

June 1, 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, Sue Grolnic, Jim McCarthy, Don Walters, Henry Coe, Anne Gardener, Julia Godtfredsen, Paul Dahn

Missing: Bonnie Sontag

Andrew Port of the Planning Office was also present.

**2. General Business**

**a) Approval of the minutes**

**Minutes of May 18, 2011 Meeting**

Henry Coe made a motion to approve the minutes as submitted.  
Don Walters seconded the motion to approve amended minutes.

**Votes Cast:**

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

**b) Boberin, LLC, 2 Avon Street ANR**

Form A application received to divide 2 Avon Avenue into three buildable lots. The applicant was present. Chairman Bowie indicated that it appears straightforward: frontage requirements, area requirements, and access requirements do not raise any concerns.

There were no questions or comments.

Don Walters made a motion to approve.  
Anne Gardner seconded the motion to approve.

**Votes Cast:**

Dan Bowie: approve  
Sue Grolnic: approve  
Jim McCarthy: approve  
Don Walters: approve  
Henry Coe: approve  
Anne Gardner: approve  
Julia Godtfredsen: approve  
Paul Dahn: approve

**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.**

**c) McDermott and Miller/Hooper, 23 Marlboro Street ANR**

An ANR plan was filed to divide the lot into 2 parcels. The applicant was present. Both new parcels being created by the plan do not create any new buildable lots.

There were no questions or comments.

Anne Gardner made a motion to approve.  
Henry Coe seconded the motion to approve.

**Votes Cast:**

Dan Bowie: approve  
Sue Grolnic: approve  
Jim McCarthy: approve  
Don Walters: approve  
Henry Coe: approve  
Anne Gardner: approve  
Julia Godtfredsen: approve  
Paul Dahn: approve

**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.**

**d) Jason Kamps Builders, 5 Shandel Drive/8 Ocean Ave., Landscaping Plan, Section V1-C Permit**

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The owners attended the meeting with the landscaper to discuss their plan. They would like to remove trees that are dead, eroded, or leaning. At the most, they will remove 8 or 9 trees and will plant 32 trees. They met with the abutter who is comfortable with the plan as they also want to maintain privacy. The Board had a copy of the last approved plan. The Board also had a copy of the proposed landscape changes.

Chairman Bowie indicated there is a lot of history with this property. He would like to have it in writing that the abutters are in agreement with this. He asked about whether a pool would be installed. The applicant said the plan was to install a pool, but that plan was 3 to 5 years out. At this time, the applicant is not looking for approval for the pool. The tip of the pool on the plan falls into the buffer area. Chairman Bowie asked if there was a narrative about the trees. The applicant indicated there was no narrative, but there were pictures. Chairman Bowie indicated that it would be nice for the records to have a narrative. In this narrative the applicant should indicate why they are removing the trees, what they plan to remove, what they will replace, and where the changes are occurring. The applicant indicated that they will resubmit the plan for the pool at a later date. The pool would require modification of the covenant because a portion would be in what has been designated as a conservation area. Chairman Bowie agreed it would be easier to work with the plan without the pool at this time. Without the pool, what they are proposing would probably be considered a minor modification.

A Board Member requested to have the diameters of the trees proposed for removal as well as that for the new plantings being proposed. The applicant indicated that the trees would be a combination of spruce and pines. White pines are on the property now. It was requested that the applicant provide a species/quantity table in the corner of the plan and resubmit. The Board wanted it clearly indicated where the trees were going to be removed. The applicant offered to flag the trees on the site that they were planning on removing. One Board Member wondered if they were removing trees to get a clearer view of the water from their deck. The applicant indicated that there was no view change. The applicant indicated there would be privacy plantings along the entire perimeter and they would get approval from the abutters in writing. A question came up about the proposed play set, but a board member indicated the play set is not a structure.

If the applicant agreed to resubmit the plan clearly indicating what they were adding and what was coming out, provide a narrative, remove the pool from the drawings, and provide comments from the abutters, the Board will be comfortable viewing this as a minor modification. The Board suggested that the abutters being directly impacted are those critical to get written comments from. It was requested that the conservation area lines be shown on the landscape plan.

A Board Member indicated that the applicant is proposing putting new plantings in the conservation area. One Board member said that perhaps the covenant should be changed to allow plantings in the conservation area. To deal with the conservation area issues, the Board will put a statement in the decision indicating that they are permitting plantings in the conservation area.

The Board agreed to continue this until the 6/15 Planning Board meeting.

### **3. Old Business**

#### **a) Springwell Investment, LLC**

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**Oleo Woods Subdivision/Russell Terrace Extension  
OSRD Special Permit Modification  
Definitive Subdivision Modification  
Continuation**

Michael Green had submitted a request via e-mail to the attention of Emily Wentworth and Andrew Port in the Planning Department for a continuance until 6/15. The reason for the continuance request was that Seakamp is reviewing the issue with Lot 10 and the review had not yet been completed. There was nothing new to present to the Board at this meeting.

There was no discussion.

Don Walters made a motion to continue to June 15, 2011.  
Henry Coo seconded the motion to continue to June 15, 2011.

**Votes Cast:**

Dan Bowie: approve  
Sue Grolnic: approve  
Jim McCarthy: approve  
Don Walters: approve  
Henry Coo: approve  
Anne Gardner: approve  
Julia Godtfredsen: approve  
Paul Dahn: approve

**4. New Business**

**a) Port Associates Limited Partnership  
4-6 Hale Street  
Major Site Plan Review**

Representation for Port Associates included Ron Ranere, Architect; Michael and Phillip Arcidi, Owners, Whittier Health Network; Brian Sullivan, Administrator at Port Health Care Center; Steve Sawyer, Civil Engineers; Bob Uhlig, Landscape Architect

The applicant reviewed the process and meetings that they had been through thus far in conjunction with their project to build a new 28,700 square foot, 123 bed, nursing home which will replace the existing Port Healthcare Center located at the corner of Low and Hale Streets.

- Received special permit for expansion from ZBA
- Provided site walk-through for Conservation Commission; the Conservation Commission hearing is continued until 6/7/2011
- Held technical reviews with City Departments including the Fire Department, the Conservation Agent, the Planning Department and the Building Department
- Met with individuals including Director of Planning, Building Inspector, Fire Chief, Deputy Chief, Mayor, Ward Councilors

- Invited neighbors/abutters to a meeting

An overview of the project was provided. The applicant indicated that the existing 100 bed facility was built in the 1960s and is much smaller than is required now by new regulations from Massachusetts Department of Public Health. Today's standards dictate a maximum 2 beds per room and each room have its own bathroom. Discussion of the existing facility included that it is extremely congested; there is not adequate space for physical therapy or activities; there is only one elevator; and multiple people share one bathroom. One Board Member asked the applicant to clarify that the Department of Public Health has not indicated that it is a requirement to renovate this facility.

The proposed plan for a new building with 123 beds on 3 floors with 41 beds on each floor, was displayed and discussed. The applicant stated that many of their residents and employees are from Newburyport. One Board Member commented that it was great to see what they are proposing.

The applicant summarized actions they have taken based on comments from previous meetings:

- Eliminate curb cuts from Low Street (people are cutting through when lights are red)
- Eliminate entrances from Low Street
- Make all entrances from Hale Street
- The Zoning Board asked if they could make the building smaller: they reduced it by 4000 square feet. With this reduction, they are just barely meeting the Department of Public Health Standards. To reduce the footprint, they would have to make the building four stories because nursing units cannot be split by floors. This idea was discouraged because the building would not be in scale with the neighborhood.
- Eliminate pavement in the parking area - they did this by redesigning the parking area, creating more green bands within the parking area and between the residential zone and the site.
- The access lane for the fire department was originally paved and now will be grass
- Added more vegetation between the residential zone and the building; they have now put a longer, 6 foot high fence, backed by vegetation into the design
- They have changed where trucks will load and unload based on ZBA discussions and discussions with the neighbors. This will shield noise from the neighbors.
- The lighting on-site is being replaced with 12 foot high poles with direct cut-off fixtures.
- Obtrusive operations (loading dock, trash compactor) have been moved to the industrial side away from the residents

Advantages of the newly designed building over the current building include:

- No drainage currently, new building has detailed drainage system that controls flow on-site and mitigates flow off-site
- Existing outdoor lighting is on electric company poles and shines directly out, new lighting is on lower poles with cut-off fixtures
- New building has much more efficient use of water and is predicted to use half as much water as is used today
- The new building will use much less energy

- Evergreen trees are now planned at the end of the driveway to prevent disturbing neighbors
- The outdoor activity area, in an effort to screen noises from the abutters, has been placed on the side of the building that faces the wetlands
- Impact on Police Department will be the same as with the current building
- Impact on Fire Department will be a bit less (there is new technology that more efficiently identifies the problem area)
- The FAR on site currently is .17; the new building is .22

Department of Public Health in Boston gave them a 12-0 vote to move forward. There was a question from the Board about the percentage of rooms that were private rooms. The applicant indicated that 10% of the rooms will be private rooms.

Bob Uhlig, Halvorsen Designs, is responsible for the Landscape Design and provided an overview of the landscape plans. He discussed maintaining the canopy provided by the mature trees on-site and supplementing with new plantings. He talked about screen plantings around areas such as the loading dock. He discussed mitigating invasive species and replanting with native species.

The applicant then discussed the building itself. They provided drawings demonstrating the relationship to the neighboring houses. They discussed and provided samples of the material to be used for the siding. The roof shingles will be asphalt designed to look like a slate roof.

Steve Sawyer discussed drainage and other related issues in detail. Site grading along with drawings was discussed in detail.

Phasing of the project was also discussed. The current building will remain in service while the new building is being built. Once the new building is built, the old building will be demolished and a parking lot will be constructed. They have an agreement with Hope Church for parking while construction is taking place.

A waiver will be needed for parking within the front set-back. They will need to talk with the tree committee.

### **Questions and Comments from the Board**

A question was asked about the type of fence. The applicant answered that they are not sure yet, but it would be 6 feet tall, wood or vinyl, and solid.

A question was asked about the traffic pattern that will be incurred. The answer was that the primary entry would be on Hale away from the intersection.

There was a discussion about the height of the old building and the height of the new building specifically looking at how it related to the abutters. The new building will be higher than the old building by about 2 feet.

A Board Member asked, assuming they had the plans in a CAD System, would it be possible to show the existing building and what it looks like with the new building. The applicant said they don't have the capability to show what he was looking for, but they could probably find ways to demonstrate what was being asked for.

A question was raised as to whether the architectural drawings provided were accurate height-wise? The applicant said they were.

Another question from the Board was about signage: what was being proposed and where would it be located? The applicant responded that currently the sign is on the corner of Low and Hale Streets. The new sign will be somewhere in that vicinity and will be smaller in size. Small directional signage will also be provided. They are trying to keep signage to a minimum. The Board asked them to "spec" the signage they will put on the front-end.

One board member asked if there were sidewalks. The answer was yes.

Another board member asked about the pedestrian traffic flow on-site? There aren't any planned sidewalks on-site. The applicant walked through what the pedestrian flow would look like.

The question was asked about how trucks will go in and load into the parking lot. The applicant detailed two ways the trucks could enter. The applicant also discussed how the trash would be loaded.

A question was asked about the architectural techniques to make view at Hale Street more pleasing so you don't see the trash compactor. The applicant said they would look into this.

A question was asked whether you could see the parking lot from Low Street. The applicant said yes.

The window configuration was discussed in some detail. After initial concern from the board about the asymmetrical windows, they were pleased once they better understood what the windows would look like.

A question was asked as to whether they were going to have a sprinkler system. The applicant answered that they were definitely going to have an irrigation system. In addition, the walkways in front of the building will be heated.

Concern was raised about the amount of pervious surface at the point in time when there are two buildings existing on the site. The applicant indicated there were ways to mitigate this.

A question was asked about the wetlands. The answer indicated that wetland restoration was planned in addition to eradication of invasive species and the potential spot migration of some species.

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A question was asked about the trash compactor location and whether vegetation might mask views from the cars going west and trucks and vice-versa. The applicant agreed to look at this.

A question was asked about why the shrubs weren't taller on Low Street. It was suggested that the shrubs be taller so you can't see the cars, but can see the building. The applicant answered that they were trying to maintain visibility through to the building. It was suggested that they look at "softening" the view so the parking lot is not emphasized.

A board member commented that for the area on Hale Street to be green, the applicant will have to make sure it is irrigated.

### **Public Comment**

#### **Cynthia Welch Philippino, 17 Colton Drive, Newburyport, Massachusetts**

Ms. Philippino indicated that her family is a direct abutter to the property. She attended the neighborhood meeting on 2/7/2011 and was shocked and dismayed. She attended the 2/8/2011 Zoning Board meeting and presented a three page statement about the impact of living next door to Port Rehab. She attended the 3/8/2011 Zoning Board meeting to present a two page statement. She attended the Conservation Commission hearing last week.

She is concerned with the increase in square footage. She indicated that the new building is more than double the size of the existing building. In all the meetings she has attended, she has not heard the length and width of the proposed building.

The noise is moving closer to the residential area and is going upward. Their house is upward. They have had many sleepless nights. The proposed building does not honor the topography of the land. This will fundamentally change the lifestyle and quality of life for her family. A vendor delivered this morning before the City Ordinance. She indicated that her heart is in her throat and that she is distraught, disgusted, appalled.

#### **Anthony Philippino, 17 Colton Drive, Newburyport, Massachusetts**

If they put a fence where they have proposed, he won't be able to turn cars around to pull into his driveway. The elevation is 37 feet at one point; they are going to be removing a large amount of soil. The noise will increase with the air-conditioning on the top of the building which they don't have now. The air-conditioning units are 35 feet from his property and he will be listening to them.

They don't close blinds in the nursing home at nighttime and his children are exposed to things they shouldn't be.

He urged the board to do a site walkthrough - it is the only way you can look at it and determine whether to approve it or not.

#### **Anita Delmotto, Salisbury, Massachusetts**

Ms. Delmotto spoke in favor of the applicant and encouraged the Board to go to the site and take a look. She has been going to Port Rehab every day for the last 5 years: her father was a



resident and her mother is currently a resident. She said that Port Rehab is an asset to Newburyport. The owners work hard to make the existing facility work, but they do need a new building.

**Public Comment Closed; Board Discussion**

Chairman Bowie indicated that this project is permitted and they are now having a site plan review which represents a "fine-tuning" of the project. The Planning Board will not approve or deny this project under site plan review. The "fine-tuning" done by the Planning Board is based on the premise that you have a permitted use. One Board Member wanted to do a walk-through. There was discussion about the Google map and what the lines were. There is about 9 feet of encroachment by 17 Colton onto Port Rehab property. Their fence and part of their driveway are on Port Rehab property. The applicant indicated that the "green" buffer they are proposing is better than the one that exists today. One Board Member expressed sympathy with the abutters on the medical situation in the rooms which can be viewed by the abutters. She said the neighborhood impact was something to think about. She said we should think about what sort of mitigation can take place. The applicant mentioned that the rights of the Port Rehab residents also had to be considered. The plantings they were proposing should mitigate this problem. The Board asked for a view from the abutter's house. The applicant said that they could provide this. Initially they thought they might need access to the abutter's property to do this, but they then indicated they may be able to provide this view without access. Andrew Port from the Planning Office indicated that the existing roof of the current facility does have equipment on it and there is no shielding. Sound is spread 360 degrees. The applicant indicated that, with the new building, the equipment is shielded and the sound will go up and dissipate in the atmosphere.

A Board Member asked if all utilities were underground. The applicant said yes. The Board was interested in the nature of the traffic flow in the parking lot. The applicant reviewed the flow indicating that most cars will come and go with the staff shifts. 20 to 30 visitors come each day. Visitors park their cars as close to the building as possible. Staff are told to park as far away as possible. The distance from the abutter's home and exposure to noise was discussed. The applicant indicated that the noise should be alleviated from what they have now. The dumpster was relocated.

This hearing will be continued on the first Wednesday in July (7/6/2011). There was interest from Board Members in doing a site walk-through. The walk-through was scheduled for 6 P.M. on 6/15. The applicant indicated the building corners were marked.

**b) Bradley Kutcher, Kimberley Realty Trust**  
**251 Merrimac Street**  
**Section VI.C Special Permit**

For the record, at 9:50 p.m., no one was in attendance at the Planning Board meeting to represent this new business item. The Board was willing to consider this plan for a proposed development, but the applicant was not present at the hearing. The only people in the room at this time were the Board Members, the Director of Planning and Development, and the note

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taker. Based the absence of the applicant, it was suggested that the hearing be continued to June 15th.

Don Walters made a motion to continue to June 15, 2011.

Henry Coo seconded the motion to continue to June 15, 2011.

**Votes Cast:**

Dan Bowie: approve

Sue Grolnic: approve

Jim McCarthy: approve

Don Walters: approve

Henry Coo: approve

Anne Gardner: approve

Julia Godtfredsen: approve

Paul Dahn: approve

**5. Planning Office/Subcommittees/Discussion**

There was mention that the budget for the Planning and Development Office would be discussed at the City Council meeting on the following Monday.

**6. Adjournment**

Motion made to adjourn.

Motion seconded.

Motion approved unanimously.

Meeting adjourned at 10:00 P.M.

**Respectfully submitted, Jennifer Lamarre – Note Taker.**