

March 16, 2011

**Planning Board  
Newburyport City Hall**

The meeting was called to order at 7:00 P.M.  
A quorum was present.

**1. Roll Call**

**In attendance:** Dan Bowie, Henry Coe, Paul Dahn, Sue Grolnic, Bonnie Sontag, Jim McCarthy, Anne Gardner, Julia Godtfredsen, Don Walters

Andrew Port and Emily Wentworth of the Planning Office were also present.

**2. General Business**

**a) Approval of the minutes**

**Minutes of March 2, 2011 Meeting**

Don Walters made a motion to approve the minutes as submitted.  
Bonnie Sontag seconded the motion to approve amended minutes.

**Votes Cast:**

Dan Bowie - approve  
Henry Coe - abstain  
Paul Dahn- approve  
Sue Grolnic- abstain  
Bonnie Sontag- approve  
Jim McCarthy- approve  
Anne Gardner- approve  
Julia Godtfredsen- approve  
Don Walters- approve

**b) Performance Certificate for Curzondale Court**

The Planning Board approved the Curzondale Court Subdivision, accessed from Hallisey Drive (near I-95) and consisting of five lots, in January 1986. The developer completed the roadway and other public improvements later that year. The Board issued a Certificate of Performance in June 1986, releasing Lots 2 and 4 from the covenant. The Board then released the remaining balance of a passbook account held to ensure performance in October 1987. It does not appear that Lots 1, 3 and 5 were ever released from the covenant.

The property at 2 Curzondale Court (Lot 1) is presently under contract. The buyers' closing attorney has requested that the seller provide a Certificate of Performance for the lot. Since the Planning Office can find no record of this vote, the Board is being asked to issue the Certificate now. Since the monetary performance guarantee has been released and the roadway was subsequently accepted by the City, the Board voted to issue the Performance Certificate.

Don Walters made a motion to approve.

Bonnie Sontag seconded the motion to approve.

**Votes Cast:**

Dan Bowie - approve

Henry Coe - approve

Paul Dahn- approve

Sue Grolnic- approve

Bonnie Sontag- approve

Jim McCarthy- approve

Anne Gardner- approve

Julia Godfredsen- approve

Don Walters- approve

**During the course of discussion and consideration of this application, the 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) James C. Bourque Construction Inc.**

**Andrew Turbide Lane**

**Definitive Subdivision Modification**

**Special Permit Amendment**

***Continued from March 2, 2011***

Julia Godfredsen recused herself as she is an abutter.

***Conservation Area***

Mr. Bourque discussed the results of a March 8 visit to the site by the developer, project engineer, arborist, and Emily Wentworth from the Planning Department. This visit was to determine what could be done to enhance the conservation area. He proposed removing the debris along the eastern edge. The arborist developed a planting schedule for screening purposes which included different Native American species of trees that would replace the invasive species there today. Some of the trees would remain, such as the sugar maple. The arborist recommended removing trees not doing well, aggressive planting on the southern border, and adding a large species in the middle of the proposed cul-de-sac. On the north end, three trees were proposed for removal with the addition of trees such as dogwood and river birch proposed for screening.

***Restricted Deed for Lot 1***

The question of whether or not the combined lot could be subdivided in the future was noted in Christiansen and Sergi's review and during the March 2, 2011 hearing. Steve Sawyer confirmed

that there would be enough frontage for two conforming lots. The owners of Lot 1, Brian and Maryelien Zampell, have offered to record a deed restriction on further subdivision of this lot if it is important to the Planning Board.

***Ladder Truck Access***

Mr. Bourque indicated that Ladder Truck access was discussed with Deputy Chief Bradbury. Emily Wentworth, Planning Department, indicated that though there was nothing in writing from Deputy Chief Bradbury, there was a verbal commitment of conditional approval based on installation of a sprinkler system in the new home.

***Restricted Protective Covenant***

There was discussion about the revised covenant that had been proposed to effect the changes in the conservation area. It was not clear whether there needed to be wording changes, an amendment, or if the entire covenant needed to be revised to clearly reflect what was being proposed. There was some discussion about approving the application contingent upon the Planning Office making a final review of the covenant. It was discussed that legally there has to be a way to go into the conservation area and add to it, but once the work was done, restrict further activity.

Emily Wentworth indicated that the legal document needed to be amended before the application could be approved.

***Detail on Elevations***

It was noted, that with the plans at hand, all that the applicant is committing to is the footprint. There was a question as to whether the Planning Board was setting things in stone for all the proposed dwellings in this subdivision plan by approving the entire package.

Emily Wentworth indicated that the application in front of them, if approved, would be limited to the proposed changes, including the building footprints. The maximum building envelopes were determined by the plans at hand, but the appearance of the buildings wasn't restricted. If the houses can fit within the proposed footprints, the applicant doesn't have to come back to the Planning Board. If there are changes they will have to come back to the Planning Board.

The applicant will revise the plans to provide square footage associated with each proposed structure in the subdivision.

The Hearing was continued until April 6, 2011.

**4. New Business**

None

**5. Planning Office/Subcommittees/Discussion**

March 16, 2011

Discussion with the Planning Director focused primarily around three items: waterfront development; signage at Panera Bread, and the upcoming local historic district meeting.

**6. Adjournment**

Motion made to adjourn.

Motion seconded.

Motion approved unanimously.

Meeting adjourned at 10:15 P.M.

**Respectfully submitted, Jennifer Lamarre – Note Taker.**