

1. Amesbury Planning Board Meeting Minutes
2. In Person Meeting – January 13, 2025, at 7:06 PM
3. Chairman Pascal Rettig called the January 13, 2025, Planning Board meeting to order at 7:06 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. David Frick – YES
12. Pascal Rettig - YES
13. Also: Nick Cracknell (OCED Director) and Becky Frey (Community Development Coordinator)
14. **Officer Election** – Chairman and Vice Chairman
15. Joel Nice motioned to nominate Pascal Rettig as Chairman. Seconded by Keith Ratner.
16. The motion passed unanimously.
17. J Joel Nice motioned to nominate David Frick as Vice Chairman. Seconded by Keith Ratner.
18. The motion passed unanimously.
19. **Minutes** – 10-28-24
20. Tracey Chalifour motioned to approve the minutes from the 10-28-24 Planning Board Meeting. Seconded by Joel Nice. The motion passed 5-0-1.
21. Keith Ratner abstained because he was not at that meeting.
22. **Continued Public Hearings – 31 Newton Road.**
23. Keith Ratner motioned to continue 31 Newton Road to the February 10, 2025, Planning Board Meeting. Seconded by David Frick. The motion passed unanimously.
24. **Continued Public Hearing – Bill 2024-096**
25. Pascal Rettig commented that when they last discussed this Bill the Board made a request to staff to review the Bill and find all the areas where additional requirements would be

added. The Board does not have a whole Bill prepared to review, but staff has added some language to discuss tonight.

26. Nick Cracknell commented that he handed out a draft of amendments to the amendments. The Bill was originally submitted on July 15, 2024, and it was referred to the Planning Board in August or September. The Board referred it back to Planning Staff to continue working on the amendments to understand if additional performance standards could be added. Nearly 2 years ago staff heard formally about a Meadowbrook solar farm project. At that meeting there were a lot of good questions about potential impacts on the water supply and neighborhood. Staff worked with the applicant and interested parties to develop the amendments that were in the Bill filed in July. Those amendments were drafted because it became clear that a solar facility use is protected under MA GL Chapter 40A Section 3. It is called the dover amendment. Uses in the dover amendment have very limited local discretion as to whether facilities can be approved or denied. The objective of that amendment is to promote these kind of facilities. The challenge they have in Amesbury is to regulate this use in this area understanding under Amesbury's existing zoning ordinance. This location is not in the existing REDD overlay. However, a negotiated interconnection agreement between private vendors and utility companies was acquired. Syncarpha purchased the interconnection agreement from a third party. One of the challenges or short comings of an interconnection permits is that it's done out of the public view. A lot of work and money on the developer's end has been spent prior to this meeting tonight. In July the city proposed adding a set of performance standards to make the REDD stronger. It's imperfect but they needed to add something. There has been a lot of feedback from Boards and residents. In the meantime, Syncarpha submitted an application for a site plan review and special permit seeking approval under the existing zoning ordinance. If this proposed Bill or something very similar to it is adopted, then these standards would apply to the project Syncarpha filed.
27. Pascal Rettig commented that the Board asked for a more robust rewrite, but this draft looks mostly similar to the last one and questioned why there were not more changes.
28. Nick Cracknell commented that was the challenge with this project submitted. Syncarpha is not vested or grandfathered from these amendments should they pass. If the Bill passes, then it would apply retroactively to this project. However, if they amend the Bill beyond the scope of the original legal notice for the July public hearing, then there will be a question raised if the city was outside the limits of the original scope. It would likely be challenged, and the city would almost certainly lose. They can't just tack on anything without needing to readvertise. If the Bill is amended too much, then none of it would apply to the Syncarpha project. They know there is some dissatisfaction with some of the elements. The amendment that gave people the most heart burn was the map change that proposed expanding the REDD overlay district to include the Meadowbrook parcel. That was proposed to make sure any new standards included would apply to that parcel. It is highly unlikely the city will end up in a position to deny the project. If they can demonstrate the project meets the performance standards, then the Board would be obligated to approve the project. There was discussion about reasonably mitigating the adverse impacts. In this draft amendment the Bill was changed to not adopt a map change and as a substitute acknowledge in Section X1.S ordinance that there are projects that are afforded

protections under Chapter 40A Section 3. The amendment includes that the performance standards would apply to any project like this outside of the overlay. This change avoids the city being mistakenly construed as advocates of this project but makes sure the performance standards apply no matter what.

29. David Frick clarified that the amendment would ensure these provisions would apply to a solar project anywhere in the city.
30. Nick Cracknell commented that it was irrelevant to look at other locations in the city because the interconnection permit, and land availability are the two key components for a solar facility. That's why the ordinance is being amended to apply town wide because they don't know where a facility can reasonably connect. The only other suggested adjustment was outlining that the access roads or driveways to no more than 20 feet. Syncarpha more specifically is proposing a limit of work between 40-50 feet. Mitigation is important when talking about the water resource protection district. The Board should review these suggested amendments before making a recommendation. These amendments are beneficial and if we don't adopt them, then we don't get them.
31. Keith Ratner questioned if staff was looking for comment from the Board and audience on the standards. Nick Cracknell confirmed they were, but also acknowledged that not everyone has seen the amendments. It would not be prudent to provide any definitive feedback on it at this time. Everyone should take the time to read and review the proposal.
32. Keith Ratner clarified that the Planning Board gives a recommendation to City Council and Council makes the final decision. Nick Cracknell confirmed that was correct.
33. Joel Nice commented that it would be good to see the Water Resource Protection District be a high priority as we go forward. Parcels next to the water resource are valuable and they should be looking at anything they can do to protect the district. They should also look at a performance bond or penalty that can be assessed if damage is done.
34. Nick Cracknell commented that the now that Syncarpha has made an application and the Zoning Compliance Office has issued a letter with the permitting path, the whole community should be looking at the Site Plan Review, REDD, and Water Resource Protection District standards in the Amesbury Zoning Ordinance. There is a lot to review, learn, and understand. There are a lot of standards already accounted for in the ordinances. The Board needs to be as preventative as possible to minimize and remove any adverse impacts.
35. Tracey Chalifour questioned if they could build in a penalty or recommence standard into the framework like Joel Nice suggested.
36. Nick Cracknell responded that they should all review the current ordinance to see what protections they already offer. A decommissioning plan and surety are already accounted for in section XI.S. They should figure out what they already have and then discuss if there is a need to add anything else given the constraints of the legal ad.
37. Pascal Rettig opened public comment.
38. Bruce Whitten of 12 Lakeshore Drive commented that he has lived here 46 years and has been encouraged and grateful for the improvement in the water quality of Lake Attitash through the efforts in Amesbury and Merrimac. The solar glare from the solar panels is concerning. They are talking about 65 acres of solar panels. Houses in the Lake Attitash area pay a lot of money in taxes, and this could negatively impact their property values. 65

acres is 1/6 the size of Lake Attitash. A sunset glare on something 1/6 the size of the lake could be severe. The developer should have to prove that solar glare will not be a problem.

39. Yvonne Bendarz of 1 Oak Circle Merrimac, Ma commented that she lived in the general area of the boat ramp. Lake Attitash is a pond that needs maintenance to prevent an algae field from forming. The residential value to the area and to Merrimac and Amesbury should be a big consideration. The Lake Attitash Association has been active since the early '90s. Over a million dollars has been contributed from residents, taxes, and the state to make the lake clean. This is also the secondary water supply for the city of Amesbury. Whatever consideration they can make for these regulations need to be considered.
40. Pascal Rettig clarified that the hands of the Planning Board are somewhat tied because of the Dover Amendment. They can't unreasonably regulate or prohibit solar except where necessary for public health. They can't consider property values. The Board understands the importance of the water resource and secondary water supply.
41. Barbara Hamel of 2a Lake Attitash Road commented that protecting the water supply seems to fall into that public health category. The city attorney feels like they would lose that battle. Syncarpha is a business talking about what types of monitoring the city can do. Ms. Hamel questioned if they could build in standards for what happens if something bad happens to the resources. The only thing they can look at are existing rules and regulations.
42. Nick Cracknell clarified that he was not suggesting the city attorney or staff thinks this project a forgone conclusion. They are also not assuming that protection of drinking supply isn't foremost in what they are trying to do. They can't come to that conclusion yet until the evidence is reviewed by experts and if that evidence shows that the drinking water supply would be adversely impacted by the proposal. Just like building homes around the drinking water supply could have an adverse impact but that is clearly minimal or mitigated. The goal is to first mitigate the impact if they can. If they can scientifically prove it is not possible to mitigate, then there would be the ability to deny the project. They need to understand what is currently accounted for in the ordinance, because they won't add performance standards that already exist. The solar energy part of the ordinance has language that deals with mitigation at the end for monitoring and funding to monitor by third party reviewers. Amesbury uses third party reviewers now to have monitors to go out to the large construction projects to monitor until the project is done and stabilized. They need to make sure this is as close to perfect as possible, and the heavily reviewed should it be built.
43. Veronica Wolfe of 29 West Shore Rd. Merrimac, MA commented that she was speaking on behalf of the Lake Attitash Association. They will review the documents seen tonight. Ms. Wolfe pointed out there is a health safety welfare impact with any increase in storm water runoff going into Lake Attitash or Meadowbrook Pond. Adding nutrients such as phosphorus leads to an increase in algae blooms which are a well-researched health hazard to people around the lake. Lake Attitash is all about protecting the water quality and what they consider to be a major health and safety issue.
44. Steve Stanganelli of 12 Amidon Ave. commented that they should incorporate performance standards on phosphorus-based fertilizers because too much has been done to avoid algae blooms. There has been a lot of work and money contributed to help clean up the lake and it would not be good for that to go to waste. Future decommissioning of the site could have

an unreasonable impact on the area. If that is not part of the performance standards, then it should be. Taxpayers should not incur the cost. The addition of a service road could lead to additional development in the area. KP Law made a comment to Council that other municipalities have stopped such development because of water resource protection. They represent a community in central MA who denied a solar facility because of their concerns about clear cutting. Councilors expressed interest in expanding the REDD to commercial locations. There is a lot of other low hanging fruit areas that solar could be installed.

45. Peter Krenitsky of 78 Lake Attitash Road commented that the US EPA region 1 and Maura Healy both flag water runoff as pollution in the commonwealth. An array this size will need extensive storm water control. With climate change, storms are increasing in size and intensity. That is something to consider for future mitigation.
46. Rachel Matos of Lake Attitash Road commented that she agreed with other public comment. Throughout this discussion the value of personal health and wellbeing has been brought up as a metric. This is a most precious resource. Multiple examples of what can go wrong have been brought up. This has already been a detriment to her personal wellbeing. The city should aggressively pursue buying this land for conservation.
47. Earl Doliber of 26 Oak Circle commented that the KP Law memo implies Syncarpha would likely prevail in court. However, none of the cases they looked at involved a water resource being impacted. They are being bullied by a private equity firm for profit. They can prevail in court. Mr. Doliber has the feeling this is a forgone conclusion, but doesn't understand why they can't say no.
48. Matt Billings of 10 Pine Bluff commented that he was a licensed architect and VP of a construction management company. The site will be contaminated with materials during the construction process. There are ways to mitigate through third party reviews and getting a third-party review prior to that is important. One of the ways to hold this project up is the supreme court. Even if this passes residents can sue. Third party independent reviews are important to this.
49. Michelle Brodsky of 42 Lake Attitash Rd. commented that putting a solar facility on this property is incomprehensible. It is greedy and shortsighted. There are other areas this can be built without devastating effects. They have spent a lot of time and money cleaning up the lake. This is Amesbury's secondary water supply, and this proposal is jeopardizing that.
50. Betty Graham of 34 Lake Attitash Road commented that she opposed the solar facility off Birchmeadow Rd. They have heard from scientists, environmentalists, and geologists that this is the worst possible site for this. In this day and age, the very idea that we would take any chance of letting this project (within the Water Resource Protection area) move forward is beyond her comprehension.
51. Katy Tavares of 2 Birch Lane commented that they aligned with the Lake Attitash views of the project and opposed it.
52. June Pastman commented that she opposed the project. This will devastate the lake and harm the bird and other animal habitats. This is our secondary water supply, and it should not even be considered.
53. Pascal Rettig reiterated that they had a draft ordinance update. They will make sure to send to the Lake Attitash Association. If the Planning Board recommends endorsement of the zoning bill that does not endorse the project. If Bill passes, then it will add additional

protection to the ordinance. They will review the site plan and special permit application submittal for Meadowbrook solar farm separately from this Bill. Once the site plan and special permit is determined to be a complete submission, then there will be a public hearing specifically on that project.

54. Keith Ratner motioned to continue bill 2024-096 to January 27, 2025. Seconded by Joel Nice. The motion passed unanimously.

55. Continued Public Hearing – 80 Haverhill Rd.

56. David Frick motioned to continue the application for 80 Haverhill Road to the January 27, 2025, Planning Board Meeting. Seconded by Joel Nice. The motion passed unanimously.

57. Administrative – Meadowbrook Completeness Check

58. Pascal Rettig commented that this was a site plan and special permit completeness check to ensure the applicant provided all required materials. If they determine it is complete, then the next step would be to schedule a public hearing for the project. The Board received a handout from staff that reviews the materials submitted and what might be missing. If materials are missing, then the Board can either request the applicant provide those materials at a subsequent meeting, waive the need for the applicant to provide them, or accept the application as complete but ask them to provide the missing materials for the public hearing.
59. Nick Cracknell commented that they were doing a completeness check which is the second step in the site plan review process. The applicant applied for a building permit for the Zoning Compliance Officer to make a determination of applicability. That letter directed them toward a site plan review and special permit application. The next step is a completeness check. The first step is the Board needs to determine if the submittal is complete and if it is not give the applicant a new date to submit and cure defect. If it is a minor defect the Board could condition that the applicant fix the defect in advance of the public hearing. The second step tonight would be for the Board to issue any waivers to the submission requirements. There are 13 materials for review on the site plan review section of the ordinance. The third step is to request any additional materials the Board would want for the review. The items listed under Section XI.C.6. can be requested tonight. The Board has to request the additional materials tonight with the completeness check. The fourth vote would be to request the planning staff begin to identify qualified consultants they can use to conduct for peer review on the project. The final vote would be to schedule the public hearing which would be either February 10, 2025, or February 24, 2025.
60. Nick Cracknell commented that they would start with the completeness check. The handout checked off what is complete. Staff will post that tomorrow. Item 5a relates to the parcel information which is complete. Item 5b relates to the topography and existing land features which were all shown on the existing conditions plan. The only item missing from that was they did not identify trees over 8 inches in caliper. The site plan ordinance typically requires they be surveyed identified and enumerated. The Board could consider requiring that survey identification in advance of the public hearing. That item is not checked off in the handout because of that missing piece. Item 5c relates to buildings which are not part of this plan. There are some battery storage containers, but not buildings. This

item was checked because it is not applicable. Item 5d relates to driveways and it was not checked off yet because there was a small question. It is unclear what is going on with the driveway going from air strip to the north. That driveway may be proposed as a construction entrance. It is not a big issue, but they didn't check it off because they need clarification. Item 5e relates to sidewalks, bike paths, and recreation trails shown on the site. That item is checked. Item 5f relates to utilities and those are shown. That item is checked. Item 5g relates to grading and stormwater. The comprehensive report appears to be consistent with what is required. That item is checked. Item 5h relates to a landscape plan. There is one in here that meets the minimum requirements, so that item is checked. Just because it meets the minimum requirements doesn't mean the plan will not get better by the time the review process is done. Item 5i relates to lighting. The item was unchecked because it was not clear whether there would be lighting on the site or not. Right now, they do not show any.

61. David Frick commented that he was concerned about the solar glare comment and questioned if that would be covered under this lighting section. Nick Cracknell responded that would be dealt with under section 6 not section 5.
62. Nick Cracknell commented that they included a sign detail in here, so they meet that requirement. The open space was not checked because it is unclear if they have any based on the description of open space. There was discussion about some public access, but it would be good to get better clarification. The traffic generation and façade items are not applicable. Construction traffic is different. Other than the tree survey, nothing substantive appears to be missing.
63. Jeff Roelofs represented Syncarpha and commented that his interpretation of these reviews was that there was a general question before the Board about whether or not there was enough information in the package to warrant a public hearing. The intent is that enough has been submitted to hold a public hearing, and then they can address the comments and gaps during the review.
64. Pascal Rettig questioned if they planned to survey the trees 8 inches in caliper in advance of the public hearing. Jeff Roelofs responded that he was pretty confident they did not survey that and suspected at the public hearing they would be asking for a different approach that achieves the same goal. Mr. Roelofs urged the Board to identify it as an issue to be addressed during the hearing. They may come up with an alternative approach that achieves the same goal.
65. David Frick commented that it would be good if they could come forth with an alternative approach at the public hearing. Jeff Roelofs agreed.
66. Pascal Rettig requested clarification on the egress to the north. Jeff Roelofs responded that it has not been identified in detail because it is still a moving part. The plan is to use it as a construction entrance, but the exact route details are not finalized. Pascal Rettig questioned if there was any proposed lighting. Jeff Roelofs responded that he did not believe there was any except for potentially emergency lighting. He did not know for sure. Pascal Rettig questioned if there was any open space or trails currently proposed on the project. Jeff Roelofs responded that the client has site control over the array. They have been talking to staff and the landowner about providing public access outside of the array. The hope is that they can set up an agreement with the landowner and provide more detail

on it. They may not be able to resolve that before the public hearing, but it is a topic they want to address.

67. Tracey Chalifour questioned what consideration they have had regarding the waste from the construction and installation. Nick Cracknell responded that that would be addressed under a construction management mitigation plan later on in the process.
68. Joel Nice questioned if they had outlined the maximum height of the solar panels. Nick Cracknell responded that would not be answered tonight. There are heights shown in the plan, but they need to put it on the terrain. That would be addressed during the public hearing process.
69. Michael Jewell clarified that they were talking about the completion of the submission. It did not preclude the Board from commenting on specific requirements later. Pascal Rettig confirmed that was correct. They are not making a determination on the submittal. They are just making a determination on whether or not they have submitted enough information to schedule a hearing.
70. David Frick commented that he believed there was with conditions.
71. David Frick motioned that the materials submitted for the application for Meadowbrook meets the minimum requirements for section XI.C.5 and determine the application complete with the following conditions: Items XI.C.5B, XI.C.5D, XI.C.5I and XI.C.5K are intended to be waived by the Board. Regarding item XI.C.5B, while the requirement is to survey trees over an 8-inch caliper the Board is willing to discuss an alternate proposal to complete a commensurate survey of such trees during the public hearing. Regarding item XI.C.5D, the location and function of the proposed access driveway will be detailed in the plan prior to public hearing. Regarding item XI.C.5I, any lighting for the site including emergency lighting information will be provided prior to a public hearing. Regarding item XI.C.5K, any open space and public access to the open space will be determined during the public hearing. Seconded by Keith Ratner.
72. Nick Cracknell requested they amend the motion to waive items XI.C.5L and XI.C.5M because they are not applicable to the application. David Frick amended the motion to waive items XI.C.5L and XI.C.5M because they are not applicable to this application. Keith Ratner seconded the amendment.
73. Tracey Chalifour commented that the traffic generation during the construction phase needs to be identified. Pascal Rettig clarified that would be covered in the CMMP. The traffic item in section XI.C.5 is speaking to the traffic generated on the site.
74. Nick Cracknell suggested another amendment that the requirements in item XI.C.5D including but not limited to solid waste management, utilities and traffic related to construction will be outlined in the construction management mitigation plan.
75. David Frick amended the motion to include that the requirements in item XI.C.5D including but not limited to solid waste management, utilities and traffic related to construction will be outlined in the construction management mitigation plan. Keith Ratner seconded the amendment.
76. The motion passed unanimously.
77. Nick Cracknell commented that there were 7 categories in Section 6 of the site plan review standards. For item XI.C.6a Staff recommends that the Board should request a scope be developed by a peer reviewer with input from the applicant to require a storm water and

pollution report to ensure the drinking water supply is assessed and appropriately mitigated. For item XI.C.6b staff is assuming they will want to understand the soil on site because this project is all about how it will impact the earth. There should be a soil survey to evaluate the impacts from the facility installation, existence, and decommissioning phases. The Board will want to understand the erosion and sedimentation piece and the ecological impacts. They should survey, classify, and characterize the existing soils. For item XI.C.6c there is the option to request an environmental impact report. The Board probably does not need to require an EIR, but they could request they do an ecological impact assessment. The scope of that report can be developed by a peer review expert and then the peer reviewer can review the report after it is produced.

78. Nick Cracknell commented that the Board did not need to request additional materials or reports on traffic or architecture. The applicant has submitted all legal documents listed including the Interconnection Permit. The Board should request items in sections XI.C.6a, XI.C.6b, and XI.C.6c and ask for those additional materials tonight.
79. Keith Ratner motioned to request additional review materials under section XI.C.6a, XI.C.6b, and XI.C.6c and provide reports on all 3 items.
80. Nick Cracknell clarified that they would not be doing these reports prior to the public hearing. They want peer reviewers to weigh in on defining the scopes to make sure they capture what is needed.
81. Seconded by Joel Nice.
82. The motion passed unanimously.
83. Tracey Chalifour requested clarification on talking about an application for an area that the zoning has not changed yet. Nick Cracknell responded that this project was exempt from zoning. The zoning does not need to change because this use is in the dover amendment.
84. Michael Jewell commented that the permitting process was spelled out in Jim Wilson's letter. Nick Cracknell clarified that Jim Wilson worked with the city attorney to write the letter.
85. Nick Cracknell commented that the next motion should be to authorize staff to find qualified peer reviewers for the battery storage, the ecological piece, and the storm water piece. Staff will provide a list of consultants. Staff can pre-qualify peer reviewers and develop scopes.
86. David Frick motioned to authorize staff to look at peer review consultants for the battery storage, storm water, ecological impact. Seconded by Keith Ratner.
87. The motion passed unanimously.
88. Pascal Rettig commented that the last item was to schedule the public hearing.
89. Keith Ratner motioned to schedule the public hearing for the Meadowbrook site plan and special permit application for the February 10, 2025, Planning Board Meeting. Seconded by Joel Nice.
90. The motion passed unanimously.

91. Administrative – Master Plan 2030 Update

92. Becky Frey commented that the Land Use Element still needs to be incorporated. The Mayor sent an implementation table the Chairman to review. Once they incorporate that and the Land Use Element they will come back to the Board for a presentation.

93. Tracey Chalifour commented that she was concerned that a Master Plan was being referenced in other presentations and it is not actually in place yet.

94. Adjournment

95. David Frick motioned to adjourn the meeting at 9:27 pm. Seconded by Joel Nice. The motion passed unanimously.