

August 1, 2012

Meeting Minutes

The meeting was called to order at 7:08 PM.

1. Roll Call

In attendance: Dan Bowie, Henry Coe, Sue Grolnic, Noah Luskin, Don Walters and Cindy Zabriskie

Absent: Paul Dahn, Jim McCarthy and Bonnie Sontag

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

2. General Business

a) Approval of the minutes

Minutes of June 20, 2012 Meeting

Chairman Bowie made a motion to approve the minutes. Don Walters seconded the motion. Noah Luskin and Cindy Zabriskie abstained. The motion passed unanimously.

Minutes approved.

b) 1 William Griffin Way – Approval Not Required

Don Walters made a motion to approve the ANR. Noah Luskin seconded the motion. The motion passed unanimously.

Motion approved.

c) Open Space and Recreation Plan Update

Juliet Walker of Brown Walker Planners, Newburyport, said the purpose this evening is to request a signed letter of support from the board for the Open Space and Recreation Plan. She would like all the boards to review the plan. This plan is a requirement for grant eligibility.

Brown Walker Planners updated the community setting, growth and development patterns, population, building permits, pressures, lack of pressures, and the inventory of parks, open space and recreation areas. It's a useful tool for master planning because it is comprehensive.

The critical part of the plan is to make sure the action plan is up to date, has support from the community and meets the city's needs. Outreach included 1) an initial public meeting, 2) a public survey to which 6% of the population responded (this is normal), 3) a couple of focus groups with people who manage the various spaces, 4) user groups, 5) follow-up Interviews, and, 6) a final public meeting in May. The results are the draft of an action plan, which is before the board tonight.

Ms. Walker said that Newburyport has a good number of parks and open space areas for a community our size. A major issue is the management and maintenance of existing areas, as well as using resources better, such as the city forest and connecting existing trails. A strong and consistent format for managing all these areas is needed. The city could pursue the idea of an official Parks Department to address this need. It's important to make sure investments in open space and recreation areas are not only capital improvements, but improvements to ensure areas are upgraded and safe on an ongoing basis. The city could better utilize what playing field capacity we already have. Ms. Walker invited input, saying the city is now eligible for grants.

Andrew Port, Planning Director, asked the board to consider whether anything was missing from the action plan. The Planning Office has increased their focus on financial and staff resources for open space. The last plan, developed in 2005, was a volunteer effort that marginally met requirements. The quality and comprehensiveness of the Brown Walker plan is more suitable and includes more community input.

A member asked who the primary stakeholder of the plan was. Ms. Walker said there were many stakeholders. The primary client is the city of Newburyport, collaborating with the Open Space Committee and the Parks Commission, with input from the Waterfront Trust, and support from the community, as a guide for going forward. The plan is a useful tool for the whole community, including volunteer groups that take care of the parks.

Planning Director Port explained that the plan allows for consistency from mayor-to-mayor and across all boards and committees, such as the Planning Office, the Community Preservation Committee, and the Open Space Committee. The member asked if the comparison to other communities' open space could be quantified. Ms. Walker could not quantify her comparison. Newburyport parks are accessible to the majority of the population, but the plan highlights where access to open space is limited such as Turkey Hill, who's access is cut off by Interstate 95 and Storey Avenue, and Plum Island, which lacks some access because the parking is unbalanced. The state required Brown Walker Planners to break out such details, while she would've preferred to consolidate it to provide an overall picture (a failing on the part on the guidelines). The member asked if the plan was effective 2013. Ms. Walker said the plan is effective now and should be worked on now with the hope that it is finished by 2015.

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The member asked what the source of funding for the Open Space Committee has been over the last few years. Planning Director Port said the CPC has been setting money aside for a few years as an emergency fund in order to be able to act on a property quickly.

Ms. Walker said that residents love the open space, but expressed concerns about how the city cares for parks and space we have. Residents want the city to invest in what we have as a priority over developing new open space.

Planning Director Port said the board will see more applications coming from the Parks Commission than previously. Chairman Bowie said it's important that this Open Space Plan has the parks maintenance component in it because the Community Preservation Committee includes members who see open space as the priority. He said this plan is more comprehensive in that it gives us everything.

A member commented that it seemed health and safety should have been up front instead of one of the last two issues listed. Ms. Walker said the sequence does not indicate a priority; nothing has been prioritized. Planning Director Port concurred, saying the letter of support is ready to go, he will send it out for the board to add their comments. A member said it might be okay, if the rest of the board agreed, for the Planning Director to sign the letter of support.

Don Walters made a motion to authorize Chairman Bowie to sign the letter of support for the Open Space and Recreation Plan. Henry Coe seconded the motion. The motion passed unanimously.

Motion approved.

Votes Cast:

Dan Bowie: approve

Henry Coe: approve

Sue Grolnic: approve

Noah Luskin: approve

Don Walters: approve

Cindy Zabriskie: approve

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. Old Business

a) Brad Kutcher
251 Merrimac Street
Section VI.C Special Permit – Proposed Modification (Addition of Garage)

Brad Kutcher distributed drawings showing modifications to an existing plan. An interested buyer wanted to know if putting up a two-car garage would be allowed. Emily Wentworth, Planning and Zoning Administrator, was consulted about whether it is a by right use and she suggested he come before the board. Andrew Port, Planning Director, said Mr. Kutcher had a plan previously approved for a permit, but any changes in an approved plan requires coming before the board. Chairman Bowie said the board should decide if this is a minor modification or a major one, requiring reopening the public hearing. He believes there are concerns, given what happened with the house on Merrimac Street, and is not comfortable considering the request a minor modification.

A member agreed that the change should be revisited in a public hearing. Another member agreed, saying the point of contention with the neighbors is the skyline and the board should hear neighbors input. Chairman Bowie added that it is the addition of a completely new structure.

Planning Director Port said if there was a consensus, the applicant needed to submit this as a request to the board. Chairman Bowie said it behooves Mr. Kutcher to have the issues pertaining to the existing building resolved before coming before the board again with modifications. The Planning Board has seen the correspondence back and forth.

A member said asked if the driveway surface was impervious or not. Mr. Kutcher responded that the driveway was a mix of asphalt and gravel. The member said there might be a difference in the run-off co-efficient. Planning Director Port suggested making a peer review a condition of approval for this modification. There could be a consideration for dry wells. Another member commented that making part of the driveway impervious is different from the original approved plan.

Informal public comments:

Corey Strups, 253 Merrimac Street, attended all meetings on this project. He would like the project done and the space cleaned up. The project changes his site views to the river, changes the light in his house. A proper land survey was not done and he questions the legitimacy of the property line. Either way, subjected to all these changes, the property only has so much green space left. Planning Director Port said the lot line he refers to has a 6-foot offset to the garage.

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Page Waters, who, along with her husband, is the interested buyer, expressed their desire to maintain the integrity of the area. As far as she knows, Mr. Kutcher has worked with all the different entities and followed the protocol to a 'T.' Speaking as a prospective buyer, she said a garage would make the property more family friendly. The garage would be very low in order not to block views. Mr. Kutcher said he didn't think it would block Mr. Strups view because the garage has a low profile. Chairman Bowie said with no application before the board, anything said tonight was informal. If Mr. Kutcher wishes to comment, the time to do so is when the application comes before us. Planning Director Port put it on the next agenda.

4. New Business

- a) **Nat Norton**
53 Spofford Street
Section VI.C Special Permit
Request to Continue to August 15, 2012

Chairman Bowie read the public notice and opened the public hearing. The board received a request from the applicant's attorney to continue because only six members are present. The applicant wants to avail themselves of the whole board.

Don Walters made a motion to approve the continuance to August 15, 2012.
Henry Coe seconded the motion. The motion passed unanimously.

Motion approved.

Votes Cast:

Dan Bowie: approve
Henry Coe: approve
Sue Grolnic: approve
Noah Luskin: approve
Don Walters
Cindy Zabriskie: approve

5. Planning Office/Subcommittees/Discussion

YMCA

Andrew Port, Planning Director, introduced the YMCA's interest in coming to Newburyport on a parcel in the industrial park – soon to be referred to as a business park. A name change is in the works and as a result, there may be some zoning changes. A signed P&S on the property was displayed on the screen. Y's normally receive an educational use exemption from local zoning. The Planning Director expects few issues because it's an existing building with a lot of parking. There might be some peer review for storm water treatment.

There will be a review on whether the YMCA qualifies for the educational use exemption. Chairman Bowie is involved with the YMCA. Since the fire, he said it seemed necessary to merge the Newburyport and Haverhill YMCAs. A second merger has occurred since then, with the North Shore YMCA that covers Salem, Beverly, Cape Ann and Marblehead. The Y considers the Newburyport 'business park' parcel an ideal location. The Marblehead YMCA is an example of the type of facility they would operate here. A full-service YMCA is envisioned. The YMCA typically has a different mission and broader services than the YWCA. A P&S is in hand. A member asked the size of existing facility; another member replied 80,000 square feet. Planning Director Port said there might be an addition off the back, located just off the backside of GreenCore.

Bresnahan School Building Project

The Planning Director said the vote on June 5 approved the senior/community center with a new Bresnahan School building going up at the back of this site. When the existing school building plan went before architects it was deemed implausible to use as a school, hence the new school building. The plan requires approval; it is an exempted use because we amended the zoning ordinance last year. The board will have the ability to look at the site plan review. Do we want to have a peer review for storm water and a traffic analysis for these projects?

Heery's International is managing all three of these projects and we want to make sure they have done the proper permitting. There was heavy use of concrete masonry and odd configurations on the school design. Planning Director Port asked them to tie-in with the high school architects and, as a result, they are articulating a different façade now. With adjustments, the design has improved and will come across as a site plan review. The plan will be filed next week for a September 5 hearing; we could look at the application August 15.

A board member who also sits on the School Building Committee thinks drainage should be checked. Recalling the progress of the new Waste Water Treatment Plant on Water Street, when local firms who know the dirt and have been before the boards are not part of the process, a careful review is needed. A local firm would know better about drainage and local traffic patterns. The member commented on the size of the roof top units. Chairman Bowie said if Waste Water Treatment Plant project had not been peer reviewed, it could've been disastrous. Planning Director Port hoped the firm would consider using low impact development techniques and agreed that the rooftop units were very large. This is a model building, so it has certain requirements it has to meet.

Towle Project

The Towle Building project is moving forward again and could be completed in the coming year. Planning Director Port was not here when the project was permitted; some institutional knowledge has disappeared. A map was projected to show the barn's location. The Building Commissioner and Towle's conversation about demolishing the barn resulted in moving it to a new location, where there's now a new foundation. We'll be doing a full building retrofit. Planning Director Port wants to make sure a good plan is in place for moving the building.

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It's not clear who will maintain the barn when it transfers to the city. Towle knows to come back to us if they plan any modifications, but in the meantime, they have a plan that's good to go. The Building Commissioner didn't know that they'd driven pilings in already; no one can verify how much work they did. We'll have to do some excavating to find out.

Northbridge Project

The Northbridge Project hearing has been continued with the Zoning Board of Appeals. They're going from 64 units to 70 units. The access is now through the hospital. The board will see a site plan with a smaller building footprint and with two stories instead of one in order to give some parking space to the hospital. Northbridge will let someone else deal with the house, perhaps sell it off, but not tear it down, leaving room for a smaller, three-lot subdivision. A plan for that will come before the board at some point.

MBTA

The private consultants for the MBTA did not receive any proposals for the asking price of \$1.5 million. They left a lot of homework for the developer. They may need to reissue the RFP. A member thought what the board did for the 40R was not specific enough. The 40R discussion group should reconvene. The board's goal was not to adopt something we had to amend. Mike Costello should talk to the MBTA if the community wants this.

Other Business

Emily Wentworth's position, Planning and Zoning Administrator, is fully funded now. She may not be staying beyond August 31st.

A member asked about the status of the National Grid property. Planning Director Port said they want to sell the riverside, L-shaped property. They know we expect the rail trail to connect in the middle of the L and that satisfies their Chapter 91 requirements, so it's no problem. Their attorneys are drawing out everything as it relates to safety. A member asked about the space next to the Waste Water Treatment Plant. Planning Director Port said that space will either be sold on it's own or be tied-in with the National Grid property.

A member asked if it's appropriate to have a discussion about what seems to be a new normal of 'for the public good' by only giving money. What about other aspects of the public good, beyond giving money? There is a VI.C coming up. Planning Director Port will put it on the next agenda. The board could look at public benefits from past VI.Cs and the number of units that resulted.

6. Adjournment

Chairman Bowie made a motion to adjourn.

Cindy Zabriski seconded the motion.

Motion approved unanimously.

Meeting adjourned at 8:51 PM.

Respectfully submitted, Linda Guthrie, Note Taker