

**City of Newburyport
Planning Board
May 21, 2014
Minutes**

The meeting was called to order at 7:15 PM.

1. Roll Call

In attendance: Dan Bowie, Henry Coe, Paul Dahn, Sue Grolnic, Jim McCarthy, Bonnie Sontag, and Don Walters.

Absent: Noah Luskin

2. General Business

- a) The minutes of 5/7/2014 were approved. Henry Coe made a motion to approve the minutes. Don Walters seconded the motion and all members voted in favor.

b) 30 Monroe Street ANR

Everett Chandler, Design Consultants, Inc., 68 Pleasant Street, Newburyport, represented applicant Josh Bradshaw. An application before the ZBA approved the transfer of a non-conforming sliver of land from 30 Munroe Street to 31 Broad Street. The lot is unbuildable.

Don Walters made a motion to approve the 30 Monroe Street ANR. Paul Dahn 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.

3. Old Business

- a) ***Leonidas Theodorou
190 State Street
Site Plan Review
Continued from May 7, 2014***

Chairman Bowie said the Planning Office received a request for a continuance from the applicant who was continuing to work on design issues.

Don Walters made a motion to approve the continuance of the 190 States Street Site Plan Review to June 4. Henry Coe 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.

b) Tropic Star Development LLC
75, 79, 70R, 81, and 83 Storey Avenue
Major Site Plan Review
Continued from May 7, 2014

Jeffrey Roelofs, attorney, 30 Green Street, Newburyport, gave an overview of the project. Acknowledging issues with the configuration, he said he would work to meet the board's requests. His team had not seen peer review comments yet.

Jeffrey Dirk, traffic engineer, Vanasse & Associates, Inc., 10 New England Business Center, Suite 314, Andover, MA, presented an updated traffic study. The original study developed December 2011 used five years of data; the updated study used seven years of data as required. Existing conditions included traffic volumes that were 600-800 vehicle trips lower with 1,000 fewer vehicles traveling around the corner today than when the Chain Bridge was closed. The analysis held the higher volumes as the existing condition. The major signalized intersections from I-95 down Storey Avenue to Low Street, plus the Noble Street intersection, made the majority of traffic demands.

Sidewalks existed on both sides of Storey Avenue and at the Low Street intersection, with crosswalks under push button control. Storey Avenue was sufficiently wide to accommodate a bike lane. Mr. Dirk would use the Complete Streets approach to make improvements at the corner. A bike facility at the Park & Ride would link up to the improvements. No improvements were needed based on motor vehicle crash history along Storey Avenue. The numbers were below the average with no safety deficiencies in the way people were using the intersections, except at Low Street, where crashes had gone up. Improvements would provide benefits there.

85 % of vehicles were within 5 mph of the 35 mph posted speed limit. Daily volume was 35,000 cars per day. Improvements, including wheelchair ramps, would have at least a 5-year life. Historic traffic growth showed more cars per household. A growth rate of ½ percent per year was used to project conditions going forward and as well as growth in new development projects out to 2021. The project incorporated the existing gas station on the corner. The net increase in traffic accounted for the fact that the gas station volume won't be additional.

Net new traffic was presented: 7-9 AM was the high traffic period, with net new traffic of 80 vehicle trips per hour. During 4-6 PM, there were 50 new vehicle trips. Saturday, 11AM -2 PM had 114 new vehicle trips. Pass by trips were the majority of traffic, but the state limited it to 25 %. The reality would be closer to 50% in the amount of traffic the project would generate.

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The traffic pattern would mirror what already existed. About 45% of traffic would be oriented southwest of the site; 35% would be to and from the east of the Low Street intersection; about 4% from Woodman Way. Levels of service at intersections correlated delays to a letter grade, where A was 10 seconds and F was 1 minute or more of vehicle queuing. There would be no change in the level of service with the project, no degradations below D. Cars were queuing, but the project would not make it worse. Capacity for extra traffic existed because intersections were D or better, except Noble Street which had excessive delays and long queues resulting in an E.

Access points into the property included three driveways, including one with full access 100 feet from Merrimack Place. A 150-foot separation between the two driveways was critical to avoid interaction. A right turn entrance was only 20 feet from Low Street and a full access driveway on Low Street was 150 feet south of the stoplight. A center turn lane would accommodate left turn movements happening there, and extend to the project property. All properties along Storey Avenue would benefit from the center turn lane. The road would be widened on both sides for designated bike lanes with 5 foot shoulders assigned so bikes could get to the Park and Ride. Sidewalks would be reconstructed, adding wheelchair ramps for a complete barrier-free access to the signal system. The Low Street intersection would be reconstructed. The many driveways were undesirable, intimidating to pedestrians, with many conflict points. Changes would provide safer operations and improve pedestrian ways: move the stop line back, reduce length of the turn lane, create an additional area for transition to the site, and add bicycle amenities and facilities that don't exist on other parts of the roadway. The city had asked to keep the turning radius as tight as possible despite the road widening. Changes were all subject to MA DOT approval.

Anthony Komornick, Transportation Manager, Merrimack Valley Planning Commission (MVPC), peer reviewer, asked about the lack of a crosswalk on Story Avenue from the west side of Low Street. Mr. Dirk would see if he could shift the crosswalk so pedestrians didn't have two crossings to get to one side of the street. Mr. Komornick said counts taken in July when bridges were out, coupled with the level of service analysis in the updated study, were greater than a worse case scenario. Queues were longer than you'd see at any time in the future. That level of congestion would only exist in the near future at Noble Street. Consider making that a signalized intersection. The numbers were lower because Spofford Street was closed. The cross walk at the Park and Ride would help cyclists get from the trail. Looking at inflated volumes, you might be looking at crash rates that were too low. There might be some safety problems in one or two locations as a result. MA DOT recommended a 14-foot center turn lane width. He did not see that reflected. Mr. Dirk would correct that.

Planning Board comments: The study said traffic would include bike protection regarding a connection to the Park and Ride. Mr. Dirk said sensors identified when to call a light. There were concerns about queuing going into the site from the east to the west conflicting with Dunkin Donuts traffic. Had that queuing been considered when entering the site? Mr. Dirk said at most, up to two vehicles were queued. A crosswalk created distance and a buffer for storing waiting vehicles, but it would be a balancing act. Currently, the lane is longer than what is needed and the stop line is a ways back; both were good buffers. Shortened intersection distances reduced the amount of time to enter and exit the intersection.

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A board member asked if any consideration was given to moving the entrance closer to Atria? Mr. Dirk said there might flexibility to do that, but the goal was to maximize that separation. A member noted when coming out of Dunkin Donuts and heading back downtown, a driver needed to cross a yellow line every time. Mr. Dirk said it was legal to cross a yellow line if you were making a turn, but not desirable. A member asked if another yellow line could be added? Mr. Dirk would discuss that with MA DOT and MVPC. A member said safety was the main consideration. Mr. Dirk said safety was looked at from every angle, including cars doing things frequently they were not supposed to do. A member, concerned about the driveways on Storey Avenue, said leaving the site with a left turn, cars would cross four lanes of traffic, sometimes five. During peak hours, cars were stacked in turn lanes. Mr. Dirk said without developing the center turn lane, he could not advocate that cars take that action. Site lines were sufficient to accelerate up to 70% of the approaching traffic safely. A member asked if the crash rate for the full access entrances and exits at the gas stations had been studied? Mr. Dirks said he would see if crashes were reported specific to an address were above average; if so, he would propose additional measures.

Chairman Bowie asked what the effect of eliminating the right turn-only entrance from the design would have? Mr. Dirk said it reduced the number of vehicles going through traffic but would not affect traffic patterns, except on the project site, where it allowed onsite circulation to be more dispersed. Chairman Bowie asked if the entrance was tied to relieving queuing? Mr. Dirk said no. A member asked what methodology was used to do the study? A pictorial representation of the levels of service with graphics would show what extensive queuing looks like more effectively. Mr. Dirk said he would prepare queuing diagrams. Modeling software created different scenarios every time it was run. It was important to start with good numbers for traffic counts. Traffic volumes were measured two ways: rubber tubes in the roadway to collect data over an extended time period and people who sat and counted vehicles. The road tube data ensured capturing the spike.

A member said the area from the Park and Ride to the site was a neighborhood; speed and flow were important. If only 85% were driving 40 and below, that was dangerous for a neighborhood. Any speed over 30 mph resulted in less time to make decisions. How were the design criteria for speed used? Mr. Dirk said the improvements would reduce speed at the corner, but not from what it was currently. He was limited in what he could do. Traffic calming would not be allowed based on the classification of the roadway, which was to move traffic. As opposed to widening the road for bike lanes and sidewalks on both sides, would it be more desirable to have a multi-use path on one side of the road, such as a 10-foot sidewalk instead of a 5-foot sidewalk? That would be the Complete Streets design approach. The member asked if the design had the minimum lane width? Mr. Dirk said 11 feet was the minimum because of trucks and turning maneuvers. He could take the 12s down to 11s, and put the bikes on a multi-use path instead of a bike lane. The member reiterated that speed was critical to making the area more like a neighborhood and to promote safety. If Mr. Dirk could reduce speed without signs or a speed bump that would be appreciated. How do you maintain traffic flow with all the crosswalks? Mr. Dirk said computers running the signals talk to each other to keep flow unimpeded. Signals knew when a pedestrian was crossing and would not introduce more traffic in that direction.

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A member wanted all pedestrian areas to be prominent, and welcomed the sidewalk expansion and lampposts that would make the area look less like a highway. Regarding the Low Street entrance and exit, a member said the stacking space at peak times was already overfilled. With more traffic, would the stacking space be extended? Mr. Dirk said one driveway would be blocked with a queue more often than the other. His concern was for cars making a left to get out. The member shared that concern and said the driveway would be blocked most of the time. Mr. Dirk said the access point could be used in a design to eliminate making a left hand turn. The member asked how that would impact the flow? Mr. Dirk said capacity existed at the other driveway and perhaps the driveway should be wider. The member said a concern was the back up on Low Street and that examining a busy, queued-up intersection was important. Chairman Bowie said prohibiting left hand turns on Storey Avenue would impact Low Street. Mr. Komornick said that assuming every left hand turn was going out the main driveway overstated what would happen. Another member said the queuing off Low Street was at specific times only. It would be helpful to animate the queuing in different time periods.

Chairman Bowie asked what improvements could be made to existing crosswalks. Mr. Dirk would replace the push button, repaint, and add wheelchair ramps. Chairman Bowie said wheelchair ramps wouldn't do much; what other measures existed? Mr. Dirk said that would depend on MA DOT, who for example would not allow imprinted pavement that could be done as part the driveway resurfacing. Heavy trucks reduced the imprinting and MA DOT was concerned about maintenance. Chairman Bowie asked if a small island was possible instead of one crosswalk around four lanes of travel? Mr. Dirk would look at traffic calming effects of an island. A member asked if the center lane was 11 feet? Mr. Dirk was widening it to 14 feet and adding one foot to the bike lane.

Mr. Roelofs said the traffic report was submitted to the board. Chairman Bowie said although he had a copy, other members did not because it was too large to send electronically. Mr. Roelofs would provide access for all board members.

Public comment opened.

Maria Svirsky, 4 Coffin Street, was concerned about the speed limit. The traffic corridor was a stepping-stone to the historic district. New traffic lights and venues had drivers creating a second lane of traffic on High Street, accelerating the speed. Newburyport had only three parallel streets. As a small community, there shouldn't be any speed limit above 35.

Ann Chonsett, Woodman Way, was concerned about the number of driveways for getting in and out of businesses. Dunkin Donuts had three driveways; the bank and the gas station had multiple driveways. Getting safely out of Woodman Way was a nightmare that would be exacerbated by more driveway accesses. Left turning cars crossing over three lanes were hard to see. A pedestrian could barely cross the street now and a bicycle safety guy said it was not safe to bike there. How can adding more lanes be good? Existing entrances and exits were difficult enough.

Charlie Tontar, City Councilor, 29 Jefferson Street, said driving into the intersection on his commute the entire right lane was blocked constantly because of Dunkin Donuts. Adding a left turn lane into a new business would block both lanes, creating a bottleneck at rush hour.

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Rick Taintor, 10 Dexter Street, regularly drove through at rush hour and was concerned about the left turn lane into Woodman Way. He acknowledged the modeling software said it would work, that there was extra capacity. The 'through' lane was often blocked by traffic turning left in to Woodman Way and Dunkin Donuts. The short length of the left turn lane into Woodman Way would create a worse situation than what was endured currently. He thought it should be a right turn only on Storey Avenue. A bike lane on the inside of a dedicated right turn lane was dangerous. It was not accepted practice to have a bike lane on one side of an intersection and not on the other side. Some type of median was required on the west side of the intersection. A real Complete Street looked at all users equally. The proposed plan did not do that. He recommended making existing and proposed left turns considerably safer.

Gabriele Atkinson, 5 Woodman Way, was recently coming up from Low Street and could not turn into Woodman Way for fear of being rear-ended. She got a ticket for running a red light. Could electronics adjust for needing time to get out of the way of cars coming up rapidly behind you while you're in the intersection?

Dennis Crimson, attorney for Richard Kaplan, owner of Port Plaza, had a letter from Mr. Kaplan stating his primary concern was the Port Plaza pass through from Low Street to Storey Avenue would experience increased volume as a result of the project. Mr. Dermott Kelly, Mr. Kaplan's traffic engineer, SBK Associates, said traffic counts used for the study were three years old and should not be more than two years old. Curb cuts had no traffic counts in this study. No one knew how many vehicles turned into Dunkin Donuts. There was little information for turning movements opposite the proposed driveway. One study recommendation was timing changes for existing signals at the intersection prior to occupancy. Normally, mitigation would be in the report, or an analysis to determine the effects of turning movements opposite the site's driveway. The report is incomplete. The problems recognized at Noble Street were analyzed as a signalized intersection. Port Plaza is 300 feet from Noble Street; Demoulas is another 700 feet to the east. The traffic signal and road widening were paid for by Port plaza. If there were to be a signal at Noble Street, he wanted to know if it was warranted and that information should be considered during the public review process, available well prior to occupancy. The queuing was sensitive and the plan did not reflect existing conditions as he saw it. He wanted to know if MA DOT found the proposed Noble Street signal acceptable. Also, the intersection was offset, not aligned. This was an opportunity to determine whether it was feasible to widen Low Street in the westerly direction, north bound, because that would add capacity to the intersection. Adding a lane provided a bigger bucket. The plan utilized 1-2% of the intersection capacity without any mitigation. Mr. Kelly wanted to add capacity back to the intersection and to discourage people from cutting through Port Plaza that would benefit the entire intersection.

Ron Mueller, traffic engineer, Traffic, Engineering and Consulting Services, 56 Teresa Road Hopkinton, MA confirmed on behalf of Mr. Kaplan that it was appropriate for all of the counts to be updated.

Joy Buckley, 87 Storey Avenue, asked how the road was being widened? When she saw a road with six lanes, she would normally drive faster, as would other vehicles.

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An unidentified resident said that Anna Jaques was a feeder hospital and the other side of the road had ambulance traffic.

Public comment closed.

Chairman Bowie asked if the board would receive written comments from MVPC in time for the applicant to review, before the next meeting? Mr. Komornick affirmed. Chairman Bowie recommended continuing to June 4 and asked if anything had transpired on the location of the building? Scott Mitchell, Tropic Star Development, said some of the board's requests had not been met yet, but he hoped to come back with revisions by June 4. Chairman Bowie said the building needed to come up to the street and the parking reconfigured. The site plan could not be approved as it is now. Mr. Mitchell said he had worked on this project for four years and having been through the same request in other communities, understood. He would meet the board's criteria as best he could, considering he had needs to reconcile as well. Mr. Mitchell had created 20 - 30 concepts. A member asked Mr. Komornick if he intended to incorporate in his response the issues raised by the board and the public, as well as the MVPC requirements? If not, that would make it more difficult for the board to come to a solution.

Don Walters made a motion to continue the Tropic Star Application Completeness to June 4. Henry Coe 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. New Business

a) Driveway Access at 13 Coffin Street

Chairman Bowie said this property was last before the board on August 22, 2013, where a lengthy discussion with residents and the applicant recognized the long history of concerns regarding Coffin Street. The board would not resolve those issues. In 1999, the board approved a single lot ANR. A driveway plan had been accepted by the DPS and the Building Department, who was now prepared to issue a building permit. The two city departments were asking the board to approve the issuance of a building permit. Chairman Bowie did not see the benefit of continued public comment. Any remedial action should begin with an appeal by residents to the ZBA after issuance of the building department's permit. If not resolved there, the matter should move to the court system. Before the board is a legal ANR, and one already in place. Views differ as to whether the ANR should have been approved at that time. Those differences do not alter its approved status. The Chairman's view was an ANR approval cannot be rescinded, nor could the board act to change the approval.

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Board member discussion: The city departments were seeking acknowledgement that the ANR lot, already approved, justified the issuance of a building permit and conferred the right to build. Why did the board need to do anything? Chairman Bowie said perhaps because of the property's history, the two hours of dialogue with residents and that the question of 'what is Coffin Street in its entirety' remained unresolved. Members asked: Was the board involved because it would act as the permitting authority for the building? Did a site plan exist? Could the board challenge the ANR? To all questions Chairman Bowie answered no, adding that if a building permit was issued, the board could challenge the building permit. Two members said the board should do nothing. If the matter went to court, the court could require the board to act. Another member did not feel compelled to vote on something not required.

Sue Grolnic made a motion to do nothing. Henry Coe seconded the motion. Six members voted in favor. Chairman Bowie was opposed.

Chairman Bowie said the matter has been going on for 30-40 years with substantial documentation on both sides of the issue. Conflicting actions taken by different mayors complicated the matter. The board had an opportunity to act to resolve issues by approving the building permit. A member said approving an ANR is not the same as approving a building lot. Another member would approve the building permit if the Building Department provided a letter stating they would not act unless the board approved the building permit. Another member was unclear; the scenario had not come up in the 10 years of membership. Chairman Bowie had asked for additional information on title issues. The information had not been forthcoming.

3. Planning Office/Subcommittees/Discussion

a) Updates

Discussed were the zoning amendments going before City Council and the medical marijuana moratorium.

4. Adjournment

Bonnie Sontag made a motion to adjourn. Sue Grolnic seconded and all members voted in favor.

The meeting adjourned at 9:47 PM.

Respectfully submitted -- Linda Guthrie, Note Taker