

**City of Newburyport
Planning Board
September 17, 2014
Minutes**

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

1. Roll Call

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

2. General Business

- a) The minutes of 9/3/2014 were approved as amended. Sue Grolnic made a motion to approve the minutes. Henry Coe seconded the motion and all members voted in favor.

b) 40 Merrimac Street – minor modification for relocation of chimney

The request did not violate conditions of a ZBA Special Permit for the Ale House that specified requirements for the HVAC and cooking stacks. The applicant will provide the Planning Office a profile view of the false chimney.

Doug Locy made a motion to endorse the Minor Modification. Henry Coe seconded and all members voted in favor.

Motion Approved.

c) Twomey Drive – Request for trash/recycling service

Attorney Mark Griffin, 11 Market Square, Newburyport, requested municipal trash removal for the subdivision's private way including an alternative pick-up location to the Health Department recommendation to put trash barrels on High Street. Attorney Griffin proposed all trash be combined in a common area for pick-up 500 feet into the private way, but allow curbside recycling. Chairman McCarthy said normal subdivision decisions do not include all city services.

Member comments: If the road went unplowed, trash could become a problem. Another development was a comparable situation. Residents should bring their trash to the curb at High Street, like other residents. A concern at the corner was the curve backing up to the new Bresnahan School. Trash and recycle bins placed in the existing funnel would exacerbate the back up already occurring there. The Department heads okayed this, as far as Molly Ettenborough, Recycling and Energy Manager was concerned. Attorney Griffin said it was an inappropriate location for trash because the rock garden area was the gateway into the subdivision. The common area was devoted to landscaping and utility uses. Members said nothing was devoted to trash receptacles that were not permanent fixtures, once returned to homes. Had the applicant considered making this a public way? Attorney Griffin said the city did not want to add plowing; the road needed to remain a private way. Members said using the grass strip before the curb would keep trash out of the street.

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Chairman McCarthy identified two issues, first approving any trash/recycling pick up for the subdivision, second, where. Not all members supported trash removal; two supported the High Street curb and one supported pickup inside the subdivision either at each residence or the common area instead of 10 trash barrels and five recycling bins on High Street. A precedent would be set if the board approved pick up, creating an obligation to both previous and future subdivisions if they asked. Would the subdivision have been approved if we had considered the mass of trash and recycling? The board had the prerogative to make individual decisions for applicants and might act differently for a subdivision not on High Street. Curbside pick up could reduce traffic speed on High Street. Circumstances may not warrant trash pick up for a 20-lot subdivision; Twomey Drive only had five lots. If others asked for curbside pick up, how would the board decide? An agreement could indemnify the city regarding liabilities. A precedent would not be set because the board requested a decision from an authority. Ms. Ettenborough said it would not burden the city. If the board specified the reasons for approval, that would protect us from having to approve it for anyone else.

Ms. Ettenborough said she agreed Twomey Drive residents should get trash and recycling services from the city. She would want the city or the city's vendor indemnified against any liability. Attorney Griffin could not indemnify for any kind of damage. Ms. Ettenborough would need to see the details. Chairman McCarthy agreed on trash service and that traffic was an issue, and that trucks should pull off High Street. Other people on private roads do not seek the board's permission to bring trash to High Street; they work it out with the city and the board does not have to change rules for a private way. In hindsight, this should have been part of the Site Plan Review. The issue is not if it gets picked up, it is if it will get picked up at individual houses or the common area. The subdivision rules would be modified only if the truck goes into the private way. Three members were in favor of pick up at individual homes.

Doug Locy made a motion to continue the question of trash/recycling service for Twomey Drive. Paul Dahn seconded. Five members voted in favor. Three voted against.

Motion Approved

d) ANR – Route 1

Taylor Turbide, Millennium Engineering, 62 Elm Street, Salisbury, on behalf of Bob Cormier for property owned by CA Investment Trust, sought an endorsement from the board to break the old gravel pit just north of Hill Street into four lots. One was 13,000 square feet, two were 16,000 square feet, and one was 20,000 square feet. The plan met frontage and zoning requirements. A member said DOT approval was needed for curb cuts. Mr. Turbide said two curb cuts existed and there had been multiple site walks with MA DOT.

Don Walters made a motion to approve the ANR. Doug Locy seconded and all members 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 August 20, 2014***

Attorney Jeffrey Roelofs, 30 Green Street, Newburyport, said the reconfigured project was based on a comprehensive set of comments from the Planning Office. A revised site plan, updated traffic report, expanded traffic plan, altered landscaping and new architectural details would be presented. An access drive circulating the building was mitigated by landscaping and other details that achieved the majority of what the board requested. Redesigning and reengineering the project that included Storey Ave. traffic improvements, represented an unprecedented level of effort and expense, far greater than what had been asked of other developers on Storey Avenue.

Wayne Morrill, engineer, Jones Beach Engineers, 85 Portsmouth Avenue, Stratham, NH, said the pharmacy plan included a south facing loading zone and 67-car parking lot that was connected by a crosswalk to the service and convenience store that had 26 spaces. A one-way, 14-foot wide driveway circulated the pharmacy building. From Storey Avenue, two sidewalks brought pedestrians to the front where there was an ADA ramp and a bike rack. The sidewalk continued to the open space in back where there was another bike rack. Transformers were behind the building, not visible from the road. Catch basins with treatment stations for both buildings discharged along the open space. Shoebox style lights in the parking lot and along Storey Avenue cast downward. The building, recessed about two feet below grade for the loading area, kept car lights from shining onto both streets. A stone wall acted as a further shield that ran along the entire driveway and bordered a grass strip in front of the building.

Member comments: What about provisions for pedestrians where cars were entering from Storey Avenue? Mr. Morrill said a crosswalk from the parking lot into the building contained a stop control for pedestrians. Cars could exit without conflict. What about removal of the gas tanks and the soil condition? Mr. Morrill said the tanks would be removed by certified environmental engineers. Scott Mitchel, Tropic Star, said the Department of Environmental Services performs a tank closure plan that includes a scoop underneath to check the soil. Tanks were replaced two years ago. At that time, the soil was not contaminated. Tanks are certified and tested every year; but new tanks would be installed.

Jeffrey Dirk, traffic engineer, Vanasse & Associates, 10 New England Business Center, Andover, said resident feedback and consultation with the regional planning agency (MVPC) improved the plan. Revised counts identified excess capacity that could impede creating a roadway comfortable for pedestrians and bicycles and with slower traffic. New crash data exceeded the average at the Park & Ride interchange. Improvements would be enhanced signage and pavement markings to draw motorists' attention to yield and stop signs and signals with retro-reflective tape to address visibility. Supplemental signal indicators were added in the median area. A skewed crosswalk, to avoid cutting through the median, added to pedestrian and bicycle safety on the multiuse path at the Park & Ride. All traffic would stop when a pedestrian

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was detected; crossing would be in one stage. The center turn lane was widened to 14 feet by reducing the lanes to 11 feet and without widening the road. In compliance with Complete Streets, bike lanes extended from Storey Avenue and continued along Low Street. Wheel chair ramps were added to sidewalks on Storey Avenue and Low Street. The turning lane up to the Merrimack Place driveway was widened. The right-turn-only access to Storey Avenue was eliminated. All three gas station driveways were eliminated. The volume of people turning left into the property from Storey Avenue was less. The left turn lane, never full during heavy traffic hours, had ample capacity. A small median strip physically restricted movements out of the property and prevented a left turn out that addressed how driveways were used at Dunkin Donuts. Reconstructed intersection signaling addressed safety concerns and used newer technology to better detect vehicles exiting Woodman Way. The project had a two-year signaling warranty. Adjustments could be made over two years. Low Street will be widened for bike lanes and a new sidewalk with wheel chair ramps and pedestrian crossing warnings. There would be a reduction in queuing.

A requirement for separate wheelchair ramps along each edge of the corner eliminated any space for a cross walk spanning Storey Avenue. A bus bringing employees to the site needed a safe place to pull over because there was no bus stop. Traffic monitoring would be in place for at least two years after project completion. Traffic counts would be collected to ensure the traffic flow estimations were correct and that improvements were working.

Member comments: the turn signal into the Park & Ride was regularly ignored, any improvements there? Mr. Dirks would reconstruct that signal for pedestrians. If something were not working, they would fix it. Anthony Komornick, transportation program manager, Merrimack Valley Planning Commission (MVPC), said proximity to the other signal was confusing and would be addressed. Members: how was exiting from Woodman Way different? Mr. Dirks said vehicle detection was improved with newer camera systems that allowed more cars to pass through. Members: define the strip island. Mr. Dirks said a 2-3 inch reveal above the surface was a visual cue; the scored concrete that rumbled if a car drove over it was a tactile cue. Members: What about posts? Mr. Dirks could install them. Attorney Roelofs said the Planning Office and MVPC asked them to eliminate signs and posts as much as possible. A member said reflector paddles would help.

Mr. Komornick said MVPC involvement resulted in more realistic, but lower traffic volumes. Numbers were collected in a high-traffic month, the middle of June and were robust, not artificially low. About half the time, queues would extend back to the driveways. The fourteen feet for cars to line up should be enough space for queuing, but he would monitor it. He gave examples of nearby turning lanes. There were no safety concerns. Courtesy crashes were an issue with or without a turning lane. Final MVPC comments on traffic would go to Tropic Star shortly.

Mr. Komornick did not share local concerns about the left hand turning movement out of the project. Chairman McCarthy asked for recommendations in writing to set policy for the content of Mr. Steadman's letter. Mr. Dirks said if the camera malfunctioned, the minimum time set for getting cars out of side streets could increase. A member asked if Mr. Komornick was comfortable approving it if the board voted now? Mr. Komornick's concerns were left turns out of the site onto Storey Avenue when there were extended queuing lanes. It would be monitored.

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If there were too many crashes the city would have to pursue other options, but problems would not necessarily occur. Mr. Komornick agreed that monitoring would not include a situation where five cars were waiting to exit the site and could not say whether traffic conditions would be better than today.

Jeff Highland, Ironwood Design Group, 28 Front Street, Exeter, NH, said the landscaping reinforced parking lot screening, buffered headlights all through the site, enhanced pedestrian routes through the property and maximized shading and heat island impact. He couldn't comply in one area because trees could not be planted under utility lines on a state right-of-way. There should be no impact on private properties. A fieldstone retaining wall with an ornamental ironwork fence replaced landscaping in one area along the drive-through to reduce headlight glare off the property. As the wall rose, it lost the fence as it continued around the corner, to break things up. He described the trees and said layering added depth and interest. Most plants were natives or cultivars of natives to handle the climate.

Member comments: was the rendering detail accurate or did the wall completely mask the drive through? Mr. Highland said there may be stepping in the wall as Low Street sloped down, but the goal was masking the drive-through. Members: there appeared room for ornamental trees along the exterior of the wall. Mr. Highland said the wall went right up to the state right-of-way with utilities overhead, limiting use to smaller flowering trees. Proximity to sidewalks caused concern for lower branches. Members: High Street had a lot of trees. Mr. Highland said he did not want to develop a plan that could not win DOT approval. He suggested a condition for exploring the option of adding trees to avoid another revised plan. Chairman McCarthy said the curb locations would shift. Mr. Mitchell said Tropic Star maintained their own landscaping, whereas the state would not maintain trees in their right-of-way. Attorney Roelofs said the Planning Office required a condition for irrigation between the wall and the right-of-way. Chairman McCarthy said tree loss needed to be clarified. Was the scale of the sign correct? Attorney Roelofs had asked the board to put a placeholder on signs. They would return for review of the actual signs. Mr. Highland said the sign was incorporated into the fieldstone wall. Members: what was the distance from the top of the asphalt finish to the top of wall? Mr. Highland said it varied. Mr. Mitchell said the wall was 2 ½-3 feet high within parking lot, 8 feet high from Storey Avenue. You might see a car window, but not car lights.

Kevin Patton, senior associate, BKA Architects, Inc., 142 Crescent Street, Brockton, MA, said the brick version façade matched the Institution for Savings. The Low Street elevation had challenges. The stock room and the pharmacy window prevented adding more windows. White privacy shutters on the inside of windows hid the backside of shelving. Dormers were pedimented to the roof. Roof top equipment hid in the roof's depressed center. Adding more windows was hampered by the mezzanine location over the pharmacy area, where the ceiling was 9 feet compared to the 12-foot ceiling in the retail area. The gray clapboard, white trimmed building version had many advantages. There were crown moldings on all roof trim.

Member comments: Chairman McCarthy said brick did not work for the one-story building. Applicants were asked to rise to a higher standard and have done a phenomenal job. The windows, trim, and doors detail looked great. The wall along Low Street, with no options for detail, the west elevation, could improve with more landscaping. Was there room for light

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fixtures to break up the outer wall? Mr. Patton would look into that and said a new elevation would address the cupola issue. Chairman McCarthy asked for a rendering that lined up with the changes. The board preferred separate designs and colors for the separate buildings. Color was important. Consider the medical building on the corner was gray.

Public comment opened.

Lisa Mead, Attorney, Blatman, Bobrowski and Mead, LLC, 30 Green Street, Newburyport, represented Port Realty. Her comments on two traffic issues were not addressed: 1) the impact on cars turning right to cut through Port Plaza when queuing occurred at the Low Street intersection and 2) the impact of signaling changes on the two signals at Port Plaza. A member said the queuing that occurred around 2:30 pm and caused people to cut through could be addressed by re-timing the signal to make it longer from 2:00-3:00 pm. Mr. Dirks agreed. Attorney Mead said cars from the Children's Healthcare driveway also turned right to cut through the Plaza. Attorney Roelofs stated neither Panera nor the Institution for Savings were asked to address traffic conditions for Port Plaza.

Elaine Lewis, 65 Clipper Way, said the proposal created more of a problem on Low Street and Woodman Way than existed now. Cars heading east for access to Dunkin Donuts were now blocked by the median strip on Storey Avenue, sending them onto Woodman Way. Mr. Dirks said the safest left turn was at the Woodman Way signal. Chairman McCarthy said if there were problems, the applicant offered two years of support to fix issues.

Arthur Croteau, 14 Tilton Street and facilities director of Merrimack Place, 85 Storey Avenue, asked the distance between the two driveways and whether there was a left hand turn lane? Turning left out of Merrimack Place was hard and the proposal generated more cars vying for the same openings in traffic. Mr. Dirks said the Merrimack Place driveway traffic would benefit from the left turn lane and the 150 foot distance between driveways provided adequate spacing for openings. Mr. Croteau wanted a description of the property's west facing barriers to lighting. Mr. Patton described segments of 6 foot, solid board, white cedar fence and staggered plantings as the primary screen. Existing trees were preserved and new trees and arborvitae added. Mr. Morrill said shoebox-style lights would face downward, not toward Merrimack Place. Mr. Croteau said cedar shakes would be a nicer look for the proposed buildings.

Joy Buckley, 87 Storey Avenue, asked the number of gas pumps and what would happen with the curb when the median was installed? Mr. Mitchell said four pumps with no expansion to more. Mr. Dirks said the curb line would not change because the road was not widening.

Brian Butler, 81 Clipper Way, asked if the project improved the situation and for information on the building schedule. Mr. Mitchell said he'd never taken longer than 6 months. Seven months at the outside.

Public comment closed.

Chairman McCarthy said the board preferred clapboard and needed fully representative renderings. A member asked about a foundation reveal with a granite effect. Mr. Patton said

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creativity would be needed where sloping and the water table were factors; prefinished aluminum might be used. Attorney Roelofs said the bottom of the building was blocked from view.

The project would go before the ZBA Tuesday. Mr. Komornick had not finished his review of traffic. Would a vote at the next meeting be possible? Chairman McCarthy said comments from Christiansen & Sergi (CSI) would not be in before October 5. Attorney Roelofs said CSI approved stormwater for previous iterations; not much had changed. Would a conditional approval be possible, subject to the board's receipt of revised materials from tonight's input and for implementing traffic corrections that monitoring had shown to be problematic?

Chairman McCarthy promised a draft decision for the next meeting, scheduled for October 1, and it would be sent to Mr. Roelofs in advance.

***b) 172 State LLC
172 State Street
Major Site Plan Review
Continued from September 3, 2014***

Attorney Lisa Mead, Blatman, Bobrowski & Mead, LLC, 30 Green Street, Newburyport, said CSI comments resulted in minor changes. Steve Sawyer, Design Consultants, Inc., 68 Pleasant Street, Newburyport, installed a 5-foot rounding. There was no turnaround for the two-lane driveway.

Public comment opened.
Public Comment closed.

Henry Coe made a motion to approve the Major Site Plan Review. Paul Dahn seconded and seven members voted in favor. Doug Locy abstained.

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) 7 Henry Graf Road LLC
7 Henry Graf Road
Major Site Plan Review***

Steve Sawyer, Design Consultants, Inc., said the site had a superseding order from the Department of Environmental Protection (DEP). The property, too small and unsuitable for

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industrial use, was granted a variance for use as an office building nine months ago. Mr. Sawyer was working with DEP on a change order. Mike Gable, DEP Environmental Resources Department, said as long as there was only limited disturbance along the wetland border, the existing superseding order was workable.

The proposed building was just less than 15,000 square feet with a footprint of 7,500 square feet for medical offices. Swales would be created on either side of the curb cut and the entry and the entire parking lot for 56 spaces would be curbed. A small patio at the rear was for breaks. The enlarged parking area increased stormwater calculations slightly, to be addressed by 2,500 square feet of permeable surface in outside bays to reduce stormwater system demand. The technical review with DPS and the Fire Department required hydrants on either side. Jon Eric White, DPS engineer, set the curbing back two feet because there was no curbing on Graf Road. Three handicapped spaces were provided and van accessibility was needed. An extended detention pond to accommodate high groundwater had not changed from the approved plan. Round shoebox lighting on 15-foot poles around the perimeter and building sconces would provide downward lighting. Trash would be handled with containers rolled out to the curb or a small dumpster on site.

Scott Brown, Scott Brown Architects, 28 Green Street, Newburyport, said exterior material was a high-pressure laminate with tiny exposed metal fasteners, metal trim, and metal awnings. Mechanicals at the back of the building would be screened with a fenced enclosure of painted metal and horizontal louvers. Mr. Brown expected all City department heads to get back to him with approvals in writing by the next meeting. Email comments from CSI were not all addressed yet. CSI had asked whether the stormwater needed to be remodeled for the permeable surfaces. Landscape architect Jack Tremblay, 9 Lakeside Terrace, Amesbury, was not present. The site could be overplanted; trees were red oaks, honey locusts, white birch, and horn beans. The parking lot interior had the only sidewalks. A drop off area was in front.

Public comment open.
Public comment closed.

A list of waivers was requested. Continued to October 15.

6. Adjournment

Chairman McCarthy made a motion to adjourn. Henry Coe seconded and all members voted in favor.

The meeting adjourned at 10:53 PM.

Respectfully submitted -- Linda Guthrie