

**City of Newburyport
Planning Board
December 10, 2013
Minutes**

The meeting was called to order at 3:05 PM.

1. Roll Call

In attendance: Henry Coo, Paul Dahn, Jim McCarthy, Bonnie Sontag, Dan Bowie

Absent: Cindy Zabriskie, Don Walters, Sue Grolnic, Noah Luskin

Andy Port, Director of Planning and Development and Kate Newhall-Smith, Planner, were also present.

2. General Business

a) The minutes of 11/13/2013 Joint Public Hearing of the Planning Board and the City Council Planning and Development Committee were approved. Henry Coo made a motion to approve the minutes, Paul Dahn seconded the motion and all members voted in favor.

b) *David Clarirdge, represented by Ed Dixon, DGT Survey Group
15R Bromfield Street
ANR*

This ANR involves the adjustment of a lot line between the City of Newburyport (along the adjacent portion of the proposed rail trail) and the property owner of 15 Rear Bromfield. The City-owned portions, shown as Lots 3 and 4 on the plan, measuring a total of approximately 969 square feet, will be turned over to the applicant and will effectively square off this portion of his parcel. In return, the owner is transferring a larger-sized triangle of land, measuring approximately 1,432 square feet, located northward along the rail corridor to the City.

This is essentially a land swap, thereby not affecting any access (from Bromfield Court, located between/on parcels 26-57 and 26-58) to the subject parcel. This proposal benefits the rail trail project by resolving some abutter issues and allowing the project to continue to move forward.

Paul Dahn made the motion to approve the ANR, Henry Coo seconded the motion and all members voted in favor.

3. Old Business

None

4. New Business

*Leonidas Theodorou
190 State Street
Site Plan – informal discussion*

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The applicant was accompanied by his attorney, Christos Valhouli, and Brian Murray, Millennium Engineering.

The owner in 2008 received an approved site plan to cohesively redevelop two parcels: 36-4, home to Leo's Pizza and the newly relocated Bird Watcher's Supply and Gift Shop; 36-3, the prior site of the Bird Watcher's Shop. Now he is seeking to redevelop only parcel 36-3.

The owner is only able to redevelop one parcel due to budgetary and financing concerns and is seeking the Board's input on a new site plan, which includes one, two-story building with retail/commercial uses on the first floor and office space on the second floor. The total area of the building will be approximately 5,000 sf and includes parking in both the front and the rear. The site plan locates the proposed building away from the street, which allows for two rows of parking in the front of the parcel. During the 2008 site plan review process, the applicant received permission from Mass Highway to relocate the entrance to the parcels. This approved entrance remains a part of this new site plan and will continue to be incorporated into the parcel's redevelopment.

Mr. Valhouli explained the three main issues: 1) With access along the front of the building, they can't pull it forward and thereby line it up with the building on the next property, 2) Anticipated tenants for the first floor are "quick hit" and would benefit from easy car access, and 3) Moving the store fronts and parking to the rear of the building, as discussed with the Planning Office, would not make for an inviting or aesthetically attractive street-side of the building.

Chairman Bowie reminded everyone that the approved site plan took a lot of time and produced a result pleasing to all parties. While he appreciated the owner's need to scale back his project, the proposed building location is a problem. He would like to see it moved closer to the street and the parking removed. He also finds the design of the building too utilitarian-looking; it does not incorporate any of the design elements from the previous plan. That being said, he acknowledged the massing and design challenges of designing a two-story building.

Mr. Valhouli stated that the second floor is designed less-utilitarian because it will house office space, but is willing to work with the Board to produce a more appealing façade. Right now he'd like to focus on the layout of the building with visibility for the storefronts from the street.

Chairman Bowie stated that the Board regularly hears the argument for parking in front of the building, but many projects of this nature have experienced success with rear parking.

A member suggested the following design ideas: 1) Relocate one row of front parking to the rear and create walking paths/sidewalks for walking around the building and 2) Although a drive-through option was not part of the previous plan, could one be added to this one and thereby expand options for a tenant that would relieve the need for so much parking on the front side?

Mr. Murray stated that the geography of the parcel restricts it to one driveway so that there is only one curb-cut into the traffic rotary. This is a safety issue with cars driving into the rotary from the north or continuing south on Rt. 1 and not taking care about traffic entering from parcels on their right-hand side. He referred to the extensive traffic study performed for the

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previously approved plan. Basically, a drive-through on this parcel would be a challenge to design.

A member noted that the proposed building is not lined up with the existing structure on the abutting property. Mr. Valhouli said that they could try to relocate one row of parking to the rear and move the structure forward. He will discuss this idea with his client. Another member suggested turning the building. Mr. Valhouli said that his client wants maximum exposure for all retail-fronted tenants. The same member noted that the traffic moves so quickly at this site, visibility will be limited no matter what they do on-site in terms of exposure. Mr. Valhouli said that was all the more reason to augment exposure and moving the building closer to the street could help. Chairman Bowie suggested rotating the building toward the rotary. Mr. Murray said this rotation would not work with the driveway location.

Another member asked about wetlands issues. Mr. Murray stated that no isolated wetlands exist on the property. There are wetlands nearby and they would have to accommodate the 100-foot buffer zone in their plan.

A member asked about the age of existing building and would asking to demolish it trigger a Historical Commission hearing? The applicant said that the previous plan approved all structures for demolition. Mr. Valhouli will confirm this information.

A member warned against producing a building similar to the office building on Cherry St. (and Rt. 1) where it presents a massive block-like structure and parking on the street side. Why does the owner have to remove the existing building? Mr. Valhouli explained that a new building would allow for five tenants; his client is willing to spend money to make money and that would be the case with a new building, purpose-built. They want to contribute to an improved look of properties around the rotary.

The same member encouraged an improved look with a more residential “feel” to the building which would include a reduction in pavement in the front, bringing the building closer to the street, a planted buffer and as much greenery on the site as possible. Could the driveway be moved? Mr. Murray explained that the driveway location is for safety along Rt. 1 and around the rotary. If they design only one row of parking in the front and move the building forward, they would have to seek a waiver from the Board. One member said that would be acceptable as long as there is significant landscaping on the front. Mr. Murray said that they have already designated a landscape architect to work on the project. A member reminded them to incorporate not only landscaping but also sidewalks from the previous plan.

Director Port wanted them to ensure safe pedestrian access throughout the site and sidewalks that keep pedestrians out of the driving areas. Could they plan for a shared driveway with the adjacent parcel, even though the owner is not developing that parcel at this time? That would remove the driveway from intersecting the front of the building. A member agreed that interconnected sidewalks with the abutting parcel are important for future development in the area and access to the rail trail. He acknowledged that rental margins on such a small building will be thin, making this size building expensive to build.

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Mr. Murray said that they will redo all existing sidewalks. Director Port asked if the sidewalk could be integrated throughout the site? Mr. Murray said it needs further study, but could be added as well as extending existing sidewalk to the edge of the property line.

A member expects all Site Plan Review criteria to be addressed, and conceptually the plan should be more creative.

Mr. Murray explained that the rear of the parcel and sections of the adjacent parcel are contaminated and would be very expensive to incorporate into the plan. A member asked if they could move some of the parking to the immediate rear of the building and not get too expensive for the owner? Mr. Murray said yes. A member suggested parking in the rear with a rear building entrance, a “fake” front entrance, and use signs on the front to advertise retail businesses. Mr. Valhouli said that his client insists on front retail entrances. Another member suggested a phased development.

Chairman Bowie stated that he would not support the plan as proposed. He listened to alternatives to the proposed parking and would not hold out for all parking in the rear. Mr. Valhouli commented that he believed some compromise on the parking could be reached.

A member stated that he does not like a solid front facing the street. They needed to do something about massing and architectural detail on the façade. Could they break up the building and change its shape?

Mr. Valhouli summarized the issues as having to do with parking, landscaping, and sidewalks. A member added architectural detailing. If they address all these issues, the plan could be acceptable. This member encouraged them to bring back a revised conceptual plan for another informal discussion. Another member added considerations for signage. A member suggested incorporating design elements of New England houses and creating an over-all plan that could be built in phases.

Director Port suggested shifting the driveway over to the property line. There could be a sidewalk that keeps pedestrians out of the roadway in front of unit 1. Mr. Murray said that shifting the driveway would give access to the rotary for the customers of Leo’s Pizza and the Bird Watcher’s Shop. They can also add the additional sidewalk.

Director Port reiterated the idea to design with the New England vernacular in mind. Mr. Valhouli said they would discuss it with their architect. Director Port asked if sub-surface infiltration would be a problem and could they think about using permeable pavers?

Mr. Murray said that he could not remember the soil type, but their plan is to infiltrate directly off the roof. If the soil is poor, they may need a waiver for alternative infiltration. The cost of permeable pavers could be prohibitive, but they will look into this option.

A member suggested that varying the façade with indentations as well as design details could go a long way to making it look less utilitarian and fit in with desired New England vernacular building designs. Mr. Murray said this idea is worth exploring.

Chairman Bowie reiterated that the Board would be open to another informal discussion about a revised conceptual plan.

5. Planning Office/Subcommittees/Discussion

Mr. Port reported that the City Council approved the zoning amendment to dimensional controls in the downtown that would allow a reduction in the requirements for specified uses by grant of a Special Permit without the need for a Variance. They also approved a rezoning amendment for two parcels on Storey Ave. They did not approve an amendment to the zoning ordinance entitled “Nonconforming Uses, Structures and Lots” to allow extensions or alterations to pre-existing nonconforming single- and two-family residential structures and uses (including new non-conformities) by Special Permit, rather than by Variance.

6. Adjournment

The meeting adjourned at 4:25 PM.

Respectfully submitted,
Bonnie Sontag, Planning Board Secretary