

**City of Newburyport  
Planning Board  
January 20, 2016  
Minutes**

The meeting was called to order at 7:03 PM.

**1. Roll Call**

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

Absent: Sue Grolnic and Noah Luskin

Director of Planning and Development, Andrew Port, arrived at 9:45 PM.

**2. General Business**

- a) The minutes of 1/6/16 were approved as amended. Bonnie Sontag made a motion to approve the minutes. Doug Locy seconded the motion and seven members voted in favor.
- b) *Approval Not Required – 337 High Street (2016-ANR-03)*

Jason Panos, attorney, The Panos Law Group, 246 Andover Street, Peabody, said the 22,747 square foot lot created a new 11,479 square foot parcel that conformed to zoning regulations and had frontage on Highlawn Terrace. The original parcel was 11,278 square feet.

Member comments: Which way did houses on the opposite side of Highlawn have access? Attorney Panos said 335 and 337 Highlawn Terrace had frontage and access on Highlawn Terrace. Was frontage inclusive of the easement? Attorney Panos said the easement was incorporated to meet the 10,000 square foot minimum. Front set backs included the right of way. When travelling down Highlawn Terrace would any house be closer to the street than other houses? Normally, the setback was 20 feet. Attorney Panos said if the lot was developed, the ability to include the side yard set back would be counted. Chairman McCarthy asked about the nature of the easement and whether anyone could use it in perpetuity? Attorney Panos said yes, the easement was created in the 1900s to benefit the Water Department and evolved into a 14-foot public right of way for the benefit of others, granted by the predecessor of current owners. Member said a turnaround would be needed when the lot was developed.

James Brugger made a motion to endorse the ANR. Leah McGavern seconded the motion and all members voted in favor.

**Motion Approved.**

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*i. Wright's Court (2013-DEF-03)*

Everett Chandler, DCI, 68 Pleasant Street, said the subdivision part of the Avita project had a Special Permit. Christiansen & Sergi, Inc. (CSI) commented on drainage features not installed. Mr. Chandler indicated on the plan where the drainage features were in fact installed. CSI noted the bottom of the drainage structure was about 3" higher than the plan, but did not take issue. The road sloped properly but in the opposite way. CSI said it could be fixed when houses were built. Mr. Chandler noted that new trees planted for screening between the Eramo's house and the project had been planted too far out. They would be moved in the spring.

Member comments: What erosion control measures were used? Mr. Chandler said grassy lawn, a drainage structure with a series of culverts, and a stone-covered pipe leading to the storm drain were used. Would sewer line maintenance to keep silt out be the responsibility of the homeowners association? Mr. Chandler said yes. Chairman McCarthy said once the subdivision was approved, the covenant took care of any remaining problems. The Planning Office had no more reservations about releasing the covenant.

Andrew Shapiro made a motion to grant a Release of Covenant. Doug Locy seconded the motion and all members voted in favor.

**Motion Approved.**

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**3. Public Hearings**

- a) Diamond Sinacori, LLC c/o Lisa Mead, Esq.  
151 High Street, former Kelley School  
Major Site Plan Review (2016-SPR-01)*

Chairman McCarthy said this was the first major Site Plan Review for the project. Andrew Shapiro read the notice.

Jason Talerman, BBMT, 30 Green Street, on behalf of Lisa Mead, introduced Merrill Diamond, president, Diamond Sinacori, 7 Harcourt Street, Boston and the development team. Everyone understood that the historical structure was to retain its position of prominence. Diamond Sinacori was the developer in historic renovations of the Newton Waterworks and the Dedham Jailhouse. He would clean up the exterior shell, reduce impervious surfaces, and renovate the interior into 10 two-bedroom units with parking under the building. A significant amount of peer review had occurred to date.

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Stephen Tise, principal, Tise Design Associates architects, 246 Walnut Street, Newton, worked with Mr. Diamond on previous projects and proposed few exterior changes. The original RFP assumed parking would be on the street, however the target audience for market rate condominiums considered on street parking undesirable. A new curb cut on High Street accessed 14 underground parking spaces. A single-lane ramp served both up and down for eight of 10 units. The garage floor slab elevation and the low slope ramp were unfinished. Four on street spaces were off Auburn Street for 18 total parking spaces. Landscaping and a new sidewalk would refurbish the grounds. Residents had a private outdoor terrace in the rear. Existing front and rear entrances would remain. Trash would be gated in the garage, barrels brought up the ramp and taken to High Street. Ten condensing units for the fully air-conditioned building were dispersed around the building, two in each corner screened by a 3-foot high decorative wood fence. Space was tight and units were not visible from High Street.

Local historic interests suggested including historically appropriate dormers in the exterior roof changes for two penthouse units. Iron fire escapes would be removed. Iron balconies appropriate to the period, iron fencing, and new windows would be installed. Bulkheads were removed and basement access was through a new door off the underground parking ramp. A plan detail of the 2-foot 6-inch high iron fence running down High and Auburn Streets was shown. Exterior lights were night sky friendly copper down lights at the building's rear entrance. Recessed nightlights not visible to the street were on the ramp. The basement-level garage had double-loading parking, an elevator into the building, bicycle storage, and sprinklers. Each former classroom comprised one unit with a mezzanine level. Four units per floor had ceiling heights of 16 feet on the 1<sup>st</sup> floor and 14 feet on the 2<sup>nd</sup> floor. The attic roof would be completely restructured. A high opaque fence along rear lot line would remain and be refurbished. A new wood fence would replace the existing fence from the rear out to High Street.

The first floor was sufficiently above ground that the shallow ramp accessing the basement level was almost ADA compliant. The ramp control system was unfinished. The concept was for a light inside garage to turn red when activated by an approaching car. An exiting vehicle activated a low LED light at the sidewalk level to alert that a car was coming up. Car transponders activated the garage door. The frequency of entering and exiting at same time would be minimal. The ramp would not create a hazardous interface with the sidewalk. Attorney Talerman said the project went before the Historical Commission, who would receive anything from the building not used. The team had worked on many details with the commission. Mr. Diamond embraced meeting historical standards and the commission was supportive.

Steve Sawyer, civil engineer, DCI, 68 Pleasant Street, reviewed utilities on the plan, showing new water and fire service from Auburn Street and the location of the mechanical room. Plumbing code required garage floor drains directed to the sewer to use a filter. Jon Eric White, City engineer, commented on the icing of downspouts. Four Cultec units with chambers to catch snowmelt and infiltrate into the ground were added. The ramp created a tub, addressed by a small drainage area with a particle separator directed to a 24-inch perforated pipe in stone to keep sand out and prevent clogging that could result in ponding. A test pit at Mr. White's request showed groundwater 118 inches below grade, 4.5 feet below floor elevation. Mr. White asked about using a B soil; Mr. Sawyer disagreed. Drainage was oversized for a 100-year event on the ramp, draining at .72 inches per hour. There was ample space for a car to turn onto or off the ramp.

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DCI's detailed traffic study showed 67 additional trips per day, about five or so coming out of the garage at peak hours, a minimal impact. High Street still functioned at an A level. The right or left turn out of Market Street was not at an A level because of a queue. There was no change to the level of service with the project. Left and right sightlines were also ample. Mr. White and Wayne Amaral, the City Operations Director, had many comments. The design team would meet with the City on sidewalks improvements, whether brick or concrete. There would be wheelchair access. Mr. Sawyer did not think bump outs were appropriate for the project. A crosswalk specifically for the school would be eliminated. Attorney Talerma said the team would work with the City to restrict parking east and west of the ramp to maintain good site lines both ways. There were ADA issues with brick sidewalks.

Member comments: Could trash pick up be on Auburn Street? Mr. Tise said that area was reserved for landscaping and passive recreational use. Mr. Sawyer said the exterior parking spaces were 8 feet wide; the standard for commercial space was 9 feet. The walkway space would be part of the parking space. A member said people exiting cars would mess up the landscaping without more room. A larger issue was whether the garage and High Street had adequate space for twenty trash bins. Mr. Talerma said there was a peer review comment on interior parking. Mr. Sawyer said Mr. Amaral thought the wall was smaller, between 10-11 feet, but the wall was 22 feet. There was five more feet of space than the scale showed, which was plenty. What about outdoor signage? Mr. Talerma was sensitive to no signage. The 'Kelly School 1878' stone lettering would remain but gold lettering over the front door would be removed. Chairman McCarthy asked if all new doors and windows were as depicted in the drawing? Mr. Tise said yes, there would be a residential sash for the entrance and clad wood windows and doors for a non-commercial look. Chairman McCarthy asked for the door's architectural detail. Members asked what was known of the original doors before storefront doors were installed? The team had not found any photographs. Architectural details would be submitted as part of the process. Members said a school building like this would have had a beautiful, big institutional door. A simulation of that would be welcome. The board wanted justification for whatever type of door was selected. Was the team clear about the level of detail required for approval? Mr. Tise said no; they relied on Attorney Mead to advise them. They planned to be responsive, go slow, and get it right. Chairman McCarthy said the board needed to understand the direction of the project. Members said it would be nice to know prior to approval if brick sidewalks would be restored on the corner of High and Auburn Streets, and to have brick consistency on both sides. Was there bicycle infrastructure? Mr. Tise said yes, in the basement. Members said bicycle infrastructure outdoors would be nice for visitors. Would curbing bordering the landscaping be restored? Mr. Tise said curbing would be removed and replaced by fence. Chairman McCarthy asked about the grade from the building down the slope to the fence?

Members said moving the condensers as requested by the ZBA created an issue. Condensers flush with the building altered the building corners, creating a symmetrical hardscape that would read as part of the building façade. Condensers needed to be further back and not be flush with the front of the building. Chairman McCarthy said the presentation on High Street was paramount. Mr. Tise said the rear neighbors had concerns, too; there was an effort to balance everything. Would the front granite wall remain? Mr. Tise said, given its rough condition, the landscape architect preferred not to keep it. Would anything be done to the building's brick? Mr. Tise said the brick would be cleaned and repointed using historically appropriate methods.

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Members suggested following the DCO standards. Mr. Diamond said the agreement with the City was to follow the guidelines of the Secretary of the Interior. Members said new windows that replaced the aluminum reproductions would be more dominant. Attorney Taleran said an ongoing obligation to keep the building in good condition was covered by the homeowners association. Members asked for caution in placing utilities and meters. Mr. Sawyer said there was one water meter but whether 10 electric and gas meters were needed was an open question. He would make a proposal. Chairman McCarthy, Mr. Sawyer, and Mr. Tise shared a concern that there was no good location for meters. Members asked about a profile or description of the dormers. Mr. Tise described a shed dormer, a gable dormer, and balconies cut into the roof in front of them. Dormers would look recessed when looked at straight on. What about a subtle placard with the history of the school? Mr. Tise was open to that. Would large trusses from the attic be offered to the commission? Mr. Tise said details were not worked out. Some parts of the trusses would stay, some would come out. Anything unused would go to anyone who wanted it.

Mr. Diamond walked through the building with the Historical Commission and they pointed out items they wanted. They wanted the wainscoting, but dealing with lead paint dust was determined to be impractical. They wanted the metal plaques, like on the existing furnace. He would do another walk through with the commission. He was interested in memorializing the building and its historical context. Historical photos of the interior could be used in the lobby. Chairman McCarthy asked for a proposal for an exterior memorialization of the school. Mr. Taleran agreed. Members said the Cushing House Museum was a resource for historical exterior photos. Were 18 total parking spaces compliant with the Newburyport regulation of 2.5 per unit? Mr. Tise said multi-family dwelling regulations were two spaces for the first two units and 1.5 spaces per unit for the rest. Mr. Sawyer said there were two extra spaces. Would there be an affordable unit? Mr. Tise said no. Chairman McCarthy said the next step was to see more detail, such as the limit of work on the sidewalk, entry door details, and memorializing. The board supported the project and asked for a list of things that would not be known for a while. Walkability was key and pedestrians needed to be comfortable outside the building.

Public comment open.

Stephanie Howard, 6 Auburn Street, was concerned for the structure of her home, the lighting, and the noise.

Public comment closed.

At the next meeting, members would address Director Port's four items: a firm understanding of the signalization system, ensuring parking restrictions of two car lengths on either side on the ramp entrance, written approval of water and sewer line connections prior to construction, and the surfacing of the sidewalk. The board requested more details on the recycling and trash receptacles, balconies, dormers, an outdoor bike rack, and the visit to the Cushing House Museum for historical photos. Mr. Diamond was informed that original working drawings for the Kelly School could be in City Hall's attic. Waivers would be voted on separately.

Bonnie Sontag made a motion to continue the Major Site Plan Review to Feb 17<sup>th</sup>. Doug Locy seconded the motion and all members voted in favor.

**Motion Approved.**

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**b) Chart House Development, LLC  
23 Hale Street  
Major Site Plan Review (2016-SPR-02)**

Andrew Shapiro read the public notice. Steve Sawyer, engineer, DCI, said the project at the corner of Hale Street and Malcolm Hoyt Drive and across from Rochester Electronics had a pre-application conversation with the Conservation Commission nine months ago that resulted in reducing plans from three buildings to one building due to considerable wetlands. The Conservation Commission did not waive any of the 20% buffer zone. A curb cut on Hale Street would serve the light industrial building that was similar to 3 Graf Road. The property line pushed the building toward the wetland. The lot line could shift 10-15 feet to avoid creating nonconformities. The 11,520 square foot building would have an office area in front and garage doors in back. A small mezzanine supplemented the front office space. First floor units would be 1,440 square feet and the mezzanine units were 1,920 square feet. Three sides of the building had a 25-foot 'do not disturb' zone and the 20% buffer. Circulation around the building was one-way and adhered to the new state fire code of a 20-foot minimum width whether one way or not. There was angled parking in front and 90-degree parking in back. About 24 feet in the back was two-way. Red trace on the plans showed the circulation of a large box truck. In consideration of the residential use across Hale Street, they would not accommodate tractor trailers. Christian & Sergi, Inc. (CSI) commented on parking for all employees, but there was no clear idea how many employees would be there. By comparison, a footprint of 30,750 square feet at 3 Graf Rd had 90 parking spaces, or 342 square feet per space, whereas 23 Hale Street had a footprint of 11,520 square feet and 41 spaces, or 281 square feet per space. Some parking would be in front. CSI wanted to know if the front spaces met the guideline. The spaces were 50 feet from the front yard. Mr. Sawyer believed the project was compliant.

Today, all drainage was directed into a field. New plans cut the site into two drainage areas. A portion of the site would be directed to a rain garden in the front. A catch basin at the low point with additional treatment would discharge 25 feet away into a wetland. There was no increase in the peak rate off site. Infiltration chambers were up and out of the groundwater because of dense clay material below the loam surface. There were no dumpsters on site. Small bins inside the garages would be rolled out for private trash pick up. The corrugated steel building would have a brick veneer on the bottom, a decorative band along the top, and a standing seam metal roof. The narrow length of the building faced Hale Street where the tree line would be maintained. Planting four additional trees within the property met zoning requirements. A heavy vegetative area defined the entire perimeter. Water and sewer would be off Hale Street. Signage was limited to a granite post with a carved, painted composite material sign. Lighting consisted of dark sky compliant, down lit sconces on the building. There would be no light spillover at the property

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line. CSI stormwater comments had not yet been addressed. Mr. Amaral's request to widen Hale Street for bike lanes was outside the project's scope and it was unsafe to do only a portion.

Member comments: There were numerous DPS issues. The floor base needed to be deeper. Mr. Sawyer would do that. The wetlands design needed to change. Mr. Sawyer said it was designed for seasonal high water. Members said DPS requested a meeting to work out differences. How visible was the building from Hale Street? Mr. Sawyer said pines and deciduous trees were along the right of way. Clearing would be only as needed for stormwater and the curb cut. He would keep and maintain a tree line along the frontage and maybe augment with more white pine. Chairman McCarthy asked about the concerns of residents across the street and had concerns about visibility to the neighborhood and light. He requested mitigating the effect on neighbors of trucks exiting with their lights on. Was there any space in the right of way? Mr. Sawyer said two empty lots were across the street. He offered to do a photometric analysis. Chairman McCarthy said Rochester Electronics was a good example of neutral colors the board liked. The development was not attractive at the street, but there was no room to plant. How did the grade work on the site? The board had been surprised by the elevation change from low areas to high on the 7 Graf Road medical building. Mr. Sawyer said he would have the same situation. A 29.5 foot grade on the first floor was fairly level, with 28.8 feet as you entered the drive. The building was ½ foot lower than the street. The southeast corner was 27.8 feet and the natural grade was 22 feet. There would be a five-foot wall at the back of the building, unseen from the road and attention paid to plantings at the entry.

Members said if a car that entered to park on the left found no spaces, how would the car get out? Mr. Sawyer noted the problem. An aerial plan with the building superimposed would be helpful for understanding the building's relationship to Hale Street. Was the building much closer to the street than Rochester Electronics? Mr. Sawyer said the building was set further back. Was runoff increasing to other properties? Mr. Sawyer said no, that was not allowed. He showed where there were culverts running under the road and drainage from a swale along Hale Street. How necessary were the four parking spaces facing Hale Street? Mr. Sawyer said the original submission had landscaping there. Members said there was an aesthetic concern; without front parking the property would have 34-35 spaces. Mr. Sawyer would create a planted buffer. Chairman McCarthy asked about electrical power? Mr. Sawyer said National Grid would decide placement. He demonstrated on the plan where electrical would probably come off a pole to go underground, adding that could change because National Grid needed car access. Chairman McCarthy requested as much underground as possible. What was the strip of land on the plan? Mr. Sawyer said the land would be purchased from the building owner next door. One side of the building had a sidewalk. What about safety issues getting from a car into the building? Mr. Sawyer said there was an entrance in the rear and man doors beside each garage bay. Was there a front walkway? Mr. Sawyer said yes. He would do a better job distributing the handicap spaces.

Public comment open.

Rich Banks, 32 Hale Street, had lived directly across the street for 28 years. Could the entrance move more to the east, across from the driveway of a house that was set further back than his house? Mr. Sawyer showed another drawing indicating a U-shaped driveway. Mr. Banks said plantings across the street were not possible because of wetlands. Previous plantings had died

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once they were 13 feet high. The project's driveway was across from an undeveloped parcel. Mr. Banks requested plantings to mitigate noise. He was concerned about 18-wheelers that could not make the corner when turning off of Low Street onto Hale Street. The sidewalk corner was broken up as a result. He wanted to restrict the size of the trucks allowed. Adding more cars to the road would exacerbate already unsafe conditions for kids walking to and from school without the benefit of sidewalks from the Squires Glen entrance to Comcast. Chairman McCarthy said eliminating parking spaces would allow more tree plantings to mitigate the noise.

Public comment closed.

Chairman McCarthy asked for a list of waivers. He reiterated conditions: remove spaces in the back for a turnaround, removing spaces in the front for noise mitigation landscaping, address noise further, provide more signage details, a photometric, and to resolve CSI and DPS issues.

Don Walters made a motion to continue the Major Site Plan Review to Feb 3<sup>rd</sup>. Leah McGavern seconded the motion and all members voted in favor.

**Motion Approved.**

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**4. Planning Office/Subcommittees/Discussion**

*a) Updates*

A prospective OSRD development and the 40R were discussed.

**5. Adjournment**

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

The meeting adjourned at 10:08 PM.

Respectfully submitted -- Linda Guthrie