

**City of Newburyport
Planning Board
June 15, 2016
Minutes**

The meeting was called to order at 7:01 PM.

1. Roll Call

In attendance: James Brugger, Doug Locy, Jim McCarthy, Andrew Shapiro, Bonnie Sontag and Don Walters

Absent: Sue Grolnic and Leah McGavern

Andrew Port, Director of Planning and Development, was also present.

2. General Business

- a) The minutes of 6/1/16 were approved as amended. Don Walters made a motion to approve the minutes. James Brugger seconded the motion 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 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) ***Lisa Mead Esq. for Evergreen Commons, LLC
18 Boyd Drive
Informal Discussion***

Chairman McCarthy said the application would be an OSRD. Attorney Lisa Mead, BBMT, 30 Green Street, #1, said 36.42 acres at end of Boyd Drive received Conservation Commission approval for the wetlands delineation last week. The second neighborhood meeting was tonight. Existing wetland conditions were created as a storm water system for Boyd Drive. Areas B & C as shown on the plan of the Zone 2 Water Resource Protection District were storm water facilities and not water resources. Another area was a water resource area instead of a storm water facility. The 'as of right' plan could be 42 subdivision lots outside the water resource areas that met dimensional requirements with 125 feet of frontage. The road did not require waivers.

Members asked about a buffer? Steve Sawyer, engineer, DCI, 68 Pleasant Street, said the OSRD referred to wetlands protection that was not jurisdictional. The isolated land subject to flooding (ISLF), a low area with a calculation for how much water caused ponding, was jurisdictional under the Wetlands Protection Act and required no buffer. A developer could fill, reconfigure, or manipulate wetlands as long as they were recreated. That could be done easily here.

Attorney Mead's development objectives were to create a close neighborhood that respected the natural environment and to maximize use of the outdoor open space for the neighborhoods. The

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open space was a golf course; the area was not wooded. The project would team would retain the water resource area which could be converted with a special permit. Architect Scott Brown and landscaper Kim Turner designed 38 single-family lots. Most lots were 12-14,000 square feet, one lot was 15,000 square feet, and two lots were 20,000 square feet or more. Houses would be close to the street, garages next to one another, and pathways were throughout the site, which included a skating pond, tot lot playground, central gathering area with a fire pit, and picnic tables. Community members and neighbors had attended Conservation Commission meetings over five-months. A technical review meeting for modifications would follow the second neighborhood meeting. Applications for a special permit OSRD and the Order of Conditions would follow in late July or early August, depending on modifications.

Members asked if sidewalks surrounded the entire perimeter? Mr. Sawyer demonstrated on the plan where sidewalks were on both sides of the street. He was unsure if sidewalks would be on one or both sides of two cul-de-sacs connected by a boulevard. Attorney Mead asked for board feedback on cul-de-sac sidewalks. The plan did not yet show the bike path connecting with the new Whittier Bridge's bike path. The team would work with Director Port during the technical review. Chairman McCarthy asked how the housing design related to the sidewalk and the street width? Mr. Sawyer said the street was 22-24 feet wide. Cherry Hill streets were 22 feet wide and sloped. Whether the street was sloped or vertical made a difference. A member preferred sloped. The DPS asked for vertical. Attorney Mead said subdivision regulations required vertical. Members said the special permit would allow either.

Mr. Sawyer said the road had granite edging, street lighting was undetermined, and all utilities would be underground. Attorney Mead said the Homeowner's Association would own the land and fees. Chairman McCarthy said open space required changes for an OSRD. Director Port asked if there were any Bordering Vegetated Wetlands; Attorney Mead said no. Mr. Sawyer said the project would meet the full requirement for R1-60%. Outfall from Boyd Drive would be treated with a full inch instead of a half-inch. Director Port said DPS would attend the meeting for water supply issues. Attorney Mead said Dan Lynch, Water Distribution Manager, looked over the original Conservation Commission decisions and peer review reports, including the golf course, in preliminary conversations. Mr. Sawyer said DEP guidelines on storm water treatment in Zone 2 had changed since the 1980s. Director Port said pesticide restrictions would be included. Attorney Mead said the project would comply with all Zone 2 requirements.

A member asked how homeowner's yards would be distinguished from the OSRD protected areas? Boundary distinctions were important for avoiding encroachment if open spaces were open to everyone. Attorney Mead confirmed that open space would be available to the public. Neighbors actively involved in the project expressed concerns about water runoff. A few houses at the bottom of Boyd Drive had water problem that needed improvement. Mr. Sawyer said 13 soil tests showed groundwater at seven to nine feet below grade across the site. A 1983 recommended action that placed two feet of loam above the original gravel pit had become part of the problem causing water to pond on the surface during a big rain.

A full traffic report would be provided. No waivers were expected. Chairman McCarthy said an OSRD was an efficient use of space without straining resources. Attorney Mead showed Mr. Brown's designs for style and color. Mr. Sawyer said there would be 15-20 feet between each of

four or five different home styles. The Fire Code required 10 feet. Director Port asked if all houses had farmer's porches? Attorney Mead said yes; architectural styles would be covered in the application. Chairman McCarthy wanted a detailed discussion on the use of space, including set back for porches. Foundations rising five feet above ground changed a neighborhood and required a strategy. Mr. Sawyer said porch set back was 15 feet from the sidewalk, possibly staggered. The road could be elevated to create a dropdown. Members asked about on street parking? Mr. Sawyer said at least one side would have on street parking. Chairman McCarthy asked if on street parking could be prohibited? Attorney Mead said the City Council would need to be petitioned to limit parking on the public street. She did not think the cul-de-sacs in Cherry Hill had any sidewalks. Members did not want to use Cherry Hill as a benchmark. Chairman McCarthy said street trees in Cherry Hill were too numerous and too close, creating unhealthy conditions for the trees and subtracting from the sense of a close neighborhood. Using some trees to separate lots was better. Members said houses closer than 15 feet to the street was also better. Vinyl shakes, used on some sides instead of vinyl siding in Russell Terrace Extension, were acceptable. Chairman McCarthy said the Russell Terrace Extension circulation, pedestrian ways, and natural space worked particularly well because the architect did a good job.

Director Port said there would be a pedestrian connection for Laurel Road. Attorney Mead thought there might not be a through-road and was unsure whether the pedestrian connection made sense. Laurel Road residents did not seem open to people walking through. Director Port said to include a proposal to ensure the issue was addressed. Members suggested a site walk.

3. Old Business

- a) Hillside Living, LLC c/o Lisa Mead, Esq.
Hillside Avenue and Cottage Court
Section VI.C Special Permit (2016-SP-01)
Major Site Plan Review (2016-SPR-03)
Continued from 5/18/16*
- b) Hillside Living, LLC c/o Lisa Mead, Esq.
12-14 Cottage Court
Major Site Plan Review (2016-SPR-04)
Continued from 5/18/16*
- c) Hillside Living, LLC c/o Lisa Mead, Esq.
18 Cottage Court
Major Site Plan Review (2016-SPR-05)
Continued from 5/18/16*

David Hall, Hillside Living, LLC, 2 Federal Street, said a series of meetings with abutters helped finalize details on curbing, walkways, and drainage. Stormwater, still the biggest challenge, required careful analysis and hydroCAD modeling. Christiansen and Sergi, Inc. were particular about how they wanted to see the details. Existing conditions had to be hydroCAD modeled also.

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Progress was underway and Mr. Hall would return to the board July 20th with final plans and a detailed list of neighbors' issues.

Don Walters made a motion to continue to July 20th. Andrew Shapiro seconded and all members voted in favor.

Motion Approved.

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5. Planning Office/Subcommittees/Discussion

a) Tropic Star Signage Commitment

Director Port said signage for access to open space donated to the City by Tropic Star was to be approved by Planning Office. Jerry Mullins, who went directly to Tropic Star with his proposal for a substantial \$10,000 sign, was concerned that the gas station opened prior to installation of open space signage and was upset the developer would not fund his signage proposal. Chairman McCarthy said the board did not expect a \$10,000 kiosk. Members said a simple sign was acceptable. Chairman McCarthy said Tropic Star had been cooperative and worked hard to meet the board's requests. The stone wall's front area would be landscaped, irrigated, include a couple of maple trees, and have no signage.

b) Updates

The 2004 Hamilton Estates/Douglas Wine subdivision was discussed. This was Doug Locy's last meeting.

6. Adjournment

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

The meeting adjourned at 8:12 PM.

Respectfully submitted -- Linda Guthrie