

**City of Newburyport
Planning Board
December 17, 2014
Minutes**

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

1. Roll Call

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

Absent: Noah Luskin

Director of Planning and Development Andrew Port was also present.

2. General Business

- a) The minutes of 12/3/2014 were approved. Doug Locy made a motion to approve the minutes. Sue Grolnic seconded the motion and six members voted in favor. Henry Coe abstained.

b) Route One – ANR

Taylor Turbide, Turbide Engineering, Amesbury, MA, described the second ANR filing as three lots. Lot A (35,145 square feet) and Lot B (21,667 square feet) would each have four units. Lot C with 9,246 square feet would be a single-family. All lots had required frontage on Route One. Chairman McCarthy asked if the previous board-endorsed plan was recorded? Attorney Lisa Mead, Blatman, Bobrowski & Mead, LLC, 30 Green Street, #1, Newburyport, said it was.

Doug Locy made a motion to approve the ANR. 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) Wright's Court Covenant Release

Steve Sawyer, Design Consultants, 68 Pleasant Street, Newburyport, requested the covenant release of Lot 4 where an existing half house sat close to the road. Director Port said the estimate of just under a \$1 million for the other three lots provided enough surety to leverage the completion of the work. A member asked about waiting for comments from peer reviewer Christiansen and Sergi, Inc. Director Port said the lot did not require establishing any services as the other three lots did. No one could build without the completion of ways and services. A

Planning Board
December 17, 2014

member asked if there was any movement on the other three lots? Mr. Turbide said the focus had been on Avita at the top of the hill and was now shifting to the subdivision lots. Action on the subdivision lots could begin in spring with the binder reduced. The contractor would finish the roadway in April, with water and sewer maintained from Toppans Lane.

Don Walters made a motion to approve the Covenant Release. Henry Coe seconded and six members voted in favor. Leah McGavern abstained.

Motion Approved.

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3. Old Business

- a) ***Gary Swerling, Packaging Realty Trust
3-5 Opportunity Way
Major Site Plan Review
2014-SPR-06 – Continued from 11/19/2014***

Attorney Lisa Mead, Blatman, Bobrowski, and Mead, said a month ago they did not have all Zoning Board of Appeals comments and needed modifications to a variance. The Conservation Commission approved the as-is plan and issued the Order of Conditions. Christiansen and Sergi had their questions resolved. Taylor Turbide, Turbide Engineering, went through the hydrology with CSI and clarified where the water flowed, detention areas A and B, how the swale received run off from three different areas, and water quality standards at 82%. Director Port received confirmation that all specifications were met. A de-watering plan would be added per a Conservation Commission request.

Member comments: Were two new plans received today the same? Mr. Turbide said yes. Chairman McCarthy asked if CSI approved everything; were there any waivers? Attorney Mead said waivers included a traffic impact, a full environmental analysis, and photometrics.

Bonnie Sontag made a motion to approve the Major Site Plan Review including the three waivers. Doug Locy seconded and all members voted in favor.

Motion Approved.

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***b) City of Newburyport Department of Public Services
16A Perry Way
Major Site Plan Review
2014-SPR-05 – Continued from 12/3/2014***

Richard Cutts, Engineer, Linden Engineering Partners, LLC, 100 Trade Center, Suite G700, Woburn, MA, presented written feedback to peer review comments. Jon Eric White, City Engineer, was the project manager. Mr. Cutts said the 7.8-acre site presently had two trailers connected by a wooden platform. Plans submitted were construction ready, approved by the Conservation Commission in June with an Order of Conditions and a waiver for the buffer zone. The building was 5,000 square feet with seven regular parking spaces, a van space, and ADA accessible with a sidewalk. Public parking was in front of the new building. Paving would be removed, land re-graded, and re-paved, reducing the impervious surface by 65 square feet. Everything underneath was clay with D and C soils on top. The entire site was wetlands with a 25-foot buffer zone in back. There were new sewer and water connections, no need for fire protection, and the stormwater flowed one way into an inlet. The inlet's capacity was studied at CSI's request and water found to pass into the street. The inlet was redesigned with a 4 foot by 4 foot slotted top and a minimal grade change made from front-to-back, about 4 feet and basically flat. Water would go into the grating and out to the back basin. The basin was open and dry without rain; it could be cleaned easily. Overflow for the 100-year storm event would be exceeded when they located an existing basin out back by lowering the grade and making it functional. There were stone riprap aprons. In front were a six-inch orifice and two eight-inch holes inside a box. Supplemental calculations were in the package.

Director Port asked if the sheets provided tonight were updated or changed? Mr. Cutts said the sheets were the same, but never submitted. Water currently sheeted off the trailers and flowed away. Now, the front dirty water would go through the inlet, be cleaned, and flow out through the back. Roof water did not have to be cleaned. New pavement was 154 square feet, less than the 219 square feet of pavement removed.

Member comments: Did the design still have a flat roof? Mr. Cutts said yes. Did the first sheet show the 25-foot wetland buffer? Mr. Cutts said the second page did. The buffer went through the trailer; wetlands were outside the chain link fence. Could Mr. Cutts clarify wetland and building locations? Mr. Cutts said they considered building on the hill, but the Conservation Commission wanted to keep the upland trees. Chairman McCarthy said CSI had not seen sheets 4, 5, and 6; where might CSI have questions? Mr. Cutts said the sheets showed erosion controls, a crushed stone tracking pad before vehicles get to the street, hay bales, siltation fencing, silt sacks circled with stacked hay bales, vertical granite curbing, concrete sidewalks, all the standard engineering details, down spouts, sections on how to put utilities in the ground, and 6 inches deep loam. Operations and maintenance were in the Order of Conditions.

John Savasta, architect, of CSS Architects Inc., 107 Audubon Road, Building 2, Suite 300, Wakefield, MA, said the site was analyzed for where to place the building. The hill and the present site were the only available locations due to wetlands. The building footprint was laid out in both locations. The hill, while buildable, had obstacles. It was too close to the buffer zone and they would have to cut trees down. Given that residents would arrive by car, it didn't make sense

Planning Board
December 17, 2014

for cars to travel that far into the site. The building was 5,650 square feet originally; now it was 4,935 square feet. They requested a waiver from Zoning Board of Appeals for the set back. The single-story, metal-sided building, was simple, small, compact, and met stretch codes. There was a friendly approach for residents paying water bills. The conference room and business offices were open to the public. The site would employ the existing DPS generator if power were lost.

Member comments: What was the flow of traffic? Would there be problems with visitors encountering other DPS vehicles on the site? Mr. Savasta said people parking in front would not pass by the other DPS building. Were DPS vehicles using same entrance? Mr. Savasta said yes, there was enough space. Mr. Cutts said the paved area was wide; cars could back up at the same time vehicles were driving by. A member noted it was a driveway, not a street. Tony Funari, DPS Director, said the majority of DPS vehicles would enter or leave early in the morning and return late in the day. DPS vehicles would not be parking in the same location.

Chairman McCarthy asked to see the landscaping plan. Mr. Savasta said modest plantings were environmentally sensitive to wetlands and selected to accommodate onsite materials. Mr. White showed the existing trees and said they wanted to install solar panels on the roof eventually, and that explained why the roof was flat. Mr. Savasta said the basins would grow into a nice ponded area over time. Chairman McCarthy asked if electricity was buried? Mr. Savasta said yes. Mr. Cutts showed from the existing building, how electrical wire would travel underground to the new building. Mr. Savasta said he went beyond the stretch code to make the building nearly net zero energy, despite using electric heat. Down spouts off building hit the riprap and water then moved into the basin. Chairman McCarthy asked for the list of waivers. Mr. Cutts said waivers were lighting, soils, signage, and environmental impact.

Public comment opened.

Public comment closed.

Member comments: Elaborate on the plans to install solar panels. Mr. White said there had not been an analysis on the efficiency of solar, but he thought they might be able to put up a few panels. Why was a flat roof needed for solar? Mr. White explained the increased cost of a pitched roof and explained they are at budget. Mr. Savasta said flat roof offered a better way to insulate the building. The Board had concerns about the flat roof collecting snow and ice; would the roof support that possibility or not? Mr. Savasta said roof design accommodated a 100-year storm event. Heavier gauge metals were used. A pitched roof increased the hard surface creating more water running off the site. The building orientation with a pitched roof was not advantageous for solar. A member said they should consider designing for the incremental load of a solar system and that HVAC could not be on the roof if they wanted solar panels. Mr. Savasta said the penetrations for solar panels were installed and capped off. Were electric heat pumps used? Mr. White said yes. Mr. Savasta said a recovery unit for fresh air was on the roof.

Don Walters made a motion to approve the Major Site Plan Review with the four waivers noted and depending on the comments from CSI. Henry Coo seconded and all members voted in favor.

Motion Approved.

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5. Planning Office/Subcommittees/Discussion

a) Updates

Director Port gave an overview of the 35-page draft 40R ordinance. The Affordable Housing Trust, City Councilors, the Mayor, and a few others would provide comments. The intent was to create a small residential and mixed-use village centered around the traffic circle and train station. He hoped to address as many questions and comments as possible before it went to City Council. State approval was required before the Council could take a final vote.

Chairman McCarthy said the state website had good 40R information with maps. The state was incentivizing mixed use through funding. He had reached out to other planning directors who had done 40R projects to see what they had learned.

Director Port said the district did not include the east side of Route One or west side of State Street. Roadways and wetlands were not counted as developable space in the 40 units per acre maximum that could create 800 total units over time if there were full build outs. There was just less than 11 acres of wetlands. Certain mixed uses, including MINCO's live/work space idea, were permitted. Building heights north of Parker Street were limited to four stories, with five stories allowed south of Parker Street. Five or six stories would be allowed around the train station.

Chairman McCarthy said 40R developments required board consensus about what was in the law. The board needed a technical subcommittee that met on its own schedule beginning right away. Good land use was about planning into the future so the use of the land was more efficient. Subcommittee members would include Doug Locy after January 10, Bonnie Sontag, Sue Grolnic, and Leah McGavern. Councilor Eigerman would sponsor the amendment in City Council. MINCO feedback, as the one known developer, was needed.

Chairman McCarthy said he wanted to start electronic delivery of all board materials, with about four plan sets at the meeting. He would suggest to Kate to eliminate packets in the mail. A member pointed out that the application forms would need to change if electronic files became permanent.

6. Adjournment

Doug Locy made a motion to adjourn. Sue Grolnic seconded and all members voted in favor.

The meeting adjourned at 9:20 PM.

Respectfully submitted -- Linda Guthrie