

**City of Newburyport
Planning Board
April 2, 2014
Minutes**

The meeting was called to order at 7:05 PM.

1. Roll Call

In attendance: Dan Bowie, Henry Coe, Sue Grolnic, Jim McCarthy, and Cindy Zabriskie

Absent: Paul Dahn, Noah Luskin, Bonnie Sontag, and Don Walters

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

2. General Business

The minutes of 3/19/14 were approved as amended. Henry Coe made a motion to approve the minutes, Sue Grolnic seconded the motion, and three members voted in favor. Two members abstained: Dan Bowie and Cindy Zabriskie

3. New Business

- a) Leonidas Theodorou
190 State Street
Site Plan Review*

Chairman Bowie read the legal notice. The applicant requested a continuance to work out identified stormwater issues with peer reviewer Christiansen & Sergi, Inc., 160 Summer Street, Haverhill, MA.

Henry Coe made a motion to continue the Site Plan Review application to April 16. Cindy Zabriskie seconded and all 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. General Business

Informal Discussion – 2 Storey Avenue

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Craig Douglas, Douglas Architects, LLC, 2 Moseley Avenue, Newburyport, met with a number of city officials and the mayor. He presented the latest plans for Sam Asprogiannis, owner of Famous Pizza. Site issues include preexisting and nonconforming conditions and an encroachment beyond the property line. Working with the Board of Health, the new building design meets regulations and is pushed toward the front of the property, effectively moving most parking to the rear, with sidewalks on three sides to increase pedestrian access. The prominent property will become a two-story building with handicap accessibility, seating for 48, and includes a second-floor office and storage for auxiliary business use. Concerns that were raised about HVAC equipment, condensers and venting on the Ferry Road side were addressed by relocating them to a trough in the gabled roof on the Storey Avenue side. The kitchen was also relocated to the Storey Avenue side. Exterior clapboards and shingles created a blended residential-commercial look, drawing from the neighborhood and downtown. Except for signage on the building, no other exterior signage is planned.

Director Port attended numerous neighborhood meetings about noise, nighttime activity, and business traffic. A summary of their comments follows. Vehicles circling the building and the drive-through window were unacceptable to neighbors. Both have been addressed in the new design. The Harnch's right-of-way is on the business property, an arrangement established in a handshake many years ago. A request to City Council specified the triangular space be used for parking. The current plan does not use that space; proposed are landscaping improvements to the triangle with a contiguous, wraparound sidewalk. Elimination of the freestanding sign is appropriate. No residential use on the second level was requested. The kitchen and equipment on the Ferry Road side have moved by request. Requested traffic calming measures include keeping the traffic toward the back of the property. Abutters requested closing the Ferry Road access if the business didn't need it to operate. High quality screening for the neighbors is needed, especially as there's an encroachment on a neighbor's property. The sidewalk connection was a challenge with the dumpster setting, which is more commonly on a concrete pad behind a screen. The applicant needs to provide more details about the façade given the prominence of the site.

Chairman Bowie asked how much bigger the proposed building was compared to the existing one? The new building is twice the size at 3,000 square feet to fully meet code and has the same operational features except the ice cream operation was eliminated. Currently a little over 1,500 square feet, the kitchen doesn't meet spatial requirements, accessibility requirements around seating and the bathroom. There is no stairway to the second story.

Members asked if 3,000 square feet included the 2nd floor, which it did, and if lighting and landscaping details would be provided in another presentation, which they would. A member liked the building architecture and relocation away from houses and asked about the cook stack location and whether there was a basement? Mr. Douglas said the cook stack would vent through the trough, toward Storey Avenue, and the building would be on a slab. A water main runs through the site and no one knows exactly where it is, creating concerns for building a basement. The member said the basement question was relative to the elevation. The member cited regulations against large, blank exterior walls without fenestration, and said the Storey Avenue side would need work. Mr. Douglas commented that was the kitchen side. The member was particularly interested in landscaping the gateway area and making the sidewalk inviting with a canopy of trees. Could the cars be moved toward Ferry Road slightly in order to gain a couple of

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trees on the Story Avenue side? Other spots near two of the corners could have trees also. Director Port said Mr. Douglas was presenting a different orientation than what was in member packets, exactly the inverse because the building was flipped. Another member asked if the parking lot was one way? Mr. Douglas responded the parking lot was two-way. One concern was about the vehicles on Ferry Road that want access to High Street by cutting through Famous Pizza. Moving the building forward effectively blocked where cars had been cutting through. There would no longer be a visually inviting, easy cut-through.

Director Port said neighborhood feedback on the two curb cuts that are now as wide as the parking lot resulted in narrower cuts. He hesitated to request speed bumps because of the need to remove them for plowing half the year. Chairman Bowie was not interested in cutting off the Ferry Road entrance. Mr. Douglas said that Storey Avenue was the busier of the two entrances and there were actually five roads converging at Famous Pizza. Director Port said it was assumed that the large, sprawling intersection would be changed and better defined with more landscaping in the future. Mr. Douglas said the road was now 80 feet wide. He was reluctant to engineer anything more specific without knowing more about how to move forward in balancing Zoning and Planning Board requests. Director Port said he typically recommended an applicant request needed variances from the ZBA first, setting the larger framework for everything to follow. Chairman Bowie liked the suggestions for improving Harnch's Way, which did not require engineering, so the applicant could get started on that. Mr. Douglas said they would need a special permit for the nonconformities, a variance for Harnch's Way to become the front, and for the setbacks needed. Chairman Bowie said with doubling the size of the building the board required a finding from the ZBA.

Public comment opened.

William Harris, 13 Ferry Road, asked how much land the state owned on Storey Avenue, given that the state plowed all the way down to Moseley Pines? Did the state own any of the property in question? Director Port said, according to the survey plan, the highway stopped at the end of the guard rail, and it looked like the state might own a little bit of the asphalt in the parking lot. It was not perfectly clear, but it was not a substantial amount. Primarily, the state owned Storey Avenue from the guardrail to Interstate 95. Mr. Harris said the city turned down the opportunity to sell the triangle. Famous Pizza would be using part of city land, although it would not be incorporated in the private property. Why would the City Council turn down an opportunity to sell? Chairman Bowie said cities are often reluctant to sell their property.

Raymond White, 3 Ferry Road, said there were objections to the second story and expectations the applicant would change that. Director Port responded that the board did not have jurisdiction over height, which would be addressed with the Zoning Board. Mr. White asked why the applicant had not made a plan showing what it would look like with one story? He was concerned it would become residential units in the future. The second story looked into all the neighboring back yards. He didn't think it should be allowed. Director Port believed restrictions would limit how the second story could be used, and understood there was some mistrust with neighbors due to lack of code enforcement, encroachment onto neighboring property, and concerns that the pattern would continue. An opportunity to rebuild trust could begin with the new site plan and the new building.

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A member asked what the height of the peak was? Mr. Douglas answered less than 30 feet, similar to a two-story house and less than zoning allows.

Mr. Price said the neighborhood went through this 30 years ago; is the footprint the same size as now? Mr. Douglas replied it was about 700 square feet larger.

Peter Schacht, 18 Ferry Road, said the preexisting, nonconforming use indicated grandfathering, so no variances will be required, but it is bigger than the ice cream stand it used to be 40 years ago. Chairman Bowie said the ZBA would address the size of the building in their finding. Mr. Schacht asked how the intrusion on the neighbor's property would be addressed? Director Port could not speak for the building inspector, and would defer to him for how that occurred.

Public comment closed.

Chairman Bowie liked everything the applicant had done up to this point. It was a good project for the location and made sense to put the building closer to Harnch's Way. He was concerned about the second story and the height of the building regarding how the increased mass would look in relation to the houses on Ferry Road. Mr. Douglas said it met zoning requirements. Chairman Bowie understood the building came in under the maximum, but commented that the building would practically double in size. A member said the building volume would be very apparent. Mr. Douglas said he could drop it down. The member said if the building was at grade level, you could show the neighbors what it looks like from their perspective. It is hard for neighbors to visualize and hard to imagine the view coming up from Storey Avenue and Ferry Road. Perspective drawings are needed. Mr. Douglas said the project was a good opportunity for the neighborhood and made the location more pedestrian friendly. Director Port requested the applicant to explore going down for additional space, as a contingency, given comments that may come from the ZBA.

3. Planning Office Discussion

Director Port said the City Council made approved the first reading of the new zoning ordinances Monday night. He had maps of the district and a flow chart of the permitting.

4. Adjournment

The meeting adjourned at 8:20 PM.

Respectfully submitted -- Linda Guthrie, Note Taker