

**City of Newburyport
Planning Board
September 15, 2021**

The online meeting was called to order at 7:00 PM.

1. Roll Call

Planning Board Attendance: Alden Clark, Bob Koup, Rick Taintor, MJ Verde, and Don Walters

Beth DeLisle arrived at 7:21 PM

Absent: Anne Gardner, Leah McGavern, and Bonnie Sontag

Planning & Development Committee and Committee of the Whole Attendance: Jared Eigerman, Heather Shand, Christine Wallace, Barry Connell, and Jim McCauley

Andrew Port, Director of Planning & Development, and Linda Guthrie, note taker, were also present.

Vice Chair Rick Taintor opened the Planning Board meeting. He described how zoning changes are made, and the obligatory role of the Planning Board. He had heard some comments that the Board shouldn't be talking about this. But under state law, as long as something is given to the Board by the City Council, we have to hear it and they can carry our recommendation forward to the City Council. There was a site walk last week and this is the 2nd public hearing.

Chair Heather Shand opened the Planning & Development Committee meeting. She said part of the public hearing process includes comments from the public.

2. Joint Public Hearing with the Planning & Development Committee and Committee as a Whole

- a) Allow Wind energy Conversion Facilities (wind turbines) by Special Permit within the Old Route I-95 Right of Way / Access Road on the East side of present day I-95 (Assessors Map 94 Lot 3)
Continued from 8/18/21*

Director Port described the existing zoning for wind turbines by ZBA special permit in the business park and the old Cabot property. The special permit addresses the impacts. The Conservation Commission approves anything near resource areas or wetlands. There are minimum setbacks/buffer zones on maps and setback/buffer zone requirements in the wetlands regulations. He demonstrated the existing wind turbine zoning districts and the proposed area in the Agricultural/Conservation district on a map. Oleo Woods and Russell Terrace are at one end of the site. Wind turbine setback requirements include 300 ft from any residential zone, 150 ft from any property line, a clear area where no habitable structures can be. That radius around the tower has to be equal to the highest point of the blade. The maximum blade height above grade is

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300 ft. There is a provision in the ordinance, which has been here on the books for some time, allowing the zoning Board of Appeals at its discretion to allow up to 400 feet, based on its review of the impacts. The setback from residential structures is 3 times the hub height.

Director Port reviewed the ZBA criteria for a wind turbine special permit, including review & mitigation of potential impacts, such as shadowing/flicker, noise, lighting, landscaping, before/after sight line comparison, and a balloon or crane test. These are posted on the website with the proposed amendment and other related materials. The wind turbine proponent has the burden of proving that the project does not have a significant adverse impact on neighboring or adjacent uses.

He displayed 3 maps showing all overlays of buffer zones, setbacks, sub parcels, trail networks, and a best estimate of the extensive wetland resource areas to get an idea of the Conservation Commission jurisdiction without calling on a wetland scientist. As an example, he showed that a 300 ft wind turbine would have a 900 ft buffer from residential structures to demonstrate how restrictive any installation might be in the future.

Councilor Shand asked to see the overlay of all 3 maps and asked where the boundary for current zoning is. Director Port re-displayed a map showing the total be L-shaped area that would be approved if the amendment passed and reiterated the deed restricted area. Councilor Shand observed there was not too much land available.

Beth DeLisle asked about the setback waiver in the current ordinance. Director Port said the ZBA can waive the any of those dimensional requirements as long as impacts are addressed.

Don Walters asked to confirm that the Conservation Commission has the ability to either reduce or increase the minimum buffers and setbacks. Director Port said there is a jurisdictional 'no disturb' area they can review and condition work within. Mr. Walters confirmed that the Conservation Commission does not have jurisdiction outside of the areas shown. Director Port said correct.

Rick Taintor said that the Board had received many emails and letters which will be part of the public record and posted to the website.

Councilor Connell, amendment sponsor, said the 25 different issues that emerged from residents fall into 3 categories: environmental/quality of life, planning issues, and economic impacts. With respect to environmental issues, the National Audubon Society would not support wind turbines if they killed birds. Turbines are no more harmful than all tall structures. Wildlife is adaptable and return to an area after a disturbance as proved by a population dynamics study he participated in as part of his professional training. Turbines are supported by the Sierra Club, National Resources Defense Council, and the National Wildlife Federation, among others. There is no proposal or requirement to clear cut all vegetation in the corridor. He does not support doing that. The permanently disturbed area is a pad about 40 ft sq. Vegetation would have to be maintained and kept back from the rotor tips, trees would have to be trimmed back. He supports a turbine of about 500 megawatts that would occupy an area between 1/3 and 1/2 an acre which is comparable to a normal home construction site in Newburyport. The continuously and

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permanently disturbed area would be a concrete pad about 400sf under any turbine. It would have deep footings and care would have to be taken for impacts to wetlands. The loss of carbon absorbing vegetation is offset by the carbon displacement. According to Sandia Labs, the ration of the amount of carbon not placed into the atmosphere to the amount of carbon sequestration for every turbine is about 30 to 1. He's not aware of any studies to support the claim that fumes of carbon dioxide and carbon monoxide from the highway would increase, particularly in winter. Wetlands are a significant constraint. The best location is probably ½ a mile up the access road toward Hale St.

Councilor Connell said quality of life issues include visual impact. Residences closest to turbines could see them if their home is not shielded by the tree line. That will require some study to be conducted and there's no avoiding that possibility. The Mark Richey turbine seen alongside the Newburyport skyline juxtaposed to the historic steeples is pleasant to him. It's a subjective consideration. Flicker is an important issue that was inadequately taken into consideration with the Mark Richey turbine. It depends on the orientation of the turbines to the east-west axis of sunlight and this site will be scrutinized for flicker impact during any planning process. There is no getting around that these are tall structures. A 500 Kw turbine is almost 296 ½ ft tall. As to noise, 43 decibels can be detected at 300 meters from the average 500 kilowatt turbine. The turbines would be visible from the trail but would not prevent the use of the trail.

Councilor Connell said planning issues include consideration of how electricity would get to the grid. The best direction is at the Hale St. end, and probably best put underground. Assembly and construction time would not take years. It takes 2-4 weeks to assemble a 500 kw turbine after the pad is installed. The traffic impact includes construction vehicles coming in and out of the site to pour concrete and bring in the tower and the rotors, and the possibility of a crane to set up the turbines. One comment on traffic distraction said traffic drivers would drive off the road on I-95. He knows of no evidence that this could take place. You can see turbines near the highways in Hull and Quincy.

Councilor Connell said economic impact comments included some that claim the payback is years or never. It takes between 5-8 years to recover the cost of development before paying the benefits to developers or the City. The wind pressure determines the turbine output. The typical coastal environment is between 29-40% able to drive a turbine. That's the capacity factor. The payback is on the longer side for one turbine and then for multiple turbines. The City doesn't own any offshore rights so that is not possible to consider. The FAA would have something to say about placing turbines along Plum Island Turnpike, and most of the land is in Newbury and privately owned.

Councilor Connell said a contractual relationship with a developer would ensure the turbines were kept in good working order. Generally speaking, turbines do not throw off ice in this environment. In early years of development this was a problem, but not anymore. The fall radius around the turbines is not an issue. Contrary to comments about who will profit, it will not be him. It will benefit all residents to have clean, cheaper electricity. The developer makes money. How long the lease would be is based on negotiations with the developer that has the permit. The typical lease to get financing is 99 years.

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Councilor Connell said that it is troubling, having walked the site, to see there's more wetlands that we imagined. He didn't know if damage to wetlands could be avoided during construction and it's a serious constraint for this site. Flicker impact to residents could stop a project if that is projected to be trouble based on an analysis. We'd have to figure that out. It's not a good use of anyone's time to get developers to bid if we don't think anyone will bid. A developer he spoke to would not consider a project for less than 3 turbines because of economies of scale. Property values are a difficult issue to address. Studies have shown a 9-13% depression in property values within a quarter mile of a turbine. We can't ignore this completely. This is not an ideal site, it has constraints, but if not this technology, what technology? If not here, where? If not now, when?

Public comment open.

Adam Forest, 9 Richardson Path, is opposed. There is little to no land available for use for turbines. Folks proposing this were unfamiliar with the trails and the conservation area. The proposal makes no sense and is a waste of time. There's great land already zoned for this proposal. He suggested speaking to the residents about their backyards first.

Dan Lane, 2 Richardson Path, is opposed. Safety of children during the 2-4 weeks of construction is a concern. There is plenty of wildlife there. You would potentially have to cut down all those trees to get a 5-8 year ROI. That a study on the increased emissions from the highway has not been done is not good enough for his family. He wanted to speak with any developers the City spoke to about the site. Does the economic impact include reimbursing the people affected by reduced property values? It seems like a rushed process with Councilor Connell retiring. If this goes forward, his HOA will hire an attorney.

Jason Gousse, resident, is opposed. He supported previous comments about lack of space and constraints on this site for wind turbines. The proposal and the process around the proposal presents a conflict of interest where we would have to engage people who have a vested interest in the success of any study. We may want to look at engaging an independent consultant doing the study to be sure it's unbiased. No one is opposed to green energy. He is concerned about the singular focus on this one particular proposal without looking at a host of different alternatives, and verifying and validating them on their own merits, and then selecting the path forward that works best for the entire community.

Mark Menery, 5 Moore Road, is opposed. There are no facts, no data points, and no true science here. Councilor Connell's proposal was nothing but subjectivity. That his issue. We're all for clean energy. Our environment is the most important thing we should care for. He looked to Councilor Connell to produce a better proposal for the City.

Jon Routhier, 8 Moore Road, is opposed. His issue is rezoning conservation land. The state highway regulations 3.10.3 say a turbine must be one and a half times the height of the turbine away from the highway, which clearly there's no room for or it would be in the wetlands. When Councilor Connell met with residents, he said he was not sure if there would be a benefit. Now he says it would be a benefit. He also says there are better areas for green energy, but it would take too long. Let's do it right even if it takes longer.

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Julie Warnecke, 3 Russell Terrace, is opposed because it is too close to residential neighborhoods. Usually, turbines are in wide open spaces. No one owns the water so how have other people gotten permission to put turbines in the water. It will destroy her neighborhood. A better regard for residents' property values and quality of life is needed.

Mark Neville, 16 Morin Road, is opposed. He agreed with his neighbors. Our ecological responsibility to better the environment is not a reason to hastily push a rezoning process that is going to harm currently protected land. Due diligence has not been done on other potential sites. There is no cost benefit analysis to weigh wiping out protected wetlands and forests against the energy provided. We need to look at other locations.

Dan Hedlund, 3 Richardson Path, is opposed. It is absurd to get a proposal like this from people who had ever stepped foot on this land. This issue is personal to everyone who uses the conservation land and who live in the neighborhood. We want to keep this land the way it is. There are other places.

Tara Seidel, 6 Morin Road, is opposed. She wanted clarification on what the equivalent energy of 1-3 wind turbines would be given that Mark Richey's covers only 60% of the energy his building uses. The Merrimack River has one of the most powerful currents on the east coast and is an option to look into. The Audubon Society's support of wind turbines is contingent on proper siting. This would not meet their definition of proper siting.

Public comment closed.

Alden Clarke asked where an access road to the site might be located. Councilor Connell said the old 2 lane access road is the right of way from Storey Ave.

Alden Clarke said given what the overlay shows, does it appear there would be room for more than one turbine in this area? Councilor Connell said it depends on the wetland delineation and constraints of your Board. Director Port said working with the existing buffers, what's left over still requires a Conservation Commission special permit. The potential is limited to possibly one, but there is no definitive wetland survey.

Rick Taintor said the setbacks are subject to ZBA waivers. The 150 ft setback from the lot lines for example is waivable. The buffer areas are where the Conservation Commission could allow something to happen. This map may overstate the restrictions within the area. The least restricted area is down toward the former Cabot building where there is an area of upland that is less restrictive and maybe least objectionable also. Cabot already has the allowance to have a turbine. Would it make sense to shrink the corridor to make it clear we are not planning to put this near the Oleo Wood neighborhood?

Beth DeLisle asked how the area where the roadway was previously altered would be treated. Would the Conservation Commission be looking to see if a wind turbine makes a greater impact on the wetlands than the currently existing road? Director Port said the roadway bed would be used for access. Whether a turbine could be placed on the roadway or not would be a matter of public access.

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Councilor McCauley said the cell tower will have radio frequency issues with a wind turbine. If pushed down toward Cabot the highway will be covered with flicker from dawn until 10:00 AM and flicker in the Doe Run neighborhood in the evening. He is not ready to throw away the diversity of this area we've cultivated for 20 years. The disturbance will impact the neighborhood. Chair of AMC and Sierra Club opposed the offshore turbines. Their statements said the development of open space has more of an impact on removing carbon. The City is not in the energy business. If we were, we should take back ownership of the solar panels on the schools. The City gets a credit on what the developer can sell. We trade the use of our open space so someone can come in and make more money than we do, and we have to live with the consequences. One neighborhood is extremely inflamed. This highway buffer is a critical wildlife habitat. It's the wrong spot for this technology. It's dangerous that we can feel that we can rezone conservation land. The residents of Ward 5 have nothing to gain.

Councilor Wallace said she supports green energy, credited Connell with his efforts and knowledge, but does not support dedicated open space for this type of project, especially in a sensitive area with recreation, sensitive land, and wildlife. If it will impact the quality of life for many people, she cannot support it. The deed is a little tricky regarding the buffer area adjacent to the highway. The deed says it shall be expressly maintained as open space and open space only by the City of Newburyport. The other section, where the trail is, is not in the deed but grants have been given to enhance the recreational trail. Article 97 is a designation by the state that there are certain lands that must be open space. Approval by state legislature is required to change the use of article 97 land. The state understands the value of open land. Newburyport's space is sacred and encroachment on that is a hurdle to go through. She doesn't support this proposal and is open to looking at other areas.

Robert Koup said it's a very constrained site with limited opportunity and development costs might not align with any potential development. The broader context is where in Newburyport do we see green energy generation as a benefit to the City. It would be worth looking at a case study to see the specifics of the economic benefit. He agrees there is no upside for the neighborhoods that abut this site. The economic benefit is questionable.

Councilor Eigerman said he doesn't support the amendment. He acknowledged residents' anger and distress and assured them they are being heard. There aren't any ulterior motives. The site will not benefit the overall community. Two of 3 councilors on the Planning & Development Committee are not in favor. For this proposal to bring about allowing turbines on Agricultural/Conservation land, and then narrow it down further to this particular agricultural conservation area, is a high bar. We haven't done everything else that we could do ahead of considering allowing wind turbines in an Agricultural Conservation District, specifically the old I-95. He didn't think it served the benefit of the overall community.

Jared Eigerman made a motion not to recommend the proposal to Allow Wind energy Conversion Facilities (wind turbines) by Special Permit within the Old Route I-95 Right of Way / Access Road on the East side of present day I-95 (Assessors Map 94 Lot 3). Christine Wallace seconded the motion, and all members present voted in favor.

Motion Approved.

Don Walters made a motion not to recommend the proposal to Allow Wind energy Conversion Facilities (wind turbines) by Special Permit within the Old Route I-95 Right of Way / Access Road on the East side of present day I-95 (Assessors Map 94 Lot 3). Alden Clarke seconded the motion, and all members present voted in favor.

Motion Approved.

b) Amend VII-A (Off-Street Parking Regulations) to address the grandfathering of lawfully existing off-street parking deficiencies for existing structures and uses

Rick Taintor said the proposal amends Section VII of off street parking regulations to address the grandfathering of lawfully existing off street parking deficiencies for existing structures and uses.

Councilor Eigerman, sponsor, said this is an attempt to clarify and restate the existing law to what he believed the majority of City Councilors thought was the existing law. In 2017, during an amendment to our downtown parking regulations, we debated whether to impose a fee if there was a parking shortfall downtown if a business or other land use was with proximity of a municipal parking lot because we had just built a parking garage. Back then, there was no parking requirement. We don't want to tear down buildings to make room for parking. The council did not approve the 2017 reform until it was clarified that existing businesses are grandfathered. But we have had instances where a retail space is converted to a more intense use, like a restaurant, which is allowed. They only have to provide parking for the incremental parking and pay a fee. Loretta's is exempt because they converted before 2017, and they carried forward an existing deficiency. The purpose of the amendment is to clarify that. He wants to remove all doubt because it's the way we've all assumed things are being done.

Rick Taintor said the idea of deficiency could also have to do with dimensions of a parking space. Councilor Eigerman said a few grandfathered businesses don't comply with the letter of the law on the dimensions of parking spaces. The O'Brien Building has parking in an isolated court behind the building, but he has no idea if the spaces meet dimensional requirements. If it was converted to a more intense use, the proposed ordinance clarifies that we would not penalize them for undersized parking spaces, only the incremental space needed.

Alden Clarke asked how the language should be interpreted if a building is expanded. Would only the added area be calculated or the entire space after the addition is made? Councilor Eigerman said we don't lose the ability to carry forward a grandfathered deficiency. They are grandfathered on everything but the extension erection or enlargement, which is language he worked on with KP Law, the city solicitor.

Don Walters asked why we don't need to say something else about the different use and the incremental impact. We are silent on the use. Councilor Eigerman said the use has to lawfully exist on the site. He will work with KP Law to further clarify that. You're only allowed to carry

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a lawful deficiency forward, that's what is protected. If you enlarge or erect more, you don't lose the lawful deficiency. Maybe he should say parking requirements apply to the incremental increase.

Rick Taintor suggested adding 'change of use' because that would clarify it. Councilor Eigerman said after the word enlargement add, ", or change of use" at the end of the new language. Councilor Shand suggested deleting the "or" before "enlargement." Councilor Eigerman added, "of the structure or change of use." He would run it by KP Law.

Beth DeLisle said you're referring to in the beginning, that for any structure or use that is existing then, it may be carried forward for "the structure or use?" Councilor Eigerman said you're carrying it forward for the lot. He needs to confer with KP Law to get the language clear. But there's no disagreement about the intent.

Public comment open.

Public comment closed.

Don Walters made a motion to recommend adoption of the proposal to amend VII-V (Off-Street Parking Regulations) to address the grandfathering of lawfully existing off-street parking deficiencies for existing structures and uses, subject to clarifying language. Beth DeLisle seconded the motion, and all members present voted in favor.

Motion Approved.

Jared Eigerman made a motion to keep the proposal in committee the proposal to amend VII-V (Off-Street Parking Regulations) to address the grandfathering of lawfully existing off-street parking deficiencies for existing structures and uses, subject to clarifying language. Christine Wallace seconded the motion and all members voted in favor.

Motion Approved

Jared Eigerman made a motion to retain this in committee until such time as we consult with the City solicitor. Christine Wallace seconded the motion and all members voted in favor.

Motion Approved.

Christine Wallace made a motion to adjourn the Planning & Development Committee meeting. Jared Eigerman seconded the motion, and all members present voted in favor.

Motion Approved.

3. Other Business

a) Leavitt Court (2021-01) -- approval of covenant and plan endorsement

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Attorney Lisa Mead, Mead, Talerman, and Costa, LLC, 30 Green Street, on behalf of Caswell Development, requested endorsement of the final subdivision plan along with the covenant for the property. Plans were approved by the Board consistent with the decision. The one thing left off that has been added is the location of the trees.

Rick Taintor asked about the timing for a written easement document to the City. What leverage does the City have at this point? Does the document have to do with the special permit as opposed to the subdivision? Attorney Mead said the easement has to be placed on the property prior to the declaration of the condominium so that everything is subject to it. The City will have the easement before the 1st occupancy permit is issued. She would return for a release of the covenant for the first unit.

Beth DeLisle made motion to accept the proposed performance guarantee in the form of a covenant and to sign the Mylar plans for the subdivision at 21-25 Hancock Street, file number 2021-DEF-01. MJ Verde seconded the motion, and five members present voted in favor. Alden Clark is recused as an abutter.

Motion Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

b) Evergreen Commons (2017-DEF-01 and 2017-SP-05) – request for minor modification

Attorney Lisa Mead said they previously spoke to the Conservation Commission and Board about the portion of land owned by the developers to be conveyed to the City Water Department to help enlarge the distance around the well. She demonstrated the area on an overview of the subdivision. The Conservation Commission is concerned about how that separation is delineated. There was a request for a fence along parcel A. The owners had concerns about a fence in the middle of an area that has to be mowed. The fence location along the tree line was determined in a meeting with Director Port, the developer, the Water Department superintendent, Julia Gotfredsen, and Attorney Mead. The developer agreed to do it at significant expense because it's a long property line. The first minor modification is to install the fence that is already on order.

Attorney Mead said the second request relates to the Garrison Trail. She demonstrated on a plan the Mass DOT land, subdivision land, and the connection they were not able to obtain permission to make. She received the 3rd round of comments on the Conservation Restriction (CR) from the Commonwealth which can now wrap up in short order. To do the final as built plan she needs the easement area delineated so that it can be shown on the plan before it's finalized and recorded. The minor modification is a request to reflect that the connection need not be made by the applicant, and that the easement be granted in its stead and this easement plan become part of the record. The applicant will provide an easement document similar to what we

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talked about with the trees. She made an adjustment to include that in the CR. The Commonwealth made a comment on the CR that we need to have this easement area approved and delineated.

Rick Taintor asked whether the City has right-of-access from the edge of easement to the road? Attorney Mead said yes.

Don Walters asked about item #5, “ No liability shall be sued by the grantor for a maintenance easement, ” Is it a typo? Attorney Mead said she had not drafted an easement and was unsure what he was referencing.

Rick Taintor explained if the City takes advantage of the easement and something happens, they cannot go after the HOA. Attorney Mead said it’s taken from a couple of other easements such as the Towle development walkway along the private property that has been turned over to the City via an easement. It means the developer doesn’t take responsibility for anything the City does in connection with this area. It should be construction maintenance and access easement. That’s an error. She drafted some language

Rick Taintor presented modifications to the OSRD decision. Each of these will be referenced with the plans that were provided to us over the past few days.

- (1) In lieu of constructing a trail connection between the internal trail system and the Garrison Trail as depicted on the approved OSRD Sketch Plan, referenced in the Board’s findings in the OSRD Special Permit decision, and incorporated as a Special Condition of said OSRD Special Permit decision, the Applicant shall:
 - (a) Convey to the City a permanent construction, maintenance, and access easement, in a form acceptable to the Director of Planning and Development, over the area shown as the Easement Area on a plan titled “Share Path Plan & Profile View” prepared by Design Consultants, Inc. dated June 16, 2021, rev. 9/14/21/
 - (b) Provide the City with CAD files acceptable to the Department of Public Services for the “Share Path Plan & Profile View.”
- (2) In the OSRD Special Permit decision signed and filed on 3/15/2017, under “Architectural Design & Structural Elements” in the Special Conditions (page 17 of the decision), the condition relating to Fencing shall be modified as follows:
 - Fencing: There shall be no chain link fences within the OSRD, except that a 6-foot vinyl-covered chain link fence shall be installed along the tree line inside the property line that separates the Open Space area designated on the subdivision plan as “Parcel A” from the land to be deeded to the City of Newburyport Water Department as depicted on a plan titled “Proposed Fence Exhibit” dated September 13, 2021. Additionally, no privacy fencing shall be permitted forward of the front of houses (between the front of the houses and the street).

Attorney Mead had no problem with the additional language.

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Alden Clark asked about the nature of the problem from the state. Might it never be granted? Attorney Mead said there's a line of demarcation that the federal highway has along their highways that is extremely difficult to get an agreement to pass. The mayor requested we move in this direction instead.

Rick Taintor said it's difficult for a private property owner to get access, but once it is the City's easement, it could go differently.

Beth DeLisle asked about the anticipated cost of construction. Attorney Mead said she did not have an estimate.

Vice Chair Taintor said it would require a grant of some sort.

Don Walters made a motion to deem the request minor and approve the minor modification request to the Definitive Subdivision and OSRD Special Permit for Evergreen Commons in accordance with the changes discussed this evening. MJ Verde seconded the motion, and all members present voted in favor.

Motion Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

c) Approval of Minutes

Beth DeLisle made a motion to approve the minutes of 8/18/21. Alden Clark seconded the motion, and 4 members present voted in favor. MJ Verde abstained.

Motion Approved.

d) Other updates from the Chair or Planning Director

Director Port said that two zoning amendments will be discussed on 10/6/21. These have to do with health and recreation facilities regarding the tennis facility on Low Street and the proposed Short Term Rental Units (STRU) ordinance. The most recent version of the City proposed ordinance will be circulated before that meeting. The mini reform was signed Monday night. He would distribute that. The ordinance on the website needs to get updated by the vendor Municode and staff would work with the Clerk's Office on that. There will be an update on the central Waterfront Park project tomorrow night at 7 pm. The link is on the City website calendar, and it will be posted on a YouTube channel for the various boards.

Rick Taintor said zoning for resiliency and clean energy is something we should be working on going forward. Does the Energy Advisory Committee (EAC) have an interest in moving on wind

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energy in the City? The Resiliency Committee briefly mentioned a few things related to zoning. He's interested in working on floodplain zoning to accommodate sea level rise. He reached out to Jerrard Whitten and Steve Lopez at the Merrimack Valley Planning Commission (MVPC) to see if they would help analyze and map out an extended flood hazard area.

Director Port said tried to reach out to the EAC to get feedback on the turbine proposal. There wasn't sufficient coordination to work out the viability of this proposal. We need further discussion with them. The Resiliency Committee have talked about where they want to focus their discussion. Trying to adopt regulations that restrict development in hazard prone zones will be sensitive. Those changes will need to be incremental, rather than a drastic change all at once. There needs to be a good public understanding of the hazards that are increasing all the time. We have some maps that show where sea level rise will have future impacts.

Rick Taintor said if we start looking at these things through committees the educational part of it will be more effective for the public. Director Port said a focus on the public education side to ensure a good dialogue on sea level rise leads to some consensus before there are hearings, rather than go right into discussing an amendment.

Don Walters is willing to query the EAC to see what their thoughts are on placing energy facilities. It's not economical for developers or cities to own these facilities. The City gets a 10-15% discount on net metering and without putting a penny up. The EAC has focused on those items. The Resiliency Committee has a lot more traction than the EAC.

5. Adjournment

Beth DeLisle made a motion to adjourn. Don Walters seconded the motion, and all members present voted in favor.

Motion Approved.

Meeting adjourned at 9:40 PM

Respectfully submitted -- Linda Guthrie