

April 20, 2011

**Planning Board
Newburyport City Hall**

The meeting was called to order at 7:04 P.M.

A quorum was present.

1. Roll Call

In attendance: Dan Bowie, Bonnie Sontag, Sue Grolnic, Don Walters, Henry Coe, Anne Gardner

Missing: Paul Dahn, Jim McCarthy, Julia Godtfredsen

Emily Wentworth of the Planning Office was also present.

2. General Business

a) Approval of the minutes

Minutes of March 16, 2011 Meeting

Henry Coe made a motion to approve the minutes as submitted.

Sue Grolnic seconded the motion to approve amended minutes.

Votes Cast:

Dan Bowie - approve

Henry Coe - approve

Sue Grolnic - approve

Bonnie Sontag - approve

Anne Gardner - approve

Don Walters - abstain

3. Old Business

4. New Business

- a) Springwell Investments, LLC
 - Oleo Woods Subdivision/Russell Terrace Extension
 - OSRD Special Permit Modification
 - Definitive Subdivision Modification

Board Chairman Bowie read the Legal Notice of Public Hearing for the OSRD Special Permit Modification and the Definitive Subdivision Plans for Oleo Woods/Russell Terrace Extension. The Board had agreed during the 4/6/2011 meeting to continue this hearing at the present meeting.

Bill Sheehan, Attorney for the Oleo Project introduced Brian Murray and Eric Botterman from Millenium Engineering, Rick Green and Mike Green from Springwell Investments and Mike Seekamp from Seekamp Environmental Consulting.

Attorney Sheehan indicated that the OSRD changes could be categorized in 4 ways:

1. Style of houses: the package sent to the Planning Department on 3/9 from Millenium Engineering, Inc. demonstrated the various styles of the homes
2. Attached garages instead of detached garages
3. Originally Lots 19, 20, 23, and 24 had shared driveways, now each has its own
4. Building materials

Attorney Sheehan mentioned that Springwell was working with DPS on utilities.

The applicant also wanted to get feedback from the Board on three potential changes.

Change #1: Proposal for Lot 18 to have two separate homes as opposed to a duplex.

Lot 18 was originally designated for a duplex (designated as affordable units). This duplex was not well-received by previous reviewers. The applicant proposed creating two separate homes, each with its own driveway. The applicant wanted to get feedback from the Board about this change. A question about the amount of living space in these units was asked by a board member and the answer was 1500-1600 square feet. The other homes in the subdivision are 1700 – 2200 square feet. The distance between the 2 homes would be about 10 feet.

Change #2: Proposal to remove from subdivision plan what was originally Parcel B

The applicant removing from the subdivision plan what was Parcel B. Once subdivision is approved, the applicant will come forth with an ANR plan.

Change #3: Permission to build on a 25th Lot

Lot 10 had issues including no access. Lot 10 could not be improved. The applicant has proposed reconfiguring Lots 9 and 10 so each has sufficient frontage and both have access without getting into wetland issues. The applicant would like permission to build on this Lot. The lot is an A&R Lot. There was a question about the length of the driveway; the answer was that it was about 120 feet.

Phil Christensen, from Christensen & Sergi made the following comments:

- Mr. Christensen indicated there were not too many engineering issues.
- Moving from detached garages to attached garages is a good change
- Shorter driveways are helpful
- Building materials are not considered engineering issues
- House on Form A proposed meets all the needs from an engineering perspective
- The proposal of 2 houses instead of a duplex is better. Initially Christensen & Sergi had problems when it was one house because of parking layout.
- Mr. Christensen did not understand what the retired lot meant? No tax credits?

A Board member asked about Lot 10 being so close to the wetlands and whether there were any issues. Mr. Christensen said there were no issues with this.

Emily Wentworth from the Planning Department indicated that there had been a specific effort to NOT develop Lot 10.

Chairman Bowie said that Lot 10 was tied to the possibility of application getting tax credit but didn't think this was ever done. A Board Member thought the OSRD yield calculation was 24.

Attorney Sheehan said that affordable housing lot does not count against yield, they are within the OSRD yield and have not changed the 85% wetland requirement. A Board Member asked if the shortened and impervious driveways created an issue? Christensen & Sergi said that with shorter driveway even though impervious, they can still meet storm water requirements. A Board member asked if they will be going to Conservation Commission, they said yes on 5/3/2011. A Board member referred to a letter received from Parker River Clean Water Association indicating that the tree clearing could impact water. He asked if Christiansen & Sergi took into account the water coming from other places (beyond the limits of the project). Christensen & Sergi confirmed their calculations did reflect this. The applicant indicated that this project uses Cornell numbers.

Lot 18 Discussion:

- Unfortunately the units look visually different from the other houses
- The fact that access has improved is good
- Maybe top house should be moved closer to the lot line
- Two houses should be easier to sell than a duplex
- Think it would be appealing to families
- This will have to come back to the Board

Parcel B Discussion

- Attorney Sheehan mentioned that it is awkward having a piece of an ANR Lot which is part of the OSRD Special Permit

Lot 10 Discussion

- One board member doesn't like proposal at all; portion has wetlands on it
- At a minimum should be presented to the Conservation Commission
- Mr. SeeKamp indicated there is no restriction to having wetlands on property. Conservation commission would require a fence and a medallion.
- What about utilities on Lot 10?
- There have been several meetings with DPS. They are getting rid of high maintenance pump station. The applicant is picking up the costs for this work. Mr. Christensen indicated that this seemed like a big improvement to the project

Housing Materials: Siding Discussion

- Mike Green indicated that market research says that people want low-maintenance siding; they don't want real wood. This siding looks like real wood and does not require the maintenance.
- One Board member would like to see real cedar shakes
- Applicant told Board to look at Beckman Woods in Seabrook
- Other board members were positive about the siding

Public Comment: Chairman Bowie asked that the Public Comment be limited to application amendments

Marlene Schroeder, 1 Anchor Way, Newbury, MA

President, Parker River Clean Water Association

Ms. Schroeder had 3 major concerns:

1. Storm water: Requested Cornell Numbers be used to develop storm water plan. Flooding occurs very rapidly in the watershed, in a heavy rain of one inch an hour more than 90 million gallons of water fall on the 5 square miles of the little River watershed. The proposed Oleo development is in the upper headwater area.
2. Trees: The former owner cut trees on City property which caused significant loss of tree canopy, altered habitat conditions, removed the trees as deterrents to the flow of heavy water. Wetland vegetation supports many functions: habitat, flood control, and filtration of water into the soil.
3. Good Working Relationship: She would like to establish a neighborly rapport with the developers.

Jack Van Loan, Newburyport, Massachusetts

Board Member, Parker River Clean Water Association

Mr. Van Loan has a problem with Lot #10 becoming a buildable Lot. He indicated that you can't put a road through a NO DISTURB LINE.

Affordable Housing: He prefers the duplex aesthetically. Having no windows on one side of the house is an issue. It will create increased heating and cooling costs. He asked if a variance was needed because 2 houses are being put on a small lot.

Jerry Mullins, 7 Parsons Street, Newburyport, MA

Board Member, Parker River Clean Water Association

He indicated that honoring OSRD is fantastic. Wanted focus on Lot 10. He asked the Board to please consider the benefits to the City of Lot 10.

Public Comment Closed

Comments from the board:

Board Members wanted to make sure that Conservation Commission was contacted. There is a meeting on 5/3/2011 scheduled with the Conservation Commission. The utility issue needs to be resolved. The applicant would like to present to the Board again as soon as possible. It was determined that this hearing would continue at the 5/18 meeting at 7pm.

- b) 17 Graf Road Realty Trust
17 Graf Road
Major Site Plan Review

Chairman Bowie read the legal notice associated with the site plan review.

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John Smolak, Attorney introduced the Board to the project. The property is 4.6 acres and includes an existing 10,250 square foot building occupied by Jerrett and Son LLC and the Massachusetts Academy of Canine Cosmetology. The owner wants to construct a second building, totaling 19,440 square feet, on the site to the rear of the existing building. The applicant is proposing 39 parking spaces (front, side, and rear), separate access to the building, and additional landscaping.

They had a technical review with the Planning Department and had a Conservation Commission meeting last night. At the Conservation Commission meeting, the recommendation was made to reduce the width of the driveway from 24 feet to 22 feet. The Police Department has no issues with the proposed plan.

A Board Member asked if they had identified the use of the building yet and asked how they determined the number of parking spaces needed. The applicant indicated they had not yet identified the use and wanted to maintain flexibility. There was a lot of discussion around parking and the number of spaces and whether 39 spaces were really needed. The applicant indicated that pavement was required for fire department access to the building. They did get permission from the Fire Department to turn some of the area into porous pavement and gravel. There was discussion about creating fewer parking spaces and turning the gravel surface into parking spaces as needed.

A Board member questioned whether they had considered sharing access with Mark Ritchie. This was considered but determined not appropriate.

It was mentioned they should look at the aesthetically pleasing grass pavers, such as those being proposed by Port Rehab, to use for the fire road. However, gravel was determined to be easier here because you could easily convert it to parking if you needed to

Access to project will be via a new access driveway which is a second access driveway from Graf Road. This access was necessary to avoid impacts to existing wetland resources.

Andrew Port, from the Planning Department was concerned about water table issues. The Conservation Commission had no questions about the proposed plantings. With the landscaping plan, Board members noted that there were a lot of trees in back; some of those could be moved along the drive.

No Public Comment

This hearing will be continued on 5/18/2010.

5. Planning Office/Subcommittees/Discussion

6. Adjournment

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Motion made to adjourn.

Motion seconded.

Motion approved unanimously.

Meeting adjourned at 8:30 P.M.

Respectfully submitted, Jennifer Lamarre – Note Taker.