

January 18, 2012

**Newburyport City Council Planning and Development Subcommittee  
Newburyport Planning Board  
Joint Public Hearing  
Newburyport City Hall  
Approved as Amended**

The meeting was called to order at 6:35 PM

**1. Roll Call**

**In attendance:** Dan Bowie, Henry Coo, Paul Dahn, Anne Gardner, Jim McCarthy and Bonnie Sontag

**Absent:** Sue Grolnic and Don Walters

In attendance for the City Council Planning & Development Committee: Barry Connell, Kathleen O'Connor Ives and Brian Derrivan.

Also in attendance: Andrew Port of the Planning Office; Anthony Komornick and Jim Terlizzi from the Merrimack Valley Planning Commission (MVPC)

Chairman Bowie opened the Planning Board meeting and announced that regular Planning Board business would be carried out at the end of the meeting.

**2. Old Business**

**a) Joint Public Hearing with the City Council Planning & Development Committee on proposed zoning amendments**

City Council Chairman of the Planning & Development sub-committee, Barry Connell, opened the Joint Public Hearing on proposed zoning amendments and reviewed the agenda.

**i. Section II – Amend lot width minimum and associated definitions**

Andrew Port summarized proposed changes to the lot width minimum ordinance. If a corner lot has two front lot lines, the front lot line of greater length shall be known as the primary front lot line. If both front lot lines are of equal length, the owner shall designate a single front lot line and it shall be known as the primary front lot line. The lot area's subsection is amended to include the requirement that lots shall be laid out in such a manner so that a square, with sides equal to eighty percent (80%) of the minimum frontage requirement, can be placed within the lot with at least one point of the square lying on the front lot line with no portion of the square extending beyond the boundaries of the lot. The designation applies to all existing and to-be-created lots.

Councilors asked questions about why the changes were being submitted, what problems they were solving, how these changes were chosen, if the Building Inspector was involved, and asked for examples of where the front lot line could be re-designated.

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Dan Bowie and Andrew Port responded with a history of the lot width minimum regulation and examples of where it could have avoided an undesired outcome. A committee including engineers, attorneys, staff and the Building Inspector created this latest version of the ordinance. Examples designating the front lot line differentiated between lots with an existing structure and lots where the structure might be demolished and a proposed new structure could lead to designation of a different front lot line.

A board member pointed out the need for the parcel tracking software to include the designations and to ensure that front lot lines on all such corner lots can be ascertained.

**Public Comment**

Everett Chandler, 30 Colton Drive, land surveyor, participated in committee discussions about the amendment and supports the changes. They've been needed for a long time and provide effective tools for the Planning Board and Zoning Board of Appeals. He likes that the longest front lot line is designated as the primary one because it helps to control the designation for most corner lots. The 80% rule is a good compromise and would work for most lots he has created.

Mark Griffin, a Newburyport attorney, also worked with the committee and agrees with the previous speaker. He noted that the earlier amendment was too restrictive. He likes the idea of diagrams to illustrate the intent of the ordinance.

Steve Sawyer, Collins Street resident and civil engineer, also worked with the committee and is pleased to see the previous ordinance replaced with the amended ordinance. It's a reasonable compromise to prevent undesired lots from being created in Newburyport.

Anne Gardner made a motion to recommend the amended zoning ordinance to City Council. Henry Coe seconded the motion. The motion was unanimously approved.

**Votes Cast:**

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Anne Gardner: approve

Jim McCarthy: approve

Bonnie Sontag: approve

**ii. Section III – Amend zoning map to move two parcels located at 81-83 Storey Avenue from the R2 district to the B1 district**

Andrew Port provided images of the city's overall zoning map and a close-up map of the area in question showing the two lots at issue for rezoning to be consistent with the business district. He reminded the audience that the issue before the committee and the Planning Board is the zoning change, not the type of development that will be taking advantage of the zoning change.

Developer Tropic Star will give a presentation that includes a traffic report and addresses mitigating their proposal's impact to current traffic issues. Andrew concluded by saying the

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sliver of residential in the business district makes little sense and property owners have no incentive for maintaining the property.

City Council Chairman of the Planning & Development sub-committee, Barry Connell, said traffic is clearly a concern, specifically patterns and safety. Signage, lighting and curb cuts are more issues. Councilor Katy Ives said she would like to hear safety addressed along with traffic, an update on the development in general, it's size and scope, and firm details on acreage and public access of the proposed open space.

A Planning Board member reminded the audience that this is not a Planning Board meeting with an applicant presenting a project for approval. The meeting is about a zoning change from residential to commercial. The developer has a great vision but that is a separate issue. The site plan review is not before us this evening and we want to be commenting on things that relate to the overall zoning change.

Jeffrey Dirk, Tropic Star traffic expert, Vice President, Vanesse Associates, presented a traffic study that looked at traffic generation relative to the site plan, specifically examining the Storey Avenue corridor from I-95 to Noble Street and all intersections. Safety focused on crashes in specific locations compared to the state average. None of the intersections had a crash rate that exceeded the state data. Safety also focused on travel speeds influencing where the driveway would be located. Travel speeds are 36-38 mph for the majority of the vehicles, consistent with posted speed of 35 mph. Site lines are safe for up to 40 mph.

The impact of the Hines Bridge closure was examined. The detour sends the traffic down Noble Street to the Storey Avenue corridor, increasing traffic by 10,000 vehicles per day. Assessing the traffic impact of this project, the numbers are actually higher than what they should be because the Hines Bridge will be reopened.

The Whittier Bridge is still in the design phase but the state will maintain three open lanes in each direction with no detours. The state will also maintain through traffic on Ferry Road, at times it might be down to one lane. The northbound side of the Whittier Bridge will have a bike lane connecting Amesbury with the Park and Ride. Tropic Star will take into consideration safe ways for bikes and pedestrians to connect with the new bike path across the river.

Tropic Star plans to construct a center turn lane keeping the same road width, with a two-way left turn lane all the way to the Park and Ride. With the proposed center turn lane, a vehicle can enter Storey Avenue in two stages, waiting for a gap in traffic to get to the turning lane. Businesses all along the corridor will operate more efficiently.

Two diagrams were presented, one showing the corridor as it is now with a very wide travel lane and two 5 ft. sidewalks, one each side. The other diagram showed a reallocation of the width, maintaining 4 ft. minimum shoulders, maybe even going to 5 ft. to accommodate a bike lane, and creating a center turning lane. Jeffrey Dirk said the plan is a better allocation of existing pavement, with no new pavement, and they are committed to better timing of lights for crossing the roadway for better safety. The Noble Street intersection has long delays for getting off Noble Street onto Storey Avenue, over a minute or two. It probably meets the criteria for a traffic signal

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and we would do that. Site lines will meet safety standards. The project had the benefit of a peer review by a City-designated expert.

Councilor Ives stated that vehicles exiting to go west were her concern. Jeffrey Dirk responded that site lines are adequate, driveways on either side are offset relative to the turning lane so as not to block access. He studied site lines, queuing and driveways for safety. It will still be difficult to make a left, but not more difficult than today.

Councilor Brian Derrivan said that it's difficult to get out and make a left in the development in Russell Terrace. Would a streetlight hooked up at Russell Terrace help? Anthony Komornick, a transportation program manager, Merrimack Valley Planning Commission (MVPC) and the City's designated expert said what you hope for is enough gaps in traffic lights to allow people to get out. You can't install a sensor at Russell Terrace to provide a gap.

A Planning Board Member asked about traffic volume, pointing out a conflict in statements that this is a high traffic generation area with what Tropic Star said last time about traffic being mostly existing vehicles that will use the proposed development. Jeffrey Dirk responded a traffic generator measured AT THE DRIVEWAY not on the roadway and that it would be all new traffic in terms of turning into the driveway from existing traffic already on the corridor.

A Planning Board member asked if there was another example of what's proposed for the reconfigured corridor somewhere else in our city. Another Planning Board member observed that in front of Wendy's there is a two-way center turn lane. The Planning Board member asked how long the turn lane would be? Jeffrey Dirk said it would go from opposite the site to the median strip in front of the Park & Ride.

Councilor Derrivan asked if the development would make traffic slower. Jeffrey Dirk said a slight reduction in speed might occur, but nothing statistically significant. A Planning Board member said that narrowing travel lanes to create a center turn lane would slow traffic. Jeffrey Dirk said it should be by a few miles an hour but to get a real speed reduction, you'd need to pull the curb lines in. Tropic Star would like to put in bike lanes, but we don't want to make the cars feel pinched.

A Planning Board member said if bikers are present then you've increased traffic and that's a reason for people to slow down. Jeffrey Dirk agreed that the biker's pavement markings and signage could slow traffic.

Councilor Connell asked if peak traffic at 1200 vehicles per day and the regular average at about half that was based on 35,000 vehicles with the bridge closed or 25,000 vehicles with the bridge reopened? Jeffrey said it's based on the higher number. Councilor Connell asked how that number was derived if some of the traffic goes down to the Gillis Bridge. Jeffrey Dirk said he looked at the 2007 count versus his 2011 volumes and figured the Hines Bridge closure was the primary driver of the difference.

Councilor Connell asked the Merrimack Valley Planning Commission to summarize their report. Anthony Komornick said there was enough length for a center turn lane that wouldn't negatively

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impact the left turn lane onto Woodman Way. He also looked at the position of the driveway relative to other driveways on that side and is satisfied. He noted the numbers presented were a worse case scenario for delays at intersections because of the Hines Bridge detour. The traffic counts are similar to 2002-03 when the Chain Bridge was closed.

Councilor Connell asked Anthony Komornick if he had any concerns and Anthony responded that the trip distribution assumes a little too much traffic coming down Interstate 95 in terms of how it impacts I-95. In terms of the signal at Noble Street, he would wait until the Hines Bridge is open to do traffic counts. Councilor Connell asked about the timing of lights, particularly at Woodman Way and a need for re-timing them. Anthony said they should be looked at again once the bridge reopens, buying a few months of better traffic operations out there.

Anthony Komornick explained to the audience that the MVPC is a comprehensive planning organization with comprehensive disciplinary expertise in planning and development. One of their major functions is to serve as a transportation planning staff for 15 communities represented by the MVPC. We conduct and look at traffic impact and safety studies to answer the concerns of public officials when they want some guidance.

A Planning Board Member asked Anthony to speak to the effectiveness of a center turn lane in improving traffic effectiveness in general and to the offset of the entrance and exits relative to businesses on the other side of the street. Anthony said a center turn lane has a pretty large value to this corridor the way it's being presented. The driveways are offset the best they can be, it's not perfect, but there's not room for perfect. Center turn lanes do work in low speed corridors. They are dangerous in a 55 mph corridor, where you would have two center-turn lanes. He said: my own experience driving through here now is it's very confusing because of the lack of pavement markings. I don't remember it being like that years ago.

#### Public Comment

Ann Marie Dwyer, a Clipper Way resident, came out of Woodman Way at 6:15 pm and noted the traffic was all backed-up. We have a terrible time getting out of Woodman Way. If you are not there before the people on Low Street, you do not get the turn arrow. We cut through Dunkin Donuts and that should probably be blocked off. Why does this part of Newburyport look so horrible? Why aren't all those signs removed? Who takes care of that?

Councilor Ari Herzog asked what role the Mass Department of Transportation (MADOT) would play in this debate and in the whole process? Andrew Port said typically, we coordinate with the regional office, MVPC. MADOT will look to MVPC first for feedback. We are taking the right steps. It goes from this point to the MADOT. Anthony Komornick said the MADOT was aware of this issue and they are copied on the letter. Councilor Herzog asked if it would be fair to hypothesize that Mass DOT might say no after MVPC shares their advice? Anthony said that could happen. Andrew Port said tonight the City Council is looking at a zoning change. Down the road, after the site plan is presented, the Planning Board can deny the plan based upon Mass DOT's rejection of the changes. Councilor Herzog said nothing in the Tripartite Agreement mentions safety. Should there be a footnote with regard to safety?

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Pat Severence, a Woodman Way resident, said she couldn't get the Woodman Way turn arrow. It doesn't go off for us because we are hidden behind the Dunkin Donuts. And that causes a back-up for getting into Woodman Way, which is a shared lane for people coming out of Dunkin Donuts, the gas station and the car wash. Adding bikes on both sides seems altogether unsafe. Adding lights at Wendy's and Noble Street would make five lights in a row, creating low, low speed.

John Peroni, 11 Woodman Way, said Woodman Way allows three major housing developments to enter and exit onto Storey Avenue, that's about 325 units and every unit has a couple of cars, certainly at least one, plus the only exits out of two banks. That's a very important consideration to understand. We understand The Institution for Savings is building a 2<sup>nd</sup> story. The timing of the light is a total disaster. Cars exiting the bank will actually block traffic waiting to get into a proper lane on Woodman Way. You've got to be kidding with the bike lanes. It's a traffic control problem, not a traffic problem. I don't think the distance is long enough for a turning lane. The elephant in the room is the need for an island so you cannot drive across the lanes.

Ann Geronisic, a Woodman Way resident, said thank you to Andrew Port because he took time to talk to her when she came to his office. The zoning change made sense after I spoke with Andrew. The state (MADOT) governs Storey Avenue and doesn't care that we cannot get to and from our homes. The traffic light does not give us a turn arrow. If we do not look at the impact of this zoning change on our traffic problem and address it now, it will never get addressed. Now is the time to make the change. I am adamantly opposed to a 24 hour CVS. Why not a florist or more office space?

Elaine AndreLouis, a Clipper Way resident, asked where on Storey Avenue the no-man's land referred to is? Jeffrey Dirk said it's the 22 ft. wide travel lane that is one lane measuring more than two lanes wide.

Andrew Port added that in the Complete Streets planning workshop, a center turning lane makes things safer for bikes and pedestrians.

Adrian Szymura, a Woodman Way resident, said motorists have bad driving habits up there, they do whatever they want to do and that gives us a serious concern about welcoming more traffic issues. Councilor Connell commented that this zoning issue can't seem to decouple from the traffic issues.

Councilor Ives said that exhibit 6 in the report shows the current concept plan with 19+ acres of open space. There are 7 acres in between the development and the donated open space. What is the plan for this space? Tropic Star Attorney, Jeffrey Roelofs, said there are a lot of moving parts because of the wetlands in that back area, but currently that area is not part of this project. The wetlands have been delineated.

Councilor Connell asked if we are going to gain access to the development from Low Street, and if not, why is that no longer possible? Tropic Star Attorney, Jeffrey Roelofs, said he hopes it will be possible, we are committed to cross easements, but we have been unsuccessful in securing those easements so far.

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A Planning Board member asked whether we needed a cross easement agreement to provide access to the open space? Tropic Star Attorney, Jeffrey Roelofs said no.

Another Planning Board member asked Jeffrey Roelofs to speak to the “as of right” development plan and traffic volumes from these. Jeffrey Roelofs said without this rezoning the Woodman’s can put in a fast food business or anything they want in this location. Tropic Star is proposing to restrict development. He highlighted their proposal’s benefits: compatibility with the surrounding area, use restrictions, minimum design restrictions, improvements to the gateway, the master plan encourages revisiting this district, an addendum tied to the project offers 19 acres of open space, physical access and parking, with a \$15,000 maintenance fund for Greenbelt to manage the space, \$50K to city’s affordable housing fund for the loss of two affordable rental units, our commitment to low impact development, traffic mitigation measures we’ve discussed tonight, plus the Open Space and Strategic Land Use Plan is a fit with our proposed rezoning.

Councilor Connell asked if the buildings would be LEED certified? Jeffrey Roelofs said that has not been presented to him as a requirement.

Councilor Connell asked members to digest the report for a week before the council votes to make a recommendation to the Planning Board. A Planning Board member said the board has already made a recommendation. Another Planning Board member said to the Council Planning & Development Committee that they were voting to change the rights associated with the parcel of the land only if the benefits outweigh the minuses for everyone in the city. Even if you don’t change the rights, this property can be developed.

Another Planning Board member said there’s a lot to consider. They’re encumbering not just 81 and 83 but also 79.

Chairman Connell announced that the Planning & Development Committee is continuing the hearing to another meeting in order to give other members of the public who have shown an interest in the amended ordinance a chance to review it and speak about it at that meeting. He clarified with Dan Bowie and Andrew Port that the City Council must be able to vote on a first hearing of the amendment by February 12 in order to stay within the procedural designated time frame. If the Planning Board recommends submission to the City Council tonight, that would allow a 21 day required period before the City Council as a whole can consider it.

Councilor Barry Connell made a motion to adjourn the Joint Public Hearing.

### **3. General Business**

#### **a) Approval of the minutes Minutes of January 4, 2012 Meeting**

Bonnie Sontag made a motion to approve the minutes as submitted.

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Sue Grolnic seconded the motion.  
Jim McCarthy and Henry Coe abstained.  
The motion passed unanimously.

**Minutes approved**

**b) Election of officers.**

The election of officers took place. All voted unanimously in favor of re-electing the same members to the positions presently held.

**c) Appointment of Planning Board representative to the Community Preservation Committee**

The current work of the Community Preservation Committee was described as consisting of good programs that include the designation of funds to affordable housing, historic preservation and open space projects.

Anne Gardner moved to nominate Dan Bowie.  
Henry Coe seconded.  
The motion was unanimously approved.

**Votes Cast:**

Dan Bowie: approve  
Henry Coe: approve  
Paul Dahn: approve  
Anne Gardner: approve  
Jim McCarthy: approve  
Bonnie Sontag: approve

**Dan Bowie was appointed Planning Board Representative to the Community Preservation Committee.**

**4. New Business**

**a) AECOM for the City's DPS – Water Division**  
7 Spring Lane Water Treatment Plant  
Minor Modification Request

Andrew Port summarized the request and why it is considered a minor modification of the site plan approved in January 2011. In essence the changes amount to less impervious surface than currently exists on the site.

A Planning Board member asked Andrew if the Planning Office supports the request. He said yes.

Anne Gardner made a motion to approve the minor modification.



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Paul Dahn seconded the motion.  
The motion was unanimously approved.

**Votes Cast:**

Dan Bowie: approve  
Bonnie Sontag: approve  
Jim McCarthy: approve  
Henry Coe: approve  
Paul Dahn: approve  
Anne Gardner: approve

**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) Other business**

Andrew Port said New England Development was holding off on the hotel proposal. The NRA might speed things up regarding the development of their properties. The appeal on the flood zone maps was dismissed and the maps they gave us plus the amendment with the reduction may be formally adopted this summer with the changes.

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

**6. Adjournment**

Bonnie Sontag made the motion to adjourn.  
Jim McCarthy seconded.  
Motion approved unanimously.  
Meeting adjourned at 9:15 P.M.

Respectfully submitted, Linda Guthrie, Note Taker