

February 1, 2012

**Planning Board
Meeting Minutes**

The meeting was called to order at 7:07 PM

1. Roll Call

In attendance: Dan Bowie, Paul Dahn, Anne Gardner, Sue Grolnic, Jim McCarthy and Don Walters

Absent: Henry Coe and Bonnie Sontag

Andy Port of the Planning Office was also present.

2. General Business

a) Approval of the minutes

Minutes of January 18, 2012 Meeting

Chairman Dan Bowie deferred approval of the minutes to the next meeting so that Secretary Bonnie Sontag would be able to review them.

b) 1-3 Parker Street ANR

There was no discussion.

Don Walters made a motion to approve the ANR

Anne Gardner seconded the motion

The motion passed unanimously.

Motion Approved

Votes Cast:

Dan Bowie: approve

Paul Dahn: approve

Anne Gardner: approve

Sue Grolnic: approve

Jim McCarthy: approve

Don Walters: approve

3. Old Business

4. New Business

- a) **Kenneth Labrecque, 3 Parker Street and CML Nominee Trusts**
c/o Lisa Mead, Esq.
1-3 Parker Street
VI.C Special Permit

Ken Labrecque, 27 Rolfes Lane, Newbury and his attorney, Lisa Mead of Blatman, Bobrowski and Mead, are here on a VI-C application for a 48,559 foot lot created by the ANR. Attorney Mead described the plans while presenting three large images. One image was a view of the general area that included the rotary and another was a conceptual plan showing both buildings on the lot.

The existing structure is a multi-family with four units built in the 1800s. Wetlands surround the property, leaving not much room for expansion. Proposed on the same lot is a new multi-family building with four units, comparable to the existing structure. The Zoning Board of Appeals and the Conservation Commission have approved the plans. This development in the B1 district is allowed by special permit and is consistent with the goals for the district near the train station. The new building would be over 200 feet from the intersection at the traffic circle and will not overload any municipal systems. The eight bedrooms that make up its four two-bedroom units would use an additional 880 gallons of water per day. A variance has been approved for the front yard set back in order to provide sufficient parking in the rear with a crushed stone surface. The storm water management plan is approved by the Conservation Commission. There are no special regulation requirements or historic restrictions needed.

The ordinance allows for a commercial building here, but property owner Ken Labrecque feels a multi-family rental has less environmental impact and the location lends itself to a rental, rather than a for sale unit. Creating four rental units at affordable rate levels is consistent with the longer term vision for a transit-oriented area. The Affordable Housing Trust (NAHT) has requested a donation of \$13,000 that will provide two down payments for NAHT 'for sale' housing units. Rental rates of the building will be in line with the required affordable rents in Newburyport. Both the existing and new buildings will have about the same front yard set back. The plan provides adequate access to the site with parking to the rear and the side. The proposed structure has a Conservation Commission Order of Conditions, Zoning Board of Appeals variance and special permit to allow the construction of an additional building on one lot.

Chairman Bowie and another Planning Board member questioned the permanency of the new building's rental status, concerned that in the absence of a contract to require permanent rental status it could become condos. Attorney Mead said the NAHT was satisfied without such a contract, and with the donation, and that the existing building has always contained rental units despite market opportunities. Another Planning Board member commented that the location is conducive for the building to stay rental. Converted, it would be a very low-price condo because of its structure. The board member would have preferred a larger NAHT donation. Another member concurred with the great need for more affordable rental housing. Several members found value in the idea of a signed agreement to keep the building from going condo.

One board member said such an agreement could become onerous for the owner. Another board member said the focus was the permit for two buildings on one lot and that the city cannot dictate whether home ownership or rental. A member responded that it's not unreasonable to ask for what the VI-C requests the board to do. We're not stepping outside our bounds to ask for that agreement.

Attorney Mead preferred not to have a restriction on the property. The NAHT has made their recommendation. This is not a typical VI-C. We're proposing an affordable, non-restricted building and adding four, reasonably priced units to the market; it's a benefit to the community. This is the type of VI-C that should be considered more often.

A board member responded that the proposal is exactly what Newburyport needs, but why not ensure that we are putting and keeping four rental units on the market.

Attorney Mead said the city wants to encourage development in this area and these units are more conducive to rental.

A board member suggested the Planning Board not ask for more than the NAHT is asking for.

Chairman Bowie was willing to accept the NAHT terms. He's viewing the project in light of what's been in the area for the last 20 years. The attention paid to this area in the future will change the economics of the area, making it more attractive. He would like some assurance the building will remain rental units for some period of time, but it doesn't have to be indefinite – what about a 15 year timeframe?

One board member was inclined to approve the project without restrictions, but was not convinced the NAHT had all the facts when they made their decision. We could bifurcate and allow some of it to go condo while the rest stays rental. The Planning Board's mission is broader than the Historic Commission or the NAHT.

Another member said a transit-oriented area should mean you don't drive, you walk to the train station. Are there going to be any sidewalks or is there any plausible way to improve the walk ways to the train? Attorney Mead said there are no sidewalks, the curb cut is open to the street and there's no way to put in sidewalks.

Another board member asked several questions: was the elevation fixed, was there a basement, what would the siding be, would the front doors look like the concept and include a pediment? Ken Labreque, property owner, responded to all questions: there is a crawl space basement, the elevation was three feet higher than the adjacent, existing building but still low to avoid running into water and having a disproportionately raised elevation, the siding is vinyl and the front doors will exactly reflect the rendering with a pediment rather than be pre-fabricated. The board member commented that a 60-foot building is very long for New England, and adding just one more foot of height would make the overall volume tremendous. The roof needs a faux chimney because the vast expanse is poorly served with

February 1, 2012

two, small dormers. It's very important to keep a building this size low to the ground. Ken Labreque added that he is required to sprinkler the building and doesn't want to spend more money architecturally in order to keep the rents affordable. He concluded with the statement that he is in the rental business exclusively, with nine other units in town, including a very nice building on Fair Street. His family has never been and is not now in the condo development businesses.

There was no public comment.

One board member said someone from the NAHT should be invited to a Planning Board meeting in order to provide the board with more background.

Attorney Mead asked for a general sense from the board before their vote so she could decide if she'd rather ask for a continuance. She asked for a continuance.

Jim McCarthy made a motion to continue to March 7.

Anne Gardner seconded the motion.

The motion passed unanimously.

Motion approved.

Votes Cast:

Dan Bowie: approve

Paul Dahn: approve

Anne Gardner: approve

Sue Grolnic: approve

Jim McCarthy: approve

Don Walters: approve

Chairman Bowie said the meeting should have been recorded so the applicant would not have to resubmit. Attorney Mead requested the board move to reconsider the motion to continue, and waive the application fee, allowing the applicant to withdraw and resubmit without paying a second application fee.

Jim McCarthy made a motion to reconsider the motion to continue and waive the application fee for resubmission.

Don Walters seconded the motion

The motion passed unanimously.

Motion approved.

Votes Cast:

Dan Bowie: approve

Paul Dahn: approve

Anne Gardner: approve

Sue Grolnic: approve

Jim McCarthy: approve

Don Walters: 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) Institution for Savings

68 Storey Avenue

Major Site Plan Review – Application Completeness Vote

Charles (Chip) Nutter, Woodman Associates Architects and Michael Jones, President, Institution for Savings explained the need to extend the bank's canopy to address the glare on the ATM and wondered how to proceed. Andrew Port, Planning Office, asked the bank to submit a modified plan. A member added that the modification is submitted when the plan is opened for a public hearing. Another member asked if it is a zoning issue. Andrew Port said no. The member said it could be a set back issue, relative to the zoning.

Michael Jones, President, Institution for Savings, said that employees in this location work very hard and have no kitchen, no break room, and the bathrooms date to the 1970's. It's the largest bank on Storey Avenue, a \$250 million branch office, compared to The Newburyport Five, which does \$60 million and Eastern Bank, which does \$45 million. The employees have no amenities and we want to make it look better. We may also be adding a new sprinkler system if the current pipe isn't wide enough to handle the addition.

A member said the footprint is there and a peer review isn't necessary. Andrew Port, Planning Office, said the storm water management system is already in place; the additional water is negligible. During construction, please watch the traffic.

Chairman Bowies said the public hearing will be opened on February 15th and reminded everyone that there is a waiver request.

Anne Gardner made a motion to approve the Application Completeness

Don Walters seconded the motion.

The motion passed unanimously.

Motion approved.

Votes Cast:

Dan Bowie: approve

Paul Dahn: approve

Anne Gardner: approve

Sue Grolnic: approve

Jim McCarthy: approve

Don Walters: approve

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning

February 1, 2012

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.

5. Planning Office/Subcommittees/Discussion

Andrew Port, Planning Office, said there will be a second reading of all the zoning changes and two councilors had recused themselves.

The Seaport project proponents had returned regarding a couple of pieces of the Woodman property that are not in the Tropic Star development. We last looked at these Woodman properties in 2005 (showed map) under 61-A when a bona fide offer had been made by Seaport to the Woodman's. Previously, Seaport had proposed 180 units as a 40-B, covering every square inch of uplands. They are looking for a compromise, but the Mayor said it's still too dense and this is not something we find acceptable. If it comes in as a 40-B, it would not come before the Planning Board.

The Water Treatment Facility may come in with a modified plan, with landscaping. Tree plantings have not been done. A resident, Bill Harris on Lime Street, is worried that trees will block Lime Street. We're taking a look at the situation and the Planning Board may be asked to take a look at it also. We may need to revise the site plan. Andrew requested not to remove any trees, which is what Mr. Harris is looking for. Maybe we can change the species to something with a more open branch structure. He doesn't feel comfortable removing the trees entirely.

One member was concerned that the Water Treatment project would result in removal of the fence on the path along the river. Andrew Port assured him that they were not touching the fence. The member said they need to come back for Phase 2 of the Site Plan Review. Phase 2 will affect the path along the river.

A member asked if National Grid was trying to clean up their area. Andrew Port explained the city has been working with National Grid for public access to the water on their extra land. We're making good progress trying to get it wrapped up in the next couple of months. We're also working with the Coast Guard. And we're in the designing process for the trail.

6. Adjournment

Jim McCarthy made a motion to adjourn.

Anne Gardner seconded.

Motion approved unanimously.

Meeting adjourned at 8:30 P.M.

Respectfully submitted, Linda Guthrie, Note Taker

