

**City of Newburyport  
Planning Board  
June 4, 2014  
Minutes**

The meeting was called to order at 7:03 PM.

**1. Roll Call**

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

Planning Director Andrew Port was also present.

**2. General Business**

- a) The minutes of 5/21/2014 were approved. Henry Coe made a motion to approve the minutes. Paul Dahn seconded the motion and six members voted in favor. Noah Luskin abstained.

***b) 8 Butler Street Monroe – ANR***

Chairman Bowie explained an ANR was not subject to the Subdivision Control law. If a parcel had the required lot size and dimensional controls, an applicant could build whatever they wanted without any other approvals. The board had no control over the building.

Eric Chandler, Design Consultants, Inc., 68 Pleasant Street, Newburyport, presented a four-lot ANR development at the corner of Butler and Howard Streets. Frontage was 81 feet, wrapped around over 150 feet, with over 100 feet on Butler Street. All lots had the required lot area and accessed paved streets. Utilities located on a small tag of land sloping toward Merrimac Street needed an access easement. One single-family lot had a special permit for a two-family structure.

A member said the tag of land from Lot 1 would be awkward to maintain if Lots 2 & 4 did not know where their back yards ended. Mr. Chandler would mark the lots at the owner's request. The 10-15 foot wide strip didn't have required frontage and allowed for maintenance of utilities.

Paul Dahn made a motion to approve the 30 Monroe Street ANR. Henry Coe 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 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.*

**a) 183 Low Street—ANR**

Chairman Bowie said the *Daily News* reported inaccurately about the Low Street parcel. Jim Babson represented the eight-lot development. All lots had adequate frontage, more than enough total area, and access to a public way. A disk was submitted for the Merrimack Valley Planning Commission. Required approval was received from the Conservation Commission. A member said the R1 mid-point measurement was 100 feet. At least one corner of an 80-foot square should touch the front. Mr. Babson said the plan should have that. A member confirmed that existing structures except what appeared on Lot 5 would be removed.

Bonnie Sontag made a motion to approve the 183 Low Street ANR. Paul Dahn seconded and all members voted in favor.

Director Port said the limitation of jurisdiction was approval of the endorsement of the plan. The only jurisdiction of the board was the adequate length of the lot in all ways, on all sides.

**Motion approved.**

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**3. Old Business**

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

The applicant requested a continuance to continue work on designs.

Bonnie Sontag made a motion to continue the Major Site Plan Review to June 18th. Paul Dahn seconded and all members voted in favor.

**Motion Approved.**

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

Chris Theodorou represented the applicant. Brian Murray, Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA, and Chip Nutter, architect, Woodman Associates, 20 Inn Street, Newburyport, addressed outstanding issues from the last meeting.

Mr. Murray was before the Conservation Commission two weeks ago, would be meeting with peer reviewers June 17, and met with DPS on water issues. The water main plan detailed work required for abutting properties and the site. The main was in poor condition. A design for the new main would be developed with the Newburyport DPS based on a meeting with Dan Lynch, Water Distribution Manager. Other issues included relocating a sidewalk from the front of the building to along the driveway. Grading and easement language were okay. The new sidewalk location was better than the original. Juniper type trees were changed to a narrower, more vertical species along the sidewalk. Front landscaping changed from 20 to 10 Spirea plus more low-growing junipers. An 'Additional Parking in the Rear' sign indicated retail parking in the back where office tenants would park also. One issue with the new water main was an approval needed for the MA DOT right-of-way before proceeding with a condition of approval.

A member questioned whether the Conservation Commission required using sand instead of salt if snow was pushed toward the back? Mr. Chris Theodorou said snow removal was part of the Operations & Maintenance plan submitted to the Conservation Commission. The original project had isolated wetlands in 2007. The current assessment was that the wetlands were no longer there today. Peer review would comment on the delineations. Mitigation could be addressed by expanding wetlands in the upper left hand corner, if required.

In addition to the view from the traffic circle provided for rooftop unit visibility, other viewpoints were needed. Considering Boston Way development plans, additional screening was needed. Mr. Nutter took photos from the train station platform showing things were far away, including Boston Way. A member said the Boston Way development would be several stories. Mr. Nutter said people at and above the 3<sup>rd</sup> story would see the rooftop unit regardless of a screen. A member said the unit could be covered, up higher with the same visual geometry as the building roof. Mr. Nutter said any covering would change the look of the building. The present design was not worse than other buildings at the location. Chairman Bowie said rooftop unit screening was a new issue since the redevelopment building was unknown. Mr. Nutter said the mechanicals approximated 5' x 5' x 5'. Chairman Bowie said the Planning Office would review rooftop mechanical screening. Mr. Chris Theodorou said the building was 60 feet deep; he didn't like the aesthetic of covering the unit and wasn't prepared to go to that length. Another member said buildings on Low Street and the YWCA were good examples of screening, a small expense that helped at some levels. Mr. Nutter had considered widow's walk balustrades and thought a covering could look worse than seeing the unit. Shaw's screening looked industrial. Another member said all Boston high-rise mechanicals had screens. Other members wanted screens. Director Port said a special condition before a building permit was issued was most efficient.

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Public comment opened.  
Public comment closed.

Director Port said the conditions were the water main, adhere to DPS requirements, changes by the Conservation Commission or MA DOT would come back to the board for approval. Signage would be installed according to the ordinance, and a detail of four-sided screening of rooftop equipment would be submitted prior to the issuance of a building permit.

A member said no temporary signage should go east of the parking lot or on the other side of the plantings. The new gas station could start using temporary signage because it was so far back. There might be temporary event signs. Review and approval for free standing signs would be with the ZBA. Director Port said the city was focusing on signage enforcement now.

Bonnie Sontag made a motion to incorporate the Planning Director's recommendations and Jim McCarthy's amendment as conditions. Henry Coe seconded and all members voted in favor.

**Motion Approved.**

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**3. Planning Office/Subcommittees/Discussion**

a) *Updates*

The zoning amendments hearing, to be held jointly with the City Council Planning & Development Committee, was recommended for the July 2 board meeting and would be advertised. Discussed were a FEMA map change, an amendment waiving dimensional standards for the Harbormaster Building, draft changes (based on applications) to recently adopted DDOD and DOD to help clarify requirements, the medical marijuana overlay district. Other topics included landscaping and fencing plans for the Waste Water Treatment facility being done concurrent with the rail trail landscaping, and moving the existing Walgreens up to the vacant lot abutting Storey Ave.

**4. Adjournment**

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

The meeting adjourned at 8:26 PM.

Respectfully submitted -- Linda Guthrie, Note Taker