

1. Amesbury Planning Board Meeting Minutes
2. In Person Meeting – December 9, 2024, at 7:01 PM
3. Chairman Pascal Rettig called the December 9, 2024, Planning Board meeting to order at 7:01 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. Tracey Chalifour motioned to make David Frick Acting Chair. Seconded by Keith Ratner.
7. Pascal Rettig initiated roll call vote –
8. Keith Ratner – YES
9. Joel Nice – YES
10. Michael Jewell – YES
11. Tracey Chalifour - YES
12. David Frick – YES
13. Pascal Rettig - YES
14. Motion passed 6-0
15. David Frick initiated roll call –
16. Keith Ratner – YES
17. Joel Nice – YES
18. Michael Jewell – YES
19. Tracey Chalifour - YES
20. David Frick – YES
21. Pascal Rettig - YES
22. Also: Nipun Jain (Planning Director) and Becky Frey (Community Development Coordinator)
23. Keith Ratner motioned to take the 2025 Planning Board meeting schedule out of order. Seconded by Joel Nice.
24. David Frick initiated roll call vote –
25. Keith Ratner – YES
26. Joel Nice – YES
27. Michael Jewell – YES
28. Tracey Chalifour - YES
29. David Frick – YES

- 30. Pascal Rettig - YES
- 31. Motion passed 6-0

32. Administrative – 2025 Meeting Schedule

- 33. Tracey Chalifour motioned to accept the Planning Board meeting schedule for 2025.

Seconded by Joel Nice.

- 34. David Frick initiated roll call vote –
- 35. Keith Ratner – YES
- 36. Joel Nice – YES
- 37. Michael Jewell – YES
- 38. Tracey Chalifour - YES
- 39. David Frick – YES
- 40. Pascal Rettig - YES
- 41. Motion passed 6-0

42. Signs – 19 Main St. – Riseilience

- 43. Nipun Jain commented that the sign application was for two signs. One is a hanging sign, and one is a building sign that will go on the storefront in the general location shown in the packet. The signs have already been installed on the building. The application was presented to the DRC. The DRC struggled with the location of the signs as one of the requirements is that the primary and secondary signs cannot be right next to each other for the same business. After further deliberation they determined this was a unique situation where there is a unit on top of the storefront at 19 Main St. and the unit next-door above the Apricot Lane storefront. The business owner intends to rent an additional unit next year. That gave them the ability to review them as two independent signs and permit them that way. The building sign and the Apricot Lane sign uses up all of the allowable sign square footage at 29 Main St. The DRC recommended approval. They did request that the building mounted sign that is currently installed be centered in the two panels on the building. It should be centered between the molding at the top and bottom and side to side.

- 44. Joel Nice motioned to approve the sign application at 19 Main St. with the condition that the building sign is re-mounted to be centered on the existing trim. Additionally, there is acknowledgment that there is no additional allowable signage square footage at 29 Main St. Seconded by Keith Ratner.

- 45. David Frick initiated roll call vote –
- 46. Keith Ratner – YES
- 47. Joel Nice – YES
- 48. Michael Jewell – YES
- 49. Tracey Chalifour - YES
- 50. David Frick – YES
- 51. Pascal Rettig - YES
- 52. Motion passed 6-0

53. Continued Public Hearings – 31 Newton Road.

54. Keith Ratner motioned to continue the application for 31 Newton Road to the January 13, 2025, Planning Board Meeting. Seconded by Tracey Chalifour.
55. David Frick initiated roll call vote –
56. Keith Ratner – YES
57. Joel Nice – YES
58. Michael Jewell – YES
59. Tracey Chalifour - YES
60. David Frick – YES
61. Pascal Rettig - YES
62. Motion passed 6-0

63. New Public Hearing – 80 Haverhill Rd.

64. Nipun Jain read the legal notice into the record.
65. Lisa Mead from MTC Lawyers spoke on behalf of the applicant. Architect Aileen Graf and Sam Colombo from Millenium Engineering were present to speak as well. Lisa Mead commented that the proposal was for a historic preservation special permit and site plan review. They did a preapplication presentation a few weeks ago. This property is located in the R40 district. There is currently a 4-family building on it. Last year the barn was removed. The application has been to the Historical Commission, and they determined the house is historic and constructing a new barn will not cause them to lose that designation. The proposal is to renovate the existing house and recreate a connector where the milkhouse was. They will create a 4 car parking garage with tandem parking for the house. The barn will have 4 units as well as 4 parking spots in the rear. There will be 5 exterior spaces as well. The bylaw requires 12 parking spaces, and the proposal is providing 17 spaces. Three of those spaces will be designated as visitor parking. They have added a patio and screened the mechanicals. They have included a list of waiver requests that include waivers for the lot area, setbacks, stories, building area, and open space. The new waiver request relates to the open space to accommodate the added patio. There is a waiver request for the 4-story building, but it will only look like 2.5 stories from the front because of the topography. They will need waivers for the driveway and are requesting to use HDPE pipe where RCP required.
66. Sam Colombo commented that there is existing access from Haverhill Rd. Currently there are no delineated parking spaces or storm water management on site. The proposed driveway will extend all the way down the site and wrap around proposed barn. Two of the rear outside parking spaces and the one off to the side will be visitor parking. The proposed grading and drainage are the same as it was at the preapplication. There will be 3 systems: one at the front, one at the rear, and an infiltration system to the west of the barn for roof runoff. The utility plan is the same as the preapplication as well. The water and sewer will come in off Haverhill Road. They will run a stilt sock along the edge of the site and at the construction entrance.
67. Aileen Graf commented that the changes from the preapplication relate to the outdoor spaces. They added another space for parking and designated 3 of them for visitors. They added an exclusive deck for unit 1 and a patio space for unit 2 as well as the side porch. Units 3 and 4 upstairs each have an upper-level deck. The 4 units on the back for the barn

each have their own balcony. They also created a common space for the 4 units at the ground level. They added fencing around the HVAC units and extended the landscaping up to that. They added a couple retaining walls to accommodate the open space. They also created a path connection to the two entrance areas for the front building. The intent is to bring back some of the farmhouse features to the house and the barn. The connector building will house the recycling and the trash containers. They will use cedar clapboard on the front house. The house and barn will keep a historic feel. There was discussion on adding detail on the upper level of the barn. They didn't need any more square footage and they wanted to maintain what it once was. It would not have had a dormer there and they want to keep the impression that it is a barn.

68. Lisa Mead commented that a multifamily development is on the list of the table of uses for a historic special permit. There is no better example than this in providing housing needs to the city. This development will not create more traffic or stress on the utilities. It will address stormwater. This project will be going to the Technical Review Committee and Design Review Committee as well. This property will provide a great transition from the commercial part of Haverhill Road to the residential section. It will be a great example of a historic use in the city. The visual and physical impacts are appropriate for the project. The proposed floor plans, building layout, and open space is also appropriate. This is a positive impact to the area.
69. Michael Jewell commented that he did not have any objections to any of the waivers overall it is a great improvement to the property.
70. Nipun Jain commented that the Technical Review Committee will meet on 12/17/25 and staff stakeholders will review the site plan components. The DRC will meet on 12/18/25 where they will review the design improvements. There will be closure on those issue by the next meeting. The historic special permit affords the Planning Board a certain flexibility on the waivers. It anticipates there will be a lot of non-conformities. The Planning Board was supportive at the preapplication, and the applicant has worked a lot with staff who are supportive as well.
71. Pascal Rettig commented that adding the additional parking spot and open space shows the balance of the waivers.
72. Joel Nice commented that it would be good to see a side cross section of the north to south to show the elevation changes. Joel Nice questioned what the enclosure area looked like for the trash and requested clarification on the waiver request for HDPE vs. RCP. Nipun Jain commented that the pipe waiver was something that the Board has been asked for in other projects. It is in keeping with the new industry standard.
73. Sam Colombo confirmed it was the industry standard.
74. Keith Ratner commented that he appreciated the changes to the parking and outdoor spaces. The waivers list looks fine. It is exciting to see the historic preservation special permit result in cool projects.
75. Tracey Chalifour commented that she agreed it would be a great project for the city. Tracey Chalifour questioned if they had a visual showing the lot area that is required vs. what they were requesting. Lisa Mead showed the exiting conditions plan. The requirement is 40,000 sf and the lot exists at 27,000 sf. It is a preexisting non-conforming.

76. Tracey Chalifour commented that the 3 visitor spots were not close enough to the front building. Lisa Mead commented that they looked at putting in parallel spots, but it was not wide enough. They can't mark a tandem space a visitor space. The only other option is putting them in the back. The zoning does not require 2 spaces per unit. The requirement is for 12 parking spaces, but they are providing 17 parking spaces. They are not required to meet ADA access.
77. Tracey Chalifour requested details on the affordable unit. Lisa Mead responded that there will be one affordable unit.
78. Nipun Jain commented that each special permit has its own priorities, this one is about historic preservation. That is the highest priority. The Board should ensure they are preserving the historic look and use as much as possible. They did speak with the applicant early on where visitor parking should be and best fit with competing goals. The zoning does not require specifically identifying ADA because that would be required under the building code. They would need to comply with what the building code requires. Typically, it is not shown on small projects but if they exceed the threshold, then it would be required.
79. Tracey Chalifour questioned where the snow storage was. Sam Colombo responded that the first location is by the entrance and the second is at the back at the end of the driveway. The last is the area above the single visitor parking space.
80. David Frick opened public comment.
81. Ted Triandafloou III of 82 Haverhill Rd. questioned if this would be an apartment complex or condo.
82. Lisa Mead responded that they will be condominium.
83. Ted Triandafloou III commented that he did not see this was allowed in the zoning.
84. Nipun Jain responded that the City ordinance was amended in April of this year under the zoning amendment process. They published the legal ad in the Newburyport Daily News. It went through public hearings and to the City Council complete the zoning amendment to make this property fully residential. David Frick added that it came to the Planning Board and City Council. Nipun Jain added that a historic preservation special permit was also amended to be allowed in commercial and residential zones.
85. Ted Triandafloou III questioned if the re-zoned R40 effected the commercial property next to it. Nipun Jain responded that Ted Triandafloou III's property would remain commercially zoned. The setbacks remain the same. The buffers are different than the setbacks. Landscape buffers can be waived or changed based on site conditions or waiver requests.
86. Ted Triandafloou III questioned what the square footage of the previous barn vs. the proposed barn. The barn was practically demolished 30 years ago. Lisa Mead responded that the existing conditions shows it as it was a year ago. The proposed barn is bigger than what was taken down, but it was intended to balance the house.
87. Ted Triandafloou III commented that the proposed barn is 4 stories. Lisa Mead responded that was because of the topography. It is technically 4 stories from the back but from the street it appears to be 2.5 stories. Ted Triandafloou III commented that he was concerned about storm water storage. The catch basins would need to be on a schedule for cleaning. The snow removal storage location is concerning because it could be pushed against his security fence. Sam Colombo explained that the catch basin location and snow storage locations. David Frick added that the project should not have increased runoff. Lisa Mead

responded that they were happy to have a condition to remove from site if it reaches a certain level. That can be built into the condo docs.

88. Ted Triandafloou III commented that he was concerned about the square footage of the proposal. It is too many units on a small lot.

89. Lisa Mead commented that the storm water will be reviewed at TRC and by the peer reviewer.

90. Keith Ratner motioned use Stantec for a peer review of the storm water design and calculations. Seconded by Joel Nice.

91. David Frick initiated roll call vote –

92. Keith Ratner – YES

93. Joel Nice – YES

94. Michael Jewell – YES

95. Tracey Chalifour - YES

96. David Frick – YES

97. Pascal Rettig - YES

98. Motion passed 6-0

99. Joel Nice motioned to continue the application for 80 Haverhill Road to the January 13, 2025, Planning Board Meeting. Seconded by Tracey Chalifour.

100. David Frick initiated roll call vote –

101. Keith Ratner – YES

102. Joel Nice – YES

103. Michael Jewell – YES

104. Tracey Chalifour - YES

105. David Frick – YES

106. Pascal Rettig - YES

107. Motion passed 6-0

108. **Administrative – 14 S Hunt Rd.**

109. Nipun Jain commented the applicant requested that we establish a performance bond to get release from the covenant which requires a performance bond be established. The Board agreed on a certain amount which equaled to the cash and surety of the erosion bond. The Board needs to motion to release the erosion control bonds for 14 S Hunt Rd. There are 2 cash bonds. One is \$40,000 and the other is \$23,373.75. Separately there is a surety bond held by the Board from corporate solutions in the amount of \$350,491.00. At the last Planning Board meeting the Board indicated their intent to release these amounts from being held and establishing the performance bond in the same amount and combination. The Board needs to first release the erosion control bonds from the said obligation. Then the Board needs to vote to establish the performance bond in the cash amount of \$63,373.75 and a surety bond of \$350,491.

110. Keith Ratner motioned to release the existing erosion control bonds for 14 S Hunt Rd. Seconded by Tracey Chalifour.

111. David Frick initiated roll call vote –

112. Keith Ratner – YES

- 113. Joel Nice – YES
- 114. Michael Jewell – YES
- 115. Tracey Chalifour - YES
- 116. David Frick – YES
- 117. Pascal Rettig - YES
- 118. Motion passed 6-0

- 119. Ketih Ratner motioned to establish a performance bond in the amount and combination of the released erosion control surety and cash bonds for 14 S Hunt Rd. Seconded by Joel Nice.
- 120. David Frick initiated roll call vote –
- 121. Keith Ratner – YES
- 122. Joel Nice – YES
- 123. Michael Jewell – YES
- 124. Tracey Chalifour - YES
- 125. David Frick – YES
- 126. Pascal Rettig - YES
- 127. Motion passed 6-0

- 128. Joel Nice motioned to release the covenant after the performance bonds are established and recorded. Seconded by Tracey Chalifour.
- 129. David Frick initiated roll call vote –
- 130. Keith Ratner – YES
- 131. Joel Nice – YES
- 132. Michael Jewell – YES
- 133. Tracey Chalifour - YES
- 134. David Frick – YES
- 135. Pascal Rettig - YES
- 136. Motion passed 6-0

- 137. **Administrative – 22 Woodman Road Chap 61A**
- 138. Nipun Jain commented the that the city received a request of notice to sell. It is a required noted when a property owner chooses to take their property out of Chapter 61A. It is a city procedure to send it to the Planning Board to help in their decision-making process. The Board's role is to notify the Mayor if this property has any critical role in servicing a public need. With this property, there is no overarching public need to acquire it.
- 139. Keith Ratner motioned to send a memo recommendation from the Planning Board to indicate there is no overarching public benefit that would require the city to acquire this property at this time. Seconded by Pascal Rettig.
- 140. Tracey Chalifour clarified that they were voting to recommend the city not purchase the property. Nipun Jain commented that they were voting that in the Board's opinion this property has no potential for overarching public use.
- 141. David Frick initiated roll call vote –

- 142. Keith Ratner – YES
- 143. Joel Nice – YES
- 144. Michael Jewell – YES
- 145. Tracey Chalifour - No
- 146. David Frick – YES
- 147. Pascal Rettig - YES
- 148. Motion passed 5-1

149. **Administrative – 39-41 Hillside Drive**

- 150. Nipun Jain commented there is a request to accept the erosion control bond and endorse it. Staff recommends the Board accept the erosion control bond in the amount of \$6,522.
- 151. Keith Ratner motioned to accept the erosion control bond for 39-41 Hillside Drive in the amount of \$6,522. Seconded by Joel Nice.
- 152. David Frick initiated roll call vote –
- 153. Keith Ratner – YES
- 154. Joel Nice – YES
- 155. Michael Jewell – YES
- 156. Tracey Chalifour - YES
- 157. David Frick – YES
- 158. Pascal Rettig - YES
- 159. Motion passed 6-0

- 160. Keith Ratner motioned to accept and endorse a covenant for 39-41 Hillside Drive as revised by staff. Seconded by Joel Nice.

- 161. David Frick initiated roll call vote –
- 162. Keith Ratner – YES
- 163. Joel Nice – YES
- 164. Michael Jewell – YES
- 165. Tracey Chalifour - YES
- 166. David Frick – YES
- 167. Pascal Rettig - YES
- 168. Motion passed 6-0

169. **Administrative – Contracts Bills and Invoices**

- 170. Nipun Jain commented that the 2 Merrimac St. applicant requested that the Board accept the covenant. Staff has reviewed the draft covenant and made some amendments. They added requirements from the Board’s decision. They have established an erosion control bond. The purpose of the covenant is establishing a performance bond until they seek a CO and submit their as built plans. The Chapter 91 license was approved today. The applicant needs to satisfy some outstanding comments from the peer review consultants’ memo prior to seeking a building permit. They have received the submittal, but the review has not been finalized.

171. Keith Ratner motioned to accept the covenant for 2 Merrimac St., seconded by Joel Nice with the following two conditions:

172. 1. The applicant satisfies the comments from the peer review memo from August 2024 prior to applying for a building permit.

173. 2. The applicant incorporates any changes required based on the Chapter 91 license.

174. David Frick initiated roll call vote –

175. Keith Ratner – YES

176. Joel Nice – YES

177. Michael Jewell – YES

178. Tracey Chalifour - YES

179. David Frick – YES

180. Pascal Rettig - YES

181. Motion passed 6-0

182. Administrative – General Communications

183. Nipun Jain commented that there were two items under general communication. The first is regarding the rezoning for solar facilities. As staff had expressed during the proposal a scenario could happen where an application could be made for a solar facility outside the REDD. They have received an application for a solar facility on the Meadowbrook site and had to shift gears and look at that. Staff is working with the city attorney to identify the important steps and timeline and ensure they pursue a viable permitting path, and it is reviewed properly. This will be coming to the Board on January 13, 2025.

184. Michael Jewell questioned what impact the law regarding solar facilities just passed by the Governor had on this application. Nipun Jain commented that he was not aware of that, but he would raise that question to the city attorney.

185. Keith Ratner questioned if they would be willing to discuss what they were proposing in the zoning or would they be separate from one another. Nipun Jain responded that the application is still being reviewed. They have not had the opportunity to engage with applicant on material that was submitted. They have indicated in the past a willingness to address concerns. The zoning amendment that was presented to the Board was mostly written by the proponents.

186. Nipun Jain commented that the second item was that the city passed the MBTA zoning for the Rocky Hill neighborhood. The developer filed an Environmental Impact Report with state officials. The review period starts shortly. The state agency has asked for the public to provide comments. There were a lot of questions during the zoning process on impacts to traffic and utilities. The EIR has discussion on several of those issues. The Board and any effected members of the public should look at the document.

187. Adjournment

188. Motion to adjourn Keith Joel 9:05 pm

189. Pascal Rettig initiated roll call vote –

190. Keith Ratner – Absent

191. Joel Nice – YES

- 192. Michael Jewell – YES
- 193. Tracey Chalifour - YES
- 194. David Frick – YES
- 195. Pascal Rettig - YES
- 196. Motion passed 5-0