

December 5, 2012

## Meeting Minutes

The meeting was called to order at 7:10 PM.

**In attendance:** Dan Bowie, Henry Coe, Paul Dahn, Sue Grolnic, Noah Luskin, Bonnie Sontag, Don Walters and Cindy Zabriskie

**Absent:** Jim McCarthy

Andrew Port, Director of Planning & Development was also present.

### Approval of the minutes

#### Minutes of November 7, 2012 Meeting

Sue Grolnic made a motion to approve the minutes as amended.

Bonnie Sontag seconded the motion.

The motion passed unanimously.

**Minutes approved.**

#### Votes Cast:

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Sue Grolnic: approve

Noah Luskin: abstained

Jim McCarthy: absent

Bonnie Sontag: approve

Don Walters: approve

Cindy Zabriskie: approve

### Lake Realty Trust

#### 6 Opportunity Way

#### Minor Site Plan Review

Scott Cameron, Lake Realty Trust, described the addition to an existing 10,000 square foot building that included a loading dock, additional parking and a new storm water management system to bring the entire site into compliance with storm water management regulations. The site is flat and bounded on three sides with wetlands. The new storm water system amplified flood storage volume and mitigation and added tree and shrub plantings to enhance both aesthetics and water uptake. An approval and Order of Conditions from the Conservation Commission has been obtained. A pre-filing meeting with Newburyport Fire, Water and Sewer Departments occurred; comments are included in the plans. The plan shows a new electrical conduit, a new access to the building and more suitable means for a fire or box truck to turn around on site. The addition is a prefab steel structure that will make the existing building 49 feet longer.

Mr. Cameron responded to a member's question, saying the Fire Department okayed the building access plan. Chairman Bowie said peer review comments on the storm water management plan had not come back. While no decision could be made tonight, the board was satisfied otherwise.

Chairman Bowie made a motion to continue the minor site plan review to Dec 19.

Henry Coe seconded. The motion passed unanimously.

**Motion approved.**

**Votes Cast:**

Dan Bowie: approve  
Henry Coe: approve  
Paul Dahn: approve  
Sue Grolnic: approve

Noah Luskin: approve  
Jim McCarthy: absent  
Bonnie Sontag: approve  
Don Walters: approve  
Cindy Zabriskie: 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.

**Brad Kutcher**

**2 Oakland Street (251 Merrimac Street)**

**Plan Review**

Mr. Kutcher described his plan as a minor modification to a Special Permit Application under Section VI.C. He had shown Director Port the foundation plan, modeled after 11 Federal Street, prior to the meeting. The buyer for the property was present. Mr. Kutcher clarified the foundation size at 2,683 square feet, whereas the plan showed 8 feet x 12 feet. He proposed a full shed dormer on the right-hand side, facing the river, exactly like 11 Federal Street.

Mr. Kutcher answered a member's question, saying the shed dormer provided a seasonal view of the river. The member stated the board doesn't have design review authority, but was concerned it blocked 6 Oakland Street's view. Mr. Kutcher explained that because the grade climbs, the dormer did not block anyone's view and would not look into anyone's windows. The dormer looks at the roof of 251 Merrimac Street.

Another member asked for confirmation that the board approved the elevation with a single dormer and the bump out of 10 feet x 12 feet. With one dormer to the south and a shed dormer to the north, the member said it could be seen from Merrimac Street. Another member asked if it would block the view of 6 Oakland Street? Mr. Kutcher said no views were blocked by the dormer change; the bump out is the kitchen. A member said the shed dormer was new and another member responded that the roof height has not increased. A member, not sure how it would fit in, considering the side elevations, said the plan increases the mass and gave a sense of a bigger house. Another member said the new dormer is below the peak of the roof. The member thought there was a significant amount of space between this structure and 251 Merrimac Street; was a garage planned somewhere? Mr. Kutcher said no garage was planned. The member said the breathing space reduces the sense of massing as long as there is no garage.

A member asked if the drawing reflected a bump out on the same side as the shed dormer? Mr. Kutcher responded that the bump out was flipped on the elevation drawing; it should be on the right-hand side. The front elevation was correct. Another member added that the chimney was forward of the shed dormer which changed the massing effect, making it more appealing. A member considered what was visible coming down Oakland Street, saying it was a smaller house than 251 Merrimac Street, offsetting the effects of massing.

Director Port said a revised plan should be submitted for the file; Mr. Kutcher agreed. Chairman Bowie said the design revision didn't seem a large issue, but neighbors were interested in the project and didn't know about this change – not the best approach for plan revisions. He preferred to approach the revision in a way that would maintain the confidence people had that the board listened to their concerns. At a minimum, the plan needed correcting to reflect the elevations. A member said it would be better to call it a minor modification.

Chairman Bowie said the board should continue the matter to another meeting so people have a chance to be aware of the design change. Another member said the board was not required to give notice on minor modifications. A member responded that the immediate neighbors at 6 Oakland Street would think of the change as a major modification and felt the board had an obligation to notify the neighborhood. When Mr. Kutcher confirmed that 251 Merrimac Street had sold, a member said the buyer might want to see the revised plan. Another member added that the board typically does not notify neighbors unless there's a major modification. It might not be a good precedent.

Chairman Bowie recommended posting it as a minor modification on the agenda. Mr. Kutcher wondered if he could submit an application for the building permit, even though the dormer might not be approved? He was advised to submit a revised plan first.

Cindy Zabriskie made a motion to continue the minor modification to Dec 19.

Paul Dahn seconded the motion.

The motion passed unanimously.

**Motion approved.**

**Votes Cast:**

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Sue Grolnic: approve

Noah Luskin: approve

Jim McCarthy: absent

Bonnie Sontag: approve

Don Walters: approve

Cindy Zabriskie: 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.

**Steve Sawyer**

**Wallace Bashaw Jr. Way**

**Minor Plan Modification**

Steve Sawyer, on behalf of Northbridge, said the landowner signed-off on the application. Northbridge successfully negotiated to gain access from Wallace Bashaw Way. The access requires frontage in order to create a lot off of Bashaw Way for the hospital, as part of the terms negotiated. Returning to the Zoning Board, Mr. Sawyer received a special permit to create three lots, one with 120 feet of frontage. The hospital will receive that lot.

Bashaw Way is permitted for 'medical use.' This project requires 'residential use.' The required variance was received from the Zoning Board. With special permits for use and access in hand, needed is approval to convert the remainder of the drive from an easement to a private way, providing frontage for the third lot on Bashaw Way. There will be no changes to, or utilities constructed on, Bashaw Way. The curb cut, perpendicular to the ambulance access to the hospital, will not be present along the frontage to the third lot. The project will not impact a retaining wall along Bashaw Way.

A traffic analysis showed 202 trips per day to the Northbridge facility, with an AM peak of 11 trips and a PM peak of 27 trips. Peak traffic hour for the hospital is 3-4 PM for a shift change. The Northbridge facility peak traffic hour is 4-5 PM; there is no overlap.

Existing waivers on the lower section of the access would need to be extended. Director Port said the site plan for the entire facility is expected to be submitted sometime in January 2013 and will be noticed. Mr. Sawyer said a revised site plan would be submitted on January 9 for a February meeting.

A member said the board would hear about drainage and traffic from abutters. If the board approved this modification, would an opportunity still exist to discuss traffic for the site plan review? Chairman Bowie answered in the affirmative. Mr. Sawyer clarified that a traffic analysis was performed, but there was no report, just a robust study. The member responded that the peak traffic hours could change at any point in time. Director Port said going over the numbers of vehicles and the peak trip times would be valuable.

Don Walters made a motion to approve the minor plan modification.

Henry Coe seconded the motion.

The motion passed unanimously.

**Motion approved.**

**Votes Cast:**

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Sue Grolnic: approve

Noah Luskin: approve

Jim McCarthy: absent

Bonnie Sontag: approve

Don Walters: approve

Cindy Zabriskie: 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.

**Steve Sawyer for Jay Caswell**

**325 High Street**

**Pre-application Conference**

Steve Sawyer said Jay Caswell recently purchased 325 High Street. Mr. Caswell had spoken with owners of 323 High Street about buying a rear lot and 329 High Street about additional land, all to be part of this subdivision. Mr. Sawyer stated this project met all the criteria for a by right, waiver-free subdivision plan with five new lots running along the access road to the current

Bresnahan School. Director Port informed Mr. Sawyer the road in future would be the Senior Center access.

Mr. Sawyer said the proposed sub-division roadway design, currently 24 feet wide with a large turnaround, resulted in odd lot shapes. He planned to come forward with waivers for a lower impact roadway design. A reduced roadway, he claimed, would provide a better, cleaner layout of the subdivision, creating more desirable lots, in addition to its lower impact. All buildings would be sprinkled.

Chairman Bowie informed Mr. Sawyer that with a true no-waiver subdivision he can proceed, and all the board does is sign-off. A member said the design presented seemed superior to the by right plan.

Mr. Sawyer described the roadway as being 350 feet to the center of the turnaround and 375 feet to the road's end. He responded to a member's inquiry about Fire Department approval of the road design saying he would meet with Deputy Chief Bradbury to confirm the layout. He hoped to get the roadway width down to 18-20 feet. In response to a member's question, Mr. Sawyer said a sidewalk was required. Director Port said the board had seen the by right, no waiver design and needed a copy of the new design presented this evening for the file, as part of the public records required for the open meeting law.

Mr. Sawyer described the by right, no waiver design as having a jog between lots #3 and #2. Director Port asked if, in either proposal, the Salvatore house at 329 High St. would stay the same. Mr. Sawyer affirmed it would. A member commented that the area was not heavily treed.

Chairman Bowie asked if Mr. Sawyer would be coming in with a definitive plan with waivers. Mr. Sawyer affirmed he would be. Chairman Bowie said if it is submitted as a sub division, either a preliminary plan or a definitive plan with the waiver requests could be submitted. The plan would go through peer review for all the sub division issues.

Director Port said the current City Council discussion regarding a proposed local historic district is in part focused on preservation of the High Street streetscape. Preservationists might look at this plan and say this is what they are trying to prevent: the demolition of High Street houses to reach developable backlands. It's not quite as egregious because the existing house at 325 High Street to be demolished under this conceptual plan is not historic and it's set back from the road and therefore provides little continuity with the historic streetscape. A member thought the plan improved the streetscape by making it more spacious because a house comes down. Another member said the density is going to be at issue because of concerns about infill.

Mr. Sawyer said both houses on either side of the proposed entrance roadway are circa 1850 and the plan would show landscaping for the roadway intersection at High Street. The foundation and location will be dictated by zoning. The member asked Mr. Sawyer to think about screening on High Street to soften the view. Mr. Sawyer said he would submit the plan in a couple of weeks.

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**Planning Office/Subcommittees/Discussion**

The Northbridge project will come in during January with a hearing in February.

The new staff planner, Kate Newhall Smith, starts Monday. She will be at the next meeting.

Director Port would like to make sure that Storey Avenue, in its role as a gateway to the city, represents Newburyport in architecture and streetscape. He wants to revise the zoning ordinance standards to make sure new buildings are compatible with the rest of the city.

Director Port said the city should look in a general way at current zoning regulations with respect to medical marijuana dispensaries to see what options existed for desirable zoning changes, in light of the November 2012 ballot vote to authorize the establishment of so-called medical marijuana treatment centers.

Are there attendance concerns for the January 2<sup>rd</sup> meeting? One member would not be attending.

**6. Adjournment**

Don Walters made a motion to adjourn. Henry Coe seconded the motion.  
Motion approved unanimously. Meeting adjourned at 8:30 PM.

Respectfully submitted, Linda Guthrie, Note Taker