

**City of Newburyport  
Planning Board  
April 20, 2016  
Minutes**

The meeting was called to order at 7:08 PM.

**1. Roll Call**

In attendance: James Brugger, Doug Locy, Leah McGavern, Andrew Shapiro, Bonnie Sontag and Don Walters

Absent: Sue Grolnic and Jim McCarthy

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

**2. General Business**

Vice Chair Bonnie Sontag led the meeting.

- a) The minutes of 4/6/16 were approved as amended. James Brugger made a motion to approve the minutes. Don Walters seconded the motion and five members voted in favor. Leah McGavern abstained.

***b) Donahue Court – Performance Guarantee***

Doug Locy made a motion to approve the Performance Guarantee. Don Walters seconded 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) ***Hillside Living, LLC c/o Lisa Mead, Esq.  
Hillside Avenue and Cottage Court  
Section VI.C Special Permit (2016-SP-01)  
Major Site Plan Review (2016-SPR-03)  
Continued from 3/2/16***
- b) ***Hillside Living, LLC c/o Lisa Mead, Esq.  
12-14 Cottage Court  
Major Site Plan Review (2016-SPR-04)***

*Continued from 3/2/16*

**c) Hillside Living, LLC c/o Lisa Mead, Esq.**  
**18 Cottage Court**  
**Major Site Plan Review (2016-SPR-05)**  
***Continued from 3/2/16***

Adam Costa, attorney, for Lisa Mead, BBMT, 30 Green Street, said more work was to be done. A roundtable meeting to review key issues on stormwater management took place and included Andrew Port, Director of Planning and Development, Christiansen & Sergi, peer review, and David Hall, Hillside Sustainable Living, 2 Federal Street. Last week, the Zoning Board indicated their inclination to approve, pending results of the Planning Board proceedings. Tonight's focus was comments on surface improvements. A request to continue to May 18<sup>th</sup> would provide an opportunity to close out all issues. Material samples would be available ahead of that meeting.

Members had not heard anything that would suggests surface rearrangements. Mr. Hall said a few new issues could change the surface arrangements. The ZBA hearing last week resulted in changes to the traffic configuration on Cottage Court. There would be two-way traffic to the midpoint on Cottage Court, beyond which signs would indicate it was not a through way for vehicles. Specifics were not yet available on those traffic changes. There was a new issue regarding changing the radius at the western corner of Pond Street and Cottage Court that he thought had been settled based on his arrangement with neighbors. City Engineer Jon Eric White had requested a gentler radius at that location. Mr. Hall, in deference to neighbor's concerns, had a preference to leave the corner untouched. Traffic consultants had not said a change was necessary. Director Port said the radius was not a concern for Christiansen & Sergi. The tighter radius would slow vehicles and benefit both pedestrians and abutters. Tom Joy, 51 Pond Street, said his property ended at the telephone pole on the western corner. Widening that radius would require a taking of his property, whereas the situation was different at the eastern corner. Don Little, 6 Cottage Court, said vehicles crossing Route 1 from Low Street had to slow down considerably to make the right turn onto Cottage Court. Mr. White had said he wanted to enable a faster turn to avoid traffic back up on Pond Street. Members agreed the radius change would result in a taking of Mr. Joy's land. Mr. Hall said shifting both lanes easterly was an alternate idea. Members said the City Marshal did not note any safety issues. Director Port stated his preference to maintain the tighter radius. Attorney Costa said City police and fire departments had not commented on the issue. Director Port would follow up with the City Engineer.

Mr. Hall said there was confusion on the part of his engineer regarding the degree of construction detail required by peer review. He would bring another engineering firm on board to accelerate the preparation of construction detail requested. A draft letter that provided the status of site plan review progress would be provided by May 18<sup>th</sup> to enable the ZBA to close their hearing and to show the Department of Energy Resources accomplishments to date, as they were anxious to see progress. A comprehensive presentation of exterior detail, meant to be available this evening, had not met expectations. The presentation would be on May 18<sup>th</sup>. Final agreement on architectural details would then allow Mr. Hall to begin work on the more comprehensive stormwater detail CSI requested. Members asked if CSI asked for more detail than normal? Director Port said no. While the plans and drawings appeared to be comprehensive upon initial

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review CSI requested additional (customary) details on the underground storage components and larger-scale drawings with a degree of detail that took everyone by surprise. There would be an updated set of drawings and there were no unresolvable issues.

Mr. Hall's stormwater overview described the entire neighborhood as draining down across the site into a 12-inch pipe under Route 1. Any increase in stormwater would end up at 12 Cottage Court. He shared Mr. Little's experience that there had never been a stormwater problem while he was growing up on Cottage Court. Mr. Hall emphasized that should there be any need to replace the 12-inch pipe going under Route 1, the \$500,000 cost would end the project altogether. A great deal was involved to ensure a replacement pipe was not necessary. There was no room for error. Director Port said CSI needed more detail in the data. The applicant's project engineer, Richard Wescott (of Wescott Site Services) was expecting the board's approval on a conceptual level so that more detailed plans could be developed without the need for substantial revisions to overall layout. Mr. Hall said creating construction grade documents conceivably could take two months.

Members discussed Section VI.C requirements. Some comments received about the affordable housing component suggested the board explore opening up more affordable units for more diversity and integrity in the project. Mr. Hall was open to more affordable units. The project started with 62 units and was now down to 48 units plus a 10-room residential facility for 58 total units. During a presentation at the Senior Center, a comment was made that the market rate was not affordable on a fixed income. He preferred to have more affordable units, but given what he was trying to accomplish with the agricultural/permaculture aspect, the financing no longer supported more affordable housing. Director Port suggested that another conversation with the Affordable Housing Trust about their financing priorities might be helpful. Attorney Costa said the density bonus indicated a preference for market rate units. Section VI.C offered the rental housing option or the affordable housing option. Director Port said that the two benefits were not mutually exclusive the way the ordinance was structured and there was an arguable public benefit for the number of sustainability components in the project, specifically a more consolidated and walkable community with less use of vehicles and growing the resident's food on-site year round. Mr. Hall said that first and last month's rent, plus a security deposit together were more affordable than buying a home in Newburyport. John Feehan, YWCA, said the benefit of 10 affordable units in the community should not be minimized. The YWCA spent seven years to get an affordable housing project off the ground in Salisbury and this project would begin in two years. Market rate rental housing was needed in Newburyport. All housing in the project provided a benefit. Members agreed that both the rental housing and sustainability components counted as enough of a public benefit without needing more affordable units.

Public comment open.

Don Little, 6 Cottage Court, said public comments at two ZBA meetings demonstrated that people thought all 48 units were affordable. He had no stormwater concerns for his property, but wanted the opening at Cottage Court and Pond Street to remain narrow. During construction, trailer tractors would need to be careful not to damage the property when turning. He had no confidence that signs on both sides of Cottage Court would work as a traffic solution.

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Tom Joy, 51 Pond Street, said the desire was to maintain Cottage Court as a quiet dead end. Widening the corner would make it a faster road to nowhere. Director Port agreed.

Public comment closed.

Members asked if the rental rate had been established? Mr. Hall said nothing was finalized. The current market rate consideration for a one-bedroom unit was \$1,400-1,500; for a two bedroom unit \$1,800-2,000; for a three bedroom unit, above \$2,000. The market was expensive. Hillside rental rates would include utilities, whereas most rental units did not include utilities.

Don Walters made a motion to continue to May 18<sup>th</sup>. Leah McGavern seconded and all members voted in favor.

**Motion Approved.**

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- e) One Boston Way, LLC**  
**1 Boston Way**  
**Smart Growth Plan Approval (2016-SGD-01)**  
**Continued from 4/6/16**

A continuance was requested for May 18<sup>th</sup> with a decision deadline of May 20<sup>th</sup>.

Don Walters made a motion to continue to May 18<sup>th</sup>. Leah McGavern seconded and five members voted in favor. Doug Locy abstained.

**4. New Business**

- a) UFP Technologies**  
**100 Hale Street**  
**Major Site Plan Review (2016-SPR-06)**

Adam Costa, attorney for Lisa Mead, BBMT, 30 Green Street, said proposed modifications to the site and structure of the former Cabot Industries manufacturing facility were front and rear building additions, new parking for 116 vehicles, a redesign of front parking for 95 vehicles and new loading areas. Craig Pearce, Director, and Dan Koen, Manager, both with UFP Technologies, said the new corporate headquarters for the foam fabricator with 10 plants around United States combined New Jersey, Haverhill and Georgetown facilities.

Scott Cameron, civil engineer and principal, The Morin-Cameron Group, Inc., 447 Boston Street, Topsfield, demonstrated on the plans access from two driveways, an enhanced visitor and

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employee entrance, loading areas at the back of the building and a semi-detached storage unit. The site was wooded, flat and wet on three sides, bordered by the Little River and a conservation easement. In addition to the buildable portion of land, a separate 3.8-acre triangular piece of land was part of the property. Shallow pipes provided existing drainage all around the building. Other than Route 95, the undeveloped woods and pastureland, there were no direct abutters. Paved areas would have lighting and 20-foot tall box lights were all around the property. Pre-construction work would include erosion control measures. A large white pine on the circular drive would be removed and replaced with better trees. The existing loading area would continue to operate during construction. An added detention area off the parking lot would help with snow pushed off the lot. An inadequately sized pump in the rear would be replaced. Front parking would remain the same except for the addition of landscaping and stormwater management features and a parking reduction from 110 to 95 spaces for compliance. The front addition replaced an area of grass and trees. Additions matched the slab elevation of the existing building. The rear addition included 11 new loading docks. Incoming trucks circled the building and turned around in the back parking lot, designed for a 65-foot trailer truck and accommodating for a fire truck. Another three loading docks would be added to the front building for solid waste recycling. Parking met dimensional requirements and additions met set back requirements.

The stormwater management was a challenge due to pervasive shallow ledge. A long sinuous bio-retention rain garden in the rear would manage parking lot run off. The rear addition roof run off would go to an underground retention area where it would be treated and discharged off to the wetland. A leaching field with a large underground retention system picked up sheet flow off the front parking lot and run off from both the front addition and the existing building. Feedback was solicited from the Conservation Commission and a meeting to discuss the buffer zone was coming up. Extensive wetland replication was proposed to provide flood mitigation on site. In addition, the roof would have a small test plot roof garden and a solar array. Christiansen & Sergi recommended a mowing plan. Hale Street traffic was primarily vehicles passing through. MDM Transportation Consultants, 28 Lord Road, Marlborough, would perform vehicle counts and measure speed. An erosion control plan was in place for the duration of construction.

Shannon Alther, architect, TMS Architects, 1 Cate Street, Portsmouth, NH, showed photographs of the existing 24-foot high orange-colored steel building whose concrete block walls had no thermal capacity. Front and back additions would allow for some energy efficiency improvements in the existing structure. Goods came in, got processed, and went back out. The design focus for the additions was avoiding any level changes from the existing floor elevation of 31, other than working with the ledge out back. The existing building did not have much character. A white roof over the entire structure would provide energy savings and ongoing work with National Grid was underway for possible use of solar panels for electrical lighting and some processing. Indoor lighting would be LED. A pilot plot for a green roof would be tested to get an understanding of how the water might work, although a prospective need for a third floor on the original building explained why the green roof was a pilot only. Dark sky-friendly LED lighting would be used outside. Mr. Alther demonstrated on plans how the additions would replicate the existing architecture. Skylights were under consideration for natural lighting. A glass element near the entryway on the front addition gave the building a nicer feel.

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Attorney Costa said City department heads had no concerns with project. Deputy Fire Chief Bradbury requested an additional fire hydrant. A Notice of Intent was submitted to the Conservation Commission. A full stormwater management report had also been submitted. The community impact was positive, adding to the tax base and adding jobs. A traffic analysis showed no negative impact on existing traffic volumes in the surrounding neighborhood and adequate circulation on the site. Employees would have adequate parking, including during the shift changes that required additional parking. Most of the site was not visible from Hale Street. Permits had been requested from the Conservation Commission. There were provisions for pedestrians to move between parking and the building.

Member comments: Was a portion of the building in the 25-foot buffer zone? Mr. Cameron said the current access drive going around the building's back corner was 5-10 feet into shrubby wooded area and about 20 feet into the buffer zone. The whole area that had been filled in would be pulled back and restored. The outlet pipe from the existing drainage would be removed and replaced with wetland replication defined by a swale with a guardrail for flood mitigation. A green roof pilot for community-wide viewing was also proposed. Was the Conservation Commission receptive? Could the public be accommodated on the roof? Mr. Cameron said yes. Attorney Costa said the Conservation Commission acknowledged the buffer had already been encroached upon and accepted the wetland mitigation proposal. Bob Uhlig, Halvorson Design, Inc., 25 Kingston Street, Boston, would landscape the project. Members said it was a comparatively good use of the site compared to other proposals. Could trucks traveling down Hale Street enter the Industrial Park to access Highway 95 rather than going by Turkey Hill? Mr. Cameron said Turkey Hill Road would not be involved. Two other routes were outlined in the packet. Mr. Pearce said their dedicated trucks had a map of what not to do. Were blowers or collectors on the roof? Mr. Pearce said there were exhaust fans. UFP was registered with the DEP who measured exhaust coming out of the stack. How would you classify the flow from the improved area into the Little River? Mr. Cameron said water ran just above the ledge, 2-4 feet under the surface, with the additional treatment measures. Flow from the entire site eventually entered the Little River near the front. Were environmental quality tests performed? Mr. Koen said everything on the site had clean environmental report. Were all four recommendations on the traffic memo being considered? Attorney Costa said a mowing plan in the front wetland would maintain the site lines and stop signage controls would be used.

Public comment open.

Public comment closed.

Andrew Shapiro made a motion continue the Major Site Plan Review to May 18<sup>th</sup>. Doug Locy seconded the motion and all members voted in favor.

**Motion Approved.**

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

Director Port and the board discussed ordinance changes, a redesign of the Route 1 traffic circle, the Master Plan and the CVS project.

**6. Adjournment**

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

The meeting adjourned at 9:17 PM.

Respectfully submitted -- Linda Guthrie