

Amesbury Planning Board Meeting Minutes

November 9, 2020 at 6:30 PM

Virtual Meeting – 6:30 PM

This meeting will be conducted under the ‘Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20’, signed on March 12, 2020. The public can view this meeting on ACTV Channel 12, the ACTV website or their Facebook Page: www.facebook.com/AmesburyCommunityTelevision

Robert Laplante called the November 26, 2020 Planning Board meeting to order at 6:30 PM.

Permit Coordinator Kaila Sauer read: *Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s September 14, 2020 Order imposing strict limitations on the number of people that may gather in one place, this Meeting of the Planning Board on October 26, 2020 is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort is being made to ensure that the public can adequately access the proceedings as provided for in the Order.*

A reminder that persons who would like to like to watch this meeting can do so on ACTV Channel 12, the ACTV website or their Facebook Page: www.facebook.com/AmesburyCommunityTelevision

To submit a public comment, you can email sauerk@amesburyma.gov or submit a comment on the Facebook Live feed, by beginning your comment with PUBLIC COMMENT, your name, and your address. Individuals may call in at 872-240-3212, Access Code 631-144-837.

Amesbury Public Access Television is recording tonight’s Planning Board meeting; 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.

Roll Call

Recording Secretary Linda Guthrie took the attendance by roll call.

Karen Solstad	PRESENT
Keith Ratner	PRESENT
Lars Johannessen	PRESENT
Pascal Rettig	PRESENT
Scott Kelley	PRESENT
David Frick	PRESENT
Robert Laplante	PRESENT

Attendance: David Frick, Lars Johannessen, Robert Laplante, Scott Kelley, Keith Ratner, Karen Solstad, and Pascal Rettig

Also: Director of Planning Nipun Jain, The Honorable Cassandra Gove, Mayor, Director of Community and Economic Development Angela Cleveland and Recording Secretary Linda Guthrie

2. Administrative

East End Smart Growth Overlay District Mayoral Public Hearing

Planning Director Nipun Jain read the notice. This is a preliminary public hearing for public comment on whether the City should adopt a proposed 40R zone called the East End Smart Growth District. The overlay district is located at the intersection of Route 1, Elm Street, and Clarks Road. Clarks Road features abutting residential districts. Route 1 and Elm Street features mixed commercial-residential districts featuring first floor commercial uses and upper story residential units. 20% of residential units would be deed restricted affordable housing. Maps and texts of the proposal under consideration can be viewed at the Office of Community and Economic Development (OCED) and the City Clerk's office.

Mayor Kassandra Gove said Amesbury has a strong and diverse business history. We must now consider the pandemic in the way we live in our neighborhoods. The City is saddled with remnants of an industrial past and aging infrastructure. Our real estate, already desirable, has low vacancy rates and rising housing costs. The proposed Smart Growth District (SGD) helps us overcome this dynamic by offering a chance to capitalize on the underutilized parcels around town while protecting open space and other community features. It behooves us to take advantage of a program that offers locally appropriate development.

OCED Director Angela Cleveland said our planning tools gave us strong goals to address aging infrastructure in underutilized parcels. Other community goals include meeting the needs of existing and future residents, revitalizing commercial corridors and gateways, encourage reuse and redevelopment of vacant commercial properties, promote new residential growth, provide a range of housing choices, and ensuring better site and building design. Tonight, we'll discuss a potential application to the state to designate the East End of Amesbury as a Smart Growth District (SGD). There is a approved application under current zoning for a parcel in this district already. We will present some initial ideas and begin engaging the public in shaping the future. We are not here to present and adopt a zoning change but to begin a dialogue about the opportunity.

Nipun Jain said a SGD is a special zoning overlay district formally known as 40R. The 40R statute allows as-of-right higher density residential and mixed-use development when three location criteria are met. To qualify you need to be in or surrounded by: public transit (train, commuter rail or bus), concentrated development areas, (a city center or commercial district), and a highly suitable location, (areas with underutilized facilities by transportation corridors, and available infrastructure for high density residential or mixed uses). A SGD is attractive because it is: 1) a community led planning and design initiative that leads to informed choices, 2) local control is in the adopted zoning bylaws, 3) bylaws include building and site design standards, 4) it is proactive development instead of reactive to a development proposal that has issues to resolve, 5) the state offers incentives and bonus payments for adoption, 6) offers the full range of housing choices, including affordable units, 7) allows for mixed residential and commercial uses, 8) promotes sustainable development, and 9) cities with an SGD get priority in state funding.

Amesbury Heights is a Smart Growth District adopted in 2007. This mixed-use area was sustainably developed as an alternative to a 40B development. It resulted in \$1.3 million in incentives and bonus payments to the City through state grants, as well as the protection of desirable open space and the creation of a desirable place to live.

The target area at the intersection of Route 110, Elm Street, and upper Clarks Road has underutilized properties, vacant buildings and land that can be further developed. The proposed SGD is an opportunity to redevelop and revitalize this gateway to the community through better design and infrastructure improvements. Regional transportation connections include proximity to Route 95 and Route 110 and connections to the Riverwalk, to downtown, to the new Rail Trail to Salisbury, to Newburyport, to the Merrimack River and to Deer Island. Developers have told us this is an attractive location, but the current zoning and aging infrastructure are obstacles for development. If nothing changes, we have residential and vacant properties on Elm Street, the Sunoco Station, the Burger King, a vacant Friendly's, the Marriot Hotel, and a large parcel for an approved, yet to be built 56 Unit 40B Project on Clarks Road. We hope to make this area more attractive.

Existing zoning within the proposed SGD area consists the Office Park District, the Commercial District, and the R20 Residential zone that allows 2 units per acre for density. Alternatively, the SGD provides a single platform. He demonstrated on plans a development scenario for a concentrated development of multi-family buildings, commercial and office uses, and mixed use buildings. These three subdistricts within the proposed SGD would all connect by trails within the development and trails to the bike path, Riverwalk, and through the open space. Elm Street is viable for mixed use. Closer to Route 110 and Clarks Road, around Friendly's and Burger King, is viable for substantial commercial and residential mixed-use development. Further down Clarks Road closer to the Birchwood Point condominiums is viable for multi-family residential use, allowed at 20 units per, and a large area for permanently protected open space to provide a buffer for the high density development and the existing residential areas. The City will need to determine the potential for substantially-developed, high-density areas that incorporates 10 % open space and trails. There is a good opportunity to comply with the SGD requirements.

There is no opportunity to permanently protect open space around the approved 40B project without the SGD. He demonstrated on the plan the 40 B project. Abutters raised concerns about open space during the approval process. The 40B project approval is an example of reacting to a development application, as opposed to being proactive through the adoption of a SGD that would allow the community to control the type of development in this area and protect some needed open space. Even though the SGD is higher density than what is currently allowed, the majority of the area around the existing residential area can be deemed permanently protected space open to the public through the creation of trails that would connect not only these properties but also the other trails in close proximity for the benefit of the Clark's Road neighbors and the community. One concept for the reuse of commercial properties at the intersection would make this area more attractive with residentially-scaled buildings with first floor commercial uses and upper floor residential uses to create a pedestrian-friendly streetscape with more accessibility than the typical

vehicle-centered area that it is now. The SGD's community-driven building design can make this area more attractive.

In summary, we are looking at an opportunity to improve Amesbury's east side gateway, to gain local control over density and development design, to have priority status for state funding, support more affordable housing to help meet the state's 10% affordable housing goals, to have mixed uses, an improved streetscape and walkable neighborhoods, to create higher value buildings and sites in and around the district, to expand the tax base, and meet the needs of existing and future residents with diverse housing needs. As Amesbury grows, it creates more housing which in turn changes the percentage of our affordable housing. It's important to always have a way to reach the 10% minimum.

This background conceptual planning and design is a Phase 1 step that entails locating a suitable area and getting feedback. Other Phase 1 steps are producing an infrastructure report to identify the carrying capacity of the area and what needs improving and a draft zoning amendment that must accompany our application to the state. The state will determine if this area is appropriate for a SGD. Phase 2 is the Department of Housing and Community Development (DHCD) review process and getting into the details for the zoning amendment. There will be public workshops to present those details and discuss how to move forward with the City, DHCD and the state. This is the first step of many for a zoning change.

Public comment open.

Tracy Chalifour, 25 Clarks Rd #201, asked if all abutters within 300 feet were supposed to receive notices in the mail.

Nipun Jain said this is not a hearing on a specific project or a hearing on the zoning amendment yet. We are seeking public comment on an application the City will be making to DHCD to see if they will approve this area as highly suitable for an intended SGD. Statute provisions require a notice in the paper and to surrounding towns. Only project specific public hearings require neighbors to be notified. For a zoning presentation, abutters are not notified, but it is in the newspaper.

Robert Laplante provided the call-in number for public comment (872-240-3212, access code 631-144-837), so that Facebook commenters with detailed questions could participate in the dialogue in person. He asked callers to identify themselves and give their address. David Frick entered the information on Facebook.

Elissa El Chipoché, 25 Clarks Rd, condo owner at Birchwood Point, is opposed. The proposed will negatively impact the value of the property. Her bedroom and living room windows look directly out onto the grassy backyard of these properties. Her view of nature will be excluded and replaced by the walls of two 4-story buildings. She would be impacted by the noise, traffic and congestion that would be more than our community can manage. Traffic jams at the adjacent streetlight would

impede the flow of traffic. She urged a more responsible decision regarding the zoning for her residential area rather than adopting a SGD.

Nipun Jain said we don't have any specific or approved project or an approved zoning amendment. We are making a presentation to show you what could conceptually happen in terms of density and required uses if a SGD were to be approved. There is already an approved 56-unit housing development project that was approved a long time ago at 27 and 29 Clarks Rd. That project can begin development at any time and is part of the existing conditions in this area. The project was presented to the City in 2007-08. There may be some people in the neighborhood who are not aware of it.

Director Jain read a written comment.

Andrea LeClair, 25 Clarks Rd, is opposed. Her concerns are traffic, safety, congestion, noise, property values, and the overall negative impact to Clarks Rd. She is upset to learn no one was informed about the SGD meeting. Residents at 27 ½ and 29 Clarks Road did not know. This project pertains to their property. As a full-time, single-mother in school, it is almost impossible for someone like her to find safe, clean, suburban housing in a safe area with certain property values. Her backyard slider looks out onto the properties under discussion. The construction noise, the influx of people, and general noise pollution will disrupt the small amount of peace and serenity she has. It is her dream to buy her condo in 2022 and she has worked hard to achieve that. By rezoning and allowing this project, the opportunity for her to provide the same kind of home for her child would be stripped. Traffic will increase. The safety of the community will take a hit along with the property values and any chance at owning a home within a certain real estate bracket. The in-and-out flux of people increases risk to children in the area. There is ample real estate elsewhere. Amesbury already exceeds the 10% affordable housing requirement. We do not need more. She understood that for every unit in a certain housing designation the City gets money. The City should put the residents who have to live with these decisions first. The increase of noise and traffic congestion will destroy the neighborhood. She could not afford to move and will suffer the consequences of this political and financial decision.

Earl Day, 27 ½ Clarks Rd, said the 40B project is not on his property which the developer has not purchased from him. It is only at 29 Clarks Rd. The proposed project of three buildings of 70 units each has one building on his property, which no developer has purchased from him. How can this go forward? How can his property be affected when it has not been purchased and rezoned? At what point would he be notified? How would he receive notification? He does not receive the newspaper, so it is hard to find out about these things.

Nipun Jain said Mr. Day is correct. The address of the approved 40B is only 29 Clarks Rd. There is no formal plan or application for any specific project in this proposal for a SGD zoning amendment. The SGD application process requires that the City show how this site might be developed conceptually, with the density that the 40R statute requires. It does not mean the concept plan as shown is a specific developer's project under review. That can only be done after the series of steps mentioned earlier and new zoning is adopted. When zoning is adopted, a developer must first make a proposal to develop property. That would be a specific project requiring separate

public hearings and abutters to be notified by mail. There is no specific project currently. This is a zoning amendment proposal. That's why abutters were not notified. A developer cannot take your property.

Mayor Cassandra Gove said the City is working hard to use different platforms to communicate. This meeting notice was on social media, in slides on ACTV, in the City's e-newsletter called the *Amesbury Insider*, as well as in the newspaper. If there are other places where you get your news, it would be helpful to let us know. Tonight is only the first step of many in the zoning proposal process.

Karen Solstad said when the City proposes an overlay district like this SGD proposal, it doesn't give a developer the right to take Mr. Hadoc's property. An overall zoning change does not change the property rights of a homeowner.

Nipun Jain said in an overlay district, all the existing uses continue to be in place. People will continue to be able to use their properties as they are. A zoning change proposal does not give others the right to take your property and develop it unless you sell it to them.

Earl Day asked if the zoning change would negatively affect property values?

Nipun Jain said that did not happen when we adopted the City's other 40R project. The area became more attractive because we had a development that was helpful in creating a more desirable development than a 40B. We believe property values will improve, rather than impact them adversely.

Angela Cleveland read a Facebook comment.

Andrea LeClair, 25 Clarks Rd, asks if Director Jain meant there was a clerical administrative error and that none of the proposal impacts 27 and 27 ½ Clarks Rd.?

Nipun Jain demonstrated on the sub-districts concept plan the 18 different parcels encompassed by the SGD proposal at this time. They include 5 residentially-zoned properties along Clarks Rd., and further down, the Marriot Hotel, Friendly's, Burger King, and a portion of the parking lot next to it. On the other side of Route 110 the SGD includes the Sunoco and 5 residential properties across from it.

Steve Tanganeli, 12 Amazon Ave. and 12 Birchwood Point, abutting property owner, said the already approved 40B project on Clarks Rd. wraps around lots of 29 or 29 ½ and wraps around behind Birchwood Point. Is the road length proposed for the 40B required to have a second egress? The 3 potential 3-story buildings in the proposed SGD seems nearer the Fairfield Inn and therefore has no need for an egress.

Nipun Jain demonstrated on the existing conditions plan how the approved 40B surrounds all existing residential properties, including Birchwood Point condominiums. He said the SGD concept plan tried to show how high density development avoids sprawl behind the existing uses,

but where buildings go and how parking is laid out might not look like this at all. The concept plan is just one lay out idea. Since the SGD overlay does not currently exist can't know what the exact configuration of buildings would be. The City believes the SGD overlay proposal is a better development scenario because the majority of the parcels behind Birchwood Point and next to the Point Shore subdivision would be permanently protected open space that can never be developed other than with trails accessible to all. If the SGD zoning amendment proposal is approved, developers would approach property owners within the new overlay district about selling their property before they can propose a project to this board. If property owners don't want to sell, then they don't have to. A specific development project cannot be proposed on property that is not owned by the developer.

Pascal Rettig said the 40B project is already approved and when it goes forward, there is no more public comment. Would any new project proposed in the SGD have public hearings with public comment? Director Jain said yes. The 56-unit 40B project can begin any time they wish to start.

Keith Rattner asked if the 40B developer would need to go along with the SGD design and layout parameters? Nipun Jain said the 40B project would not be affected by adoption of the SGD because it's already approved. If the Burger King wants to remain a Burger King, they can. The underlying zoning still allows a property owner in that district to do what they are doing right now or pursue uses that are currently allowed.

Alex Loth, MINCO, 231 Sutton Street, No. Andover, represented the owner/developer of the approved 40B land at 29 Clarks Rd. MINCO is currently building a SGD project in Newburyport. His company can build the 40B, but prefers smarter, concentrated development that leaves more open space for wooded areas, natural habitat, and trails. His company loves SGDs. The connectivity potential here is fantastic for accessing the Riverwalk, downtown, the Merrimack River and Newburyport. If the SGD goes forward, MINCO would leave open space open to enable those trails and build a more concentrated housing development. They envision studio apartments and 1-2- and 3-bedroom units that are safe, clean, and accessible by elevators for Amesbury's seniors, young people who want to move back to town, and new residents. He supports the SGD proposal because it has fewer impacts on the land and the residents. He wanted to be part of the gateway revitalization and is excited about the SGD.

Nipun Jain asked if MINCO would be making a proposal if the SGD were approved and zoning adopted? Mr. Loth said yes.

John Curtain, 3 Rocky Hill Road, is opposed. He said more housing would be irresponsible. The condition of Clarks Rd. down toward Main Street should not be subjected to additional traffic.

Halid Hadoc, 450 Main Street, at the corner of Clarks Rd, agrees with John Curtain. He said additional housing would compound our traffic issues beyond imagination. There are significant dangers now with traffic trying to turn from Clarks Rd. onto Main Street because it's a main cut through.

Steve Sanganeli asked who would control the open space? Would there be any age restrictions on the type of occupants in the rental units that would be built? Is there anything we can do about creating a lower rental rate for affordable senior housing given that the rates are determined by the Minimum Set Aside (MSA)? Can we divorce ourselves from being tied to the MSA rates?

Nipun Jain said there are no age restrictions in a SGD. Affordable rental rates are also established by DHCD regulations that we must comply with. Permanently protected open space would be under the care and custody of the City or offered to other non-profits that have interest in keeping it part of their portfolio or privately owned with permanent public access easements.

David Frick read Facebook comments.

Kristi Petrino, 5 Birchwood Point, is opposed. What about animal habitats you are destroying? There are few wooded areas in the City. Multiple species the call the Clarks Rd. area home, including owls and possibly eagles nesting. Why are we so willing to remove what little nature remains in this state?

David Frick said the proposed SGD would mitigate development by keeping more open space from being developed. The hope is that the SGD would mitigate development of some of those areas if the 40B, which can be built today, was stopped.

Nipun Jain concurred., while we are not proposing a project at this time, if the SGD is adopted, it would be better than what can be developed here under current zoning. The 40B, as laid out today, is all spread out in that area. If that developer followed the SGD development restrictions, the entire area would not be developed.

Andrea LeClair said the SGD is not acceptable to the existing residents. She submitted envelopes in person. The neighborhood had no idea. She expects every comment she made to be addressed. She delivered two public comments to Director Jain today. Why weren't they read when you said this was a permissible form of comment? You said there was an administrative error and it does not affect 27 and 27 ½. Just because the zoning doesn't specifically pertain to those properties does not mean there is no direct and negative impact to the adjacent property. The City does not care about the property values of neighboring residents. Property values will go down 100%. Will the City be able to submit proof and documentation that property values will increase? This is not sprawl.

Nipun Jain said he read the letter from Ms. LeClair. He misspoke when he said 27 and clarified later that the 40B project is located only at 29 Clarks Rd.

David Frick read Facebook comments.

Andrea LeClair said the public doesn't like or approve of this idea. Birchwood Point residents would like the City to go back to the drawing board. She would feel unsafe with public access to the area behind her building. How will Amesbury public schools support more children when they can't support the tech network, let alone an increase in families. Does the City care more about the excitement of a developer over the lack of excitement from existing residents?

Nipun Jain said he noted those comments.

Angela Cleveland read Facebook comments.

Tracy Chalifour asked where the referenced office park is located?

Angela Cleveland said the Office Park is an existing zoning district on the books in Amesbury. another (unattributed) comment is about the percentage of affordable units. The City is a little over 10% currently, but that will decline because a number of deed restrictions placed on affordable units are expiring. The 2020 census is about to rollout. It will show more overall units in Amesbury which will bring the City below 10%. There are ways to provide affordable housing for new and existing residents. Our regional housing production plan shows a 30-40% increase in people over 65 years by 2030. Folks want to stay in Amesbury and can't necessarily age in place in their own home. We need to find places for those folks to age in their community. These potential residences are not necessarily for new residents, they are for current residents and their future generations. Mayor Gove is a case in point. She wasn't in Amesbury for several years and came back. We want to be able to welcome our children back after they finish school.

Mayor Cassandra Gove said when she came back to Amesbury, she lived in an affordable unit downtown. She acknowledged that concerns expressed about traffic are real. It's worth reiterating that one of the benefits of a SGD overlay district is incentive money and the ability to leverage grant opportunities for infrastructure improvements in the neighborhood area. We could fix some of those problems that we struggle to find the resources for now.

Nipun Jain said prior to adopting the other SGD zoning change, it was a 40B proposal that offered no way to address concerns about traffic. We were able to qualify for priority funding from the state for needed infrastructure improvements because of the eventual SGD re-zoning. That enabled the City to make the changes people now see on Route 110, such as the left turning lane, the signalization, and the pedestrian connections. We would not necessarily have qualified for priority funding for those improvements without the SGD designation. Those are benefits that accrue from a SGD. He reminded everyone that any proposed project goes through a traffic and impact analysis and public comment so that all negative impacts can be analyzed and addressed before a project is approved.

David Frick read Facebook comments.

Tracy Chalifour said Clarks Rd. is narrow and parts have no sidewalk. The volume of cars added to this area will create a public safety issue. We went through this with the Eagle Point development back in 2006. The City denied that project for many reasons. Clarks Road cannot withstand additional commercial development and the scale of housing units proposed. The only reason the 40B got approved is that they appealed the City's decision and won in Housing Court. That still doesn't make it right for the neighborhood.

Wendy Borger, 450 Main Street, said Point Shore residents have been requesting various types of relief. The traffic in this neighborhood is dangerous. Our concerns have not been addressed after repeated meetings with Amesbury Traffic and our representatives.

Tracy Chalifour asked why the SGD could not stop at the hotel? Why did it have to include 29 Clarks Rd.?

Director Jain said the 40R encourages high density, residential multi-family development. We want to keep the commercial corridor available for commercial development and not bring that into the neighborhood. People do not want to live at street level in a commercial corridor. The reason we looked at adding additional parcels to the SGD is because those are not desirable. We already have a 40B project approved. We can find a way to make the 40B better through SGD funding to address concerns about added traffic and pedestrian connections. The SGD proposal is one way to look at the possibility to make those improvements even with a much higher density residential development.

David Frick said the City is trying to make the 40B project a better situation. He read a Facebook comment.

Tracey Chalifour asked why would you consider developing when part of it is wetlands? David Frick said the hope is that the SGD would not use the wetlands.

David Frick read a Facebook comment.

Wendy Borger said heavy traffic negatively effects property values. No one is against progress but protecting investments and quality of life must be considered. The traffic on Clarks Road is already well beyond tolerable and safe.

Nipun Jain said any proposed SGD project would have to address the key project impacts and make the necessary improvements before it could be approved. There is no project application right now. We cannot make improvements unless the SGD moves forward.

David Frick read a Facebook comment.

Tracy Chalifour said Birchwood Point will not give an emergency egress access to the existing approved 40B project. That was stated years ago on public record. The better development is along the 29 Clark Rd. straightaway driveway to avoid infringing on the wetlands, with no high rises. Affordable housing is necessary but can be done responsibly. This SGD proposal is not responsible. A 40R can happen without including the 29, 27 and 27 ½ parcels.

David Frick did not know whether the 40B project needed that emergency egress access to proceed. He doubted it. The 40B is approved but still has some hoops to jump through when the specific project plans come in.

Director Jain said without referencing the decision he could not be sure but if there are conditions pursuant to Ms. Chalifour's comments the developer would need to follow up with the Housing Services Committee.

David Frick read a Facebook comment.

Tracy Chalifour, responding to Mr. Loth, said she is a Coastal Trails Coalition (CTC) board member. Those trails would not be paved and would not connect to the CTC Network, as you suggested. The trails would just be amenities for the community. Please don't make it sound like she can ride her bike continuously from the CTC paved trails into the neighborhood behind Point Shore Meadows.

Director Jain said that was not represented by us or anyone else. Without a real project, we should not assume how everything will connect. The goal is to show the potential to connect the bike path and the Riverwalk through the intersection of Route 110 and Clarks Rd., and to either use the right-of-way or public open space to create those trails, as well as connect trails that are already publicly accessible.

Angela Cleveland read a Facebook comment.

Kristi Petrino, 5 Birchwood Point, #303, asked how this could affect the schools? Teachers were already concerned about student-teacher ratios when Amesbury Heights was added. Schools are already in need of so much and struggling. We don't have the proper technology to support current tax-paying residents.

Mayor Gove acknowledged there is a need to provide data to the community about the impact on schools. One reason schools struggle is that our enrollment is dropping which puts a hole in our Chapter 70 funding. The school's fixed operating costs make it increasingly hard to make ends meet. We need more kids in our schools to help the formulas make sense. It may seem counterintuitive, but enrollment drives our funding. Pushing back against more kids coming into the community makes enrollment continue to drop. We still need the same amount of technology whether we have 15 kids in the classroom or 19 kids. That's why it's become harder to provide resources that the schools need.

Karen Solstad said the 40R is complicated. It provides a lot of incentives and more control over development. The 40B is by-right. We have no control over anything. There are no incentive payments to deal with traffic and other impact issues. The 40R gives us control over how it's designed and how it's laid out, plus incentive payments to deal with impact issues, such as students who enroll in school. The state helps to subsidize those students.

Nipun Jain said Chapter 40S allows us to look at the school costs specifically associated with additional children in a SGD. There's a formula by which the City can request those payments under the Chapter 40S provisions. But, when a 40B comes to town, no zoning applies. It's a free-for-all. It can go anywhere without meeting underlying zoning requirements. There are no locally driven performance standards for a 40B project, which has only the bare minimum of state related engineering requirements. The 40R is the opposite. Local zoning adheres to all the smart growth controls put in place by the state, which includes building design, assessments associated with infrastructure, traffic, public safety, and anything else that impacts the neighborhood. The City would set those standards through zoning before any SGD project application is made. That's the whole point. A SGD gives the community more control over what the community wants.

Karen Solstad said Amesbury is over the state required 10% affordable housing because of the housing shortage all over the Commonwealth. The 40B units will count toward our affordable housing. How does the 40R affect our 10% affordable housing threshold?

Nipun Jain said in a 40B, 25% of units that are for sale must be affordable. In a 40B rental project, all units count toward the 10%, but only 25% must be deemed affordable. In a 40R, all rental units count toward the 10%, but only 20% must be deemed affordable. In the example of the Amesbury Heights SGD, all 240 rental units count toward the 10%, but only 20% are deemed affordable. Whether it's 40R or 40B, all the rental units count toward the 10% affordable threshold.

Studies show a greater need for rentals because of the high cost of home ownership. People who need affordable housing tend to go for rental units. The 40R program is structured to create more rental housing. It comes with incentive payments to offset infrastructure and impacts that might already exist but would otherwise not be addressed by the community. A 40B project does offer incentive payments or a priority funding status for the community.

David Frick read a comment from Facebook.

Tracy Chalifour said she worked on a census and for many non-profits funded by state and federal housing programs. She is fully aware of the numbers shift because of reported changes in the number of housing units. What about the Vynorius project? Have we met our affordable housing quota of 10% at this point?

Angela Cleveland said we are at 10.15%. At least 25 units will fall off just in 2020. We have another 20-25 units that we cannot protect because they are affordable housing rehab programs. Our percentage will dip down on those units alone. She emphasized that the 2020 census numbers will show a larger number of full-time, year-round units that will further reduce our 10% threshold. We are going to need additional units in our subsidized housing inventory to meet that 10%.

David Frick read comments from Facebook.

Wendy Borger said infrastructure did not reduce traffic.

Suzanne Romano Romvus, 1 Point Shore Dr., said she read on the City's website that Point Shore Drive and Evans Place would become part of the public walking trails. Would sidewalk be continued on Evans Place? Point Shore Drive is far too narrow to account for public parking along the road. Would the City provide resident-only parking signs along Point Shore Drive?

Robert LaPlante said many questions in the last two hours have been repetitive, or technical questions about projects that haven't been proposed yet, as Director Jain has repeatedly pointed out.

Pascal Rettig suggested posting a Facebook notice that public comment will end shortly for tonight and continue at another meeting.

Mayor Gove said that callers have been waiting to speak, while the people on Facebook just keep typing.

Nipun Jain suggested pausing Facebook comments to take the callers who were holding. Public comment should wrap up at 9:10 PM.

Mayor Gove recommended board members hold their comments until the end.

Tracy Chalifour said her first 20 minutes of public comment on Facebook did not make it into Mr. Frick's thread. She can't remember what the questions were. As a point of order, this is a technical issue that needs to be resolved as we go forward. Despite the affordable housing ratio at 10.15% we still don't know what's happening with Vynorius, an approved project that will add another bulk of units to the equation. She had followed affordable housing since 2004, when Eagle Point at 29 Clarks Rd. was first presented. No one is against affordable housing. We want responsible development. Extending the 40R proposal down to 27 and 29 Clarks Rd. and around Birchwood Point, where there are single family dwellings, is not responsible. She was on the Master Plan Oversight Committee in 2004 and has been engaged in everything for many years. Consider the impact on residents on at 25 Clarks Rd. The City needs money, but this is not the right permutation of what we need here. Give and take is needed. She understands the 40B is already approved. She opposed it because it is not conducive to the neighborhood. It makes sense to cut the SGD off where the Marriot hotel is. But infringing on Birchwood Point and the existing single family residences is inappropriate.

Joe Finn, 412 Main Street, is opposed. He said the proposal has as its expressed purpose the creation of dense residential and mixed use growth. That's an affront to all the people on Point Shore who have been working with the City for at least a year to mitigate the impact of Point Shore traffic. The proposal will make our situation more intense than it already is. It will also get in the way of what the Traffic Committee is trying to do to help us. We should not wait until we have an overlay district and a development project before us, as Director Jain suggests, to address traffic. The best way to handle this is not to have an overlay district that's unfair to all Point Shore residents.

David Frick read a Facebook comment.

Andrea LeClair asked what specific criteria would give you the thumbs' up to proceed?

Director Jain said we are in the process of collecting public comments. After reviewing the feedback, we know what the next steps will be.

Sally (no last name given), intersection of Merrimac and Main Street at the tail end of Point Shore, said by the time abutters are part of the conversation it's a done deal. Her concern is vision. We are bookended by traffic issues from the hockey complex, Bailey's Pond, and the marina at Amesbury Point. If this rezoning happens, she is in the middle. Are questions being asked about what's to come and not just what exists regarding traffic? Would development on Route 110 divert traffic along Main Street or Point Shore at the intersection of Merrimac and Main Streets?

Public comment closed.

Nipun Jain said all public comment would be reviewed. The City would regroup to consider what we could do if we made an application to DHCD. We will keep the public apprised.

Karen Solstad said this is an iterative process. We need an additional hearing to address the concerns and questions from residents. There's a lot for people to understand. A lot of people want to stop it at the hotel but that would not give us any residential units. We would not qualify for the 40R. Is there a way to reduce the number of units in the 40R?

Nipun Jain said without incentive payments and housing units, that defeats the purpose of applying for the 40R. More clarity about the key aspects of a SGD could help. We will work with the Mayor's Office to see if we need workshops or more hearings. The state statute requires you to look at the total acreage in the district, then look at the developable land which excludes wetlands or slopes that exceed 15%, then assign density based on the kind of housing that can be pursued. For single-family, it's 8 units per acre, for multi-family it's 12 units per acre, and for high-density it's 20 units per acre. The goal is to make the SGD as compact as possible with the least amount of land being developed to have more permanently protected open space and stop the sprawl.

Karen Solstad said there is an opportunity to change the size of the 40R and the properties included. But one of the major goals is to somehow create housing that would avert the sprawling 40B, which is all over the back of that property and goes through the wetlands and replace the 40B housing units with a much better development that we have control over, preserve open space, and get incentive payments. We want to find a balance for everything.

Mayor Gove would look for other feedback opportunities in addition to reviewing all public comment.

Karen Solstad asked if there is a way to make the 40R smaller. Are we tied in to doing the whole area identified?

Director Jain said we are not tied into anything yet. If we close tonight's hearing, we are not closing the door on public feedback and comments. A workshop may be better than another hearing.

Lars Johannessen asked how many units could they put in if the 40R encompassed only the 56-unit 40B parcel? It's something to think about.

Scott Kelley said some projects offer a payment in lieu of affordable units.

Director Jain said there can be no payment in lieu of affordable housing with a 40B or 40R. You must provide real units.

David Frick said it's unfortunate that Amesbury sits within the Chelsea or Boston affordable unit pricing guidelines. In Amesbury Heights, a 2-bedroom affordable unit goes for \$1,600. That's not affordable in this area. We need to make affordable housing affordable. Mayor Gove is exploring how to put together an application to the state to change that.

Mayor Gove said we've been talking about that and we don't know what it would take to change it. Mr. Frick and Scott Kelley volunteer to help the mayor in that effort.

Karen Solstad asked how people in the community would be advised about the workshop and how to continue to ask questions and express concerns about the proposed SGD?

Director Jain said a webpage is set up with some frequently asked questions. We will add tonight's feedback to what's already there. People can also contact us by email or phone.

Mayor Gove said she would include the information in the e-newsletter, the newspaper, Facebook, Instagram, Twitter, and the City website. This does not preclude using direct outreach.

Nipun Jain closed said the public hearing.

b) Woodman Road – Lot Release Request

Attorney Lisa Mead, representing Crane Properties, said her client purchased the subdivision this summer after work had commenced. They are requesting lot releases for Lots #2, #3, #4, and #5. They met with City department heads and developed architectural plans in accordance with the board's decision. The stormwater system is complete. They have Title V certificates for each lot purchased lots. HOA documents and completed plans are recorded at the Registry of Deeds, and easements for construction access is provided. The seller's Attorney Gagliardi did the Conservation Restriction that applies to lot #7 in July of 2020. The housekeeping items listed in your decision are completed and are part of the recorded plans from 2018. The as-builts for stormwater have been provided but not reviewed. The erosion control bond was paid today. There is no public infrastructure for the waiver for the performance guarantee. Still to discuss are approval of the architectural plans and the removal of trees that took place along Woodman Rd. Lot releases would allow construction of 4 houses to begin.

Nipun Jain said the infrastructure basin pertaining to stormwater associated with these lots was built but we still need an engineering peer review contract approval for the as-builts and another contract approval for the inspection. Typically, this would have been set up before construction started. The same with the erosion control. The estimate provided to us is good and the developer provided a check, but the inspector needs to confirm that as well. The board's design subcommittee should review the architectural plans separately, rather than getting into that detail at the board level.

He said two items still need to be addressed and resolved in relation to the board's decision. Today, he received an estimate on the quantity and cost of trees to be installed to replace the trees taken down. In addition, there are housekeeping issues that need clarity. The inspector will ask about plans that are being revised and specific engineering steps that had to take place before construction started regarding soil conditions and groundwater elevations that were assumed in the design.

Attorney Mead said she dropped off a larger package a month ago and a couple of things today. They want to get started before winter because all the lots have reservations. If the board could authorize the lot releases specifically to build foundations before winter, she would return to the board to show that the items mentioned were accomplished. The developer wants to do this right. Trucks would engage in traffic on the street in a more condensed manner by starting the foundations now. She understood not releasing the full building permits.

David Frick did not have a problem with the request, but the board has a problem when things come back to us in a rush. It's been a year since we approved this project. It would be helpful to understand what went wrong or who is not doing what they need to do so we don't have to rush like this. This shouldn't be happening. He requested Attorney Mead's feedback on what should have occurred differently to prevent the rushed process. Do we need to have somebody out in the field so things don't move ahead before they should?

Attorney Mead said as soon as her client purchased the property, close to September, he started to get things done. The board had already released Lot #1. She could not speak to what happened before and understood their frustration. The decision is very detailed with a lot of stop gap measures. It seems to be a confluence of events in addition to the turn of seasons. She would ensure everything is diligently followed through.

Lars Johannessen asked if the foundations are generic enough to accommodate potential design changes. Or did Attorney Mead prefer the Design Review Committee (DRC) meeting quickly?

Attorney Mead said yes to both questions. They have met the permit requirements. She hoped design changes would not be so substantive as to require foundation changes.

Robert Laplante said a lot of the things being asked for were conditioned a year ago. Would Attorney Mead guarantee that any conditions on the approval would take place?

Attorney Mead said the transactions can't occur until items are completed. These items must take place. She had already given the board most everything on the list including the as-builts for review and resolution and money for confirmation of the erosion control bond, a tree proposal for review and resolution, and 50 pages of very detailed house plans for design review.

Scott Kelley said there are specific reasons why we don't move forward until all the conditions are met. It's a step-by-step process for a purpose. Where do we draw the line? When do we start enforcing the rules, generically speaking?

A motion to approve the request for lot release for foundation building only, after which no further building may take place until all of the conditions that had to be met prior to the release of the lots are met is made by David Frick and seconded by Pascal Rettig.

Recording Secretary Linda Guthrie took the vote by roll call.

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Pascal Rettig	YES
Scott Kelley	YES
David Frick	YES
Robert Laplante	YES

All members vote in favor. Motion Approved.

Bartlett & Rosedale -- Status

Nipun Jain said the project started construction without meeting any requirements for erosion control inspection. The office let the developer know they are in violation and let the Building Department know that there are no erosion control bonds or inspectional services established. The developer touched base with us but has not taken the necessary steps to put this back on track. If things don't get back on track, he would bring it back to the board to discuss further.

Extend Re-authorization for signatures

Nipun Jain said the re-authorization extends the current Planning Board designee's (David Frick) authority to sign documents on behalf of the Planning Board through April 30, 2021.

A motion to authorize David Frick to sign documents on behalf of the Planning Board through April 30, 2021 is made by Keith Rattner and seconded by Scott Kelley.

Recording Secretary Linda Guthrie took the vote by roll call.

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Pascal Rettig	YES
Scott Kelley	YES
David Frick	YES
Robert Laplante	YES

All members vote in favor. Motion Approved.

2021 Meeting Schedule

A motion to approve the 2021 Meeting Schedule is made by Lars Johannessen and seconded by Pascal Rettig.

Recording Secretary Linda Guthrie took the vote by roll call.

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Pascal Rettig	YES
Scott Kelley	YES
David Frick	YES
Robert Laplante	YES

All members vote in favor. Motion Approved.

Discussion Regarding Public Comment

Pascal Rettig said tonight is a good example of why we should go back to the way we handled public comment when we met in person, which is to say individual people submit a request to speak and then the board goes through the list in an orderly manner. It felt a little out of control because the same person would post repeatedly on Facebook. Using the Google Form that Kaila Sauer put together, or a variation of it, would make for a more organized meeting. Comments would be read, or people would call in, as the only two ways to make a public comment. Ms. Sauer would get the submissions into a spreadsheet and read them in order.

David Frick agreed. Three or four people were making most of the comments. We can't do this if 100 people want to speak. A system that manages that better would be wonderful.

Nipun Jain some people got half an hour to speak instead of 3-5 minutes per person. A structure that lets us know how many people wish to speak would allow more people to speak, avoid repetition, and it would be equitable. The system should be uniform.

Scott Kelley asked if the number people call is a toll call? Someone said they were on hold for 2 hours tonight. Director Jain did not know but would find out.

Robert Laplante said Mr. Rettig's system should be adopted because it is organizationally sound and saves the board's time. We listened to many people repeat the same comments. It's our responsibility to get the comment as quickly and thoroughly as possible. It should be first come and first serve.

Nipun Jain said it was important to get a handle on whether we have a lot of speakers or not ahead of the meeting. Whoever submitted a form would be called on to speak.

David Frick asked if everyone commenting could get a GoToMeeting invite like the board?

Nipun Jain said there's a limit to the number of people that can sign on that restricts the fair availability of that option. Knowing who is there and acknowledging them in advance is helpful. This lets them know they will be heard. We can let them know what speaker number they are on a first-come first-serve basis. Right now, they are on hold without knowing if they are going to be heard.

Keith Rattner likes the idea of control. The form helps the public understand what we'll be discussing. It seems important to put a caveat on the form that we're not going to take comments on certain topics.

Nipun Jain had suggested to Kaila that the form should list the 6-7 site plan standards for the school. We should make clear that this is not the venue to talk about funding or why this location was chosen and that the board can only discuss how the project works on this site based on the standards. The specific areas they can speak on should be listed.

Keith Rattner asked if we would limit the speaking time. Director Jain said yes, to 3 minutes.

David Frick asked if the plan accepts comments in writing and verbal? Pascal Rettig said yes.

Director Jain said we want a list of participants who wish to speak so we can manage the list of speakers. Is it possible to limit the word count? Pascal said yes. Director Jain said if we notice a common theme, we will spend time discussing it.

Karen Solstad said you have to be a good wordsmith to submit a written comment, but they might be able to speak succinctly for 2 minutes. Director Jain said the purpose is to be fair and equitable to everyone. They can simply put the topics they want to speak about on the form and when they call in, deliver their comments in more detail.

Keith Rattner asked if there were a limited list of items like lighting, stormwater, traffic, or other that the form can list that they could check off? Director Jain said everyone would fill out other.

David Frick asked when the public would be made aware of the new process for public comment. Has the meeting date been published? Director Jain said the meeting for the 16th will be posted tomorrow.

David Frick said he spoke to the mayor who said scheduling it for Mondays makes it difficult for her and the School Board to participate because it's often the same Monday the School Board

meets. Director Jain said there is no school board meeting on the 16th. It is a continued hearing that we discussed having a special meeting for. It does not have to be advertised.

David Frick wanted to talk about the documents in terms of what we've got, which ones pertain, which ones do not pertain, which replies are done, and which one are not done. It's difficult. We have a letter from Bob Puff dated from April, but they've submitted all new stuff since then because they had to move the building. He and Karen Solstad did not know which documents to work from. Director Jain said the most recent documents (plans, reports, consultant memos) should be referenced.

Robert Laplante said we recently got the maps and the gigantic package from City Hall.

David Frick said he still needed guidance. On the website, one document says, "9-30-2020 submittal." Other documents are titled, "Comments from the Public," "Councilor Wheeler," and "Peer Review." It's difficult to determine what the latest document is.

A motion to continue the meeting until 10:15 PM is made by David Frick and seconded by Pascal Rettig.

Recording Secretary Linda Guthrie took the vote by roll call.

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Pascal Rettig	YES
Scott Kelley	YES
David Frick	YES
Robert Laplante	YES

All members vote in favor. Motion Approved.

Nipun Jain said the 9-30-2020 submittal on the Google Drive is everything that is revised.

David Frick asked whether Bob Puff not done a peer review since 6-29-2020?

Karen Solstad said there are no dates on the Google Drive documents. We must change that. Every document title should have the date. Director Jain would talk to Kaila about it.

David Frick asked if we had Bob Puff's comments on the latest plans? Director Jain said yes, on 10-29-2020. Mr. Frick asked if the applicant came back with answers for Bob Puff? Director Jain said not yet. Mr. Frick said we need to go through what's changed on Monday and limit public comment.

Nipun Jain said the consultants' meeting will address the technical changes. There's been only one presentation. Substantial changes occurred. The board needs to hear about those plan changes in

detail on the 16th. The applicant needs to hear our response to the changes, and we need to talk about the non-technical issues that have not yet been discussed.

David Frick asked about holding an meeting Amesbury Elementary without any public comment. Director Jain said no. Mr. Frick asked if about scheduling a workshop instead of a public hearing. Director Jain said there are too many logistical issues such as organizing it and paying the consultants.

Karen Solstad the City cannot ask us to review this project without making the consultants available to us to answer our questions.

Mr. Frick suggested inviting Bob Puff to the meeting. He needed an update from someone because the applicant has not been here in 6 months.

Director Jain said the applicant would make a presentation to summarize and detail changes to the original site plan, such as why changes were made and what was accomplished by making changes. They submitted the package on October 1st. That gave us 30 days to look at it.

Robert Laplante said the applicant submitted a whole new plan in a revised application instead of responding to peer review comments with changes to the plans. That went back to peer reviewers. He was waiting to hear what the peer reviewers had to say. He thought Bob Puff should be at the meeting.

Nipun said we do need someone to guide the board given the complex nature of the project. After the applicant makes their presentation on the 16th, Bob Puff can help the board understand the engineering related changes and his comments to them. That's a sound approach. He would contact Mr. Puff about attending on the 16th.

Keith Ratner said with a presentation there will be less time for public comment.

Director Jain said we can limit the presentation to 20 minutes and Mr. Puff can guide you through the changes for another 20 minutes. Or, we can ask the applicant to everything they did from the original presentation to the most current version and that could take an hour. Mr. Puff can then give us the major highlights for 15 minutes. We haven't talked about landscaping, lighting, or building design. If there are a significant number of comments from the board on those things, the applicant needs to hear those as well.

Keith Ratner asked if we would still implement the process proposed by Mr. Rettig for public comment at the end of tonight's meeting. Director Jain said yes. If there were to be any meaningful progress, the applicant needs 20 minutes. Mr. Puff needs 15 minutes and board members can speak for 5 minutes or more each. That's about 2 hours and leaves plenty of time for public comment.

A motion to continue the meeting until 10:35 PM is made by David Frick and seconded by Keith Ratner.

Recording Secretary Linda Guthrie took the vote by roll call.

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Pascal Rettig	YES
Scott Kelley	YES
David Frick	YES
Robert Laplante	YES

All members vote in favor. Motion Approved.

A motion is made to adopt the process Pascal Rettig created for submitting comments to the Planning Board and to supplement that form with the topics the public can speak on as it relates to Site Plan Performance Standards with a time limit for comments as reviewed and discussed is made by Keith Ratner and seconded by Scott Kelley.

Recording Secretary Linda Guthrie took the vote by roll call.

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Pascal Rettig	YES
Scott Kelley	YES
David Frick	YES
Robert Laplante	YES

All members vote in favor. Motion Approved.

Contracts, Invoices, Authorizations – See Memo Dated 11/9/2020

Nipun Jain said the general contract from Stantec for inspection services needs to be authorized. The Planning Office recommends approval as submitted.

David Frick asked if that meant we can use Stantec when we want to and it's not an exclusive contract.

Director Jain said yes. The contract is general, but each project is a new task requiring additional funds to be further authorized by the board.

A motion to sign the contract with Stantec for peer reviewer for engineering services and construction observation is made by David and seconded by Pascal Rettig.

Recording Secretary Linda Guthrie took the vote by roll call.

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Pascal Rettig	YES
Scott Kelley	YES
David Frick	YES
Robert Laplante	YES

All members vote in favor. Motion Approved.

3. Adjournment

A motion to close the November 9, 2020 meeting is made by David Frick and seconded by Keith Rattner.

Recording Secretary Linda Guthrie took the vote by roll call.

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Pascal Rettig	YES
Scott Kelley	YES
David Frick	YES
Robert Laplante	YES

All members vote in favor. Motion Approved.

The meeting adjourned at 10:31 PM

Respectfully submitted -- Linda Guthrie, Recording Secretary