

**City of Newburyport
Planning Board
April 6, 2016
Minutes**

The meeting was called to order at 7:01 PM.

1. Roll Call

In attendance: James Brugger, Sue Grolnic, Doug Locy, Jim McCarthy, Andrew Shapiro and Bonnie Sontag

Don Walters arrived at 7:09 PM

Absent: Leah McGavern

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

2. General Business

a) The minutes of 3/16/16 were approved. Andrew Shapiro made a motion to approve the minutes. Doug Locy seconded the motion and six members voted in favor. Bonnie Sontag abstained.

b) Eileen Graf – 11 Center Street – Informal Discussion

Eileen Graf, Graf Architects, 2 Liberty Street, presented three options for adding second story volume to an 1850s house in B2 zoning in the DOD: 1) adding dormers, 2) adding a full 2nd story within building height requirements or 3) adding a structure onto the back. All options changed the roof type with no change to the footprint. Chairman McCarthy said the board relied on the Historical Commission input that expressed interest in option #1. Members asked for the difference in space between options #1 and #2. Ms. Graf said option #1 was 2-3 feet different from the ends from option #2. The applicant's preference for a full second story allowed a full bathroom upstairs. Members said option #3 was less historically compatible.

c) 100 Hale Street – SPR Application Completeness Vote (2016-SPR-06)

Chairman McCarthy said a representative for the old Cabot property was not in attendance. The Planning Office recommended approval.

Doug Locy made a motion to approve completeness of the SPR Application and scheduled a hearing for April 20th. 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.

d) Approval Not Required – 48 Boardman Street (2016-ANR-07)

Chairman McCarthy said the applicant received a variance from the ZBA to create two non-conforming lots. This was the fourth or fifth of this type in the last 18 months.

Don Walters made a motion to endorse the lot release. Andrew Shapiro seconded the motion and all members voted in favor.

Motion Approved.

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e) Approval Not Required – 25 & 23 Hale Street (2016-ANR-08)

Craig Pessina, Chart House Development, LLC, 243 Middle Street, West Newbury, would be taking 60 feet from the neighboring property at 25 Hale Street. Arrangements had been worked out with the neighbor.

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

Motion Approved.

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f) Boston Way Subdivision – Request for Release of Covenant

Chairman McCarthy said a 1980s Planning Board endorsed the covenant. The board was amending the covenant release originally approved March 2, 2016.

Don Walters made a motion to approve the release of the covenant. Sue Grolnic seconded the motion and all members voted in favor.

Motion Approved.

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3. Old Business

- a) *New England Development
83 Merrimac Street and 90 Pleasant Street
Definitive Subdivision (2014-DEF-02)
Request to Continue to 9-7-16
(Continued from 12/16/15)*

Chairman McCarthy said the board continued to freeze some of the rights that were part of the property because of its connection with the City garage project.

Don Walters made a motion to continue the Definitive Subdivision to September 7, 2016. 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.

- b) *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*
- c) *Hillside Living, LLC c/o Lisa Mead, Esq.
12-14 Cottage Court
Major Site Plan Review (2016-SPR-04)
Continued from 3/2/16*
- d) *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, presented the three separate applications for one broad discussion. The multi-family housing project included seven residential buildings, one free standing accessory structure, a lodging house and associated parking. ZBA relief was pending the board's approval. The initial submittal was in early February. Additional materials were now in hand. The applicant's meeting with neighbors resulted in relocating parking and density reduction along Cottage Court. A more detailed

Planning Board
April 6, 2016

landscaping plan was provided. The issue of an intermittent stream was a drainage depression unearthed in the process of cleaning up the site. Requests for waivers were included. Plans varied from the scale required. There was a single set of plans for all three applications.

David Hall, Hillside Sustainable Living, 2 Federal Street, said collaborating with the YWCA had been important to the project overall. As perhaps the first multi-family development in the United States that addressed the carbon trifecta of energy, transportation and food to the extent that it did, the organization of structures and open space on site was purposeful. Most on site food production would occur in the green space and central greenhouse. Rooflines, topography and orientation of buildings were sited and built to utilize the sun. The site incorporated 450 kW of photovoltaics in 1,400 panels located on a parking canopy and every south facing roof surface available. The solar canopy had 600 panels. Homes used less energy than they generated in a year. He demonstrated in a video presentation the main entrance on US Route 1 with both ingress and egress and the entire development. There were shared electric vehicles and timber decked ways signed for pedestrians, bikes and fire department vehicles only. The topography was extreme. Houses facing Hillside Avenue looked modest from the street but showed as three stories from their other side. The common house structure included upstairs residential units.

Mr. Hall worked with neighbors and made changes. Trash and recycling were all indoors, resulting in smaller patio/terraces. The wood pellet silo was removed. An easement to residences allowed the curb line to be treated as a public street for residents. A retaining wall created next to 5b Hillside Avenue reduced the abutting slope to benefit the homeowner. The grade at the base of the slope would be lifted. More trees were added at intervals of greater density than what had been removed along the Hillside Avenue easement. Cottage Court changes accommodated the neighbors' desire for more public parking spaces on the east side of street. Driveways added between the farmers' porches by reducing the porches benefitted the ADA units. Two Cottage Court units moved to the south rise structure, which went from 12 to 14 units, to reduce density on Cottage Court and added five more off street parking spaces to the Cottage Court lot. The Hillside Avenue sidewalk would be rebuilt at the neighbors' request. A sidewalk would be added on Cottage Court whose street width would not change at the neighbors' request.

Keith Moskow, architect, Moskow Linn Architects, Inc., 88 Broad Street, Boston, had worked with Mr. Hall since 1991 on numerous Newburyport projects and elsewhere. His firm designed the first green building in the Boston area for the Conservation Law Foundation. He displayed an image of the existing houses on Cottage Court and said their homey, welcoming scale was replicated in the residences, including using the roof level for upstairs living. The small structures were designed as cottages articulated with light for character rather than architectural detail. The goal was to create single floor living for all units except the three-bedroom units where the third bedroom was on a different level. The typical two-bedroom unit had private outdoor space. There were 16 one-bedroom units, 23 two-bedroom units and nine three-bedroom units. The YWCA building had 10 single-bed units. Three two-bedroom, one two-bedroom and one three-bedroom unit were ADA compliant with an additional nine units that were adaptable to ADA standards. Trees and vegetation would be added. Both first and second floor areas had porches. Some units had porches on both sides. Fireman's Driveway, opposite the main entrance, was designed with crane mats to identify that it was not a roadway for cars with the exception of fire trucks and ambulances. He showed the scale and character of the barn, greenhouse and

Planning Board
April 6, 2016

common house. Cottage Court Extension, closest to the Route 1 entrance, was similar in scale to Cottage Court. Most of the buildings along Hillside Avenue were built into the slope. The thermal mass of the slope had a four-story elevation that could not be seen from Cottage Court. Those buildings could be accessed from the back or front side. The common house was accessed at the lower level, not from Hillside Avenue, and included a quiet area, kitchen, bath, offices for the farm manager and an outdoor kitchen and cooking area. The building would be used for resident gatherings. He showed the elevations. The three level, 10-bedroom YWCA lodging house had ADA compliant units, bathrooms, living and cooking areas and met other guidelines regarding the size of bedrooms. It was also built into the hillside. The Cottage Court buildings would have 4L firewalls to separate the long row of buildings.

Richard Westcott, civil engineer, Westcott Site Services, 60 Prospect St, Waltham, did the grading on the Senior Center. The Hillside elevations in each of four corners were 66, 64, 60 and 34, all draining toward the center elevation of 28. Route 1 was at an elevation of 42. Stormwater stayed on the property and a culvert drained under Route 1. The grading of the new right of way, Fireman's Drive, Fireman's Way and Cottage Court Extension was just under 5% and all were accessible all the way around the project to meet ADA guidelines. Stairs in three locations were shortcuts. The central depression was the annual horticultural area and would also be re-graded. He demonstrated on an illustration two eight-inch waterlines that created a new eight-inch loop all the way around the site. Replacing the older section on Cottage Court would provide everyone with improved water quality and water pressure. All buildings were sprinklered. The drainage was not routine. Roof runoff would travel to the underground systems where the 100-year storm retention would store in underground cisterns under the greenhouse, the barn and another under the YWCA lodge house porch. Cistern levels would fluctuate from filled to empty, draining over time. An extra depth below the cisterns filled with rainwater that would not drain and be used for irrigation. The extra depth had to overflow before the cisterns would fill. All the water stayed on site. A separate set of underground cultic detention chambers stored pavement runoff treated by two rain gardens planted with wetland plants. There was porous pavement above cultic chambers under the parking canopy of solar arrays.

Dan Mills, principal, MDM Transportation Consultants, 28 Lord Rd, Marlborough, provided the traffic study that looked at traffic volumes along Route 1 and Pond Street. The new access along Route 1 had been discussed with Mass DOT and would go through their permitting process. Because of the median, the new access would be a right-turn-only in and a right-turn- only out. The estimate of traffic generated was conservative because it did not take into consideration the multi-modal uses of the nearby Rail Trail and train. Morning and evening peak times generated 30-35 trips from site. Most traffic would exit out to Route 1, given the location of the parking facility. The site was accessible by a ladder truck and the turn around was acceptable. Pond Street and Route 1 would have little to no traffic delay because traffic was primarily to the west to access Highway 95. There was no significant traffic impact at any of the intersections.

Mr. Moskow presented the landscaping plan for Cornelius Murphy, landscape architect, Whole Systems Design, 66 Dean's Mountain Rd, Moretown, VT. Mr. Murphy, author of "The Resilient Farm and Homestead," had particular expertise in improving environments through an edible landscape. Growing areas comprised over 50,000 square feet, or 1.15 acres, of the five-acre site. Nut trees were on the north-facing slope; summer fruit in south areas would include

Planning Board
April 6, 2016

chokeberries. There was density of growth. The specific horticultural practice integrated different vegetables and plants together rather than using traditional single-plant patches.

Attorney Costa said the project met site plan review criteria for community character, neighborhood architectural character, parking and public access, with a negligible increase in traffic and above average circulation within the site. With its history as a brownfield site, the development offered a community health improvement with the added community benefits of net zero energy buildings and solar arrays. City department heads said there was sufficient water/sewer capacity for the development, including the density bonus for reuse of dirty sites. Low level, LED, direct-down lighting, sidewalks, edible landscaping, density of landscaping, stormwater management with no net additional runoff, underground electrical, other utilities and the new looped water main were all benefits to the community, including the new fire hydrant requested of fire department. A by-right development plan of 14 single-family home lots could be developed here that would not take advantage of the existing topography or be the net zero buildings we propose. The 10-room lodging house was the greatest benefit to the community. The subordination did not apply because everything was side-by-side with adequate ways. The ways were designed carefully to meet all zoning regulations except where relief is needed. The multiple special permit criteria are met. We investigated the surrounding area to determine if there was adequate density for the site. The density was less than several sites in the area, including the nearby 12.44 units per acre. The project was in harmony with the intent of the ordinance and complied fully with the Master Plan.

John Feehan, Director, YWCA, ran the country's longest operating lodging house. He believed the Hillside lodging house met the Master Plan criteria and intent of increasing both affordable housing and providing a wide range of housing types needed for a diverse community. The majority of tenants would not own cars and would be within walking distance of their needs. The net zero energy building made heating affordable. There were 266 low-income elders on a waiting list had a 5-10 year wait. Few housing units in Newburyport were handicap accessible.

Public comment opened.

Michael Strauss, 56 Federal Street, chair, Energy Advisory Committee, was supportive. He considered the project well thought out and helpful to the City's Energy Road Map.

Christin Walth, 1 Merrimac Street, #21, worked with Roof Over head and was supportive. She supported smaller residential footprints in the use of resources and this project was considerably less of a burden on City resources than any other development would be.

Karen Weiner, 7 Lincoln Street, was supportive of Section VI.C special permitting.

Harold Babcock, minister, First Religious Society, was supportive.

Mary Johnston, 19 Cherry Street, was supportive. The project met the goals of the Master Plan.

Planning Board
April 6, 2016

Madeline Nash, 19 Arlington Street, member, Affordable Housing Trust, said the YWCA has a strong track record of affordable housing ownership and management. There were too few opportunities for affordable housing in Newburyport.

Gretchen Joy, 51 Pond Street, said Cottage Court would bear all the traffic because it was the only road that serviced all the units, whereas Hillside Avenue served only a few units. Mr. Hall had not successfully addressed that issue. As a dead end street with five houses today, the project was too big an increase in traffic for Cottage Court. Mr. Hall had talked about installing a gate so the street would be blocked off to others.

Mr. Hall said he considered a gate, but shifted the density and increased parking ratios to the north end of Cottage Court to address Ms. Joy's concern. The issue was reasonable. He hoped to have a dialogue with the board about the impact on circulation.

Tom Joy, 51 Pond Street, said the traffic study did not consider that Cottage Court, the primary avenue through the development, was the de facto main entrance. Additionally, residents coming from Route 1 north would not enter through the Route 1 access. How did the YWCA lodging house, as a completely separate project, deliver a public benefit for the Hillside development?

Nancy Peace, 53 Warren Street, said the public benefit was needed rental housing.

Pam Jones, 49 Pond Street, said only the YWCA's 10 rooms were affordable. The market rate units were not affordable on a teacher's salary. She supported the project. Mr. Hall had been accommodating, but had not addressed Cottage Court's funneling of traffic to the parking lot.

Lauren Petty, Water Street, was supportive.

John Feehan, Director, YWCA, said the YWCA had tried to develop affordable housing but could not do it without Mr. Hall's subsidy of the land and a significant amount of funding. An additional 48 rental units to the City's housing stock was a significant public benefit.

Judy Tymon, 31 Lime Street, chair, Affordable Housing Trust, said adding affordable housing units and market rate rentals that were not high-end or large and unaffordable was a community benefit. It took six years and \$2 million to create the 10 affordable units on Market Street.

Ilene Harnch-Grady, 10 Cushing Avenue, was supportive.

Don Little, 6 Cottage Court, said the abutters were first apprised of 24 units and somehow it became 58 units with half of them freestanding on Cottage Court. A by-right development would have been 14 single-family homes. Area density comparisons to a neighborhood with two dead end streets were irresponsible. The applicant received a rare type of waiver with the density bonus at a ZBA hearing where many people thought all units were affordable. There would be a significant increase in traffic entering from Pond Street. Cottage Court should be two-way, but only one-way out so that traffic could not access Pond Street from Route 1. He wanted the width of Cottage Court to support parking on both sides.

Planning Board
April 6, 2016

Mr. Hall said the Cottage Court and parking ratio reconfiguration presented an opportunity to limit movement to and from Cottage Court Extension to Cottage Court if that would help. He could install timber planking and sign it the same way Fireman's Drive was signed.

Carolyn Johnson, 46 Monroe Street, supported housing with a minimal impact on City services.

Public comment closed.

Members said the three waivers were acceptable and suggested a finding from the Conservation Commission on the intermittent stream. The board should consider any nuisance factors and wanted clarification and detail of building façades, such as a materials list that included roofing, siding and a color palette. Sustainable rental units serving as a model for other communities was a public benefit. Traffic flow was an issue. Were there another access points?

Don Walters made a motion continue the Major Site Plan Review and Section VI.C Special Permit to April 20th. James Brugger seconded the motion 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 3/2/16*

Greg Smith, architect, GSD Associates, 148 Main Street, Andover, showed an image of the building lit up at night as seen from the Rail Trail entrance across Parker Street. There was some confusion about awnings. He showed raised, painted strips on a rendering where cars exited the parking lot onto Parker Street by the Rail Trail. The large balcony railing was raised and planters added along the balcony edge to keep people from stepping over the railing. A landscaped strip was added between Parker Street and the sidewalk. Details of Juliet balconies were shown. A sample of a halo backlit sign between the first and second story facing Parker Street was shown.

Bob Uhlig, president, Halvorson Design, 25 Kingston Street, Boston, showed an image of the circulation between the MBTA station, Rail Trail and parking lot. The pedestrian roundabout had a green space in the center offering visibility in all directions. The T sign with a bench was relocated to the pedestrian roundabout. Trees were removed for visibility when exiting the parking lot and the 2-3 foot high vegetation was kept. The remainder of the area was lawn. The MBTA shed was moved from the roundabout area. The bike rack was moved from the parking lot area to the Rail Trail area. Photometrics were shown. More pedestrian lighting was added from the train to the parking lot. Scott Cameron, civil engineer and principal, The Morin-

Planning Board
April 6, 2016

Cameron Group, Inc., 447 Boston Street, Topsfield, said rapid-flashing beacons would be fitted on either side of the Parker Street Rail Trail crossing.

Members said the small grass section on the sidewalk would be distressed after one winter. Mr. Uhlig agreed. The Mass DOT standards recommended a buffer area. The strip was wider in hopes that it would look better. Nothing obstructed the 10-foot wide shared-use zone.

Public comment open.

Jay Howlett, owner, 65 Parker Street, an east side abutter, had put \$1 million into his building and did not understand why the City felt compelled to compromise for size and mass when a three-story building was more appropriate. He preferred the openness and zoning he bought into.

Anthony Triglioni, owner, 65 Parker Street, unit 11, chair, condo association, said he and other unit owners had concerns these concerns: 1) an increase in the existing foot traffic that already impacted their property, 2) building height exceeding allowable limits, 3) the number of units should be reduced to 60 or so and 4) inadequate parking ratios needed re-examining because alternative parking did not exist.

Ralph Castagna, owner and abutter, Seaport Industrial Park to the east and Castagna Construction to the west, sent two emails to the Planning Office. A third email was submitted today. He endorsed the concept of Smart Growth, but wanted adequate parking and zoning compliance. He endorsed a project of 60-64 units and was uncomfortable with 84 units. Neither size was compliant with protective covenants or in proportion to the surrounding area. The building was in elevation 82. Basement parking was for compact vehicles only. Raising the basement slab raised the height in excess of the zoning. Interested parties should come together to make the project amendable to all parties. His investment in the area was over \$3 million.

Sheila Twomey, 16 Hill Street, agreed with other comments. The building was taller than what had been presented last year. She had concerns about Rail Trail 2 regarding the increased pedestrian traffic and navigation difficulties that would bring to the rotary.

Chairman McCarthy said the 40R passed. There was a clear, overall vision for the Smart Growth District's pedestrian ways. The project would add 250 feet of sidewalk in either direction to contribute to the Rail Trail. The City would complete the sidewalk to Route 1. A cut-through existed at the courthouse as a continuation of Parker Street. In a meeting with the mayor, Mr. Castagna brought up the issue of the raised elevation, which was done at the last minute in City Council. The building was raised 1½ feet along with the soil all around the building. The regulation stated 60 feet high without specifying the point from which measuring should begin. Did the board think the height measurement was within the regulation? Was the commercial space even with the sidewalk?

Mr. Smith said there were no steps down from the Rail Trail; everything was ADA compliant. There was a one-foot difference between the commercial space and the sidewalk. They measured six feet out all around the building and calculated a mean grade of 21.93 from which the building

Planning Board
April 6, 2016

height was measured. Three quarters around the building was at or near grade. Parapets, as appurtenances were exempt from the height. Members said the building and height met criteria.

Mr. Castagna said measuring occurred within a planter area supported by a retaining wall. Members asked if the grade would be lower if the planter was not there? Mr. Cameron said height was measured from the soil; there was not much of a difference. Director Port said measuring anywhere within the 6 foot area met height requirements. The parapet met the definition of an appurtenance and did not have to be included in the height. Chairman McCarthy said the flooring was safer for the water table. Mr. Smith demonstrated the parking spaces on the plan, showing every spot with a C 44 compact space designation. The basement had eight full size spaces, one handicap van space and extra space around columns for flexibility. The dedicated spaces were 8 feet x 16 feet, a comfortable width for parking. Full size spaces comprised 65% of all parking. Every outside space was full size; all compact spaces were inside. Regulations called for some handicap accessible spaces; that was a change from the last meeting.

Public comment closed.

Chairman McCarthy said outstanding issues were addressed. The board proposed a conceptual condition for Planning Director sign off on smaller directional signs. The MBTA would not sign off on the letter until they saw one last set of plans. Members said language was needed that indicated the project could proceed if the MBTA letter was not received. Director Port said the applicant could return with a minor modification. He did not think that would happen based on his conversation. Lou Miniccuci, manager, One Boston Way, LLC, said the bank would not accept any unknowns. Chairman McCarthy said the Planning Office would prepare final wording on the conditions. Director Port, who would send the wording via email, had reviewed the plan set; it looked complete. Chairman McCarthy would not be present on April 20th.

Bonnie Sontag made a motion to continue the Smart Growth Plan to April 20th. Sue Grolnic seconded the motion and all members voted in favor.

Motion Approved.

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4. Adjournment

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

The meeting adjourned at 10:46 PM.

Respectfully submitted -- Linda Guthrie