

**City of Newburyport
Planning Board
February 3, 2016
Minutes**

The meeting was called to order at 7:00 PM.

1. Roll Call

In attendance: James Brugger, Jim McCarthy, Sue Grolnic, Andrew Shapiro, Bonnie Sontag, and Don Walters

Absent: Doug Locy, Noah Luskin, and Leah McGavern

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

2. General Business

- a) The minutes of 1/20/16 were approved. Don Walters made a motion to approve the minutes. James Brugger seconded the motion and all members voted in favor.

b) ANR Plan – 4 G Street (2016-ANR-04)

Sarah Bellino, attorney, BBMT, 30 Green Street, said the straightforward lot split created two 9,800 square foot lots. Lot B had a variance for the set back.

Don Walters made a motion to endorse the ANR. James Brugger seconded the motion 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.

3. Old Business

- a) ***East Row Condominium Trust c/o L&M Properties
14-22 Market Square, 1-2 Elbow Lane, and 1-11 Liberty Street
DOD Special Permit (2015-SP-03)
(Continued from 1/6/16)***

William Mattos, property manager and principal, L&M Properties, 21 Pleasant Street, recapped the three, longest lasting options proposed by Simson, Gumpertz & Heger, 41 Seyon Street, Waltham. He rescinded the 1/6/2016 request for an overclad system in favor of a through wall flashing system that would minimally be seen from the street. Bricks taken out would be reused

Planning Board
February 3, 2016

and any damaged bricks would be replaced in kind. He was concerned about getting repairs underway to address ongoing leaking. The flashing would connect through to the second wythe. Members asked how much through wall flashing tenants would see? Mr. Mattos said about four inches. Chairman McCarthy would attach the decision.

Public comment open.

Deirdre Farrell, 18 Market Square, East Row Condominiums, applauded the decision and thanked the condominium board, Planning Board, and the Planning Office for their work.

Tom Kolterjahn, 64 Federal Street, co-president, Newburyport Preservation Trust, agreed with the new proposal that caused minimal damage to the building. Mr. Kolterjahn said Historical Committee Chair Sarah White said the choice was superior. He asked that lime mortar, which needed to be softer than the historic brick, be specified for the project. It would be a complicated process.

Public comment closed.

Chairman McCarthy asked if the board had discussed the lime mortar aspect with SGH? Mr. Mattos said no, but would ensure it was in the specifications. Director Port said the Planning Office would handle any issue that arose.

Sue Grolnic made a motion to approve the DOD Special Permit with the use of lime mortar. James Brugger seconded the motion 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.

b) Chart House Development, LLC
23 Hale Street
Major Site Plan Review (2016-SPR-02)
(Continued from 1/20/16)

Chairman McCarthy said a continuance was requested based on discussions with the engineers.

Don Walters made a motion to continue the Major Site Plan Review to Feb 17th. Bonnie Sontag seconded the motion 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.

4. New Business

***a) One Boston Way, LLC
1 Boston Way
Smart Growth District Plan Approval (2016-SGD-01)***

Andrew Shapiro read the notice. Lou Minicucci, manager, One Boston Way, and founding president, MINCO, 166 Route 1, Newburyport, said the team addressed comments from the informal meeting. MINCO, incorporated 30 years ago and staffed by 20-30 people, had completed several public projects, including local public housing and residential 40B projects. His initial interest in 1 Boston Way 12 years ago culminated two or three years ago when the MBTA began looking for developers again and MINCO had the low bid. He showed images of MINCO's past projects and the evolution of their conceptual images for 1 Boston Way. The 84 units with four work/live components on the first floor and 3,000 square feet of shared office space on two acres would serve industrial park employees and could be an incubator for start-ups, among other economic advantages to the City.

Robert Uhlig, landscape architect, Halvorson Design Partnership, 25 Kingston Street, Boston, described the 40R as a gateway from the south and displayed an aerial image. The pedestrian perspective had benefits and challenges. The Rail Trail's visual amenities and connection to the waterfront, and the future Rail Trail 2, offered this project an opportunity to become another visual amenity along the trail for the benefit of the community.

Scott Cameron, engineer and principal, Morin-Cameron Group, Inc., 447 Boston Street, Topsfield, showed the site's existing conditions with 87% covered by asphalt. Site challenges included a wetland off Boston Way and Parker Street that crept onto the site, a 13-foot grade change on site, capped drainage cutting across the train, a second eliminated drainage easement, and a 50-foot wide electrical easement on one-third of the property. The footprint showed an active drainage easement on the south side. Titles would be cleaned up on the two unused easements. The site plan showed parking details, solid waste removal, and how asphalt was now broken up by the project. The curb cut on 1 Boston Way would be maintained as the main residential access and parking on both sides of the street allowed. Overhead wires and the electrical easement had to be maintained. Also shown were a temporary drop off area, a longer term loading area, and parking for 129 cars, of which 58 spaces were underground. A zoning analysis showed the design and parking as fully compliant. A drainage plan, still in technical development, highlighted green open space and the low impact drainage system. A detention pond on the site would be renovated to become a stormwater wetland with bio-retention areas for roof runoff. The utility plan included a water main, sewer, fire, and electrical components.

Mr. Uhlig said during the second year of design evolution it was determined the building should look simulate the urban fabric of the City, therefore Boston Way would function as a typical downtown street with on street parking, a sidewalk wrapping around to Parker Street, and a community terrace close to the street to maintain an urban feel. A curb cut was added on Parker

Planning Board
February 3, 2016

Street with stonewalls and signage. A pruned and landscaped planting buffer along the train platform indicated the site was no longer an MBTA parking lot. Pedestrian access from the train platform jogged off to one side to skirt the planting buffer. The open space for residents was not separated from public space to invite passers by. The site dropped off, exposing foundation that would be hidden by stormwater plantings. The planting plan and plant list included over 50 trees with canopies and ground plantings. Cast in place concrete pavers and stonewalls would help with grade changes. Images of benches, picnic tables, stonewalls, screening for trash enclosures and transformers, and rain garden plantings were typical of what would be used. The lighting locations were shown; photometrics would come later. The community courtyard adjacent to Parker Street was open to the public. Bike storage was located in three different places.

Greg Smith, architect, GSD Associates, 146 Main Street, North Andover, said the architecture responded to fronting the Rail Trail and urbanizing barren land. The differing materials and design elements used were all found in Newburyport. Brick on the lower level accentuated the commercial aspect of the first floor. Second floor bump outs had cornices similar to the Dodge Building. Granite stone mirrored the Customs House. Elevations showed the garage almost entirely buried 10 feet below the first floor. A garage entrance off Boston Way exited on the MBTA side. Live/work spaces each had patios at their individual entrances. Commercial space was on one end. Elevations showed the view from Boston Way and from the MBTA station. The highest part of the building faced Boston Way. Stepped retention basins ran along the Parker Street sidewalk where the building's height and length was modulated by the use of different materials and cornice lines. Landscaping included site retaining walls shown on the plans.

Mr. Minicucci said land uses were changing and industrial uses were diminishing. The remaining industrial base could not be maintained without an employment base that needed affordable housing. He had delayed development of the \$16 million project to be part of the 40R.

Chairman McCarthy asked if power lines could be buried given restraints and whether the building was sited properly? Mr. Minicucci said the cost was too prohibitive to calculate. The lines would have to be re-routed. National Grid would incorporate the impact all the way up and down the line, taking into consideration the future value of a high-speed line. A member who worked with National Grid daily concurred. Chairman McCarthy accepted the location of building and preferred investing in the architecture. This project would set the design standard for the 40R as a whole, therefore the architecture was extremely important. The building elevation showed part of the foundation set out of the ground. Had soils been tested? Mr. Cameron said yes, the soils were not ideal but workable. Director Port asked how the underground garage worked in the location. Mr. Smith said ledge was low and groundwater was high. A drain would be installed all around the parking lot and the soils would be treated. Chairman McCarthy said it was not trivial if the building had to come out of the ground three more feet. Mr. Smith said National Grid would not allow an elevation change in the parking lot where the electrical easement was located. Mr. Cameron said the 13-foot grade at the entrance dropped as you moved deeper into the site, which was an advantage. A member participating on the Storm Surge Committee said it seemed likely the industrial park would face water and flooding issues in future years; how would that be addressed? Mr. Cameron said plans took future flooding into account, although the site was outside the flood plain. The team had worked closely with Jon Eric White, City engineer. There was another 13 feet down to the Little River.

Planning Board
February 3, 2016

The team's wetland environmentalist was Lisa Caledonia, LSC Environmental Consulting, 17 Pleasant Lane, Clayville, RI. Members asked if dewatering plans would be needed during construction? Mr. Cameron said yes, a detailed dewatering plan was in place. Director Port said water from the uphill side would be rerouted around the building's foundation. Mr. Cameron said stone and pipes would be used as well as a trench drain at the entrance of the garage to capture surface runoff. Members asked if water stops would be used in construction joints in the event the parking lot became a swimming pool? Mr. Smith said yes, along with drainage pipes.

Members requested more of an urban townhouses concept for the architecture, with more clearly differentiated verticals and a reduction in the variety of color used. The architecture needed more simplicity. The three colors did not break regularly to give the effect of smaller structures right next to each other. Director Port agreed and said improvements were needed in the façade colors and materials. He liked the gray stone material, but two different reddish brown materials made the color scheme too complex. He did not feel strongly about clapboard for the project; there were not many residential homes in the area. The differentiated window pattern was good, but color changes from black to white were unsettling; the black looked better overall. Members said the lintels needed more character. Director Port liked windows wrapping around corners. Chairman McCarthy said it was hard to find a rhythm, but thought there was one. He liked the cornices up and down and windows were the right size. Windows were supposed to be operable. Two different reddish colors subtracted from the pattern. Mr. Smith said windows were 5 feet x 6 feet with two double-hung windows next to each other and three 3-foot windows side by side. There were no mullions in the top glass. Members asked if balconies were planned? Mr. Smith said there were double sliders opening onto Juliet balconies but concerns about flashing problems, cost, and overhead wires had eliminated most of them. Juliet balconies were in specific areas only, all around the building. Typically, rental units had many problems with balconies, such as grills being used. The deck above the entrance was accessible. Director Port asked if the deck was accessible to anyone? Mr. Smith said it was open to all residents. Members asked if it was possible to install a second elevator? Mr. Minicucci said MINCO's Maritime Landing was about same size and functioned well with one elevator.

Public comment opened.

Mark and Teresa Richey, owners, Mark Richey Woodworking, 40 Parker Street, had 15 acres of industrial property across the street with a couple of tenants. They liked the architecture and could see a benefit for their employees, but were concerned about a residential building located adjacent to an active industrial building with two shifts, starting at 5:30 AM until 11:30 PM, or working all night if there was a big project on deadline. He could not always know when deliveries would arrive. There would be noise from air units and large trucks coming entering and exiting. Mr. Minicucci said he was well aware of being next to an industrial park. The noise could not be more than the train. If the Richey's operated in compliance with noise and odor regulations, he saw no problems for the urban setting. New building technology prevented too much noise from penetrating with the use of 3-inch thick Styrofoam panels, central air conditioning, and thermal pane windows that opened only four inches from the second floor up per state code. Mr. Richey hoped it was not the beginning of pushing industry out of the park. He was encouraged to relocate his business to Newburyport's industrial park by former mayor Mary Ann Clancy. His business would not move and everyone would have to coexist.

Planning Board
February 3, 2016

Ralph Castagna, Castagna Construction, 69 Parker Street, also owned the Cleantech Center on Milliken Way and built the Senior Center. The MINCO team was competent and he liked the plan but was concerned about the full build out of 520 units in the 40R, although he supported residential uses in the area. He noted a safety concern that existed for the Seaport Industrial Park property on the corner at 65 Parker Street that cars exiting the 1 Boston Way parking lot would also face. Drivers glanced left too quickly as they stepped on the gas pedal and that put people crossing the Rail Trail on Parker Street at risk. The distance was only 35-40 feet. Other people in the park were concerned about the overall scale and density of the 84-unit project. His Seaport Industrial Park tenants were overwhelmed by the size. Protective covenants existed on the lot with a minimum of 30 years and were extendable. The covenant specified a 35-foot height restriction on buildings. Mr. Minicucci said he believed he was in full compliance.

Public comment closed.

Chairman McCarthy requested the covenant restrictions be researched. Design guidelines specifically called for a 30-foot minimum for the building's rhythm; that meant no flat planes on the building longer than 30 feet. Mr. Smith did not think the project violated that. Chairman McCarthy said there should be operable doors on all four sides. Mr. Cameron pointed out the service door on the garage side. Chairman McCarthy asked if there were doors on Parker Street facing the sidewalk? Mr. Smith said four units had doors on that side before the grade changed. Chairman McCarthy asked about the density waiver. Mr. Minicucci said there was an additional lot across Boston Way that could be used, but had asked for a waiver for 2,000 square feet because it would be nicer to have one self-contained parcel. Members said that the waiver represented slightly over 2% and the principal of the ordinance was at issue. Chairman McCarthy was not okay with using the additional lot, stating that 40 units per acre was generous. Density worked only when there was open space also. He would be interested in keeping the additional property as open space. Mr. Minicucci said he would donate it. Chairman McCarthy said he was not willing to grant the waiver separately from the wetlands remaining wet and open in perpetuity. Mr. Minicucci would come back with a plan that was fully compliant. Director Port could not recommend granting the waiver. As a new concept for Newburyport, one of the comfort levels the City had about 40R was the maximum density limit. He thought it wise to produce the units on other land and better for 40R development to be by right than waived, especially the first project.

Mr. Castagna asked to see a plan package. Director Port said it would be on the website, but was not accessible from the main page yet. Mr. Castagna asked if the City would look into the protective covenants? Mr. Minicucci said he would double check, but had determined the covenants did not apply to his site. The original owner mortgaged the property, then added the covenants, and after selling the properties Mr. Castagna referenced, went into foreclosure. The covenants applied to the sold properties, but not to the properties that went into foreclosure that the MBTA subsequently purchased. Mr. Castagna asked for the overall height of the project? Mr. Minicucci said 60 feet.

Member comments: Could anything be done to address the potential problem of cars turning right out of the property and endangering the Rail Trail's pedestrian crossing? Pedestrians could

Planning Board
February 3, 2016

ignore the zigzag pedestrian way from the train and proceed in a straight line anyway. Mr. Cameron said there would be a physical obstruction such as a bench and a sign to deter walking straight. Chairman McCarthy accepted the jog but was concerned about the lack of landscaping to highlight the building entry. Members asked about landscaping around the MBTA shed and the requested letter from the MBTA? Mr. Uhlig said there were landscaping plans for the shed. Mr. Minicucci said improvements to the shed were explained to the MBTA real estate person, who seemed inclined to say yes but would follow MBTA protocols for an official answer that had not come yet. Members had concerns about site lines. Mr. Cameron would vet all traffic issues over the next few weeks. Chairman McCarthy said the City had initiated a dialogue with the courthouse about pedestrian flow around their property. Director Port said the grant from upgrading the pump station included securing pedestrian connections between the train and the park. The City would build a bus stop at a Parker Street intersection deeper in the park and install a sidewalk along a stretch of Parker Street. The 40R ordinance specified sidewalks be installed within 250 feet of any development. He asked Mr. Minicucci to extend his sidewalk 250 feet in either direction along Parker Street and the City would extend it all the way to the bus stop. Members said there were no sidewalks around the courthouse or the medical building. Director Port said the regional planning agency was working on ideas for a pedestrian way across the top of the traffic circle area. Mr. Minicucci said other property owners should put sidewalks in front of their properties. Director Port said since other property development could be a long time coming, expanding sidewalks was written into the ordinance. Chairman McCarthy said the sidewalk design standard was more like a Rail Trail design standard that served both bicycles and pedestrians. Director Port said a concrete sidewalk would have a bike lane in the right of way to the west of the building that would jog off into a designated bike path/Rail Trail on Parker Street at the east side of the building. Mr. Uhlig said the grade changes on the Parker Street side were challenges for MINCO's stretch of sidewalk. Chairman McCarthy said MINCO's sidewalks, rather than ending at nothing, would connect pedestrians in a larger vision for the entire area.

Chairman McCarthy approved the height, elevation, top cornices, and the window's shapes and rhythm, but the architecture needed improvements. Changes were needed on the pattern of materials and colors as well as the space that directed pedestrians to the entrance. He needed more options on colors and materials rhythm. Members said to simplify the rhythm of materials and color; no more than three colors were needed. Chairman McCarthy said hiring an architectural consultant was also an option. Mr. Cameron said they would return with new color elevations and color palettes to review. Director Port asked about lowering the building sign to a pedestrian scale just above the canopy because it presented commercially as positioned. Mr. Smith said the sign was on the commercial end where only residents were permitted to enter.

Director Port asked if the shared workspace would be branded? Mr. Minicucci said not at first. Mr. Smith said there was a structural wall every twelve feet. Director Port said the walls should be removable to make a commercial space larger if needed. Mr. Smith said to remember what was above the commercial space. Director Port said true commercial space showed future potential for modification without substantial work involved, even though it is not done initially. A demonstration of the extent spaces could be expanded so that they could go to full commercial use over the long term was necessary. The ordinance was written for true mixed-use over the

Planning Board
February 3, 2016

long term. Mr. Smith said he would address that. Members said there were beams that could carry the load of the space above so that the walls did not have to be structural.

Chairman McCarthy said the board wanted architectural options, with actual materials, more focus on the entryway, and the issue of configurability addressed. Mr. Cameron said the stormwater work would start tomorrow and take one month. Members said the governing contract documents were the plans. The board would be addressing different sizes of everything. Who would review all the documents to ensure they conformed to the ordinance? Director Port said he would. Chairman McCarthy said the board would bring someone in, if necessary.

Don Walters made a motion to continue the Smart Growth Plan to March 2nd. Andrew Shapiro seconded the motion 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.

5. Planning Office/Subcommittees/Discussion

a) Updates

The Hillside project, the Evergreen Golf Course project, zoning amendments, the Master Plan update, NED, and waterfront west were discussed.

6. Adjournment

Sue Grolnic made a motion to adjourn. James Brugger seconded the motion and all members voted in favor.

The meeting adjourned at 10:15 PM.

Respectfully submitted -- Linda Guthrie