

May 16, 2012

Meeting Minutes

The meeting was called to order at 7:10 PM

1. Roll Call

In attendance: Dan Bowie, Henry Coo, Sue Grolnic, Noah Luskin, Jim McCarthy, Bonnie Sontag

Absent: Paul Dahn, Anne Gardner and Don Walters

Andy Port of the Planning Office was also present.

2. General Business

a) Approval of the minutes

Minutes of May 2, 2012 Meeting

Henry Coo made a motion to approve the minutes as amended. Bonnie Sontag seconded the motion. The motion passed unanimously.

Minutes approved.

Cynthia Zabriskie is Anne Gardner's replacement and was introduced.

3. Old Business

a) Springwell Investment LLC

Oleo Woods OSRD Definitive Subdivision

Request to Amend Condition of Approved OSRD Special Permit and Definitive Subdivision Plan Approval and Abandon Section VI-C Special Permit (Lot 18)

Michael Green, representing Springwell Investment LLC, said tonight's revised plan for Lot 18 shows everything Springwell is trying to achieve. He noted that there were more windows than necessary; two above the garage door serve no purpose other than 'looks.'

A member noted that in a previous plan driveways had to be moved. Mr. Green said they are not using that plan. A new design was developed that our engineers and Christiansen & Sergi prefer that looks better. Do we need a five-foot waiver? Andrew Port, Planning Office, said it was just a formality.

Mr. Green said he would pull the permit and begin construction in 60 days. Chairman Bowie requested the permit be pulled prior to the issuance of the 20th building permit. Mr. Green said he could do it before the 22nd permit. He's at the 18th permit now, not the 19th as may be presumed, because he's including the ANR. Chairman Bowie said if things

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were progressing apace, the last permit pulled could be for Lot 18. Mr. Green responded that Lots 9 and 10 would be the last lots developed. Chairman Bowie said he was not comfortable with a 60-day time frame before the permit was pulled for Lot 18 because the Board is trying to avoid building the affordable units last. Affordable units were a key component to this project's approval. The Board does not want to be chasing the developer to get Lot 18 finished properly. Mr. Green said they were ahead of schedule and had every intention to build Lot 18, but receiving design approval tonight means he is at the beginning of a 3-week process for completing and submitting the permit paperwork. This request was not part of the approval and if he'd had an approved plan drawn sooner, he would have been able to pull the permit sooner for Lot 18. The Board agreed that prior to the issuance of the 22nd permit Lot 18 would be built.

Jim McCarthy made a motion to amend condition of approved OSRD special permit and definitive subdivision plan approval and abandon section VI-C special permit (Lot 18), approve that the building permit for Lot 18 be pulled prior to the 22nd permit, and to modify conditions of the 2006 Oleo Woods OSRD Special Permit such that occupancy permits may be granted prior to removal of the Russell Terrace Extension cul-de-sac and submission to the City of all recordable conveyances or easements for the project. Permit Henry Coe seconded the motion.

Motion approved.

Votes Cast:

Dan Bowie: approve

Henry Coe: approve

Sue Grolnic: approve

Noah Luskin: approve

Jim McCarthy: approve

Bonnie Sontag: approve

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. New Business

- a) **Timberline Enterprises, LLC**
c/o Blatman, Bobrowski, & Mead LLC
23 Low Street
Major Site Plan Review

Chairman Bowie read the notice. Attorney Lisa Mead, Blatman, Bobrowski, & Mead LLC, spoke on behalf of the applicant and verified that the meeting was being recorded in case there was a continuance. Attorney Mead gave an overview of the criteria, followed by civil

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engineer Tom Mannetta, Tom Mannetta, Inc, who went through the civil aspects, and Tim Thurman, Treehouse Designs, reviewed the traffic.

Attorney Mead described the proposal to convert 4.23 acres of land to a wholesale lumber operation with incidental retail sales, somewhat like Fastenal or Dugan Supply nearby. Lumber will not be cut on site, but taken in, stored and hauled out. There are a total of five new buildings. As required by Section 15E-a of the Zoning Ordinance, the applicant submitted the locations and boundaries of all buildings. The owner has gained full ownership rights. There will be no new, freestanding signs; the plans show this modification. A landscaping plan has been submitted. A traffic report provided was reviewed by both Police and Fire Departments, who were satisfied with the internal traffic movements on-site and traffic entering and exiting the premises. They have the required 29 parking spaces. They requested a waiver to have no landscape architect and a waiver for the photometric study. The existing lighting will be retrofitted to avoid spill out and glare. New drainage calculations were completed and submitted today. Under the requirements of Section 15 E-b, they submitted a narrative of the groundwater and will not change the impact on soils. A modification in the new building design shows a separation in one building to make two buildings. They need a special permit from the Zoning Board for incidental retail and some non-conformities and they need a variance on the side setback for an existing building. The community character requirement allows their proposed use, which is appropriate to the site and consistent with the entire neighborhood. Keiver Willard Wholesale Lumber is beside it, Dugan Supply to the other side. The development does not interfere with scenic views and is over 350 feet from the roadway. Screening at the entrance is not necessary and there is no room for it. Parking and traffic will not affect safety conditions. The project will have no negative impacts on public health and safety. There will be a degree of noise; it will be modest, occurring Monday – Friday, ending at 4 PM. The project involves converting an existing use, will use less water than the existing marina business and there is no additional burden on public services. The new business will bring over 40 jobs to Newburyport and improve city taxes. The buildings will be consistent with buildings in the Industrial Park. No new utilities need to be brought in. There will be no onsite fueling. Storm water will be treated onsite. Erosion control measures will be in place both during and after construction. There will be no negative impact on ground water quality and no wetland mitigation actions are required. There will be no negative impact on pedestrian traffic.

Tom Manneta, principal of Tom Mannetta, Inc, described two drive-through buildings as having lumber on either side of an indoor throughway. Two other buildings are three-sided with totally open fronts for accessing lumber. The site ground is compact gravel surrounded by wetlands. To mitigate erosion, over 60,000 square feet of grass will be added, replacing compact gravel. There are detention basins in the front, side and rear of the property and concrete detention structures linked together by a pipe in the center of the property. Two basins drain, three others catch and feed into the drainage basins. They've controlled the water infiltration chambers, and water from the roof is directed into the ground. They're accepting a considerable amount of water from Low Street. They're replacing gravel with pavement to provide parking. They meet requirements for snow removal and containment on the property. They've changed the inverts and, on the drain basins, closed them in. They're mitigating over 27,000 square feet of roof runoff using catch basins with hoods. Proposed

lights shown on the diagram are shielded and directed downward. Landscaping includes adding grass and 7-foot trees including Atlantic White Cedar, Red Maple, and Arborvitae. They've spoken to the abutting resident several times, who wants to make sure no one drives over his lawn. They're adding a hedgerow lining the driveway entrance for the abutter and using Cultec chambers.

Chairman Bowie asked how the trees would be planted? Mr. Mannetta said the 7-foot Atlantic White Cedar, Red Maple, Arborvitae will go into a trench filled with loam, rather than digging individual circles for the ball of the trees.

Tim Thurman, principal at Treehouse Design, Gloucester, talked about the buildings. One of two existing buildings has large doors and white metal siding. They'll be insulating and heating that building, adding second-floor office space that includes windows to the upper story and a canopy at the entrance. One large bay door facing Low Street will remain operational; two other large bay doors will be removed. They'll keep the white siding and patch in with matching siding. A sign placed above the canopy will be 20 feet up from the ground. The second existing building is wood-framed on a foundation and headed with a crawl space that will be office space. The new buildings will be prefab specialty buildings for storing and accessing materials inside and outside. The drive-throughs are double-loaded, with material on both sides. Trucks will be kept in the buildings overnight, where they are loaded. The three-sided buildings are for open storage with a curtain that comes down to close off the storage. They separated portions of one building to keep it under 7,500 square feet in order to avoid sprinklers in the buildings. The three-sided building style is metal-sided and metal-framed, similar to what is in the industrial park.

A member asked about a gate for security to close the property off. Mr. Thurman said the gate at the Low Street entrance will remain and the entire property is fenced, as well.

Robert Michaud, MBM Transportation Consultants, Medford, introduced a traffic study that he said conformed to industry standards. As a starting point, he evaluated three gateway locations: the signalized intersection at Graf Road, the entrance and the Route One intersection. Low Street today carries between 8 -10,000 vehicles at a rate of about 1,000 per hour. Each of the intersections examined operates below capacity and experiences below average crash incidents. Activity at the site will be between 10-15 cars entering and leaving per hour. Larger trailers enter on occasion, hauling boats. The proposal describes an operation with five trucks making 15 trips per day. The bulk of the activity will be from 7 AM – 3 PM. The level of truck activity is materially no different than what occurs at the site today. They looked at empirical information on how Timberline operates and industry standards for the traffic study. He described five truck-trips an hour or one vehicle trip per minute during the morning commuter hour. They did not perceive any measurable impact at the intersections given the level of activity at the site. They showed a curb improvement for a right turn exiting onto Low Street from the site. Today, trucks periodically climb the curb. Within the site they've conducted the same level of truck modeling for the five fleet vehicles that will be on site delivering goods (the largest fleet vehicle is 38-feet long), plus the ladder truck and large, 60 feet long, articulated vehicles carrying lumber. The model worked at the site's driveway and within the site.

The signs do not block a motorist's ability to see vehicles entering and leaving the driveway, but they recommended the Route One junction sign either be replaced to meet current standards of 7-feet above grade, which it currently does not meet, or be eliminated because it is not needed, or placed within 400-feet of the intersection, on the other side of the Elk's Club driveway. The project has no material impact to city infrastructure and there is ample capacity to accommodate the trucks. The sweeps all work. Curb improvements will not impact the abutter's property. They've made a concerted effort to work with the abutter.

A member asked how curb improvement is made? Mr. Michaud said using structurally appropriate material and meeting city standards as to what that cross section of pavement has to look like. The member asked if it would be safer if there were no obstructions, such as signs. Mr. Michaud said there was no inherent safety problem, just clutter, and it would look cleaner without signs. It's an advisory sign for people who are not familiar with the area. Their sign would be placed 10-15 feet behind the advisory sign, not in a motorist's line of view. Andrew Port, Planning Office, said the Mayor wants the project to go fast, and it's not a big deal to ask Newburyport DPS to make the recommended sign changes.

A member asked who was responsible for the care of trees and the condition details in the landscaping plan. Andrew Port said the detailed conditions are mainly for soil amendment. The city doesn't have the resources to check and make sure that the trees are going to grow. Attorney Mead said the client would take care of the trees because they've consulted with an arborist and are paying for them. Christiansen & Sergi have reviewed and approved the detail. Did you want larger trees? Chairman Bowie said yes, larger trees in the same amount are important to the Board.

A member asked where underground utilities would be? Mr. Mannelta showed on the plan from the corner of the very first building, nowhere near the grassy area or infiltration chambers. Another member said there is adequate parking for the employees, but what about retail parking? Attorney Mead responded that there was no requirement in the Zoning Ordinance for additional parking for incidental retail sales. Chris Ostrader, of Timberline, Gloucester, said sales employees are not on site all day; they come in and then leave. With a huge part of the staff gone all day, there is plenty of room for contractor parking.

Chairman Bowie asked if the Conservation Commission said anything about the number of trees? Attorney Mead said they had five trees in one area. When they talked to the Conservation Commission about moving them back, they said the more trees the better.

Chairman Bowie opened the public comment.

Attorney William O'Flaherty represented Weeping Willow Trust, an abutter, said there is a problem with water that drains directly onto his client's property from this property. Over the years the water caused problems with the wetlands. They've spent money and time to permit the property for development. The Conservation Commission required a drainage swale from the Timberline property on the client's abutting side of the property. The requested swale was not in the plans presented. The concrete structures were directly on the client's boundary

line and the water has no place to go but directly onto the client's property. This was the opportunity to get the problem corrected. Considering the addition of new buildings, the location where the water will be infiltrated, that the soil is clay, how would water be infiltrated and not add to the discharge coming onto the client's property? Whether or not the amount of water is reduced, it will still come onto our property without the swale that the Conservation Commission requested. He hopes the Planning Board does not rush to judgment, though the mayor has asked you to move it through quickly. The final drainage calculations were just delivered today; maybe the Conservation Commission is depending on the Planning Board to solve this problem. There is no drainage easement to discharge Timberline's water onto their property and this is a significant problem, affecting the property value.

Andrew Port said the entire Industrial Park area has flooding issues. Christiansen & Sergi would look at the drainage calculations before commenting. We don't typically provide closure to any applicant until we have feedback from Christiansen & Sergi.

Resident Kathy Spalding, 5 Bricher Street, had questions about noise, safety and traffic. She already hears forklifts in the middle of the night. She was concerned the business could move in and change their hours of operation, after the fact. Would any mechanical equipment be on site? What about fire safety beyond the one fire hydrant on Low Street? Traffic was already backed-up on Low Street, bumper-to-bumper, from the Graf Street intersection to the Route One light Monday-Friday as school let out until about 4 pm.

Attorney Mead addressed Ms. Spalding. This was a daytime operation only. There were no night operations in Gloucester; no night uses were approved for this location. Trucks were required to have back-up alarms. There would not be a lot of standing time for trucks. Noise control for the site included forklifts using propane instead of diesel for significantly reduced noise levels. The LP machines reduce noise by about 75 %. A fire hydrant is on site. All buildings would meet fire codes. Chris Ostader, Timberline Enterprises, affirmed Attorney Mead's comments.

Mr. Mannetta said they are on their second iteration of a review for drainage calculations, and have worked on the abutters concerns. They will recharge water on the site. From what they can tell there was over 4 feet of fill on the site. A member asked if there was a flooding problem on an adjacent lot, does that mean there was a flooding problem on this lot?

Another member asked the engineer to address the abutter's drainage concerns. Mr. Mannetta said drainage was addressed adequately by the reduction of 10 cubic feet per second of water run-off from the site. They were planning to contain the run-off water on site.

Attorney O'Flaherty explained that what was happening on the Weeping Willow Trust land was not a naturally occurring situation; the run-off from Overland Drive was creating a pond on the abutting property. The volume of water from the site was exacerbating a natural problem. Chairman Bowie again stated that it was a problem that existed throughout the Industrial Park. Attorney O'Flaherty said the drainage swales didn't work and were now wetland areas themselves. The whole system of swales needed to be cleaned. Andrew Port

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said the applicant's storm water plan states there is no increase in storm water run-off and no increased impact. Attorney Mead added that they're going well beyond what Andrew Port said; they were reducing the current rate of run-off and volume. They not only met the storm water standards, they exceeded it.

Resident Don Little, 6 Cottage Court was concerned about noise. The other lumber company makes too much noise. He heard that the applicant didn't plan to saw; he just wanted to express his concerns about the potential for noise. The noise at the other, nearby lumber facility was difficult to tolerate because they planed, molded and sawed all day long.

Public comment was closed at 9 PM.

Chairman Bowie said that, at a minimum, the Board needs Phil Christiansen's input. He asked if the applicant had anything in writing from the abutter regarding placement of trees on the abutter's property? Attorney Mead said she would get that. Chairman Bowie asked if Attorney Mead could have something on the ownership in writing from Bob DeShaies? Chairman Bowies said his preference was to continue to June 6th.

5. Planning Office/Subcommittees/Discussion

Andrew Port reminded the Board of Thursday's public hearing to assure there would be a quorum. There is only one hour for the hearing. The City Council hadn't taken the Storey Avenue issue out of Committee. It may not make it out by the mid-June deadline. There isn't much time beyond the May 29th meeting.

A member asked if another joint meeting was needed? Andrew Port had asked City Clerk Richard Jones to put the Storey Avenue information into the City Council's packet, but it didn't make it. Andrew will ask again that the information go into the packet for the May 29th meeting.

6. Adjournment

Bonnie Sontag made a motion to adjourn.

Sue Grolnic seconded the motion.

Motion approved unanimously.

Meeting adjourned at 9:22 PM

Respectfully submitted, Linda Guthrie, Note Taker