

**City of Newburyport
Planning Board
July 1, 2015
Minutes**

The meeting was called to order at 7:04 PM.

1. Roll Call

In attendance: James Brugger, Sue Grolnic, Noah Luskin, Leah McGavern, Doug Locy, Andrew Shapiro, Bonnie Sontag and Don Walters

Absent: Jim McCarthy

Planning & Development Director Andrew Port was also present.

2. General Business

Vice Chair Bonnie Sontag chaired the meeting.

- a)* The minutes of 7/17/2015 were approved as amended. James Brugger made a motion to approve the minutes. Andrew Shapiro seconded the motion and all members voted in favor.
- b)* Request for Minor Modification to allow a free-standing sign at 75, 79, and 79R Storey Avenue (2014-SPR-02)

Attorney Jeffrey Roelofs, 30 Green Street, showed the approved landscaping plan for the Tropic Star Development, LLC project at the intersection of Low Street and Storey Avenue. Two months ago he came before the board for a Shell Station sign. Tonight he proposed other signage for Low Street, Storey Avenue, and the CVS building.

Gary McCoy, Poyant Signs, 125 Samuel Barnet Boulevard, New Bedford, presented a shared CVS-Shell Station sign at the Low Street access that was smaller and lower than an existing freestanding sign at the Low Street/Storey Avenue intersection and the same size as an already approved Shell Station sign. Also presented was a monument sign for Storey Avenue with a stone base and decorative moldings that was smaller than what was approved for the Shell Station. Two conceptual photo renderings of the buildings, substantially consistent with what was already approved, were shown to provide context for the scale of the signage. Signage for the pharmacy building was also presented. Two of three building signs were on the north elevation; one said 'CVS Pharmacy,' the other said 'Minute Clinic.' A third building sign over the entrance facing the parking lot said 'CVS Pharmacy.' All building signs were internally lit individual channel letters. In addition, two small signs at the egress of the drive through would say 'Do No Enter' and opposite from that a 'Thank You' sign as cars exited.

The board preferred less aggressive signage. Suggested were backlit, opaque faced signs with halo lighting for the solid letters because of the softer lighting. Alternatively, a wooden sign lit from above was a more traditional look for Newburyport. Mr. McCoy said some CVS stores had

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gooseneck lit signs, but carved signs were deemed inappropriate for the CVS brand and not done anymore. A non-colored halo lit sign with a gooseneck would work, although other Storey Avenue businesses used internally lit channel lettering. Members said the City was moving away from the traditional mall look. Mr. McCoy said opaque white (instead of red) lighting contained within the letters, would be less intrusive because the illumination was self-contained with minimal light coming out. Members asked if using only the gooseneck without other illumination would work? Mr. McCoy said the sign was the only representation of the CVS brand. The building was not a traditional CVS structure. Gooseneck lighting alone was not a uniform CVS look, was less clean looking, and created more light pollution onto the ground. He showed an image of a store in Connecticut that used halo lighting. The 36-inch letters in 'CVS' and the 18-inch letters in 'Pharmacy' were smaller than the maximum allowed by code. Attorney Roelofs explained that the renderings showing where signs were located was done for a previous plan that was modified because a sign was located where a window should be.

Director Port said gooseneck lighting was typical for Newburyport. The law allowed only one sign per building face. The Minute Clinic, a service within CVS, would require ZBA approval. Attorney Roelofs said his request for relief was scheduled to go before the ZBA on July 18th.

Member comments: Why was the 'CVS Pharmacy' entrance sign on the building's west elevation needed with the freestanding sign at the entrance? Mr. McCoy said one sign was sufficient for a corner entrance, like most CVS stores. The untraditional building made it necessary to identify the entrance and the building. Attorney Roelofs pointed out that Panera's entrance and building signs were branding. CVS had altered their typical approach and the two signs maintained the CVS brand. Was any thought given to reducing three separate sets of signs by replicating the shared sign for Storey Avenue? Attorney Roelofs said the idea was considered and rejected by the Shell Station, who objected to sharing a sign. James Mitchell, Vice President, Tropic Star, said the overall project had been in the works for four years. Tropic Star had convinced the Shell Station to move off the corner by giving them a new building and the lot, which explained their own sign. He was prohibited, in the lease, from talking with them further about signage. It took three weeks to convince the Shell Station to go with the signage. CVS had never been convinced to do a shared sign before. What signage was planned for the Shell Station building? Mr. Mitchell said there had been no requirement yet and whether a sign would be on the canopy or the building was unknown. The matter would come back before the board. How was it possible to see both the Shell and CVS signs in time to turn, with one behind the other? Attorney Roelofs had requested the latitude to move entrance signs up to 50 feet to accommodate site lines that were presently unknown. The renderings showed the separation of the two signs coming down Storey Avenue. What was the intensity difference between the face lit sign and the halo lighting with the opaque face? Mr. McCoy said the halo light came from the back of the letter and reflected onto the building with about 80% less illumination. Members agreed on the halo lighting. Both gooseneck and halo lighting were not needed. A member suggested continuing the vote to the next meeting. Attorney Roelofs asked if the board needed more time?

Director Port asked if the board was satisfied with the renderings and wanted to condition it, or continue for a revised plan? Members asked if there would be further changes if CVS did not like the halo lighting? Director Port said the board could condition the goosenecks as a back up. Conditional language in the approval would be acceptable. A member asked what would change

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if the ZBA did not grant an approval? McCoy did not expect any change. Members agreed if there were to be no more change, conditional language was acceptable.

James Brugger made a motion to approve the minor modification for all freestanding signs and revised halo lit CVS building signs. Doug Locy seconded and all members voted in favor.

Director Port affirmed the board was approving only this size. The freestanding signs were not halo. Attorney Roelofs said exhibit E was the shared sign on Low Street, along with a freestanding sign for CVS on Storey Avenue and a smaller version. He had submitted a footprint of where the Storey Avenue sign would be located, pending the traffic analysis. A member asked when construction would start? Mr. Mitchell said they were accepting bids on the demolition of the structures at present. The old gas station would stay open until Thanksgiving until they were given the new station keys. The CVS would open in February or March.

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.

2. Public Hearings

- a) ***Berkeley Investments, Inc., c/o Lisa L. Mead, Esq.
260, 268, 270,274, and 276 Merrimac Street
Special Permit Modification (2007-SP-03b)
Site Plan Review Modification (2007-SPR-04b)
Continued from 6/3/15***

Attorney Lisa Mead, Blatman, Bobrowski, Mead, and Talerman, 30 Green Street, represented Eric Ekman and Joe Laurano, Berkeley Investments, 280 Congress Street, Boston, and First Republic Corporation of America, in a reconfiguration of the 2007 approved Towle project. The packet contained a list of all changes. Final comments from Christiansen & Sergei were not received yet, but outstanding technical issues were minor. Conservation Commission approval was received two weeks ago. Public hearing and Parks Commission feedback initiated a reexamination of the barn and Cashman Park facility. Chairman McCarthy and Sarah White, Chair, Historical Commission, participated in the site visit. The new proposal incorporated the barn as the 15th unit.

In 2010 the City Council voted to accept the barn as a gift to the City to be relocated to Cashman Park. Attorney Mead would go before the City Council to amend that order Monday, July 13th. She would go before the ZBA Tuesday, July 14th to discuss the amended variance and request a density bonus for using the barn on site. The proposed design for the restroom facility had a shed roof. Chairman McCarthy had requested a gable roof, but she wanted the board's feedback. Dan Lynch, Water Distribution System Manager, had issues with water that were being addressed.

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One issue was whether the road into the Towle site was a private or public way. An easement would be given to the Water Department to access the water line. The Water Department did not care where the line was located as long as they were able to access it. A second issue was water quality. The water line was not looped. The Water Department would accept the line if hydrants were flushed regularly to keep the system clean. Attorney Mead suggested a condition to the easement to allow flushing by the Water Department. A third issue was whether separate lines for sprinklering and domestic water would be established. If the development added sprinklers, there would be separate lines and that could be included in the conditions on the water line. Director Port said the conditions were acceptable as proposed.

Landscape architect Tim Mackey, Richard Burck Associates, Inc., 7 Davis Square, Somerville, reviewed landscaping plans. Two red lines on a drawing represented the Tyng Street view corridor. Three lighting poles were in the corridor. The walkway expanded to 10 feet wide down to the river walk where it transitioned to 8 feet wide. The site for a granite marker that matched those in downtown Newburyport was indicated. Connections to the gate at the boat club were revised and were now accessible. The circular terrace was seeded and a couple of benches installed. The wall, partially built today, would be lowered and topped to provide more seating. The relocated barn, as shown on the plan with revised plantings, improved the view cone further.

Member comments: Were there trees on the island outside the view corridor? Mr. Mackey said yes, they were oaks. Members said oaks large size and arboring would eventually narrow the view corridor. Mr. Mackay said they were for screening for the expanse of pavement. He could remove them or use a more upright tree. Members asked for trees that would soften the expanse of parking but not block the view when in full leaf. Mr. Ekman recommended a smaller, looser canopy with minimal arboring to break up the pavement. Members asked for greenery to break up the 10-foot walkway. Mr. Ekman said the size of the sidewalk did not leave enough area to plant. Director Port said his office had asked for the wider walkway, but agreed it was barren. He suggested a seven-foot walkway with three feet of landscaping. Mr. Mackey said that would be just enough. Mr. Ekman suggested a continuation of the native grass that would grow to about two feet high. Members suggested benches on either end plus two more along the way. Mr. Ekman recommended little clusters of benches on either end. The board was satisfied.

Architect Lawrence Cheng, Principal, Bruner/Cott & Associates, Inc., 130 Prospect Street, Cambridge, said the barn would rotate 180 degrees and provided a good buffer between the park and the development. At present, the barn sat on temporary supports. The living room, where the barn door was located, would face the river and have a private deck. No new openings would be created and all new windows would be installed. The bay window would be removed because it was not historically correct. He spent time with Chairs White and McCarthy at the 1690 House. The street facing windows were unique with built in shutters. Those three windows would be refurbished. Others windows had storms that would be removed without changing the original windows. Some doors would be moved around. Units had a typical garage layout with the same façade material as the main building. A shed roof prevented snow from piling up in front of the garage door. The garage building was too long for a gabled roof and it was better not to see another roof plane from a distance. The Cashman Park facility was a simple structure with bathrooms and storage for cleaning supplies. An eight-foot wide area inside allowed for a

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handicap accessible toilets. The shed roof avoided the need for a gutter. The eight-foot height with a shed roof allowed more air inside. There would be a window and a ventilation system.

Member comments: The board accepted the proposal for the adaptive reuse of the barn and the open view corridor. Did a site plan show the location of the bathroom facility in Cashman Park? Attorney Mead had showed Mr. Cheng a general area. She was not sure where the water line was, yet. In 2010, a foundation was built that was now covered up. Were there renderings of the barn? Mr. Cheng said not yet. Mr. Ekman said the original goal of creating a courtyard feel was enhanced by the barn. Members said Chairman McCarthy wanted something other than the roof proposed for the garage. The smaller structures would stand out too much with a different roof. What alternatives helped the garages fit in better? Mr. Cheng said a gable roof created a lot of volume in the ceiling that was not utilized. Would windows across the top help break it up? Or a saltbox-styled overhang? After some discussion, board members settled on the simplicity and utilitarian aspect of the shed roof. Mr. Cheng said he could use hardy plank and change patterns. Was it advisable to have a third stall as a family bathroom? Attorney Mead said the two stalls were not gender specific and both were handicap accessible. The applicant was amendable to all Parks Commission comments received this afternoon. Everything needed to be finalized before the City Council meeting. Members agreed the park facility roof needed a pitch because it would fit in better and would not be used during winter. Mr. Cheng would work that out. Members asked about the exterior. Attorney Mead said maybe CMU (concrete block) with paint, but the Parks Commission was undecided.

Attorney Mead said the entrance at Sally Snyder Way would be fixed. A window sample and description of the window and cedar shingles was provided. The letter addressed pile driving and how construction work would be conducted. Hours were 7 AM to 7 PM, Monday-Saturday. Members asked if consideration was given to adjusting the hours? Attorney Mead did not propose an adjustment. A diesel driver would not be used to drive piles; maximum energy would not be applied until pile was 50% into the ground. A soil condition report was provided. Members asked if drainage and stormwater issues were still open? Taylor Turbide, Millennium Engineering, Inc., Salisbury, said no response had been received on revisions that included two pipe size changes from 18 to 24 inches. DPS issues had been addressed. The Fire Department requested one more hydrant and specified the location. Attorney Mead said sprinklering was a building code issue. Director Port said sprinklering concerned inadequate water or great distance, not concerns here. The closest Merrimac Street hydrants were shown on the plan.

Attorney Mead said her goal was to have the final comment letter by the next meeting. The Preservation Restriction, based on Chairwoman White's review, would not include the barn. Mr. Cheng said windows being replaced would be set aside for the City. Replacement windows ranged from 6-over-6 to 12-over-12. Two wood paneled walls on the interior would be maintained. Everything else would be set aside for the City. Attorney Mead would draft a condition concerning items not used that would be based on a time period for the City to remove them. Members said a specific organization should be designated as responsible. Had the existing parking lot layout changed and what were the lighting fixtures? Mr. Mackay said nothing had changed significantly; the plan showed the lighting styles.

Public comment open.

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Tom Kolterjahn, 64 Federal Street, co-president of the Newburyport Preservation Trust, commended the barn's adaptive reuse. Barn windows were 1750 or 1760 and needed to be preserved. Would the original rooms with Georgian paneling and staircase be kept on the 1690 House? Two windows in the attic were also 18th century and needed to be preserved.

Stephanie Niketec, 93 High Street, said although the barn did not rise to the level of a Preservation Restriction, the Massachusetts Historical Commission considered the barn important enough that moving it had a negative effect on the historic district. There should be a MOA. Renovations should follow Department of Interior standards. Director Port said he had a copy of the MOA in his records, but it was not executed. Attorney Mead said the MOA was not part of the Chapter 91 license that was on record. Ms. Niketec asked the board to make the barn renovation a condition of the Special Permit and to request exterior material specifications.

Bill Harris, 56 Lime Street, said Massachusetts Historical Commission made a determination that the relocation of the barn had a negative effect. A condition requiring the exterior fenestration of the barn to conform to Department of Interior standards was reasonable. He thanked the board for considering the view corridors.

Richard Maines, 208 Merrimac Street, wanted more details on the pile driving. Mr. Ekman said some analysis determined a diesel driver was particularly loud and they would not use it. The equipment would not start with hard pounding; instead equipment would progressively increase power. Maximum energy would not be applied until a pile was at least 50% in the ground. Mr. Maines asked how many piles there would be? Mr. Ekman said about 50 piles would be driven over a three-week period. Mr. Maines asked if the two trees down by the river would be taken down? Mr. Ekman said everything would come down to maintain the openness.

Public comment closed.

Member comments: The board had not heard specifics about exterior barn details. Mr. Cheng said he would not know until he saw what was behind the clapboard. Attorney Mead said exterior details would be provided in order to be part of the permit.

Doug Locy made a motion to continue to July 15th. Leah McGavern seconded the motion and all members voted in favor.

Attorney Mead said she might not have final details on the bathroom facility. Members were more concerned about the exterior and the roof. Attorney Mead said the Parks Commission focus was similar. Director Port said the primary concern was maintenance of the building.

Motion Approved.

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***b) Daniel Eyink and Jacqueline Carroll
3 new Pasture Road
Site Plan Review (2015-SPR-02)***

Steve Sawyer, Design Consultants Inc., 68 Pleasant Street, presented a professional office building for Dr. Dan, whose practice was expanding. The site was derelict with debris piles. He had a Use Variance from the ZBA and would access from New Pasture Road. The site was surrounded by wetlands. Onsite parking was planned for 25, versus the required 21; overflow parking was in the rear for evening clinics. Day operations included visitor parking in the front and employee parking in the rear. The 3,700 square foot building footprint was centered on the site. He said architect Brian Libby proposed colonial clapboard painted a Cape Cod gray.

Groundwater was close to the surface. The wetland area constricted available use. The stormwater approach included three drainage areas of constructed pocket wetlands and a rain garden for infiltration. The rear area flowed to a larger constructed pocket. The rate of water going off site would not be increased. Water would be allowed to pond in the back during large rain events. An extensive planting mitigation area would be provided through the Conservation Commission process, consisting of native species, small shrubs, and trees as referenced in the Order of Conditions. He asked for a waiver from using a registered landscape architect and would include additional plantings and three large, red maples of 1-2 inch caliper. The site could not support more, overall.

A sign graphic of undetermined size was shown that would appear either on the face of building or at the entrance on pylons. Antique style lighting or small rocket lights pointed up at the sign from the ground would be used. Site lighting included two 15-20 foot light posts with a similar teardrop to what might be on the building, or similar to Avita's exterior lighting, intended to throw light in the back parking lot for evening events. In addition, two downward lights were on the side and front of the building. Christiansen & Sergei comments received today had not been responded to yet. One stormwater comment concerned water flowing around back and onto Graf Road, with recommendation was to cut the flow into different drainage areas. The site was flat and it seemed unnecessary to cut it up. Another comment regarded infiltration. Mr. Sawyer could not get more infiltration with such high ground water. There was some infiltration in the depressed area for rainwater that compensated for the whole area. He was not required by Massachusetts to meet the regulation designed for below grade development.

Member comments: The nice architectural style could look strange next to corrugated and concrete buildings. There was a hodgepodge of different styles in the park. Director Port said the design had a nice residential feel but members raised a good point. The City was talking about design guidelines for the more diverse uses in this part of the park. He asked for striping or paint markings in the parking lot to designate where people should walk and noted the inability to do a sidewalk. Mr. Sawyer agreed. Members said a change of texture was also good. A final signage presentation was requested. Was there a plan to incorporate sidewalks throughout the park? Director Port said his office was looking at a grant related to the traffic circle. What about consistency of lighting? Director Port would address that in the design standards. What about accommodations for bike accessibility and storage? Was there consideration for today's low

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priced solar? Mr. Sawyer would look into that. Should there be more lighting at the entrance? Mr. Sawyer said there were streetlights nearby, but he would look into it. What about considering pervious asphalt in the back? Director Port said permeable pavement would not infiltrate with the soil types; changing soils would be necessary. Mr. Sawyer said the constructed wetland ponds were widely accepted.

Members asked why front parking was needed? The applicant would need a waiver for parking in the front set back. Mr. Sawyer said the building was offset because the site was impounded by wetlands. There were nine parking spaces up front. Director Port said front set back parking was of less concern in the business park, which was not a pedestrian heavy area. 15-HA10 was for areas the City wanted to make more pedestrian friendly. What type of screening was planned for the front parking? Mr. Sawyer said the Order of Conditions dictated a brushy area. Two trees at the entry were pulled back for site lines. Director Port confirmed the need for a waiver. Members observed that moving all parking to the back and pushing the building up to the road was not an existing condition in the park, at present. A formal request for landscaping, lighting, and front set back parking waivers, and a landscaping plan, was needed.

Andrew Shapiro made a motion to continue to August 5th. James Brugger seconded and all members voted in favor.

Motion Approved.

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5. Planning Office/Subcommittees/Discussion

a) Updates

The 40R, zoning rewrite, and a Waterfront West comprehensive plan were discussed.

6. Adjournment

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

The meeting adjourned at 10:09 PM.

Respectfully submitted -- Linda Guthrie