

**City of Newburyport
Planning Board
July 16, 2014
Minutes**

The meeting was called to order at 7:02 PM.

1. Roll Call

In attendance: Henry Coe, Paul Dahn, Sue Grolnic, Noah Luskin, and Jim McCarthy

Absent: Dan Bowie, Bonnie Sontag and Don Walters

Planning Director Andrew Port was also present.

2. New Business

172 State Street LLC

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Major Site Plan Review – Application Completeness Vote

Attorney Lisa Mead, Blatman, Bobrowski & Mead, LLC, 30 Green Street, Newburyport, said the applicant for the building renovation received a Special Permit from the ZBA for a multi-family use and two variances related to frontage for five townhouses. Attorney Mead submitted the landscape design, lighting cut sheet, and list of waiver requests for photometrics, using a registered landscape architect, and signage. She detailed the project's Site Plan Review criteria.

Henry Coe made a motion to approve the Application Completeness. Paul Dahn seconded and all 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.

3. General Business

- a) The minutes of 7/2/2014 were approved. Paul Dahn made a motion to approve the minutes. Henry Coe seconded the motion and three members voted in favor.

4. Old Business

- a) *Oleo Woods Subdivision
Request for Bond Reduction*

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Director Port asked the Board to reduce the performance guarantee to 10% of the original bond amount, and release over \$700,000. All city departments had signed-off. The road infrastructure and inspections were done, and all occupants had moved in. The remaining 10% would be held by the City until the City Council votes to accept the street.

Paul Dahn made a motion to approve the Certificate of Vote. Henry Coe seconded and all 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) Tropic Star Development LLC
75, 79, 70R, 81, and 83 Storey Avenue
Major Site Plan Review
Continued from June 18, 2014***

Jeffrey Roelofs, attorney, 30 Green Street, Newburyport, said plans to meet with the tenant today to secure approval for addressing obstacles related to placing the building in the corner had fallen through, therefore Tropic Star would not be able to advance the issues on the loading dock, engineering details, permitting for the building design. Instead, a quick update on traffic was possible. He submitted a sketch showing some architectural and landscaping details for feedback.

The board's peer review consultant, Tony Komornick, Merrimack Valley Planning Commission (MVPC), was working with the city and state in a planning initiative to determine what improvements could be made to Storey Avenue. A new round of data at more intersections is being collected. The analysis is incomplete. Tropic Star understood the desire to calm traffic speeds but still recommended straightening the lanes and employing a center turning lane, despite potential conflicts with the public.

Director Port had advocated for additional pedestrian ways in the form of cross walks, but it did not look promising per Mass DOT. The project, which aimed to meet the Complete Streets guidelines, stretched beyond the site's frontage to encompass the front of the Park and Ride. Mr. Komornick had confirmed the traffic light problems of timing and functioning at Clipper Way. The Shell station traffic light signal timing would be modified. These issues were being discussed with Mr. Komornick and the project's traffic consultant. Revised traffic improvements should be available for the Aug 6th meeting.

Jim Mitchell, Tropic Star, presented a design that included the same color brick as The Institution for Savings and an articulated roofline similar to The Provident bank. Period lighting along walkways and windows similar to period downtown buildings were added. Segmented sections of stonewall to screen parking and planting beds in front were proposed instead of the

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two-foot masonry wall and two-foot fence. Scott Mitchell, Tropic Star, said the brick-on-brick design was too heavy. Atria's screening was a six-foot, painted white fence, arborvitaes, and a row of maples that changed color in season. The stonewall started at the property line with breaks across the intersection to expose the building to the corner, and continued to the end of the building on the Low Street. The Mitchells' needed feedback on the materials chosen.

Acting Chair McCarthy said it was a good time for traffic input. Members said tanker trucks entering the gas station affected the curb turning radius. Trucks turned more slowly than cars and are longer than cars. Traffic could back-up. Exiting traffic turning left toward Rt. 95 seemed dangerous. Scott Mitchell said the turning radius was engineered as needed. Attorney Roelofs said Mass DOT was not likely to approve any walkways away from the intersection, such as across Woodman Way to the Dunkin' Donuts. Members said a crosswalk there would not accomplish much. If everyone used one crossing spot, traffic could become accustomed to looking for pedestrians at that one crosswalk. Attorney Roelofs said there were seven lights on Storey Avenue. A new crosswalk at the Park & Ride was a possibility. Anywhere between the Park & Ride light and the Low Street light was not likely to gain Mass DOT approval.

Members: Pronounced crosswalks worked best. Hingham's were painted red with yellow stripes, grabbing driver's attention. Raised crosswalks were suggested. Attorney Roelofs suggested a focus on improving crosswalks that already existed. Members: What was the fix for the intersection light that made residents wait four turns to get out? Attorney Roelofs said the light was dysfunctional and would be fixed.

Director Port said Mr. Komornick would be at the next meeting with new numbers and analysis for a more comprehensive dialogue. Acting Chair McCarthy made clear that speed was a priority issue. Slowing everything down would make all left turns safer. A second priority was the left turn out of the site onto Storey Ave, which should be addressed in peer review.

Public comment opened.

Kathy Whiting, 2 Fulton Street, commented on the closeness of the gas station to the medical building on Low Street. She frequently encountered a line of cars backed-up because of cars waiting to come out of the station onto Low Street. At 3 pm, one car backed up could bring everything to a standstill. She did not think the project could work traffic-wise. Cars leaving the station had a light today, removing the light could back-up cars past Market Basket. Attorney Roelofs said the Shell station curb cuts at the intersection would be closed off. Ms. Whiting asked how many feet would it move down? Attorney Roelofs was not prepared to answer without his traffic consultant present, but the driveway would be close to the medical building, not to the intersection.

Dr. Miller, Woodman Way, said the issue was getting in and out of Woodman Way. She was often stuck in the left hand turn lane behind a car waiting to go into Dunkin Donuts. She waited for cars running the yellow/red light to turn left onto Woodman Way. Only one or two cars could turn left in the time allotted. That was an issue. Why not use a camera in the light?

Chet Akins, Woodman Way, said the project would add to the traffic problem.

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Angela Rosick, Woodman Way, said the bank's sidewalk needed more visibility. Walkways with a flashing yellow light when someone approached would stop cars, adding to safety. She would rather walk across the street than take her car, but the number of driveways was a problem.

Attorney Roloefs said three exits from the Shell station would be closed. The pharmacy and station would share one exit on both Low Street and Storey Avenue, and would be moved to better locations. The curb cut on Low Street was added to address the city's concern about Low Street access.

Director Port said a number of things were adjusted in a meeting yesterday. The developer was willing to make improvements that would engage Mass DOT to look at the queuing situation and counts at all the intersections. Any detailed discussion should wait until the new analysis is available.

Gabriele Atkinson, 5 Woodman Way, said the discussion was the same issue published in the Daily News today. The pharmacy added to the problem. The lights for the crosswalk were not long enough and it was a safety issue that had been communicated to Mass DOT.

Ms. Rosick had never seen a policeman monitoring the lights. That was an issue since so many people ran the lights. What could be done to get a police presence to make the area safer whether or not the development project went through?

Director Port would speak with City Marshall Thomas Howard about adjusting scheduled police officers for the area. Dr. Miller had spoken to Marshall Howard, who had called Mass DOT about the light. He said citizens were required to call Mass DOT. Acting Chair McCarthy said Ms. Atkinson's letter to Mass DOT would help. Ms. Atkinson had seen Marshall Howard on the issue also; it seemed everyone was waiting for others to act. A movement at the state level to make yellow lights longer was also in process. Acting Chair McCarthy said the design issues were established. The additional task was not to back up traffic. The applicant was listening and collecting more data for the needed changes.

Elaine Lewis, 65 Clipper Way, said people overshot the line when stopping, putting their cars out of camera range which failed to trigger the light. The camera angle saw only an SUV or truck, not her car. Any increase in traffic on Low Street or Storey Avenue would be unsafe despite any driveways removed. The dangerous intersection was the wrong place for a pharmacy.

Acting Chair McCarthy asked for landscaping comments. Members had visited different CVS developments by Tropic Star. The Beverly loading door was a narrow roll-up door rather than a proper loading dock. Proposed screening would be sufficient. The building's appearance was two stories. Architect, Kevin Paton, BKRPX, Brockton, MA, had over 16 years experience on CVS projects; he described the building design. The pitched roof was non-occupiable space other than the storage mezzanine. Acting Chair McCarthy said the building's east roof had one ridge line that differed from the other side. Members needed a picture showing the actual design.

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Director Port said feedback on the use of brick or clapboard siding for consistency with Newburyport buildings was needed first. A member said rather than the foundation brick right to the landscaping, using old-school residential granite foundation in the last couple of feet was preferable. Mr. Paton would do that or introduce recessing. The member said more details, such as a more expensive but longer lasting faux slate roof, would make it look more like a period style building and more attractive to the board.

Acting Chair McCarthy said Salisbury was not an interesting building. Using 110-160 feet of the same material looked too commercial. Salisbury's windows could not be seen through. The ability to see out from a couple of windows at the corner would improve things. A cold building with no consideration for architectural details defeated the purpose of bringing the building to the street. Mr. Paton said merchandising efficiently required fixturing the entire perimeter of interior walls; gaps for windows created an awkward shopping situation. Acting Chair McCarthy said articulating the walls with bump outs would create more interesting visual space. Salisbury's gables did not go all the way to the roof and the roofline was important. Salisbury had a trash compactor behind a fence and a transformer near the loading dock. Scott Mitchell from Tropic Star said there would be no compactor and the transformer would not go by the loading dock's flat surface.

Acting Chair McCarthy said some type of pedestrian way from Storey Avenue to the open space asset in the back would benefit walkers with dogs. He liked the segmented stonewall. Another member liked the streetlights and hoped someday they could line all of Storey Avenue. Acting Chair McCarthy asked about the electrical poles. Scott Mitchell was moving a few. Dr. Miller asked how long construction would take? Scott Mitchell said anywhere from 4-6 months.

Joy Buckley, 87 Storey Avenue, the abutting house, asked if the fence went all the way down the sidewalk? Scott Mitchell said ending the fence at the same place as the stonewall ended kept sight lines clear. Ms. Buckley said the gas station would be facing her kitchen window. Attorney Roelofs said arborvitaes on two sides of the gas station would provide a screen. Scott Mitchell added that the lighting would be Dark Sky compliant. Attorney Roelofs requested a continuance to August 6th. Public comment closed.

4. Planning Office/Subcommittees/Discussion

Updates

City Council approved all but one of the zoning ordinances in the first reading, the FIRMS map was approved, and other ordinances would get a second reading. The medical marijuana ordinance would be revisited in their next meeting. Councilor Jared Eigerman would seek a compromise.

Acting Chair McCarthy commended Director Port on the 29-35 Storey Avenue decision.

5. Adjournment

Henry Coo made a motion to adjourn. Paul Dahn seconded and all members voted in favor.

The meeting adjourned at 8:29 PM. Respectfully submitted -- Linda Guthrie, Note Taker