

**City of Newburyport  
Planning Board  
November 5, 2014  
Minutes**

The meeting was called to order at 7:02 PM.

**1. Roll Call**

In attendance: Henry Coe, Sue Grolnic, Doug Locy, Noah Luskin, Jim McCarthy, Leah McGavern, Bonnie Sontag, and Don Walters

Absent: Paul Dahn

**2. General Business**

- a) The minutes of 10/15/2014 were approved as amended. Henry Coe made a motion to approve the minutes. Doug Locy seconded the motion and six members voted in favor. Don Walters and Leah McGavern abstained.

**3. New Business**

- a) *Anna Jaques Hospital  
25 Highland Avenue  
Application Completeness Vote*

Adam Costa, Blatman, Bobrowski & Mead, LLC, 30 Green Street, Newburyport distributed copies of the missing material on structures and landscape plan. Members mentioned an item missing on traffic. Mr. Costa said he thought a waiver was submitted for traffic, but he would ask the client about it. Requirements were 4.5 spaces and the proposal improved existing conditions. If the board's concern was circulation, he could address that.

Bonnie Sontag made a motion to approve the Application Completeness. Henry Coe 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.*

- b) *Gary Swerling, Packaging Realty Trust  
3-5 Opportunity Way  
Application Completeness Vote*

Chairman McCarthy said the few minor, missing notations that do not affect the 'completeness' would be available the first of December.

Don Walters made a motion to approve the Application Completeness. Henry Coe seconded and all members voted in favor.

**Motion Approved.**

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**4. Old Business**

- a) 7 Henry Graf Road LLC  
7 Henry Graf Road  
Major Site Plan Review  
Continued from October 15, 2014**

Steve Sawyer, Design Consultants, Inc., 68 Pleasant Street, said at the last meeting on September 17 the peer reviews were outstanding. All comments from Christiansen & Sergei, Inc. had been resolved and the rendering updated. Requests from Jon Eric White, City Engineer, Newburyport DPS, for the transition curb to move back a few feet and more curb areas opened was completed. Requests from the ADA Coordinator to open up landing areas for a handicap van was completed. The Newburyport Fire Department request for a hydrant was completed. Using the same permeable pavement for parking spaces installed at Mechanics Court offset a slight increase in impermeable area. Mr. Sawyer was unsure if there would be a trash room or a small dumpster enclosed at the end of the lot. The original overplanted landscape plan was scaled back to a row of smaller Asian White Birch trees on either side in silty soil, two Red Oaks at the corner, and a Linden tree. This birch variety would not have solid white bark. The planting density did not look reduced, but changing out all the Red Oaks at the perimeter to small birch was a big change.

Member comments. Why did the board think there were too many plantings? There was only one kind of evergreen; were there supposed to be two kinds? We would want the evergreens in the front instead of the back. Mr. Sawyer said the sparsely planted Business Park made the planting density too great of a contrast. Scott Brown, Scott Brown Architects, 28 Green Street, Newburyport, would ask the client about moving the evergreens. Members said more trees in front and less on the sides would be a good adjustment.

The staff report noted there were no comments from four departments in town. Did the applicant appear before the Conservation Commission for a Certificate of Determination? Mr. Sawyer said he did not do the permitting for the previous application. There was a super ceding Order of Conditions from the DEP who was administering the Order of Conditions. Mr. Sawyer spoke with Mike Gable at the DEP, mentioning the light increase of impervious surface. Mr. Gable did

not want an increase in footprint. As long as the site drained the same way and did not encroach on wetlands, Mr. Gable would issue a Certificate of Determination. A Conservation Commission sign off was still needed. Mr. Sawyer would work that out. The paved area run off was piped to the treatment area and reliance on the treatment system was reduced overall.

Members asked if the building height was allowed due to the change of use? Mr. Sawyer said Rochester Electronics was two stories and some one story industrial buildings were taller than this 35 foot, two-story building. A height of 50 feet was allowed.

Chairman McCarthy asked if there were any waivers? Mr. Sawyer said no, submissions included a traffic memorandum, a lighting plan, and a landscape plan. A technical review meeting included Deputy Chief Bradbury, the ADA Coordinator and the DPS. Mr. White inspected the pipe for adequacy and whether it needed to be replaced because it was on the right-of-way line. DPS said the transformer pad needed to be sealed. Mr. White was given revised plans. There were no comments. The permeable pavement was within the parking spaces.

Henry Coe made a motion to approve the Major Site Plan Review with an amended landscaping plan. Doug Locy seconded and seven members voted in favor. Leah McGavern abstained.

**Motion Approved.**

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**5. Planning Office/Subcommittees/Discussion**

***a) Updates***

Chairman McCarthy said New England Development filed a subdivision plan as a placeholder. A subdivision did not require a site plan review. The intent was to freeze zoning for eight years. The board would put a time limit condition on the permit to build, along the order of two years. Members asked when during the process should the board think about hiring a consultant? Help was needed for the parking garage.

There had been rumblings that the Towle project may become active.

Chairman McCarthy attended the Zoning Board of Appeals meeting for the appeal on Plaza Realty's drugstore project. Mr. Kaplan brought two attorneys. One commented that the process was incorrect. The City Solicitor thought Director Port was correct in making the decision and that he should use the Site Plan Review rules in place today, making the 2007 plan moot. ZBA member Jamie Pennington asked Chairman McCarthy if the proposal was de minimis? Our board whose responsibility is to the public does not use that word. For example, putting up a sign up that said you were going to build X and building Y would be a problem. If you said it was de minimis, the Site Plan Review would be of no value. Options were: 1) to send it back to this board, 2) the ZBA goes through every step in the Site Plan Review decision themselves, or 3)

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deny the appeal. The appeal was denied unanimously. The next step would be land court. The mayor entered the meeting and thanked Chairman McCarthy for attending the Zoning Board appeal, saying his presence was unexpected and tremendously helpful for the ZBA.

Chairman McCarthy said the City met with Minco to determine a process for the Merrimac Street project. Minco did not have new plans and asked how to build consensus in the community for something everyone could support. The WMU zone has special requirements; a residential project in the WMU may require a Special Permit. The assistant building inspector, Peter Binette, outlined what they needed, such as natural materials and double hung windows. They were given examples of the library, Mill #5, and the addition to the Atkinson building. Straightening out Market Street was discussed. The applicant could also move the building to create a view corridor. Licensing under Chapter 91 would take a long time.

The City was not awarded the grant for upgrading the pump station as needed for the MBTA Minco property.

A brief discussion took place regarding Hillside Center for Sustainable Living. A 40B development would remove all zoning requirements as long as the City was under 10% affordable housing, but not if the City was at or over 10%.

## **6. Adjournment**

Henry Coe made a motion to adjourn. Doug Locy seconded and all members voted in favor.

The meeting adjourned at 8:20 PM.

Respectfully submitted -- Linda Guthrie