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AMESBURY PLANNING BOARD

JANUARY 25, 2016

**CITY HALL AUDITORIUM,
62 FRIEND STREET, AMESBURY**

Meeting called to order at 7:03 PM

PRESENT: Ted Semesnyei, Karen Solstad, Lars Johannessen, Robert Laplante, Scott Mandeville, Lorri Krebs

ABSENT: David Frick.

ALSO PRESENT: Nipun Jain, City Planner, Paul Bibaud, Recording Secretary.

MINUTES: JANUARY 11, 2016 - Continued to next meeting on 2-8-16.

SIGN APPLICATIONS:

**STILLWELLS ICECREAM – ARIELLE WOLFE AND STEVEN RENAUD
105 MAIN STREET....CONTINUED FROM 1-11-16.**

Nipun Jain: This is recommended by design subcommittee for approval as modified.

Motion made by Robert Laplante to approve sign application. Motion was seconded by Lars Johannessen. AIF.

Motion was made by Lars Johannessen to take agenda items out of order. Motion was seconded by Scott Mandeville. AIF.

CONTINUED PUBLIC HEARINGS:

94 SOUTH HAMPTON ROAD – SPECIAL PERMIT – CLUSTER RESIDENTIAL APPLICATION. REPRESENTATIVE: TAYLOR TURBIDE / MILLENIUM ENGINEERING - Applicant: Thomas and Ashley Evangelista.

Ted Semesnyei: We have received correspondence that this agenda item be withdrawn without prejudice so the board will no longer be discussing this Special Permit application. Accepting this withdrawal would be the close of the public hearing.

Motion by Lars Johannessen to accept the withdrawal. Motion was seconded by Robert Laplante. AIF. Motion to close the public hearing made by Lars Johannessen, and seconded by Robert Laplante. AIF. Motion by Lars Johannessen to state that the board took no action on this item. Motion seconded by Robert Laplante. AIF.

NEW PUBLIC HEARINGS:

**28 LAKE ATTITASH ROAD – SPECIAL PERMIT APPLICATION
REPRESENTATIVE: Healey, Deshaies, Gagliardi, & Woelfel, P.C. (P. Gagliardi).
Applicant: George and Kelly Norwood.**

Nipun Jain: The Norwoods have submitted an application for a Special Permit to raze the existing single family home and construct a new single family home on the site in accordance

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with the plans submitted by Atlantic Engineering and survey consultants dated Oct. 10, 2015 as required under the Amesbury Zoning Bylaw Section V Paragraph D.

Paul Gagliardi, attorney representing the Norwoods: I introduce to you John Paulson from Atlantic Engineering.

John Paulson: This is a proposed tear down of an existing dwelling that has been empty for roughly 20 years, give or take. The existing house sits approx. in the middle of the lot. It is a one to one and a half story house. There is a storage shed and has a paved parking area. The lakeside is on the westerly side. There is an existing brick sidewalk. The lot is relatively flat, but what grading there is heads in a northerly direction towards the neighbors lot. There is a wall at the water side and the drainage from this part of the lot next to the lake heads down towards the neighbor's lot. On the neighbor's lot, there is a low spot over here, which collects water during significant rain storms. There are a few trees on the lot, with a few dead trees. Those are the existing conditions. We plan to tear down the existing dwelling, the shed, take out this parking area. We pretty much are going to leave this grassed area alone. It needs to be retiled and regarded, but we're not changing the grade. We plan to replace all this with the house shown in your package and a detached garage. The driveway in this area will be a pervious driveway.

Walkways

Connecting things and a walkway to the lake will all be pervious. Everything that is impervious on the existing lot is 1904 square feet. The proposed impervious areas are house and garage (2136 sq. ft.), and those are the impervious areas (house and garage) because we're making everything else pervious. The impervious area proposed is 2136 sq. ft. vs. the existing which is 1904 sq. ft.... so there's 232 sq. ft. more that is impervious on the lot. So the impervious area on the lot has increased just a little bit. But to account for that, we've done three things: we have done roof infiltration for the garage, then for some of the house, there is roof infiltration here and back here. So we've handled more than the extra 2342 sq. ft. of impervious by doing the infiltration. The calculations for infiltration are in this detail. It is designed to provide infiltration for normal half inch rainfall. You really can't design infiltrators for any more than that. It is designed to handle normal rainfalls, not flood conditions or extreme rainfalls because you don't do that with houses. We also did, because drainage flows towards low areas and this house to the north, I added a stone infiltration trench along here to help alleviate water going there. It is going to hit the trench and infiltrate here before going to the neighbors. If that trench fills up, yes, it could take and go over to the neighbors still, but more likely, it will infiltrate into the ground and head towards the lake here. We are taking out a couple of trees because they are in the way. We are adding a tree here. Most of the pine trees there are near end of a useful life, especially on the lake. We're adding a tree here, and adding some other landscaping in here and the landscaping details and the tree types, etc. all show up in the planting schedule here on the plan. So we have our house, deck, underneath the deck it pretty much a walkout. The basement floor is a foot lower than the ground here. This will be a pervious patio area underneath the deck, then a pervious walkway to the lake, then the rest of this underneath the deck area will be stone. We had comments that came back from ConCom. There are some minor things that need to be looked at. One comment from the review agent that did it, he was talking about this site needing to meet to the maximum and practical storm water management under the state regulations. It absolutely does not. I have not responded to this letter, but I talked to John Lopez and Jay, the agent over in Merrimac, I've talked to a couple other people, and the regulations are very clear under storm water management. It says single families are exempt.

Lainie Senechal, 48 Lake Attitash Road: My concerns are environmental. Having lived on the lake at least part of the year most of my life, I've seen the water quality go down dramatically. Right now, we're dealing with a really bad algae problem. We just got an estimate. It is probably going to cost \$16K a year to keep that in any kind of check. Also we're dealing with invasive weeds. With algae in particular, runoff is a major issue. So the concerns about expanding the size of any building, which increases roof runoff, is a problem, although I do see that there have been some things built in. Also, if we give variances for people to keep building wider and wider, we're setting a precedence. Why couldn't anyone come here and get a special permit to increase the size of their house? It sets a bad precedence for the future. People should stick to the footprint. I am not in favor of increasing on what is already there. That's not a good direction to go in.

Betty Graham, 34 Lake Attitash Road: Approx. 7-8 years ago, I had to tear down the family camp. It was too far gone to restore it as I'd planned. We had to rebuild. There were several things I would have liked to do, but I was restricted to using the existing footprint. My biggest concern with the lake is that the lake has changed greatly. If you're on the water, the lake front really hasn't changed very much in 100 years, because the setbacks and the camps remained the same. There are no big permanent structures allowed on the lake itself. I'd like to keep it as it looks today, as if once on Lake Attitash Road, it looks like the 50s or 60s. Thank you.

Lars Johannessen: Have you been to the historic commission yet? That is a requirement, since the house is over 100 years old, or over 75 years old. It was built in 1910.

John Paulson: We have not been to the historical commission yet. We go before the ZBA later this week.

Paul Gagliardi: If indeed this is subject to the historical commission demolition bylaw, if Denis determines that needs to be done, yes. However, in the letter from the health inspector, he said that this should be torn down as a health hazard. We can't ignore the bylaw. If required, we'll go to the commission and get whatever necessary approvals we need. ZBA we go before them on Thursday this week. What we're proposing does not require variances. It just requires a finding / special permit, because we are not creating any new non-conformities. We have existing non-conformities and we'll go before them for a finding that it is not substantially more detrimental to the neighborhood than the existing non-conformity. All we need is a finding.

Karen Solstad: On the existing property, it says on your application that the existing building has an area of 995 square feet. The first floor of the deck in the drawing was stones. I'm having trouble on the drawing figuring out where the deck is.

John Paulson: This is the deck, here are the stairs, stone underneath it, pervious patio underneath it, stone underneath it. It's a wood deck. Water can go through the spaces in the wood planks onto the stone. The new pervious areas won't have any concrete bindings underneath the surface, it has to be loose laid. It will be pervious enough so that there will be no wash out down the pathway. The water that hits the area in here heads in this direction. None of the runoff from this heads to the lake. The wall is a little bit higher than the yard, so the water does not head here.

Karen Solstad: So up at the road, the height of the property at the driveway is...

John Paulson: The proposed driveway is here, elevation 101. This is elevation here is 100. But coming from 101 goes up to 102 before going down to 100. So this area here actually flows out towards Lake Attitash. Then the back yard towards Lake Attitash Road, flows towards the road.

Ted Semesnyei: We will need a peer review for storm water assessment. A lot of these questions should be answered by that.

John Paulson: Do we need a peer reviewer if we're already having one with Mill River for ConCom? That seems redundant if ...

Nipun Jain: I can check with ConCom if they are doing just the wetlands or riverfront impact.

John Paulson: He's looking at the site in total.

Karen Solstad: My concern with the pavers is that I have a brick patio that is nothing but a good two feet of sand underneath it and water pools on it, even though it has 2 feet of sand. I guess what you say is pervious, I guess I want to see more about spacing between the bricks. If they are butted up against each other, the water is just going to sheet off.

Robert Laplante: I've got a different kind of question. Given the concerns of some of the neighbors, and describe what is going to be done, is it possible to hear why you want to do it and why it's a larger dwelling, and what the present use is? I understand from the application that it is sub-standard and has to be replaced. Is it a primary residence, is it a vacation spot? Can you fill in some of the blanks?

George Norwood, applicant: We are hoping to build this house. It will be our primary residence. We currently live in North Andover. We really are not increasing the size in any dimension of the house. We're just squaring off some of the odd angles of the house. We've gone through a lot of trouble so there wouldn't be concerns.

Scott Mandeville: I think a little additional detail as far as pavings, driveway, everything is good. I think very often pervious is sort of used as a blanket statement for everything that is not paved... other than pervious pavement. If you're not doing a bituminous asphalt driveway, very often it is brick pavers and suddenly it's pervious. I think we can go a little bit further with just what we're doing, as far as pervious paving, not just something that is brick pavers. A slightly higher level of pervious paver might be appropriate. I hear what you're saying about squaring off the corners, but you are making it about a third larger than the existing structure on the site. You're under 1000 square feet, and with your garage and house, you're actually doubling the square footage of structure on the site. So you're 1000 sq. ft. of building right now, and you are over 2000 sq. ft. with the new garage and house. So it is a jump. Whether or not it is appropriate or not, I'm not making any final judgments on that. But there is a substantial difference in size that is worth taking a look at. I appreciate what you're doing with the infiltration. That will be great for the site. I'm curious, Nipun, what are the, as far as increases to footprints on existing sites, could you help me a little bit with there being no restrictions or whatever? What sort of rules and regulations are there for an existing site and existing structure to increase in the square footage? What are the rules and regulations concerning footprints to existing site and structures, especially within a special permit setting on the lake?

Nipun Jain: Do you want to handle that, Paul?

Paul Gagliardi: My understanding under this that the only prohibitions on increasing impervious area is that it cannot exceed H8, which says land use that results in impervious cover more than 15% or 2500 square feet on any lot or parcel, whichever is greater, are prohibited. So we are not exceeding the greater of those two. We are under 2500, so I think this is allowed under the water resource protection district bylaw.

Lars Johannessen: Since this is in a water resource protection district area, how do we treat this any differently than a normal special permit that is not in a water resource area?

Nipun Jain: What you have is a special permit request to alter an existing structure in the water resource protection district. This is a district that is an overlay district where the primary purpose is to protect and promote the health, safety, and welfare of the community by ensuring an adequate quantity and highest quality of water possible for residents, institutions and businesses

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of the city, to preserve and protect watersheds, surface water, aquifers for drinking water supplies and the environment. Since the proposed uses the continued use of residential purposes, detrimental uses don't come into play. That is the primary purpose of the overlay district. Then pursuant to the section 14i.d, which is a part of this section, the property owner can make application for a special permit, which is why this application has been made to you under those provisions. Part of the performance standards are to evaluate how much of the total lot area is being made impervious and, as indicated to you before, there is a cap: 15% or 2500 of the lot area, whichever is greater. If that is met, one, and two, if the proposed storm water management system follows the performance standards outlined in section 14ib7, then that sets up one of the criteria for the PLB to evaluate the application for a special permit. There are other requirements that may apply to the specific law and in this case, clearly the special permit finding from the ZBA is required, because this is a non-conforming lot with a non-conforming structure, and there are changes being proposed. So that is the area of pervue before the PLB right now. The extension/alteration of the existing structure or the new structure that will be replacing the existing structure will be determined at the ZBA. If they do get that approval of a special permit, only then would this be possible. So there are two different parts: 1. is the special permit use and 2. the special permit for dimensional relief under zoning. The third permit is the permit from the ConCom. They have to render an Order of Conditions for the project, because the proposed improvements and all of the proposed structure is within the buffer from the resource areas. If they require additional reliefs under the Wetlands Protection Act or the local ordinance, then they might require further setback, which in their opinion, are required for environmental consideration. So if they are in the opinion for whatever reason that their consultant or peer review advises them, then those setbacks could also change, whether its setback from the lake or setback from the sides, predominantly, because that is the area within their jurisdiction. So those are the permits that apply to the project. As indicated earlier, the application has been submitted to ConCom and is under review. The initial review has been done and applicant is working on the comments. I will verify with the ConCom agent if the consultant is actually reviewing any of the storm water design that has been proposed. I did not see any calculations in the package, so that was my reason for saying that if there are calculations that are associated with the project, that led to the design that is being proposed, then they should be provided and we can have that consultant look at it. If that is not the case, I will speak with him if that is adequate. What is missing information under the current special permit for the board is the architectural drawings for the proposed house design. If you look at Section 14j and 14 ib8, it talks about the architectural elevations for the proposed structure, we have a visual and some basic floor plan, but we don't have elevations, to get a better sense of that, so that should be provided for both the garage and the house.

John Paulson: The storm water management act does not apply, which was one of their comments. The calculations for our infiltration are on the plan, for the half inch of rainfall that I was talking about.

Nipun Jain: with that information, if that is the information that we're going to get on the storm water, then I would certainly ask if the ConCom's consultant is looking at those calculations and taking into consideration when they make their comments, and if not, the PLB would have to determine if they need additional input on the storm water component. My recommendation at this time would be, you have on all three fronts, the relief on the dimensional controls, the use which is under your consideration, and the environmental permits, which you are not in position to make any determination, so to speak. Once the applicant has some direction from ConCom,

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you will know what additional information or what is the extent of setbacks that they will allow, and what is the amount of pervious and impervious surface that they would be considering and the storm water management associated with that, which is a critical component of your permit. Once ZBA has made a determination on what release can be granted to the proposed structure, then you would be further able to determine what impact it may or may not have on the storm water design. So we would recommend at least you get some final input from the ConCom's peer review consultant, to have a better understanding of the storm water as well as other comments that have been made. Also, to see what the ZBA would opine on this application for relief before making your own decision.

Ted Semesnyei: So we need to continue this public hearing and next time we meet, we will have information from the ZBA meeting, hopefully more guidance from ConCom, we'll have a determination from Mill River Consulting if they are doing the full storm water assessment that we need to make a decision, that will be finalized based on the discussion we have tonight, whether that is being fully taken care of. We'll need additional architectural info for the garage and the house.

Karen Solstad: I'm looking at... I know that the applicant maintains that the additional ... having the reduced side yard setbacks really was a minimal impact. I think the existing house was a small two story house, and the new house is going to be three stories? You have a full walk out basement and two floors above it? You said it will be minimal impact and having a 26 foot house further away as opposed to a 40 foot 3 story house is...

Paul Gagliardi: The abutting house to our left as you are looking at it from the street, number 1 has a walkout basement as well as two stories about the basement, as well. There is no difference from the house next door. I wonder what PLB interest in the height of the house is? I don't see the relevance of height of structure here.

Nipun Jain: As long as you have the elevations for the proposed structures, that would suffice the requirement under the regulations. You may want to take photographs of the existing structure in such detail that you can document all of these. Include that in the package.

Lars Johannessen: When you go to ZBA, are you looking for one finding or several for all the possible setbacks?

Paul Gagliardi: They have to find that the changes in the side yard and front yard setbacks are not substantially more detrimental to the neighborhood than the existing, non-conforming setbacks. So it will be one finding.

Ted Semesnyei: So for our next meeting, I look forward to hearing the results from the ZBA meeting, more information from ConCom, and architectural info.

Nipun Jain: I recommend we continue this hearing to our March 14th meeting.

Motion was made by Robert Laplante to continue this hearing to March 14. Motion was seconded by Lars Johannessen. AIF.

PRE-APPLICATION CONFERENCE:

23 SOUTH MARTIN ROAD – TITCOMB LANDFILL SOLAR PROJECT

REPRESENTATIVE: MR. RICH JORDON –TRC

APPLICANT: SUNEDISON, LLC, 179 LINCOLN STREET, STE. 500, BOSTON, MA. 02111.

Rich Jordan, TRC Consulting. With me tonight is project manager for SunEdison, Emily Mann, and one of our civil engineers on the project, Annie Cornell also from TRC.

Project proponent: In Feb. the city put out as request for proposals to solar developers to develop, own and operate a three megawatt solar project on the Titcomb landfill.

SunEdison was chosen after the proposal process to be the developer. SunEdison brought on board TRC, which is environmental engineering consulting company. We develop and planned dozens of solar projects on landfills throughout Mass., NY, and Maine. Our lead engineer is Dave Andrews. I'll talk a little bit about the post closure land use permitting with the DEP that Dave is working on. We've also brought on electrical engineering team from NeoVertis (sp.) and have had the site surveyed by Land planning Inc. Finally, the last team member I wanted to mention was RBI who did the designs of the ballasts that the racking goes onto. You all know where the project is. The land fill history: 1971 was when it was first excavated. It was a gravel operation for fill for Route 495. Between 1974 and 1979, a company called SCA started leasing the property and dumped trash and municipal sludge into the former excavation. They did that for about 5 years, and in 1979 they stopped dumping into it. They capped it with gravel and some fill. In 1984, Waste Management bought that company and took over management of the caps on the capped landfill. They maintained it for a couple decades, until the city acquired the landfill in 2012. In 2013, the DEP approved the formal closure and then the landfill was formally capped to today's standards, which happened in the last few years. In 2015, the RFP was issued to the city. So the sun hits the photovoltaic cells, the cells generate electricity. They generate a direct current electricity. So we have to have a pieces of equipment on the site in addition to the PV cells, like an inverter, which inverts the direct current or alternating current which goes into a transformer which turns the energy up to whatever your transmission is. We'll connect right into the National Grid system right on Hunt Road. In terms of landfill basics, they are capped, in this case capped with a polyethylene barrier, then has a layer of sand, then has a layer of impervious clay, and new in the last few years, the cap is not meant to keep anything in, it is meant to keep water out. You do not water getting into the cap. On this site, there are several vents letting methane gas escape so you don't have swelling or issues with dropping out.

This is our most recent site plan. There are a few differences from what we provided the board on the pre-application request. This access road that runs through the middle in the request, we had it going all the way out to Martin Road and it was a pass through road. This came about when we first started talking to Nipun, talking about the project, seeing if we could get lessons learned from the previous Hunt Road project. One of the things Nipun said that was a major concern to that project was working with the fire dept. So we were able to sit down immediately with Chief and deputy chief who were both available to speak with us upon leaving Nipun's office. As we thought about our plan after we left talking to them, the site right now is set up to drain in two directions. Water hits the site here, water that leaves the site to the west that runs into a small drainage channel, more like a grassy swale than a ditch. It carries all the flow from this side back around to the storm water detention basin. So we realized if we were to cross that, it would be a significant undertaking with designing the culvert crossing and trying not to excavate into the cap in order to make that roadway work. So we redesigned the roadway to be a turn-around with a hammerhead on the southern end. This gives us the ability to lose the fence on Martin Road. A week and a half ago, Annie met with Jim and Ken (chief and deputy chief of the fire dept.) on site and had them review the project and review our access road. They were happy with the idea of a turn-around. We are going to mimic the Hunt Road solar projects emergency procedures plans, so it is basically a shut down plan, access plan, and then there are standards for being on site, and standards for maintenance and stuff. Those will all be in there. We can't put posts in the ground for fear of harming the cap. We'll be using fixed ballasts which

are huge, 4000 pound cement blocks. The racking system will be set on the ballasts, then the panels will be set on top of that. They are about 6 ½ feet at the highest point on the back end. Then about 2-3 feet on the front end. For permitting, we have going on right now, we have met with Ma. DEP and they hopefully will be issuing a major post closure use permit for this site, which is an amendment to existing post closure land use permit. That basically includes us putting together site plans, doing storm water review, doing pressure tests and static tests to make sure that what we are doing, like the ballasts, the roadway, the pads for the inverter and the transformer, that none of that is going to effect either the existing functionality of the cap or the storm water runoff of the existing conditions of the site. We hope to submit that in early Feb. and it is about a 2 ½ month review process. Hopefully, we'll dovetail with the town process. We'll be looking for everything to be finalized with DEP in early April. We'll also need to do a construction general permits. Then for the city, we'll do a site plan review and following the solar ordinance, we designed it based on the solar ordinance of Section 11S, just by way of schedule, it looks like we'll be submitting that actual SPR on the application on Feb. 28, looking for a March 14 meeting. Also, we had to extend the regulation, which was unknown to SunEdison at the time, that the renewable energy development district does not extend over the Titcomb landfill. The solar ordinance only applies to parcels in the reg. Nipun has been more than helpful with his knowledge of the ordinance. We submitted a request to the city, and they submitted the request to City Council, to extend the zone. Council did a first hearing on Jan. 5 and first public hearing tonight, and public hearing with council is next. We know PLB cannot issue an opinion or permit until that process is complete, but we hope that happens in early March. We've been working with ConCom a bit, talking to John Lopez off and on. Ran into a little snag, and we knew there was an OoC on the Titcomb landfill. We found it and realized that when they capped it, Waste Management (former owner) had some areas areas that became large enough to become filled with water and became regulated isolated land subject to flooding. They got an OoC from ConCom to fill those areas, then they built a storm water detention basin at that time, now those regulated areas are now gone. There are no other regulated areas. We're not in any buffers. So now we're waiting to get back with Mr. Lopez to go through the informal notification process with ConCom so we'll be sending site plan, site memo, to describe the process, hoping potentially to get on their agenda for the next meeting, but it may be the following meeting. We also notified DEP and will be notifying them when we submit the post land use of the existing OoC and the certificate of compliance that was filed from the past.

Lorri Krebs: Are we going to get a copy of that, because I can hardly see the computer, let alone what you've been putting on there.

Rich Jordan: Yes, I will.

Lorri Krebs: My other question was, what is your relationship to SunEdison? You are the site developer and you are TRC. Who is RBI?

Rich Jordan: Team members are SunEdison(applicant). TRC is the company I work for. We are an environmental and engineering consulting company. I am actually a professional wetlands scientist. But I'm a project manager with TRC and I do energy consulting.

Lorri Krebs: So then you are buying the panels and are you installing them or is someone else? And are you the electricians, as well?

Rich Jordan: I'll let Emily answer those.

Emily Mann, development project manager for the solar project: Right now we are in the permitting phase, and once we get through the discretionary permits with DEP and all the town permits, we will go back out and get another full services firm to come in and do the construction

final design, electrical and structural design. We put that out for bid again. Right now, we have some preliminary drawings to get us through the discretionary permits, but then once we get them up to speed, in order to get our construction notice to proceed, if you will, we'll get those firms involved in it as well.

Nipun Jain: Property owner is the city of Amesbury. Property proponent is SunEdison. SunEdison has contracted with TRC to prepare the permitting drawings and other permit applications that would get them to the point where the project is approved. Then they will be contracting with another firm to prepare the full set of construction drawings and possibly other contractors to actually do the installation. So these guys are here to get it from conceptualization to an approved project.

Emily Mann: RBI is the structural manufacturer that hires directly, so we have a lot of people collaborating together.

Nipun Jain: I think it is a good point, but when you put your application together, the formal site plan application, you may want to put a list of who people are.

Lorri Krebs: That way, people can tailor their questions accordingly. Obviously we can't ask one person a question about something if they are not doing that part.

Lars Johannessen: A couple questions, one is to Nipun, and that is this was two separate parcels. Have they been combined? Meaning you had Titcomb Landfill, and you had the truck stop.

Karen Solstad: But the truck stop isn't included in this plan.

Nipun Jain: So what you are seeing in the pre-application is just one parcel, which is the Titcomb landfill. The truck stop is not part of it. That may be more illustrated when we go to the next agenda item. You will see that it is a separate parcel.

Rich Jordan: Actually, that reminds me of another piece I need to mention. We are actually going to be using the truck stop land during construction. There is no place for access off Martin Road or Hunt Road. So it will be a nice place to put construction equipment and maybe put a construction trailer and porta- john there. This little temporary access road we show, we'll put in a culvert and cross over the storm water drainage here. But that is our proposed temporary construction access point.

Ted Semesnyei: I think it would be helpful if we could have all those files and things you presented sent to us, to have on hand for next time.

Nipun Jain: A couple of things I'd just like to mention to the PLB: the key component of this formal application will be, which you need to provide to the applicant right now is 1. there is a requirement that they prepare in the formal application is how this facility will look from different vantage points. I believe they have provided photos of what the current site looks like from different public areas. So that is one aspect that you should provide some guidance to the applicant. 2. that they are working with the fire dept. on emergency access, which is the second most important point in the application that they will be submitting. I haven't had much info on that, but my guidance to the applicant has been to follow pretty much the same emergency access plan as was approved by PLB for the other solar facility on Waste Management's property. So if they can take anything away from the PLB today is, where would you like them to prepare the images of the proposed facility to satisfy that requirement.

Rich Jordan: That's a good point. Right now, we have a person in our TRC Boston offices who is a visual simulation expert, that is what she does. She does a lot of wind power projects. She has to build a base model of what it is going to look like based on the engineering design. They were able to get out before the snow in December, so we have existing condition photos of no

snow. But we are constrained on this site with what we can do for screening. In terms of visual stimulation and thinking about where you want to see the project from, that's pretty important. You will be able to see some of this from the road, we can't mitigate that. We can't hurt the cap, so we can't plant trees, there will be a fence per safety code, that will be a ballasted fence, to protect the cap. You can't really see the site from Summit Avenue but you can from Hunt Road but it is fairly flat and high. The biggest change in view would be from Martin Road, where there are three houses here, a house here and a house here. This is a business, an electricians office. So I'm thinking simulation that way and simulation that way, focusing on Martin Road, which will have residences most impacted by the project.

Ted Semesnyei: So we look forward to getting electronic versions of the latest information. And we can feel free to pass along comments to the planning office, which will compile them and send those along. Thank you.

ZONING AMENDMENT, #2016-013

TO MODIFY EXISTING RENEWABLE ENERGY DEVELOPMENT DISTRICT (REDD) BOUNDARY

ACTING PETITIONER: Kenneth Gray.

Nipun Jain: Mayor Kenneth Gray is acting petitioner seeking to ask the city to vote to amend the existing zoning bylaw and overlay map of the city of Amesbury as follows: zoning amendment seeking to modify the existing renewable energy development district boundary to include specific parcels not currently included in the overlay district and to make modifications to the provisions of Section 2 and Section 11 Part S of the Amesbury Zoning Bylaw. So I will be representing the city in this tonight.

Nipun Jain: The purpose is very clear. We are trying to incorporate specific parcels in the existing renewable energy development district. The purpose of using the overlay district in the first instance was to allow the continued use of existing uses and the existing zoning on those parcels to be effective. Using the overlay district model, it is a superficial layer of additional uses or constraints, as the case may be, for those specific affected parcels. In this case, the city had adopted an overlay district for this purpose, which would allow the solar facilities. There was also a broad perspective for renaming it as a renewable energy development district at that time, because we were envisioning there might be other sources of energy that might come in the future. So we did not limit it to solar facilities only. But at this time, that section speaks specifically toward solar facilities. The purpose of restricting specific parcel at this time to be included was primarily to have an area that would be large enough, but not too large enough, that would require further look at what is the potential impact, where the opportunities are constrained for that matter. So I believe this is already in your packages, which is a map showing the boundaries of the existing overlay and the proposed extension. Just to clarify, the map that I just passed around shows the red as the current extent of the overlay district and the properties shown in the yellow are the specific parcels that are going to be incorporated into the extended or expanded overlay district. One of the requirements for any of these properties to be used in the overlay district is that it should be a minimum of one acre. So predominantly, the larger parcels in the proposed set of parcels is the city of Amesbury, one is the Titcomb landfill and the other is the Trader Alan's truck stop, which are basically 87.2 and 98.11 are the two parcels. Actually, there is one more, which is 87.6 A. The other properties are either privately owned or are part of the state right of way. 87.3, 86.1, 98.12, those are non-conforming uses in an industrial district. That is the underlying zoning. 98.13 is a junk yard, and I don't believe that lot would qualify for

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this solar facility use. So by incorporating these parcels, we are not necessarily taking away any of the existing rights or the use of these properties. In fact, if an opportunity arises, some of these parcels could be used along with the city's intent to use the Titcomb landfill for solar facilities. That is the premise of including all of these parcels, and also to make a more uniform overlay district as it would combine with the existing boundaries. That is the purpose and goal with the parcels being included in the proposed expansion of the overlay district. The other component of the zoning amendment that we have proposed is to revise the definition of the open space and to add some language to the development and performance standards in the existing zoning section. I'll go as it is presented in the zoning amendment document: Section 2 definitions, we are proposing to add two words to the existing definition, which are structures and walkways. We wish to include those words. Given that the way buildings have been defined in the zoning bylaw, they don't necessarily address structures such as solar panel arrays. In order to arrive at a definitive value of lot coverage, and building area and calculations for open space, it was necessary to either define very specifically what structures would meet in the context of solar facilities, or to simply clarify how you would arrive at the calculations for open space. In the last, there has been some discussion on walkways, whether they would be considered as part of open space or lot area, so again, this was primarily to be very clear and explicit about what would be used for the calculation of open space. This has also gone before the ordinance committee and they have made some changes. I purposely did not bring their recommendation here just so that you can see what you have as an original proposal and if you have other suggestions, then we can combine them into the recommendation. Moving on to Section 11 S5, general provisions, subsection 2.C: the proposed amendment says that the required maximum lot coverage (no definition for such thing, but intent was to expand lot coverage in certain situations). This amendment seeks to do is to say the required minimum open space area may be reduced by 50% provided the proposed facility (new addition here) only in the incidence of post closure use as a solar facility on an existing landfill. The PLB may further reduce the minimum open space area pursuant to additional requirements for screening, setbacks, and hide along abutting property boundaries. So the intent of this language is to essentially allow flexibility to a proponent and to the PLB in how these panels may be located, but if the overall role is also to provide some buffers to abutting properties which may be residential use or certain specific commercial uses or office space, then this would allow the PLB to evaluate specific instances. Another section that is being added is: for the purposes of this section, the total area on the lot occupied by the solar panel arrays shall be considered as building area and used for building area calculations. The next amendment is to the development and performance standards, and we are adding : #7 Landfills and Post Closure Uses: In the case where the solar facility is proposed on an existing landfill, the project shall require a post closure use permit from MaDEP showing compliance with the requirements of 310 CMR 19.143 and post closure use of landfills. The proposed project shall : 1. not result in a disturbance of the landfill cap that could cause an adverse impact on public health, safety or the environment. 2. Not impair the integrity or functioning of the final cover, the components of the containment system, the landfill gas control system, and the environmental monitoring systems, 3. Provide for the maintenance of the landfill caps storm water drainage facilities, basins, swales, and other erosion sedimentation controls. These are taken from the recommended standards by DEP when you have solar facilities proposed on landfills. These are not something that we have come up with, but these are DEP recommended guidelines for such facilities. We believe they are good guidelines and should be incorporated as standards in your review criteria. That is the extent of the amendment we are proposing. Our

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primary goal in introducing this language was to clarify open space calculations, building area calculations, and how solar facilities on landfills shall be reviewed and evaluated in terms of performance standards.

Karen Solstad: For the amendment add under 11 S5, C says the required minimum open space area may be reduced by 50% provided the proposed facility. Would that be ... you have here as an amendment section or paragraph four, are there other...

Nipun Jain: Yes there are, and I'll read them to you: They are 1. does not result in significant loss of land and natural resources, including farm and forest land, 2. is located on vacant disturbed land, including brown fields, 3. does not require significant land clearing and changes to natural topography, including earth filling or removal.

So this was geared towards green fields. This is more specifically land fill situations.

Now, the process from here is, if you do not have any other changes and you approve of the changes, then you can recommend approval as presented.

Motion by Robert Laplante that we recommend adoption as presented. Motion was seconded by Karen Solstad. AIF.

Motion by Lars Johannessen to close the public hearing for Zoning Amendment 2016-013.

Motion was seconded by Lorri Krebs. AIF.

ADMINISTRATIVE:

**277 ELM STREET – AMESBURY ANIMAL HOSPITAL
REQUEST TO RELEASE SITE AND EROSION BONDS RELEASE
REPRESENTATIVE: MR. COURTNEY CAMPBELL, CMP, INC.**

Nipun Jain: This is the request to release the current performance bond and erosion control bond funds that are being held by PLB on this project. At this time, your consultant, Horsley-Witten had visited the site again after the first time to review, and I believe they found that things are in order and had been fixed. On that basis, the ConCom did issue a certificate of compliance, a copy of which was included in your packages, and I believe at this time, at least there is no observed erosion issue or any other performance issue that comes to my attention. It has been more than 2 years since the project was completed.

Karen Solstad: Have they done the landscaping? A lot of the plants were dead this summer.

Lars Johannessen: And the grass planting?

Nipun Jain: For how long will you babysit the projects that are approved by the board, if their plants die or if the plants are not replaced? That is a matter of enforcement. If you do not catch it in the first 6 months of occupancy is issued...

Karen Solstad: They were notified and we took photographs of all the dead plants, trees that were planted that were sideways along the ground. Totally dead bushes... to me, its not about babysitting them a long time, but we brought it to their attention.

Nipun Jain: I agree, but there is no enforcement arm of the PLB that can go about it. You don't have to worry about that component. You can just say that you still observe things that are not in compliance with our approved landscaping plan, and based on that issue, you can indicate what you can release and not release. We can talk about that later, as it is a general issue. We need to identify a path going forward as to how you are going to address this issue. It is important. There should be some continuity, and the bond is the only mechanism that we can do it. But my

frustration is that because we don't have the enforcement capacity, the only thing I can do at your behest is inform the applicant or the enforcement agency that this is not up to the mark.

Ted Semesnyei: So you're saying our current regulations, we can't do more than what we want?

Nipun Jain: Both on regulations and...

Robert Laplante: Is the landscaping considered part of the erosion control?

Nipun Jain: There is a fine line. If it is within the jurisdictional areas of ConCom, then yes. It can also be part of the storm water management, if it is in a swale or a bio-retention area. But if it is outside of those two pertinent areas, then it is typically considered landscaping. That was the issue that Lars and Karen had pointed out earlier, that the grass wasn't growing on the slopes of the detention basin, the swale was dead, the plants in the back or the side swale were not planted properly and were falling apart.

I asked Horsley-Witten to check, and they said it was fine. So I didn't go out and verify that. My hands were further restricted by the fact the ConCom issued a CoC. So if they issued a CoC, I have considered that by delegating that responsibility to evaluate what is within their jurisdiction area, because they have the capacity and the responsibility and the right to enforce, I can't do much. It may not be what we want to see, but I don't know how else to do it.

Robert Laplante: I understand what you're saying, but there are a couple ways you can approach it. You can do away with the fact that we even require stuff like that, because if it can't be enforced, why are we devoting time and resources to it. Or 2, you can do what most people do, is insert an enforcement mechanism. If they are putting up their money to do some work that we required, and they don't do it, I think that logic dictates that there be a mechanism set up that that money doesn't go back to them until that work gets done. If they never do the work, they don't get the money.

Nipun Jain: The bond is a very different animal, and you can spend a lifetime getting it from that proponent, even if it is cash. The lessons that we have learned and built our future course of action, I think Cedar Street is a good example... the apartments that were approved. The PLB put your foot down and talked about how the sidewalk was not done properly, the landscaping wasn't done properly, and you refused to release. But what was one key component is, that we documented the facts with photographs and very specific aspects as to why the PLB will not release this. I think in this case, that was lost, where we did not have photographic or some other sort of very definitive evidence to say that this is the reason why we cannot release. It is hard to put in words that gets the message across. Horsley-Witten said it is done. If they say it is done, there is no photograph to say to the contrary.

Lars Johannessen: Horsley-Witten did have some photographs of things that were addressed, but the front lawn still looks like a gravel field. There were dying trees.

Nipun Jain: My suggestion to you is, there are no erosion issues now, so you could release the erosion control bond. Then you have the performance bond, which pertains to some of those issues that you are talking about. Depending on what you feel is justified, you can release all but \$10K as a penance until you fix it in the spring. So the recommendation from staff at this point would be, based on the CoC being issued, to release the erosion control bond in the full amount of \$17,823 and, based on current site conditions and the lack of landscaping, to retain \$10K from the performance bond and release the \$7K and change,

Motion was made by Scott Mandeville of "so moved". Motion was seconded by Lars Johannessen. AIF.

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Additional Note from Robert Laplante: If the PLB has to approve signs, and we do that, but the sign we approved never gets put in there and they put in something else, again, is there an enforcement mechanism, like the building inspector?

Lars Johannessen: He is the enforcement officer in charge of sending them at least a letter notifying them. But we have gone this route for years, trying to go to Denis and at least getting a letter sent.

Robert Laplante: I make a motion that the PLB notifies the building inspector that Amesbury Animal Hospital's sign, which was authorized by PLB on such and such a date, is yet to be built, and there has been a temporary sign on the site for a year or whatever the time is. Motion is seconded by Scott Mandeville. We have 6 yes votes and 1 no vote (LJ).

Nipun Jain: What I would suggest is that you create a standard form from the PLB on such matters, which then could have specific topics that we can fill in right at the meeting. "This is a letter to, for this project, etc. These are the issues that have come to the attention of the board."

Nipun Jain: The motion by Robert is hereby amended to set up a standard form from the PLB which would outline what, if any issues that are observed either during construction, after construction, or once the project is completed, with regards to non-compliance with approvals made by the board. So the motion should say: the PLB will work on the appropriate letter and procedures for notifying different city depts. for matters of non-compliance with projects approved and in existence.

Scott Mandeville: I'd add one item to that motion: that as we have a standard form that is being carried to be distributed to different different people that we keep a log of open items that we can review and make sure they are tracked down and taken care of in a timely manner? So if in 3 months, we've sent out 20 letters and we've gotten 2 acted on, we know that we have a outstanding balance to be taken care of.

Nipun Jain: These are the kind of things that are great, but you should probably do that as we discussed two weeks ago in your operational manual. You can have an operational manual on these things, which doesn't necessarily become part of your Rules and Regulations, because it has nothing to do with applicants, necessarily, or very little. And then you can just reference "this matter be acted upon pursuant to whatever your operational manual says." It may be worth investing the time, even if it in an e-mail, and we can create an operational manual on this matter.

Ted Semesnyei: Would it be helpful to charge people with homework to list issues that we have in terms of operational procedures, that everyone starts putting it down on paper, individual thoughts, and we can start from there.

36 HAVERHILL ROAD, AMESBURY HEIGHTS WILLIAM SCOTT, DIRECTOR, COMMUNITY AND ECONOMIC DEVELOPMENT.

This agenda item was skipped due to more information still needs to be obtained.

DISCUSSION REGARDING SECRETARY ROLE ON PLANNING BOARD NIPUN JAIN, CITY PLANNER:

Discussion took place on several issues to try to bridge the gap or the continuity between the board members and the staff, and to sort of see how that leads to more efficiency at the meetings.

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We've heard things like late delivery of materials and information, e-mails, bills, signs, and other things that could be handled much better. I did review some of the other PLB organizational set up. It is not a common thing. It is usually up to the secretary that the PLB hires that acts as the bridge between the board and the staff. But that doesn't mean that you can't have someone on the board that can do that. If you decide to have that position on the board. It may be worth thinking if that's the direction you want to go in, and if so, what is the job description, what is it that person will do, and will that be helpful to you. When we do formalize your Rules and Regulations, we can certainly incorporate that because you will have voted on it. That's why I don't have anything for you, but I do have a hand out, which is on "How to Conduct Public Hearings." It may outline some of the key issues that you guys talked about and would like to address. Then I have another hand out which is a Site Plan Review Checklist, which is a summarized version of all of the Performance Standards that we have currently. This sort of directs the attention of the applicant and the board on what to focus their debate and questions on. We'll try to make it more succinct. Maybe make bigger categories, then you can have specific questions. Part of the goal here is if we can keep a running log on these specific issues as we go from one meeting to another, and screen information and screen the discussion based on this, then it is easier at the end of the hearing to say, "Ok, we have ten items, five have been addressed, two are somewhat addressed and the remaining have not been adequately addressed. Either you can focus your discussion on those issues or render a decision based on outstanding issues...or, render a decision with conditions that may address those issues. If you focus our dialogue, our debate and the attention of the applicant, like today on Lake Attitash, even though that was not a site plan, but if it can help you... there are 7-8 criteria that you can focus the applicant to address. When they were talking about this building here, we actually moved it, never mentioning any numbers, and the PLB tried to bring them to the point. Is it impervious or pervious, what is the setback, how far are you, etc. It needs to relate to that specific standard. So if you go through framework on criteria and issues you want to get out of the special permit, it might help in your public debate, and then you can have a miscellaneous section too. You can certainly write all of those questions that you can think of, then say to the applicant/representatives to answer them, vs. two questions that you get to ask. That's it. I'll send this to you electronically.

A lengthy discussion / debate ensued between Robert Laplante and Nipun as Robert wanted clarification as to why we are going this route with pre-application conferences and how it will make the process better.

Ted Semesnyei said he'd find it extremely helpful if PLB had some sort of outside consultant that could come to a meeting or two of PLB, give us feedback on how we conduct our meetings, and compare it to other PLB meetings in the state. It'd be even better if this consultant had a more full review of all of our procedures, documentations, etc. What are we doing compared to other PLB meetings elsewhere.

Nipun Jain: Unfortunately, we don't have applicants who really focus their discussion that helps the PLB make an informed decision. So I think our goal here is to have a standard format of meetings, presentations of what we want to discuss. If we can standardize that, I think that will help both sides of the table, what is expected and how we can make it more efficient. So this is just a starting point. If you think this is a direction that we would like to go, I can further help and work with different members on how we can address your specific concern and build upon it. That is the goal.

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Karen Solstad: I think a checklist is good because some projects go on and on for quite a bit, that, all of a sudden when we're getting down close to the end, it's like " oh, we had asked the applicant some things, like where is the storage area going to be for the dumpsters or whatever.

Nipun Jain: You could just add columns to it and put in the date of the meeting. You can check it off in your own book, yes I'm ok with it or not ok with it. If that issue continues through three meetings, then you can say time out, we have these seven issues that you've not addressed and we've been asking for it for the last three meetings, sorry, I'm at a loss. Why are we even here? Then you would have 7 people with the same checklist and the same responses as you, you have standardization.

Ted Semesnyei: I think this is a good start, and if we all put down our top three concerns, bring them next time or e-mail them to staff, that would be helpful on continuing moving along this path.

Motion was made to adjourn by Robert Laplante and was seconded by Scott Mandeville. AIF.

Meeting adjourned at 9:27 PM.