

**City of Newburyport
Joint Public Hearing
Planning Board and Planning & Development Subcommittee
May 6, 2015
Minutes**

The meeting was called to order at 7:00 PM.

1. Roll Call

In attendance for the Planning Board: Sue Grolnic, Noah Luskin, Doug Locy, Jim McCarthy, Leah McGavern, Andrew Shapiro, Bonnie Sontag, and Don Walters

Absent: James Brugger

In attendance for the Planning & Development Subcommittee: Ed Cameron, Barry Connell, and Jared Eigerman

Director of Planning and Development Andrew Port was also present.

2. Planning Board and Planning & Development Committee of the Council Joint Public Hearing on proposed zoning amendments:

- a) Amend the Zoning Ordinance and the Zoning Map, to establish a new zoning overlay District entitled "Smart Growth District"*
(Continued from 3/4/15)

The application is in the final stages of verifying data. Sewer and water flow capacity needed checking with DPS. Sign off was needed by the Merrimack Valley Planning Commission for a traffic analysis that had a complicated table of the expected build out. Feedback revealed a need for more graphics and captions. All deliverables and edits needed finishing before the final application was reviewed with the mayor next week. He recommended continuing to June 17th.

Planning Board members: What steps had been taken to address public discussion on the impact to schools? Director Port would meet with the School Department tomorrow on the numbers. The 1- and 2-bedroom units diminished the potential increase in school children. The City would be reimbursed for school children on a yearly basis under 40S. Were design guidelines all set? Director Port said a subcommittee completed the design guidelines. Six weeks was enough time for everyone to review them before prior to submission. Director Port said an extension is likely to be granted for the first applicant.

Subcommittee members: Councilor Eigerman asked about massing studies to help the public and councilors better imagine the build out? Director Port would focus on that next week along with the traffic analysis. He had not yet selected a vendor from the list of qualified firms.

Planning Board members: Could a build out by parcel be published? Was the 40R publishable at this time? Director Port said the build out was a complicated table that he repackaged. There

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was no credit for build out next to the station and no credit for build out where an already established business existed. Density would necessarily be further out from the station. He would create a link from the main page of the City's website to the 40R, design guidelines, and application and he send everyone an email when the application was filed with the state.

Subcommittee members: Councilor Connell asked what portion of the City's reserve capacity would be consumed by a full build out and was future expansion possible? Director Port was working on the number with the Water and Sewer Departments, who did not expect any issues. Jamie Tuccolo, Collection System Superintendent, said the current system could handle 1 Boston Way, but additional projects would need the pump station upgrade, a year or two out. The upgrade was also needed for the Business Park expansion. Councilor Cameron asked if there were concerns about the timing to go back before the City Council? Director Port said no, but once the hearing closed, the clock started ticking.

Public comment open.

David Powell, 3 Salem Street, #4, had not heard anything about connecting development in areas A, B, and C across a major highway. How could developers be interested without that critical improvement? Director Port said changes to Route One required approval from MA DOT, for whom many other infrastructure issues took priority. The City would undertake a redesign of the intersection itself, shrinking it from a vehicular point of view to make room for pedestrians. If the City submitted an unfunded redesign to the state for review, and it was approved, it could get in a queue for funding. In the meantime, development was likely to happen around the train station only. He did not expect development in other areas until the roadway design was in place. The traffic circle was too large; the City had met with DOT to look at it a few times. Progress would advance in phases.

Jim McCauley, 27 Storeybrook Drive, heard reimbursements were close to half of what the City used in budgeting per student. He wanted more information on the exact amounts of reimbursement rates. Director Port said Councilor Eigerman had requested figures for the City Council. Mr. McCauley would have numbers when they were available. The formula stated that additional costs for school children would be fully reimbursed. Councilor Cameron described additional student expenses as average costs versus marginal costs. The City did not always have to add a classroom for one new student. Councilor Eigerman said no taxes were generated by the property now. Once MINCO built, taxes would be generated.

Public comment closed.

Councilor Jared Eigerman made a motion to continue to June 17th. Councilor Barry Connell seconded 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

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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.

Don Walters made a motion to continue to June 17th. Leah McGavern seconded and all members voted in favor.

Motion Approved.

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3. Old Business

***a) 13 North Adams LLC
26 Toppan Lane
Definitive Subdivision (2015-DEF-01)
Section XXIII Special Permit (2015-SP-02)
Continued from 4/15/15***

Don Walters made a motion to continue to May 20th. Noah Luskin seconded and all members voted in favor.

Motion Approved.

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***b) Brad Kutcher, Bradku Construction
8 Oakland Street
Section VI.C Special Permit
Continued from 4/15/15***

Chairman McCarthy recused himself and left the room. Vice Chair Sontag said most of the board had heard the presentation, but there were not enough members to vote at the last meeting. The presentation of 4/6/2015 was redelivered.

Member comments. Would the fence be vinyl or wood? Mr. Kutcher said wood. Director Port said there had been confusion over a Preservation Restriction in another project, would this project follow the standard template? Mr. Kutcher said yes. Who would hold the Preservation Restriction? A member said the Historical Commission. Was the project within or outside of the

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new historic areas? Director Port said it was within the DCOD. Members: With the DCOD in place, the Preservation Restriction provided lesser value. Previously, a developer could wait one year before a demolition. Going forward, simply preserving something would be sufficient for VI.C applicants. Director Port said there were three different categories for public benefit. Members wanted to see something for low income housing rather than accept a Preservation Restriction by itself. Historic restoration was in perpetuity and equally important as affordable housing. Director Port said the bureaucratic red tape on affordable housing needed streamlining. Problems related to the state's role and time spent on back and forth with the state had a detrimental impact. Members: For this applicant, a financial contribution to affordable housing in addition to the Preservation Restriction was in place. Looking at the project on its own merit, the historic restoration benefit was the only possibility. Most members found the proposal acceptable. Mr. Kutcher described the power of historic preservation, citing what a house across the street could do. Was the board asking developers to do something in lieu of a Preservation Restriction? Members: Of the three options, sometimes the board asked developers to do one and sometimes, depending on the size of the project, more than one. The board should also consider the contribution of brick sidewalks and street trees. The proposal was appropriate and of high quality. Not every proposal had to include affordable housing.

Public comment open.

Public comment closed.

Vice Chair Sontag read several of the 20 stipulations. Director Port recommended a modification to one: the Preservation Restriction should be the state template rather than the local template.

Doug Locy made a motion to approve the Section V.IC permit. Leah McGavern seconded and seven members voted in favor. One member voted against the motion.

Motion Approved.

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Director Port said Mr. Kutcher inherited a project at 223 High Street that had a condition to give a rear piece of land to the City. Attorney Lisa Mead, responsible for the project, had been asked to find out if the City would have the easement over to the project prior to June 1st, when Lise Reid, Parks Director, was expecting construction to begin on the fields. The City had not expected the project to be on hold for so long and the field project needed to get underway. Mr. Kutcher, asked coordinate with Attorney Mead to make sure that happened, would talk to Attorney Mead tomorrow morning. There was discussion about whether the parcel should be an ANR. Ms. Reid had said the original approval did not include the separate area so it had to be an easement, which would serve the same purpose as an ANR as long as it was in perpetuity.

Chairman McCarthy voted against the project in 2004 because it was loose when the board permitted it. The board had outlined building envelopes and the developer was to come back before the board. There was an elevation issue because of the grade. The house on the hill would be preserved and the houses below it would be subordinate. The architecture for all four houses should tie together. The issues in conflict went to court, the City won, and the project was redesigned. Mr. Kutcher hoped to come back before the board in June. A member asked if the board had provided length x width x height but did not specify total volume? Director Port said the buildable area footprint specified a complete cube. If that issue came up again, the board should see the architecture before permitting the project. Chairman McCarthy agreed building envelope specifications should not be used again.

3. General Business

a) The minutes of 3/18/2015 were approved as amended. Bonnie Sontag made a motion to approve the minutes. Sue Grolnic seconded the motion and six members voted in favor. Two members abstained.

b) 40 Merrimac Street – Request for SPR Minor Modification

Doug Trees, retired architect, D.T.A. Architects, 557 Bay Road, Hamilton, MA, represented Joe Leone, the applicant. Mr. Trees described putting the building together mechanically and structurally. The internal work affected some external items. Originally, the mechanicals were all on the roof. He presented a proposal for two pieces of equipment to be placed behind the building enclosed by a wooden fence. Secondly, the elevation specified large floor to ceiling panels of glass on the second floor facing the Waterfront Trust property. The panels caused structural difficulty and they were now regular punched windows as shown on a diagram. Thirdly, the new plan had a connection to storm drains on Merrimac Street and he proposed a copper gutter and down spouts. Fourth was a slight repositioning of a chimney on the rear of the building. An exhaust from the kitchen was moved in order to be as straight as possible. Fifth, a 5-foot wide awning over the loading dock was left off the drawing. Sixth, a rear stairway off the roof deck was added, not as a code requirement but as a safety provision. Lastly, a few exhaust louvers coming out of the back of the building were added. David Murphy, the abutter to the north was present and approved the changes. Windows would be blanked out in the back, but existed for architectural purposes.

Member comments. Were the chimneys brick? Mr. Trees said yes, that was on the sketch. Would anything other than the wooden fence diminish the noise of the mechanicals for abutters? Mr. Trees said the mechanicals fed in underneath the floor. He was constrained by limits from the ZBA. Director Port said Mr. Trees had to go back before the ZBA with these modifications and if there were further abutters concerns, they could be addressed there. What were the ZBA requirements for noise? Director Port said there was nothing outside the norm. Was every mechanical exhaust from any surface area of the building on the sketch? Mr. Trees said the back fence was 8 feet total, with 6 feet of solid wood and 2 feet of lattice. Were all roof and kitchen exhausts vertical, going through the roof? Mr. Trees said yes, the noise would be inside the building because they were not external, but on the 3rd floor. One of the board's conditions was

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the pedestrian and bicycle safety study at Green and Merrimac Streets and that was currently underway. Would brick walkways in the parking lot take out parking spaces? Director Port said one space was gained. Mr. Trees said the City wanted the drain line constructed in August, before anything else was done. Members who had voted against the project because it blocked the river view where a view was supposed to be maintained said removing the glass panels further blocked the river view. Mr. Trees said glass panels remained where the view was supposed to be preserved. The first floor was all wrapped in glass. Was the fence stained or painted? Mr. Trees said an opaque stain would be used. A member recalled a discussion about second floor umbrellas that would prevent the view to a degree. Chairman McCarthy said three quarters of the year they would not block. Director Port said coming down Green Street, the view would not include the umbrella areas from the top of the street. At the bottom of the street, the view was through glass. Would shades or blinds be drawn to block the view? Director Port said the items before the board tonight did not include those items.

Don Walters made a motion to approve the seven proposed changes as minor modifications. Andrew Shapiro seconded and all members voted in favor.

Motion Approved.

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Director Port said there was no news on the disposition of National Grid property on Water Street, but the City was near agreement on the transfer of land near the water for the Rail Trail.

6. Adjournment

Jim McCarthy made a motion to adjourn. Don Walters seconded the motion and all members voted in favor.

The meeting adjourned at 8:42 PM.

Respectfully submitted -- Linda Guthrie