

**City of Newburyport
Planning Board
November 4, 2015
Minutes**

The meeting was called to order at 7:10 PM.

1. Roll Call

In attendance: James Brugger, Sue Grolnic, Doug Locy, Jim McCarthy, Leah McGavern, Bonnie Sontag, and Don Walters

Absent: Noah Luskin and Andrew Shapiro

Director of Planning and Development, Andrew Port, was also present.

2. General Business

- a) The minutes of 10/24/2015 were approved as amended. Doug Locy made a motion to approve the minutes. Bonnie Sontag seconded the motion and six members voted in favor. Sue Grolnic abstained.

b) Approval of 40R Filing Fees and Application

Director Port included a check box for each requirement in the ordinance.

Don Walters made a motion to approve the 40R filing fees and application. Sue Grolnic seconded and all members 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) 2 Storey Avenue ANR

Ed Dixon, DGT Survey Group, 18 Center Street, represented the applicant and gave the address as 2 Ferry Road. Director Port said the application and assessor's record specified 2 Storey Avenue. Mr. Dixon described the sliver of land purchased from the City on March 30, 2015. Director Port said the owner had been using the land for a long time. Chairman McCarthy said the plan first appeared five or six years ago. There had been multiple renditions. Mr. Dixon said the owner would now have the ability to use the land to reduce the grade of the parking area, currently too steep for handicap parking and not ADA compliant. Chairman McCarthy said the modification would not go through a Site Plan review, which was written for new structures.

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Doug Locy made a motion to endorse the ANR. Don Walters seconded and all members voted in favor.

Motion Approved.

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d) Donahue Court—homeowner's agreement, performance guarantee, and endorsement of mylars

Steve Sawyer, Design Consultants, Inc., 68 Pleasant Street, represented the applicant. Chairman McCarthy said the abbreviated subdivision, approved some time ago, would be posting money for the performance guarantee. The Planning Office would retain the endorsed mylars until the money was posted. Director Port said the homeowner's agreement would make sure common facilities were maintained. The trust document needed approval.

Member comments: Did the trust document say the trust had the ability to bind the homeowner to the trust document? Did the document say who was bound by the agreement? Director Port said when the lots were released the document would be recorded and become part of the deed presented at a closing. The agreement went with the property. Members said page numbers needed correcting.

Bonnie Sontag made a motion to accept the trust document. Doug Locy seconded and all members voted in favor.

Sue Grolnic made a motion to endorse the plan for Donahue court, accept the guarantee, and for the Planning Office to hold endorsed plans until the surety was provided. James Brugger seconded and all members voted in favor.

Motion Approved.

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e) Request to amend decisions for 40 Merrimac Street for change in owner's name

Chairman McCarthy said a letter that requested amending Mr. Leoni's 2013 Site Plan would ensure everything matched at the registry. The new entity name, Merrimac Street Ale House, LLC, would be added to the Site Plan. Director Port said the same request was made to the ZBA.

Doug Locy made a motion to approve amending the Site Plan. Leah McGavern seconded and all members voted in favor.

Motion Approved.

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f) MINCO

Request to waive stormwater report submission with initial application

Chairman McCarthy said MINCO sent a letter requesting a waiver from submitting stormwater reports with the plans in the event the board shifts the building and parking, changing all the stormwater calculations. Director Port recommended approving the motion for the initial stages, but reports must be received prior to approval of the project. Chairman McCarthy asked if there was an intermediate point where stormwater calculations were needed? Director Port said once the footprint for the parking lot was agreed upon was a good time. Chairman McCarthy said stormwater reports were the primary reason most applications were delayed, with two iterations undergoing the engineer's peer review. He asked Director Port to bring that inevitable delay to MINCO's attention. Director Port said MINCO had asked to attend the Planning Office's internal review meeting on November 18th. The project's process would begin two or three weeks from now. The board would see the application about a week after that. Chairman McCarthy considered whether a subcommittee was needed. Director Port and members suggested the first 40R project should go before the whole board.

Don Walters made a motion to approve the waiver to submit stormwater reports with the initial application. Leah McGavern seconded and all members voted in favor.

Motion Approved.

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3. Old Business

a) William Barrett

14 Hoyt's Lane

Definitive Subdivision (2015-DEF-02)

Continued from 10/7/2015

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Taylor Turbide, Millennium Engineering, Amesbury, spoke on behalf of William Barrett, Tessaire, LLC. The outstanding issues were stormwater calculations and a conversation with the Fire Department. Deputy Fire Chief Steve Bradbury did not see the need for a large turnaround or sprinklers. The turnaround and all pavement were removed. Stormwater calculations had been prepared for peak flow rates with a preexisting conditions analysis and a post construction analysis. An infiltration basin capturing all stormwater would decrease the flow leaving the site for 0-2, 10, and 100-year storms, with excess storage beyond a 100-year storm. He responded to feedback from Christiansen & Sergi, Inc. (CSI), and had not heard back.

In the review submitted to CSI, three waivers were added that were omitted in the application. First, the turning radius minimum of 225 feet was primarily a design speed feature. The planned turning radius would be zero because it was relatively straight. CSI did not take issue with it. The second waiver is from the required 100 foot minimum length of the vertical curve to a proposed was 50 feet. The shorter length will minimize existing impact on the roadway. Third is a waiver for removal of the cul de sac. CSI comments were brief and minor in nature. They asked why the roadway was super elevated. We had requested a waiver for the crowning of the roadway so that water would drain to one side because the depth of groundwater is not enough for a catch basin on both sides of the road, shown on figure one. CSI questioned whether the road should be public. The road will be private.

Member comments: Chairman McCarthy asked where the current public way ended? Mr. Turbide demonstrated on the map. He said a 'Private Way' sign would be posted for winter plows to know the road was private. Did water flow off the site today? Mr. Turbide said water flowed into Artichoke Terrace. Was the reference to the curvature of the roads applied to both public and private roads? Mr. Turbide said yes. Would additional shading would be provided where the cutting of some of the tree line would occur? Mr. Turbide said the position of the house could change and asked if the board wanted to designate a no-cut buffer? Members said the neighbors expressed an interest in having some of the trees taken down because they were dangerous. What about adding trees to buffer the neighbor's view? Mr. Turbide said Groveland inspected property after construction to designate where trees were needed. Director Port preferred to designate trees now and asked if minimum standards for a buffer could be established? Members said neighbors were used to seeing trees all around them. The resident of the back house expressed concern about seeing a house where there never was one. Could dangerous trees be removed and evergreens added where the house would be visible? Chairman McCarthy said Subdivision Regulations had a requirement for street trees. Mr. Turbide said he had requested a waiver for that.

Chairman McCarthy observed the long list of waivers. A 15-foot cut zone would expose the ragged trees he had observed on a site visit. He favored planting deciduous trees in open areas to maximize privacy. A member said evergreens would make the buffer more functional. Director Port suggested a condition that specified tree quantity. Mr. Turbide suggested instead of street trees every 50 feet along the road, those could be planted along the buffer. Director Port asked for a minimum caliper of 2.5 – 3 inches. Mr. Turbide thought the tree line was all deciduous. Evergreens would look out of place. Members said the landscaper could decide. Chairman McCarthy said four trees would maximize privacy.

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The city engineer had a comment about utility placement. Mr. Turbide said there would be underground electricity, cable, telephone, and gas. The 10-foot easement for water and sewer would increase to 20 feet. Chairman McCarthy said electric meters should not be on the front. Mr. Turbide would put them on the side of the house. Director Port asked if the applicant or the board would decide where trees were planted; and would everything go in the northeast corner? The board agreed the applicant could decide. Mr. Turbide said there was likely too much ledge. Chairman McCarthy said the orientation of the house could change. A member wanted the house to be turned. Mr. Turbide confirmed he had communicated the information. Members said the condition should say a minimum of four trees. Chairman McCarthy said the second round of CSI comments was due. Mr. Turbide would find out what the performance guarantee would be. Members asked if water and sewer lines extending from the house to their end at the public street were taken over by the City so many feet from the house or at the street intersection? Mr. Turbide said at the street intersection.

Bonnie Sontag made a motion to continue to November 18th. Leah McGavern seconded and all members voted in favor.

Motion Approved.

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4. Planning Office/Subcommittees/Discussion

a) Zoning Rewrite

Section VI.C was discussed.

6. Adjournment

Sue Grolnic made a motion to adjourn. Don Walters seconded the motion and all members voted in favor.

The meeting adjourned at 9:23 PM.

Respectfully submitted -- Linda Guthrie