

**City of Newburyport  
Planning Board  
August 6, 2014  
Minutes**

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

**1. Roll Call**

In attendance: Henry Coe, Paul Dahn, Sue Grolnic, Jim McCarthy, Bonnie Sontag, and Don Walters

Absent: Noah Luskin

Planning Director Andrew Port was also present.

**2. General Business**

- a) The minutes of 6/4/2014 were approved. Henry Coe made a motion to approve the minutes. Bonnie Sontag seconded the motion and five members voted in favor. Don Walters abstained
- b) 386 High Street – ANR

Director Port recommended endorsement, saying that a variance was granted for lot size and other criteria have been met. Acting Chairman McCarthy noted the location at the corner of Plummer and High Street.

Bonnie Sontag made a motion to endorse the ANR. Henry Coe seconded and all voted in favor.

**Motion Approved.**

**3. Old Business**

- a) *Tropic Star Development LLC  
75, 79, 70R, 81, and 83 Storey Avenue  
Major Site Plan Review  
Continued from July 16, 2014*

Director Port said Tropic Star asked for a continuance to the next meeting on August 20<sup>th</sup>. A member suggested the numerous continuances were unfair to residents in attendance who did not have enough notice. A procedure was needed. Director Port offered to post continuances on the website, but could not recommend limiting the number of continuances. A member agreed that 24 hours' notice should be provided to residents. A resident said that was not enough time. A member agreed. Another member suggested the morning of the meeting. The Planning office knew of the continuance request in the morning, but Director Port only learned about it at 3 pm.

Public comment opened.  
Public comment closed.

Acting Chairman McCarthy said a procedure requiring 24 hours notice was a good start.

Bonnie Sontag made a motion to approve the Continuance to August 20th. 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.*

**4. New Business**

- a) ***Mercantile Place Condominium Trust c/o L&M Properties, Inc.  
19-23 Pleasant Street  
DOD Special Permit***

Acting Chairman McCarthy read the notice. Will Mattos, president of L&M Properties, Inc., managed two downtown buildings, the larger of which was listed on the National Register of Historic Places. The Massachusetts Historical Commission received an easement allowing oversight to changes in the building façade. Brick pointing was performed in phases every year with a grinder on site and a particular blade. Mr. Mattos understood the desire for hand raking but said it was impractical on a large scale – tedious and prohibitively expensive for a very large building.

Mr. Mattos had performed pointing with annual Massachusetts Historical Commission inspections for many years. Section 3 of the DOD ordinance prohibited mechanical means; that was a hardship for Mercantile Place, as was repeating the special permitting process every year. He respectfully requested reconsideration of what the oversight was intended to accomplish. His building had particular oversight from, and conformed to, Massachusetts Historical Commission specifications for mortar mix and for protecting bricks. He requested a more permanent approval because pointing work was done every year.

Director Port said Mr. Mattos raised a valid point. Smaller ordinance provisions hadn't been reviewed yet. The board could not modify the permit, but could modify the ordinance. The Planning Office had agreement from Preservation Mass and the Newbury Historical Commission that mechanical means were acceptable with three conditions related to the mechanical raking, the blade and mortar type, and the period of time mortar was kept damp. The Building Commissioner would send applicants to the board for approval. The Planning Office would concern itself with ordinance modifications for this type of situation. He recommended approval.

Director Port answered member questions: The size of the blade, if small enough not to mar the bricks, would allow the mechanical tool to be used in the pointing process. Chairman McCarthy

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said correspondence with the Historical Commission supported the conditions with their finding that it would not impair the National Register Historic District or the adjoining buildings.

Public comment opened.  
Public Comment closed.

Sue Grolnic made a motion to approve the DOD Special Permit. 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)      172 State LLC  
         172 State Street  
         Major Site Plan Review**

Chairman McCarthy read the notice. Attorney Lisa Mead, Blatman, Bobrowski & Mead, LLC, 30 Green Street, Newburyport, gave a project overview. The blue section of the Essex County Travel building was a first period structure. As a preexisting non-conforming structure with 180 feet of frontage in B1 zoning with a ZBA Special Permit for multifamily use, it lacked a few feet of required frontage. A later period addition and two out buildings would be removed. The rear line was evened for definition and clarity. Waivers requested were for signage, because there were no signs requested, for using a landscape designer instead of a landscape architect, and for photometrics because small gaslight-style lights would be used. Architect Scott Brown's designs were presented with side elevations. The renovation and addition optimized the original structure and fit in with Newburyport architecture in general, giving prominence to the front structure. Revisions were made to the back of the units. The rear would become the side. Exterior additions and renovations to the original structure were shown. Traffic information included one additional vehicle trip for a total of 29 total vehicle trips per day. There were two parking spaces per unit. Fire Department Deputy Chief Bradbury approved the layout. Utilities for 15 bedrooms would not impact the city's water and sewer services. The infill development provided more multi-family housing near the traffic circle and met requirements for open space. The landscaping plan did not remove larger trees in the back. Planned plantings were drought resistant native species.

Steve Sawyer, engineer, Design Consultants, Inc., 68 Pleasant Street, Newburyport, showed the existing conditions plan with north and south side curb cuts that allowed parking and access to the large rear paved area. No drainage or stormwater mitigation currently exist. A portion flowed to State Street and a portion ran to the rear impervious area. A large portion of the curb cut would be closed to create an 18-foot wide drive with transition curbs for greater entry radius. New drainage patterns included pitched driveways edged with a landscaped gutter line, rain gardens in the rear, and a front stone filter strip with a vegetative rain garden that mitigated flow onto State Street. The units' sewer service would be new. Manholes in front at the beginning of the sewer,

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and in back had been requested, with separate sewer service for each unit. The garage slab was on grade. Water service would be pulled from State Street. Dan Lynch, DPS Water Distribution Manager, had not issued comments in writing, but in conversation said the curb should stop on city property rather than private property in case water had to be turned off. The building's sprinkler system would be separate from the domestic metered service. Gas and electric utilities ran along the south side. A web soil survey showed finer, less permeable, test soil; test pits showed better soil with sand and no ground water. The 100-year run off had been raised, increasing stormwater. Cultec underground infiltration chambers would address that accordingly. Rear corner and front rain gardens would be hydraulically connected, absorbing two-thirds of the runoff. Simple residential post lamps in front of each of the units would provide lighting.

Comments from peer reviewer Christiansen & Sergi were received Monday and haven't been addressed, but were simple items. The rain garden slope might need to change. Gardens were shallow, only 12 inches deep, for mitigating stormwater. Jon Eric White, the City Engineer, mentioned widening the entry to 22 feet, which seemed excessive for a private drive where 18 feet was adequate without vertical granite curbing for two-car entry. There was 28 feet of curb cut for turning and that should be sufficient. They will talk to him. They would provide double the required parking, per zoning.

Member comments: What surfaces behind the units handled stormwater? How much impervious surface was planned? Mr. Sawyer said small patios with grass lawn and landscaping would be added to the model. Asphalt and small brick walkways had plantings between them, with grass at the end of Unit Five. Was there enough infiltration to contain run off to protect abutters? Mr. Sawyer said the large exiting paved area was not controlled for stormwater and five moderate-to-large underground infiltration areas would be added. The roof had 65-70% of new stormwater mitigation. No groundwater was found 10 feet down. What about a sudden downpour with a huge volume of water in a short time? Mr. Sawyer said the underground chambers could handle that. The planned rain gardens would contain mixed media to slow the water and treat it for minor oil drips from the pavement. Can you summarize the total length of current and proposed curb cut? Mr. Sawyer said they were reducing it by about 25 feet. What about the south view that was seen more than the north view? Attorney Mead said there were good trees on the corner. Mr. Sawyer added there would be a hedge of white pine. What about the differing rooflines; the front house had a pitched Georgian-style roof but the additions had Federal-style roofs? Attorney Mead said the Historical Commission generally requested a different design that did not replicate but complemented the original structure. Mr. Sawyer said the architect kept roofs lower than required by zoning. What about the existing chimney? Attorney Mead said it would be kept.

Public comment open.

Sharon Fulton, 170 State Street, said the project would be a huge improvement. What trees would be cut? Mr. Sawyer said two trees would be cut, the rest maintained. A tree near the accessory building would have its roots ruined during paving. Shrubs would be added. A tree in poor condition in a small cluster near a second accessory structure would be removed and a new tree planted. Another cluster of trees set back off the property line would be removed to make space for the road. Other trees in the back would be maintained. Any trees endangered by

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construction would be removed. Ms. Fulton said a tree was leaning toward her house. Mr. Sawyer would look at that.

Alan Papert, 174 State Street, Unit 4, was concerned about a large tree that provided privacy and screening between the two properties. Mr. Sawyer said it was 15 feet off the property line and had to be taken down.

A stand of white pines would replace the tree and the fence would remain. A member asked if the fence line could be extended? Mr. Sawyer said yes. Chairman McCarthy asked for fencing all the way around to be described. Mr. Sawyer said plans were to build a 6-foot PVC fence made to look like a white wood panel to match. The rear fence was in poor condition and would be replaced in its entirety with a solid cedar panel fence. The other side was a cedar fence. Mr. Papert said the fence was not in great condition. Mr. Sawyer said if the fence was in tough condition it would be replaced in keeping with what was there now.

Public comment closed.

Member comments: What about the front sidewalk? Mr. Sawyer said the proposed main entry was pavement with a tactile warning strip. A concrete walk in front to the building met the driveway apron and the sidewalk ran right through the driveway to a cement and concrete sidewalk. Had they considered the sidewalk mix going up State Street? Mr. Sawyer said the proposal was for concrete. Would they consider using sections? Did the site plan show all the trees being removed? Director Port requested adding that to the landscape sheet. Chairman McCarthy requested that the entire packet resemble what would be built. Attorney Mead said tonight's approval was the Site Plan, not renderings. Chairman McCarthy said waivers for photometrics, signage, and landscape architect were okay. The engineering conversation was incomplete and information would be available for the September 3<sup>rd</sup> meeting. What about rain garden maintenance? Mr. Sawyer said different grasses and shrubs would be maintained through association fees.

The public hearing was continued to September 3, 2014.

## **5. General Business (cont'd)**

### ***c) Election of Officers.***

Acting Chair Jim McCarthy stated on behalf of the Planning Board members how much they appreciated the leadership and commraderie provided by outgoing Chairman Dan Bowie who had resigned from the Board.

Sue Grolnic nominated Jim McCarthy for Chairman, all voted in favor. Henry Coe nominated Bonnie Sontag for Vice Chair, all voted in favor. As no member accepted the nomination for Secretary, this decision was held over until new members join the Board. During the interim, Bonnie Sontag will continue to fill this role.

## **5. Planning Office/Subcommittees/Discussion**

### ***a) Updates***

A productive meeting with New England Development concerned working together on parking and Waterfront West zoning.

The Planning Office was working on Design Guidelines and would codify 40R for the train station area and other buildings around the traffic circle.

The Senior Center would get under construction in September. The Bresnahan School would be torn down. The new school and renovated Knock Middle School were on schedule to open in September.

The ZBA was taking up the appeal of Director Port's decision for Mr. Kaplan's project on Storey Ave. on the second Tuesday in September.

Three proposals to purchase the Kelley school were received. There would be feedback from the Historical Commission and the City Council Planning and Development Subcommittee. Bidders were Dolores Person, Gandolfo, and Merrill Diamond for differing numbers of units.

The Brown School RFP was waiting on a price proposal. Youth Services would reside there with some type of housing for the rest of building. The property would be transferred from the School Department through City Council to the Mayor.

National Grid's space on the waterfront could provide a public park if the fence were moved behind the trees.

New members were discussed.

## **6. Adjournment**

Don Walters made a motion to adjourn. Henry Coe seconded and all members voted in favor.

The meeting adjourned at 8:45 PM.

Respectfully submitted -- Linda Guthrie, Note Taker