

May 4, 2011

**Planning Board
Newburyport City Hall**

The meeting was called to order at 7:00 P.M.
A quorum was present.

1. Roll Call

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

Missing: Anne Gardner

Emily Wentworth of the Planning Office was also present.

2. General Business

a) Approval of the minutes

Minutes of April 20, 2011 Meeting

Bonnie Sontag made a motion to approve the minutes as submitted.
Henry Coe seconded the motion to approve amended minutes.

Votes Cast:

Dan Bowie: approve
Bonnie Sontag: approve
Sue Grolnic: approve
Jim McCarthy: approve
Don Walters: approve
Henry Coe: approve
Julia Godtfredsen: abstain
Paul Dahn: abstain

b) Norey A. Carey, Jr.

31 High Street

Form A Application for Approval Not Required

Bill Sheehan, Attorney, spoke representing Norman A. Carey Jr. Mr. Carey is seeking an ANR endorsement from the Board for his plan for the land he owns at 31 High Street which is a small sliver of land between Mr. Carey's home at 29 High Street and March's Hill. Mr. Carey would like to record this so he can grant the easement to the City so the Clipper City Rail Trail can make its way North to High Street.

Mr. Sheehan and Mr. Carey recognize that the frontage is insufficient under the Zoning Ordinance for building and spoke of the possibility of a note on the plan that states that zoning is insufficient.

They could not add this note themselves because the plan has been lost and Mr. Esposito cannot be found.

Chairman Bowie indicated that the plan dates back to 2003 and is not in the form ANR plans typically come in.

- In signature block, you have to clearly indicate that the Planning Board approval is not required under the relevant statutory section
- A note needs to be put on the mylar for recording

Chairman Bowie indicated his concern that the parcel is shown by itself and that the deed which granted the parcel to Mr. Carey has not been recorded. He assumed that the intention is to record the deed simultaneously with the plan. Mr. Sheehan agreed that that is the intention. Chairman Bowie proposed different wording for a note. Mr. Sheehan and Chairman Bowie discussed the wording. Mr. Bowie wanted it to be clear that the parcel area is not available as a site for building. One board member indicated if this isn't done correctly someone might argue the legitimacy of the easement. Chairman Bowie indicated that the deed, which will go on record before the plan, specifically states a reference to this plan which will go on file with the deed. After discussion about wording between Mr. Sheehan, members of the Planning Board, as well as Ms. Wentworth from the Planning Office, the following wording was finally agreed to for the note: *Note: "Parcel Area" clearly depicts, frontage of the "Parcel Area" as 55.63, which, does not meet the frontage requirements specified in the Newburyport Zoning Ordinance and "Parcel Area" is not available as a site for a building. Planning Board endorsement of this plan does not constitute a determination of conformance with zoning requirements.*

Jim McCarthy made a motion to endorse.

Henry Coe seconded the motion.

Votes Cast:

Dan Bowie: yes

Bonnie Sontag: yes

Sue Grolnic: no

Jim McCarthy: yes

Don Walters: yes

Henry Coe: yes

Julia Godtfredsen: yes

Paul Dahn: yes

The note was written on the Mylar copy of the plan during the meeting.

During the course of discussion and consideration of this application, the 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

4. New Business

5. Planning Office/Subcommittees/Discussion

a) Informal Discussions regarding correspondence from Tropic Star Development and a potential retail development at 79-83 Storey Avenue involving a rezoning and land donation.

Scott Mitchell, one of the owners of Tropic Star Development spoke. With him at the meeting were Wayne Morrill from Jones and Beach Engineers, Jim McClare and Jim Mitchell from Tropic Star. Mr. Mitchell indicated that he had been looking at the Woodman family land and talking to the Woodman family about it for some time. He spoke about his plans for development of the Woodman site of 25 acres, 7 of which are zoned commercially. His preliminary plans are for a 13,225 square foot pharmacy with 60+ parking spaces. He has done a lot of development in the area. He developed the CVS in Salisbury which was a very complex project. He also developed a CVS in Epping, and a CVS, dental offices, Tropic Star offices, and a Provident Bank in Hampton. Mr. Mitchell had previously met with the Planning staff to discuss his project and see if there was any interest in the City using the residential piece of this property for open space. The City indicated they would be interested in using that property as open space.

Mr. Mitchell said he wanted to get input from the Planning Board and asked for questions. Traffic and access were discussed. There was concern about the 2 points of access proposed on Storey Avenue. There was concern about no turn to go left onto Route 113. Board members liked access onto Low Street. The Board and Mr. Mitchell agreed that curb cuts are critical. The Board asked that he minimize curb cuts on Storey Ave. Mr. Mitchell indicated that they would have a traffic study done. The Board was interested in having Mr. Mitchell look into whether there was any way to have only one entrance off Storey Avenue. Mr. Mitchell promised to look into it and said that they really want to work with the Board and the City. The Board emphasized that with previous applications, traffic and access have been a concern.

Mr. Mitchell indicated that his company has done a lot of pharmacy work. They have done a lot of studies on drive-thrus and curb cuts. They indicated that pharmacies are not like MacDonalds; there isn't the same type of traffic. Typically, they have found that 50% of the traffic is comprised of trips from the highway.

Mr. Mitchell indicated that they did not want to get into the wetlands at all. The Board agreed that this was a good idea.

Proximity to Atria was brought up as an issue. There have been issues previously with this site and its proximity to Atria. Board members encouraged Mr. Mitchell to meet with Atria. Mr. Mitchell said he always works with all his abutters and had already tried to set up a meeting with Atria.

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At this point the pharmacy is planning to be open 24 hours. However, Mr. Mitchell said most of the pharmacies are open 24 hours until they determine what kind of traffic they get at what times. Other pharmacies he has developed that started with 24 hour service, have reduced their hours.

Mr. Mitchell said he thought the 2 major issues were zoning and traffic. Though a portion of the property is zoned as residential, who would want to live there? Chairman Bowie indicated that a fundamental question concerns whether this area should be rezoned. He asked if anyone on the Board had a problem conceptually with this property changing use. One of the Board members indicated that he thought it had to change.

There was discussion about having a “tasteful” building. Mr. Mitchell discussed the facades of the buildings he has developed in Salisbury and Epping and emphasized how they would build it in a style that was appropriate for the City. Mr. Mitchell showed pictures of buildings he had developed. There was concern about the Gateway to Newburyport being a continuous commercial stretch. It doesn’t seem like the gateway to a historic seaport should be all these commercial buildings. It was suggested that he use more greenery in the front. Mr. Mitchell said they would really investigate how far they could move back without getting into the wetlands. He understood the concern of the Board.

There was discussion about what parts of the property he would use. He talked about potentially allowing Atria to use the back piece.

As far as next steps are concerned, Mr. Mitchell plans to go back and meet with Emily Wentworth and ask about process. The City Council has to make zoning change. The Planning Board can make a recommendation, but the City Council approves the change. Mr. Mitchell will work with Emily Wentworth to make sure they understand the steps.

A Board Member asked if the Open Space committee had asked about access to the open space. Mr. Mitchell indicated they had and that he would provide access and some parking places if they needed it.

b) Informal Discussion regarding request to meet with representatives of New England Development about waterfront development

The Board talked about the potential of having informal discussions with representatives from New England Development where New England Development could present their thoughts and ideas and no formal proposals would be presented and no decisions would be made.

6. Adjournment

Motion made to adjourn.

Motion seconded.

Motion approved unanimously.

Meeting adjourned at 8:30 P.M.

Respectfully submitted, Jennifer Lamarre – Note Taker.