michael Jewell.

55. Pascal Rettig initiated roll call vote –
56. Keith Ratner – Absent
57. Joel Nice – YES
58. Michael Jewell – YES
59. Tracey Chalifour - YES
60. David Frick – YES
61. Pascal Rettig - YES
62. Motion passed 5-0

63. **ANR – 228 Elm St.**
64. Michael Jewell recused himself from the application.
65. Gene Goodrich commented that he would like to gift a small piece of land measuring 10 feet by 125 feet to his neighbors. They need the approval from the Planning Board for the Mylar copy to record.
66. Nipun Jain commented that the plan shows a portion of lot A is being transferred from lot 1 A to lot 2A. Both lots are still conforming after the transfer. The lot area Is good, and the frontage does not change.
67. Nipun Jain questioned if the easement on the plan was already in place or if that was part of this approval. Gene Goodrich responded that the easement was granted in 2017 when they sold the land.
68. David Frick motioned to approve the ANR for 228 Elm St. as submitted. Seconded by Joel Nice.
69. Pascal Rettig initiated roll call vote –
70. Keith Ratner – Absent
71. Joel Nice – YES
72. Michael Jewell – Recused
73. Tracey Chalifour - YES
74. David Frick – YES
75. Pascal Rettig - YES
76. Motion passed 4-0-1

77. **City Council Referral – Bill 2024-133**
78. Nipun Jain commented that this Bill proposes to surplus two properties on School St. The properties are commonly known as Ordway and Orlando-Bailey house. They have previously been used for city offices. It is the intention of this ordinance to surplus them and make them available for sale. The Bill also talks about how the city is looking to see them developed. They have tried to surplus in the past without a clear end goal and that can end up with unintended consequences. They have done an as built on what is appropriate. It should be no more than 8 units in the Ordway and the existing single-family structure should be rebuilt as that. Some of the land in the back that abuts the library parking will be retained for the library. They assessed what was appropriate to keep and still allow for redevelopment. They were also mindful of the historic preservation with these two properties. They have retained their historic character, and the intention is to utilize the historic preservation special permit. The Planning Board has reviewed similar projects

in the past. These properties are not currently contributing to the tax rolls. Allowing them to be redeveloped will help enhance the area and add to the tax base.

79. Pascal Rettig noted that the ordinance specifies where the money would go as well. Nipun Jain confirmed that was correct and important. The Orlando Bailey house was originally purchased with the thought of expanding the library. However, the expansion did not move forward at that time. This ordinance intends to transfer the proceeds from this to the library for maintenance or further improvements.
80. David Frick commented that the Bill will prevent the properties from deteriorating which is a positive. If they wait too long, then they may not be able to be restored.
81. Pascal Rettig questioned if they would be able to comply with the parking requirement given the limited footprint. Nipun Jain responded that they have done some assessments. There are currently parking spaces along the access driveway today. There is also an opportunity to provide parking in the "L shaped" area too. There should be enough space to provide 16 parking spaces in the area. The access driveway would be shared but they would have marked parking on the building side.
82. Joel Nice clarified that there are some additions that are not part of the historic property and they would be removed. Nipun Jain confirmed that was correct. Joel Nice added that the prospect of revitalizing the library would be great.
83. Nipun Jain commented that the Planning Board could send back a positive recommendation and should reinforce two items. The first is that the redevelopment takes place in conjunction with a historic preservation special permit. The second is that the proceeds are going to go toward library as was the original intent of the property purchase. The third is that once the properties are developed privately the responsibility of any permitting would be done by the developer.
84. Joel Nice motioned to give a positive recommendation for council Bill 2024-133 for surplus with sole intention the properties are sold and developed in conjunction with a historic preservation special permit and the proceeds would go to benefit the library property. Seconded by Michael Jewell.
85. Pascal Rettig initiated roll call vote –
86. Keith Ratner – Absent
87. Joel Nice – YES
88. Michael Jewell – YES
89. Tracey Chalifour - YES
90. David Frick – YES
91. Pascal Rettig - YES
92. Motion passed 5-0

93. **Continued Public Hearings – 35 Pleasant Valley Road.**
94. Pascal Rettig commented that this was the ADU application.
95. Nipun Jain commented that it was a special permit request to convert an existing structure into an ADU. At the last meeting the Board heard from the applicant and reviewed the application. Then it was reviewed at the DRC, and they have sent back a positive recommendation that the application move forward as presented. There was some

discussion about access on the stairway that the applicant clarified. Staff recommends approving this special permit as presented.

96. Tracey Chalifour questioned if the state requirements in the new legislation were considered for this application. Nipun Jain responded that the state has asked all cities and towns the allow ADU's based on specific requirements. Towns have until February 2025 to make the adoption if they don't already have it. Those that have it can continue to do so under their own regulations. If there are any conflicting regulations, then they need to adopt the State's regulations in February. This application complies with the current regulations Amesbury has in place.
97. Pascal Rettig questioned if there was any public comment.
98. Victor Vigna, the applicant, commented that he just wanted to clarify that the address was 35A Pleasant Valley Road.
99. Joel Nice motioned to approve special permit for 35A Pleasant Valley Road as presented. Seconded by Michael Jewell.
100. Pascal Rettig initiated roll call vote –
101. Keith Ratner – Absent
102. Joel Nice – YES
103. Michael Jewell – YES
104. Tracey Chalifour - YES
105. David Frick – YES
106. Pascal Rettig - YES
107. Motion passed 5-0

108. Tracey Chalifour motioned to close the public hearing for 35A Pleasant Valley Road. Seconded by Joel Nice.
109. Pascal Rettig initiated roll call vote –
110. Keith Ratner – Absent
111. Joel Nice – YES
112. Michael Jewell – YES
113. Tracey Chalifour - YES
114. David Frick – YES
115. Pascal Rettig - YES
116. Motion passed 5-0

117. **Continued Public Hearings – 87 South Hampton Road.**
118. David Frick motioned to continue the public hearing for 87 S Hampton Rd. to the November 25, 2024, Planning Board Meeting. Seconded by Joel Nice.
119. Pascal Rettig initiated roll call vote –
120. Keith Ratner – Absent
121. Joel Nice – YES
122. Michael Jewell – YES
123. Tracey Chalifour - YES
124. David Frick – YES
125. Pascal Rettig - YES

126. Motion passed 5-0

127. **Continued Public Hearings – 31 Newton Road.**

128. Joel Nice motioned to continue the public hearing for 31 Newton Rd. to the November 25, 2024, Planning Board Meeting. Seconded by Tracey Chalifour.

129. Pascal Rettig initiated roll call vote –

130. Keith Ratner – Absent

131. Joel Nice – YES

132. Michael Jewell – YES

133. Tracey Chalifour - YES

134. David Frick – YES

135. Pascal Rettig - YES

136. Motion passed 5-0

137. **Continued Public Hearings – Bill 2024-096**

138. Pascal Rettig commented that they last left a charge to staff to review the ordinance overall with an eye towards expanding the scope to include areas outside the REDD based on review of MA law. The Board wanted a new set of performance standards to apply to all projects in and outside of the overlay and expand overlay to other areas in the City.

139. Nipun Jain commented that it was an ambitious task. The discussion at that time was about a specific project and now they are moving from looking at a project to any sort of facility in Amesbury. The regulations and performance standards Amesbury currently has is directed more toward brownfields. There are additional performance standards that should be geared toward sites that are more greenfield. That is what expands the scope of the performance standards. The location is important, but the standards are equally important. Staff was tasked to look at performance standards and other suitable sites in the City. The Board did do a site visit at Meadowbrook as well. That site visit helps guide the discussion about access, clearing, screening, erosion control standards, etc. Tonight, staff is hoping to get some board member input from the site visit. Staff will also discuss what has been done thus far to understand how facilities operate and understand what they have already done. Lastly, they looked at some ideas of performance standards with best practices. Those have been enumerated in a memo provided this evening.

140. Joel Nice commented that he went on the site visit of the proposed area for the REDD expansion. They saw potential neighborhood and drainage. The ecology is a major concern. They will need to accurately identify how the drainage would work to ensure the design would work. The land itself is probably regrown forest from 40-50 years ago, so it has been cleared before. Clearing the areas could open view corridors. They could see grades and existing conditions and those considerations are included in the memo. The memo seems to have taken the diverse ecosystem into account. Minimizing the grading will be important.

141. Michael Jewell echoed what Joel Nice said. The drainage and storm water management are a huge concern especially given the increase in weather. It is concerning how much grading will need to take place. Another recent major project ran into major problems even though they had done extensive testing. Removing that many trees will also impact the soil

composition. The neighbors abutting this will be adversely affected because the project will come up almost to their backyard. That visual impact will be a negative component. They will need to come up with a buffer zone to mitigate it. They should come up with a 2 to 1 replacement for tree clearing.

142. David Frick agreed. One difficult part of this is that the proposal is that it is to expand the overlay district to a parcel of land where they know a project is coming. The Board should use this bill and property as a focal point on how to better put together performance standards that would be appropriate for wherever it is. This bill should serve the whole community with increased protection when around waterways.

143. Pascal Rettig agreed that with Michael Jewell's comments on the site walk. The southern side of that project is close to the edge of the property and close to Birchmeadow Rd. The forest does not have much ground coverage, so it's very easy to see in there. Thinking about the visual impact and the screening is important. The forest is a mix between trees that have been there for 40-50 years and a good number of smaller trees. Some areas are more mature than others. You can feel how spongey the ground is. The ground water is not moving a lot; it's being absorbed immediately. Removing the vegetation would be a significant impact to the storm water. Significant buffers would be important.

144. Tracey Chalifour noted that she had no additional comments.

145. Nipun Jain commented that these were excellent observations and help identify critical criteria such as buffers, erosion controls, and storm water management. Tree growth and how it impacts wildlife habitat should also be a consideration. Those elements will be different depending on each site. The common theme is what are the standards that they need to catalogue. It is important to make sure standards are outlined clearly to show basic minimum requirements. They started to break it down into manageable parts to look at research in academic and institutional levels. There are 3 ways to approach it. The first make sure to capture all submission requirements and outline them clearly. The second look at infrastructure and access to the site. They do not want to make more disturbance than necessary. The third is to consider what things are critical in Amesbury to make sure are captured in a special permit or additional performance standards. They have not talked about the decommission process much and what the impact of that will be.

146. Nipun Jain commented that they have spoken with Syncarpha about the key milestones in these kinds of projects. Developers look at a site in terms of scale and what type of facility can be there. Then they look at the distribution system from the site out to the grid. That involves permitting from the utility company itself and involves an interconnection agreement. It basically allows the solar operator to know they will be able to build in that location from a utility perspective. That interconnection agreement has been approved for this project and a.1.4 million dollars has been spent to obtain that agreement. That agreement is in place and key milestone in getting closer to the facility. The developers are now more invested in doing the design and permitting to make sure they can deliver what they have been approved for. Interconnection also entails the offsite improvements that are needed.

147. Pascal Rettig commented that because of the state statute and the interconnection agreement, the City needs strong performance standards to review the project and approve or not approve under a strong legal framework.
148. Nipun Jain agreed.
149. Tracey Chalifour commented it is understood that the Board and the City are trying to make sure the City has protections in place. However, the investment made by Syncarpha is not their problem. Pascal Rettig commented that the investment was discussed to show they were not going to walk away easily. Amesbury is not on the hook for that investment, but they have to understand this is a serious application.
150. Nipun Jain commented that it takes a lot to get to this point in the project and the state has weak regulations.
151. Joel Nice commented that he has seen more solar facilities blending better into the landscape and making them easier to screen. It would be good to Include technology information in terms of height to address that. Nipun Jain agreed.
152. Nipun Jain commented that the memo that was circulated talks about the major buckets: a pre development assessment, site development process, erosion control management, battery storage and decommissioning efforts. They want to make sure they are on the right track and see if there is anything additional to include before bringing a revision back.
153. Pacal Rettig commented that Board members should review this memo and send feedback directly to Planning staff.
154. Michael Jewell questioned how long Syncarpha would wait until they just filed.
155. Nipun Jain responded that right now the ordinance has been tabled to January for City Council because they anticipated a more robust discussion here. Michael Jewell noted that they could file tomorrow.
156. Jeff Roelofs represented Syncarpha and commented that Syncarpha has design concepts that residents have seen. There is a project here that has not been fully designed. This process is a zoning amendment process. The site walk was to see the site to understand what's out there and think about it relative to the zoning amendment. Syncarpha is currently working on the next iteration of designs, and they want to get into permitting soon. It is possible the Board will see a site plan review application before this zoning amendment process is over. There is a lot of engineering work and information to gather. They are starting to work on the application. They can start the application process under the state law framework. They are not looking to freeze the zoning but want to get moving on the permitting for it. These proceedings could happen in parallel. They are still trying to work with the city.
157. Joel Nice questioned if they were looking for the Board to make a determination on some of these things, so Syncarpha has a set of standards to help them. Jeff Roelofs confirmed that would be helpful to my client and the Board. A lot of the issues they have been talking about are the same issues they know would be part of the permitting considerations and review. The zoning provides guidance to the Board and applicant.
158. Pascal Rettig opened public comment.

159. Chuck Wright 55 Birchmeadow Road thanked the Planning Board for coming to view the property. The site is 15 feet from his property line border and that will be an issue for him and his family. That should be taken into consideration.
160. Veronica Wolfe 29 West Shore Road Merrimac, MA represented the Lake Attitash Association and requested a copy of the memo that was distributed today.
161. Barabara Hamel of 2A Lake Attitash Road commented that she did not oppose solar but did oppose putting it at that site. There is a lot of desire for renewable energy, but they need to protect the water supply. They do not want to repeat what happened in Plainville. They need to consider what type of protections and remediation are needed. It is hard to get a project like this right and if it doesn't go right then it's really hard to come back from that. Syncarpha should show examples of solar on a hill near a watershed that's gone right to provide a level of comfort.
162. Pascal Rettig agreed it would be good to see shining examples of solar on a hill near a watershed.
163. Jeff Roelofs commented that he did not have any examples to show and was not sure they've done it before. It is understood there are challenges and as they are compiling information, they will get deeper into the details. Conditions can be drafted to make sure protections are in place. Mechanisms and safeguards can be put into place.
164. Joel Nice motioned to continue to the November 25, 2024, Planning Board Meeting. Seconded by Michael Jewell.
165. Pascal Rettig initiated roll call vote –
166. Keith Ratner – Absent
167. Joel Nice – YES
168. Michael Jewell – YES
169. Tracey Chalifour - YES
170. David Frick – YES
171. Pascal Rettig - YES
172. Motion passed 5-0

173. **Administrative – Appoint Community Preservation Committee Member**
174. Pascal Rettig commented that they passed the CPA, so a small amount of tax bills will go to this.
175. Joel Nice commented that he would love to be part of this committee.
176. Tracey Chalifour motioned to appoint Joel Nice as the Planning Board Representative for the Community Preservation Committee. Seconded by Michael Jewell.
177. Pascal Rettig initiated roll call vote –
178. Keith Ratner – Absent
179. Joel Nice – YES
180. Michael Jewell – YES
181. Tracey Chalifour - YES
182. David Frick – YES
183. Pascal Rettig - YES
184. Motion passed 5-0

185. **Administrative – 14 S Hunt Rd. Progress Report**

186. Nipun Jain commented that they had a site visit invitation from the developers Marcus Partners. Michael Jewell attended. It's a big site to cover, but they covered the entrance way, the big detention basin, and the grading effort in the back. They also looked at the grading on the slope from the top to driveway to see how that was performing. The applicant submitted interim as built plans and that is being reviewed by BSC and Stantec. That will help establish the performance bond needed to put in place in lieu of the improvements that have not been completed yet. It will also account for the 2 growing seasons. They will need that memo from Stantec. The site visit seemed to show that it has been built in the manner that was intended. There was a question raised by the applicant in terms of a comment from BSC or Stantec that the detention basin was not draining at the intended design and how it would be addressed. They are hoping Stantec can provide more input to that. They will be looking for sign off from the Planning Board at the November 25th meeting. They intend to start moving into the headquarters by the end of the year. They did not anticipate such a quick completion of the facility, but good weather and contractors made it possible.

187. Michael Jewell commented that he was impressed by where they are at right now. It looks really good and several months ahead of schedule.

188. Nipun Jain commented that everyone agreed that benching the slope looks nice and a natural break. It works for the landscape.

189. Joel Nice clarified that landscaping would grow in the spring. Nipun Jain confirmed that they will a have meadow mix and trees.

190. David Frick commented that he was not able to be on the site walk, but as an abutter he has hiked around there and thought the site looked good.

191. Nipun Jain commented that the lights were going up. That was an issue people felt may detract from the site. It will be interesting to see how that impacts. They are not as tall as the one on the sports park so hopefully it will be less of an impact.

192. **Administrative – Marina Erosion Control Bond**

193. Nipun Jain commented that they have two 39 Hillside Rd. is anticipating to begin demolition of the existing building in the middle of November. Staff will keep the Board posted. The Marina is also going to start demolition in the next week or two. They have proposed to establish an Erosion Control Bond in the amount of $18,810.50. Staff recommends the Board accept that amount and establish that.

194. David Frick motioned to accept the erosion control bond in the amount of $18,810.50. Seconded by Michael Jewell.

195. Pascal Rettig initiated roll call vote –

196. Keith Ratner – Absent

197. Joel Nice – YES

198. Michael Jewell – YES

199. Tracey Chalifour - YES

200. David Frick – YES

201. Pascal Rettig - YES

202. Motion passed 5-0

203. **Administrative – Planning Board Vacancy**

204. Pascal Rettig commented that they received communication that Lorri Krebs has officially submitted her Planning Board resignation. There is now a vacant position, and it is open to apply.

205. Nipun Jain commented that they received notice about a certain piece of property coming out of Chapter 61A. They will put it on the next agenda.

206. Tracey Chalifour questioned if there was an update on the Master Plan. Nipun Jain responded that they were working on the Land Use section.

207. Adjournment

208. Michael Jewell motioned to adjourn the meeting at 9:11 pm. Seconded by Joel Nice.
209. Pascal Rettig initiated roll call vote –
210. Keith Ratner – Absent
211. Joel Nice – YES
212. Michael Jewell – YES
213. Tracey Chalifour - YES
214. David Frick – YES
215. Pascal Rettig - YES
216. Motion passed 5-0