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MINUTES of the ZONING BOARD OF APPEALS MEETING
THURSDAY, March 5, 2026

(Posted in accordance with the provisions of MGL Ch. 39, Sec. 23A, as amended)

City Hall – 7:00 p.m.

62 Friend St.

Amesbury, MA 01913

Attendance: Sharon McDermot (Chair), Charles Bassler, Donna Collins, Dave Haraske, John Rogers, Kendra Amaral

Absent:

Also in attendance: Community Development Coordinator Becky Frey

Call to Order

Chair Sharon McDermot called the meeting to order at 7:03 pm.

Roll Call/Attendance

Chair Sharon McDermot took roll call.

Sharon McDermot commented that she appreciated everyone coming out. Due to the weather, they are planning to end the meeting by 9:00 pm. This is the opening meeting of several meetings. If members of the public have the same concern as someone else, then they could refrain from making a duplicate comment tonight. Members of the public can submit written comments to Becky Frey and they will be put them in the record. Public comment is limited to 3 minutes per person.

Minutes – 1-22-26

Chair Sharon McDermot commented that they did not have a copy of the January meeting minutes, so they will be tabled until the next meeting.

Chair Sharon McDermot called Planning Director Nipun Jain to the podium to give some background on 40Bs in general.

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Nipun Jain, Planning Director of the City of Amesbury, commented that he wanted to give a brief introductory assessment of what we are doing and address some questions people may have. We also have Carolyn Murray from KP Law here tonight. An application has been made under the provisions of Chapter 40B regulations. This is separate from the local zoning and regulations that are typically used by the City of Amesbury. The applicant is using the 40B to be able to request waivers and perform development that otherwise would not be allowed under local regulations. The ZBA will review the application and use local regulations as guidelines. Affordable units are counted toward the SHI. Most cities and towns in the Commonwealth are required to have 10% deeded affordable units. Amesbury is currently a little over 8% and does not meet that threshold. Chapter 40B requires 25% affordability at 80% of Area Median Income (AMI). For a 40R, 20% of units must be affordable at 80% AMI. The City is trying hard to increase the number of affordable units to reach the SHI 10%. This is not an easy task because many of the affordable units need to be provided by developers. Under a 40B, 25% is required, and under a 40R, 20% is required. The City cannot mandate additional units beyond that. That is the most difficult part of increasing affordability. Deeper affordability discounts are voluntary by the developer. If they provide units at 50% AMI, that is up to them, and that is a significant gap from 80% AMI to 50% AMI. Some of you may have been following recent development projects, including the recently approved multifamily project on Clarks Road with 152 units. It was approved under a 40R program, with only 20% required to be affordable. That results in 31 units that would be deed-restricted. That is what the state will count. The market-rate units will not be counted because they are not at 50% AMI. That project raises the SHI from about 8.21% to approximately 8.71%, give or take. It does not bring the city to the 10% needed to declare safe harbor. This is an important reason why the ZBA must review this application and determine whether it is consistent with local needs and engineering standards. This is to help everyone understand why this review is taking place.

Carolyn Murray gave brief remarks on the process. Almost a year ago, nearly to the day, we last gathered for a 40B project for the Bartlett Cottages. To refresh the Board's memory and advise those who have not been through a 40B process: as Nipun said, a 40B allows a developer to build at a higher density, provided 25% of the units are set aside as deed-restricted affordable housing. It also allows the developer to override local zoning with ZBA approval. As part of the application, the applicant has submitted a waiver list. As the process moves forward and we hear from different experts, the project will likely change from what we see in the current plans. Often, the waiver list changes as well. At the end of the process, the Board reviews the waiver list and votes on whether to grant the waivers. The Zoning Board has a unique role. They act in the place of every other local board in Amesbury with respect to local ordinances and regulations. Regarding conservation issues, this project includes wetlands that must be considered. With respect to the local wetlands ordinance, this Board will act as the Conservation Commission in granting waivers. However, if the applicant needs an Order of Conditions under the state Wetlands Protection Act, that will go separately to the Conservation Commission. The Commission will only review compliance under the WPA. A 40B process is lengthy and

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will not be completed tonight or within two or three meetings. It requires a comprehensive review. The Board will be asked to begin engaging peer review consultants and identifying disciplines to evaluate different aspects of the application, ensuring compliance with regulations. The process entails directing staff to obtain proposals from qualified experts. These consultants will be engaged by the Board but paid for by the developer. As the process continues, meetings may be dedicated to specific topics, for example, a meeting focused on traffic, with both the peer review consultant and the applicant's consultant present. There will be ample opportunity for public input. Starting tonight, they have 180 days to complete the process, not including extensions that may occur for various reasons. All ZBA votes are by majority.

Charles Basler requested clarification on the standards for decision-making. Attorney Carolyn Murray explained that the standard is somewhat different. If there is a basis for denial, the Board must identify a local regulation or ordinance and argue that enforcing it is consistent with local needs, such as public health, safety, or environmental concerns. The Board would need to make a finding to that effect. That finding would be balanced against the regional need for affordable housing and the 10% mandate. The City is not in a position to claim safe harbor.

Donna Collins questioned whether the local police and fire departments would weigh in. Attorney Carolyn Murray confirmed that the application has been circulated, comments can be obtained, and representatives may appear before the Board to present their input.

Topics for Discussion:

New Public Hearings:

1. 27 Kimball Road – Comprehensive Permit

Chair Sharon McDermott read the legal notice into the record and noted that Charles Basler, Donna Collins, Dave Haraske, John Rogers, and herself would be voting on this matter.

Andrew Mackin from Marcus Partners commented that they were the developer for the project. They received a significant number of letters and comments from the city employees and residents during state review process. This is the first of several meetings, and they are viewing this as the start of the conversation. The project team includes Kephart for architecture; civil engineers Allen & Major; landscape architects for Copley Wolff; Haley Aldrich for geotechnical; and MDM Transportation for traffic. The project site is on Kimball Road. It is a 9.2-acre parcel. It is zoned R40 and located in the Water Resource Protection District. Currently, there is a single-family home on the site. The site plan proposes 95 units. The product type is not a traditional multifamily development. It is a build-to-rent cottage community. All buildings are 1–2 stories and they are designed to look and feel like single-family homes. The buildings have a maximum height of 30 feet. The site features a loop road design and includes a traffic impact study showing the turning radii. Utilities will be accessed from Kimball Road.

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Approximately 49% of the site will remain usable open space. The homes will be a mix of paired configurations and detached cottages. The paired homes are similar to duplexes but arranged end-to-end. The design creates pleasant paseos, with front porches facing each other. At the center of the development is a park approximately 200 feet long by 45 feet wide. There are six distinct unit types that can be arranged in a variety of configurations, allowing for architectural diversity. Within the community, 11% of units are three-bedroom, with the remainder being one- and two-bedroom units. Unit types include a primary bedroom on the ground floor, appealing to a range of demographics, particularly aging residents and those looking to downsize. The development will include full-time property management and maintenance on site. They will be responsible for general upkeep. Twenty-five percent of the units will be affordable at 80% AMI. All 95 units will count toward the SHI, bringing Amesbury closer to safe harbor status. Each unit will have its own private outdoor space and front porch. The porches are oriented to enhance the single-family home appearance. The units vary in appearance throughout the neighborhood. Renderings show views toward the rear of the development. Sidewalks and overall scale create a pedestrian-friendly environment. As people enter the development, there is a slight grade change, which is being managed through site design. The front is open to allow views into the development and toward the central park. The park area creates opportunities for seating and gathering. Paseos throughout the site enhance the sense of community. The architectural and civil engineering teams have prepared full design packages.

Chris Broyles, civil engineer with Allen & Major, explained that the site has been designed in coordination with stakeholders. He discussed stormwater and utilities at a high level. Stormwater systems are designed to meet Massachusetts DEP standards as well as local bylaws and best practices. Existing drainage patterns are being maintained, with most runoff directed toward the wetlands or Kimball Road. The grading plan supports these patterns and creates a more balanced site. Stormwater management includes both above- ground and below-ground basins to meet DEP requirements. A Notice of Intent will be filed with the Conservation Commission demonstrating compliance with the WPA. Water service will come from Kimball Road. A hydro flow test conducted in November confirmed adequate capacity in the 12-inch main. Electrical service will be pulled from a pole on Kimball Road, with National Grid confirming sufficient capacity. There is no existing sewer line directly in front of the property, so the proposal includes separate service for each unit, flowing by gravity to a tank and then pumped during off-hours to an existing sewer line on Kimball Road.

Andrew Mackin stated they expect a full peer review of the engineering and welcome detailed discussion. He briefly addressed the traffic concerns raised in the letters. Kimball Road includes a tight turn, which the team also identified as a safety concern. A traffic impact study was completed in January and included in the submission. It includes the detailed data collection conducted in December. The study concludes that the development will not materially impact traffic. This will be subject to peer review. Some mitigation measures are proposed. They are largely addressing existing conditions. The intersection of Kimball Road and Route 110 does not meet modern standards and lacks features such as an island and proper utility pole placement. The traffic engineer proposes improvements to enhance

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safety. The report also addresses speeding concerns on Kimball Road and suggests several mitigation strategies. Further discussion will occur as the process continues. The team has been working on the project for over a year, submitting to the state in September and filing with the city in January, with many informal discussions prior. Work completed includes groundwater sampling, test pits, an ANRAD filing to delineate wetlands, and full civil and architectural design.

Andrew Mackin stated the project offers a unique product type not currently available in the area and helps address limited rental housing inventory. It includes 24 affordable units and provides diverse housing options, including maintenance-free living for renters, downsizers, or those seeking a single-family feel at a lower cost. He noted the architectural design is attractive and estimated annual tax revenue of approximately \$400,000 for the City of Amesbury. Next steps include continuing the conversation, initiating peer review, and engaging with the ZBA.

Dave Haraske asked where snow storage would be located. Chris Broyles responded that snow storage is not included in the current plan but will be shown in a revised version.

Chair Sharon McDermot asked what qualifies as open space and whether patios are included. Chris Broyles explained that calculations are based on zoning definitions requiring 50% minimum open space; the proposal provides 49%. It is defined as area that is undisturbed and unobstructed from the sky.

Donna Collins asked why all 95 units would count toward the SHI. Andrew Mackin introduced Attorney Jeff Roelofs, local counsel, and Attorney Jim Ward, who has extensive experience with Chapter 40B. He explained that state statute allows developments with 25% affordable units, approved through EOHL, to count 100% of units toward SHI. Amesbury Heights is an example, where all units were counted.

Donna Collins requested clarification because that sounded different from what Nipun Jain said at the beginning of the meeting. Nipun Jain explained that if only 20% affordable units are provided in a 40R, only those units count (e.g., 31 units) would count on the SHI. Whereas if 25% affordable units are provided that allows all units to count. The city cannot require a developer to exceed statutory requirements. Amesbury Heights was originally approved as a 40B project with 25% affordability, which carried forward under 40R. A 40B project is required to provide 25% affordable units.

Chair Sharon McDermot opened public comment.

Rick Brunelle of 6 Kimball Road commented that he was a long-time resident and lived in close proximity to the proposed development. Mr. Brunelle spoke for many neighbors in the room. The primary concern is public safety. This is a narrow, winding road with no sidewalk. The proposed entrance is right before a sharp turn in the roadway. Speed is a constant problem. The project relies on a single point of access, and it is 2.3 miles from the nearest fire station. Mr. Brunelle had serious concerns about reliable emergency response if the access was blocked. They have an ANRAD currently being peer reviewed.

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under the Conservation Commission. There are water and septic impacts. It is unclear if the existing municipal services can absorb this project. There are environmental constraints as well. Mr. Brunelle strongly urged the Board to consider independent peer review. They need to do their due diligence decision based on facts.

Armand Bisson of 14 Kimball Road, commented that he was a construction safety consultant, and echoed Rick's sentiments on the road. It is supposed to be a country road. Mr. Bisson could not see it accommodating what they say it will accommodate. Mr. Bisson had concerns about the numbers shown on the report and noted they needed to do a peer review. It doesn't take the physical layout of the road into consideration. The ecology impact is also a concern. It's in the middle of the forest which is currently habitat for birds and deer. This proposal will remove all of that. They are looking to find the delineation. They need a peer review to see what is buildable. There are drainage issues on that side of Kimball Road. Neighbors already have water in basements. Mr. Bisson was not sure what would happen when the topography changes. There are many concerns about water and how it will be addressed. This will need serious discussion. There are also infrastructure concerns. Kimball Road was just recently paved. Is there a moratorium on that road now? There is always a cost for development. How will that work out for the residents. We are already paying more taxes than we want to. The support services and schools are already maxed out.

Melissa Trimmer of 8 Kimball Road commented that the project looked beautiful. However, when sitting in her driveway she had to direct a neighbor to avoid being hit coming out of her own driveway. Ms. Trimmer said she was laughing when it was said traffic will not be impacted. Traffic is impacted. Her dog has been hit on that road; people drive fast. Ms. Trimmer did not know how the developers will sleep at night after building this. People are going to get hurt. The bottom line is safety. This is beautiful, but safety is more important. This is not OK. Wildlife will be wiped out. It is disgusting that this is even up for discussion. Schools are failing, children are being choice-enrolled out of town. Schools are maxed out. Police and fire are maxed out. There are numbers and quotas, but there are also people. Ms. Trimmer has to keep an eye on her children at all times and teach them not to go after a ball. If one child doesn't listen, they could be hit. Ms. Trimmer begged them not to build this for the safety of the neighborhood. It is too much impact.

Ashley Jones of 39R Kimball Road commented that she directly abuts the proposed project. They chose the neighborhood for its rural character, woods, and quiet environment. The land is a natural buffer and provides a good wildlife habitat. Ms. Jones has personally observed 20 different species in the area. Once it is disturbed, they cannot recreate the ecosystem. This is a narrow and winding road used as a New Hampshire cut-through. It is not just local traffic. There were three accidents in first three months after they moved in. The road can be challenging. Ms. Jones regularly walks a five-mile loop and often has to step off the road to avoid traffic. Adding traffic with a development of this size will increase safety concerns. It is unclear whether town services like trash pickup can accommodate this layout. Snow

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removal and winter maintenance is a concern. This will be a burden for municipal services. Ms. Jones strongly encourage the town to look at impacts on safety and services.

Melinda Cashman of 123 Pleasant Valley Road commented that she was not technically impacted but feels impacted because she lives in the city. This is a unique situation and layout. Ms. Cashman did not hear anything about renewable energy utilities. They should consider that given this level of impact. Ms. Cashman also questioned what the plan was for power loss if they are collecting sewage in a tank. Is there a backup? There is natural runoff now, which is how water enters the wetlands. Can they accommodate extra runoff? There were no permeable pavers or rerouting of water mentioned. In the last 10 years, we have seen significant increases in rainfall and snowmelt. Can the area handle pavement runoff and what will that look like for wetlands? This is an important concern that has not yet been addressed.

Becca Delmonico of 39 Kimball Road commented that she would like to speak specifically to the runoff. The road was recently paved and that impacted her trees in the front yard. Paving has contributed to increased speed. Ms. Delmonico's property is 38 meters above sea level and the site at 27 Kimball is 51 meters above sea level. At the base of Kimball Road there is a culvert and intermittent stream with a wetland buffer. During stormwater season and heavy rain, there is significant water flow. Their sump pump runs constantly. They have an indoor French drain in the basement. Flooding can be severe on the property and their pebble driveway is eroding. They added granite pavers due to erosion. They had a particularly wet fall and at times water would flow like a river through the driveway. The property sits 7 feet above the stream bed. Neighbors can attest to the runoff changes.

Chair Sharon McDermot ended public comment.

Char Sharon McDermot commented that they had a few motions to make.

Charles Basler motioned to authorize staff to request peer review quotes and bring them back to the next meeting. Seconded by Donna Collins. The motion passed unanimously by a 5-0 vote.

Charles Basler motioned to hold a special meeting on April 9, 2026, to discuss the project for 27 Kimball Road. Seconded by Donna Collins. The motion passed unanimously by a 5-0 vote.

Becky Frey requested clarification on what categories the ZBA was asking for peer review quotes for. Chair Sharon McDermot responded that they were requesting Civil and Stormwater Design, Hydrology, Traffic, and Local Conservation Ordinance and Regulations. Charles Basler clarified that was all they were asking for at this time but reserved the right to request more if needed.



Kendra Amaral questioned if the public concerns about infrastructure, specifically wastewater, would be addressed in that. Nipun Jain responded that infrastructure and utility review is typically covered under civil scope.

Charles Basler motioned to request comments from the following Boards and Commissions: Technical Review Committee, Board of Health, City Council, Planning Board, Conservation Commission, Open Space, Natural Resources and Trails Committee, and the Amesbury Housing Trust. Kendra Amaral suggested asking for comment from the School Superintendent as well. Charles Basler agreed. Seconded by Donna Collins. The motion passed unanimously by a 5-0 vote.

Andrew Mackin commented that they planned to discuss landscaping and architecture design at the April 9th meeting.

Charles Basler commented that the community should provide input to the applicant and hoped the community will do so with constructive criticism. Noted that under the 40B process, the Board has limited authority, so collaboration with the applicant is important.

Chair Sharon McDermot thanked everyone for attending and their feedback.

Armand Bisson requested clarification on meeting protocol and how public questions are handled. Chair Sharon McDermot explained public comment is taken at meetings and they encouraged continued attendance. Charles Basler added that the public can provide 3-minute statements during public comment. It is not a cross-examination during presentations. Questions can be directed through the Board to the applicant.

Nipun Jain added that questions can also be submitted to the ZBA and applicant in advance of a meeting so they can be addressed

Adjourn

Donna Collins motioned to adjourn the meeting at 8:13 pm. Seconded by Dave Haraske. The motion passed unanimously by a 5-0 vote.