

September 19, 2012

## **Meeting Minutes**

The meeting was called to order at 7:06 PM.

### **1. Roll Call**

**In attendance:** Dan Bowie, Henry Coe, Paul Dahn, Sue Grolnic, Noah Luskin, Jim McCarthy, Bonnie Sontag, Don Walters and Cindy Zabriskie

### **2. General Business**

#### **a) Approval of the minutes Minutes of September 5, 2012 Meeting**

Jim McCarthy made a motion to approve the minutes as amended.

Henry Coe seconded the motion.

The motion passed unanimously. **Motion Approved.**

#### **Votes Cast:**

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Sue Grolnic: approve

Noah Luskin: approve

Jim McCarthy: approve

Bonnie Sontag: approve

Don Walters: approve

Cindy Zabriskie: approve

#### **b) 43 Pine Hill Road – Approval Not Required**

Joseph Sullivan, Attorney, Newburyport, on behalf of the property owner Brad Kutcher, said the property was subdivided and a lot line came into dispute with the neighbor. Mr. Kutcher agreed to cut-off 447 square feet, ceding this portion to the neighbor. This is a lot line adjustment and not a buildable lot.

Don Walters made a motion to approve the ANR.

Henry Coe seconded the motion. The motion passed unanimously.

**Motion approved.**

#### **Votes Cast:**

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Sue Grolnic: approve

Noah Luskin: approve

Jim McCarthy: approve

Bonnie Sontag: approve

Don Walters: approve

Cindy Zabriskie: approve

### **3. Old Business**

**a) Nat Norton**  
**53 Spofford Street**  
**Section VI.C Special Permit**  
***Continued from September 5, 2012***

Attorney Adam Costa, Blatman, Bobrowski & Mead, Newburyport, spoke on behalf of the applicant who was represented by Attorney Lisa Mead in the last meeting. Chairman Bowie stated that board member Noah Luskin had not listened to the transcript and would not vote. Attorney Costa recapped the proposal to build a new structure in the back of this lot and convert, for the purpose of selling, the front structure from a two-family to a single-family home.

Outstanding issues were addressed, said Attorney Costa, as follows. At the suggestion of the board, the neighbor at 47R Spofford Street was engaged regarding a proposed arborvitae buffer approximately 40 feet in length to provide year round screening. We will make every effort to preserve vegetation on the site and we agree to sprinkler the new home at the rear of the site.

Attorney Costa understood the public benefit was seen as inadequately addressed by the Affordable Housing Trust's formula for Section VI.C proposals and their recommendation of a \$25,500 donation. He asked for a number tied to a need that exists in the community. He has worked with a number of Affordable Housing Trusts and considers down payments important. Although they differ by region, the average down payment for Newburyport is \$11,250. He proposed to increase the donation by one additional down payment, \$11,250, for a total donation of \$36,750. Addressing concerns voiced about an additional benefit, such as the preservation of natural resources and open space, Attorney Costa proposed a \$2,000 donation to the Moseley Woods Foundation, the equivalent of two platinum level donations for preserving open space for this organization. Attorney Costa recognized the need for both affordable housing and open space as public benefits.

There were comments about the displacement of individuals or housing as a result of the conversion.

A member asked if further considerations for fixing the exterior of the existing house were made? Attorney Costa explained the applicant's difficulty committing to modifications on a house he did not own. Chairman Bowie asked if the applicant was developing the new lot? Attorney Costa confirmed that the applicant was developing the new lot.

Public comment opened.

Andrea Probert, 47R Spofford Street, said no agreement about the buffer and shrubs to be planted had been reached; no communication to satisfy any concerns about this development to which she is highly opposed had occurred. She highlighted the changed dynamic resulting from a new development in the back of a front house in need of rehabilitation.

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Dianne Teed, 58 Spofford Street, reiterated comments made in the last meeting about Spofford Street becoming more dense from splitting lots and infilling. She was not happy at the prospect of a buyer flipping the front house once it was renovated. Could the two adjoining lots secure the same special permit, resulting in multiple buildings on three adjoining lots?

Listing agent Dawn McGovern said the development doesn't seem incongruous given that other lots in this neighborhood were able to build homes in the back. It seemed almost unjust to vote without taking the past into consideration.

Resident Andrea Probert spoke again, saying they've played no role in splitting lots, but know that a two-family home is looking to become two separate, substantial, single-family properties.

Resident Dianne Teed again sought to confirm whether other lots were going to be split.

Chairman Bowie said the board had nothing to do with splitting any of the other lots.

Listing agent Dawn McGovern said the problem is that it's a big question mark.

Public comment closed.

Attorney Costa recognized everyone's concerns and said to Ms. Probert he did not intend to suggest conversations had occurred that had not taken place. Addressing concerns about the existing, proposed single-family home already on the property, he said the ability to sell that home is more readily possible by the option to divide off this property. The argument 'if you can do it here, you can do it on many other properties' is unfounded. Lot sizes grow progressively smaller down Spofford Street. There is more than enough area to support two single-family homes according to ordinances. We could proceed as a subdivision, but the special permit has an accompanying benefit.

Chairman Bowie appreciated the good faith effort of the applicant to address the board's concerns about the public benefit. The applicant, in asking for an addition to the front home without plans to upgrade it's appearance was still a concern. The Chairman said in the event the application was denied, the project could go through as a subdivision, losing the public benefit. He was more receptive to the donation for now.

A member reiterated an analogy about situations where one asks for a recommendation; it doesn't mean one is compelled to take that recommendation because it is only a point of view. Given that a conventional subdivision requires a waiver to proceed, if the board denied this special permit, there is potential for litigation. The member suggested requesting a specific size of arborvitae for the buffer. Does the board have the ability to approve the project dependent upon certain conditions that are beyond the control of the applicant? Chairman Bowie asked if the member was referring to the property owned by the people who occupy it. The member clarified that the question was whether it was legal to approve the application with a condition precedent unrelated to it? Chairman Bowie thought it could be possible.

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Attorney Costa's opinion differed because exercising the permit precluded a condition precedent unrelated to it. There was no time period for which the condition must be exercised and the board cannot void the permit. Conditions must be in the control of the applicant. Where the applicant doesn't have control of the front property, conditions upon it would seem unreasonable. Chairman Bowie reminded Attorney Costa that he said the property owners could not improve the front without building in the back.

A board member could not recall any Section VI.C the board had approved where the applicant did not have complete control over the entire property, making this application unique in that respect. The member revisited the applicant's statement that there was no loss of a rental unit because the in-law apartment had never been rented. This member's opinion, that the in-law apartment could be rented in the future regardless of its past status, meant the proposal represented a loss of a potential rental. The proposed public benefit does not represent the loss and nor is it an in kind replacement. The property exists today as a unit that is rentable at an affordable rate, if the owners choose to do so. Attorney Costa countered with the fact that they chose not to do so, so there was no loss.

Another member acknowledged that the board's decisions were made in real time, in public, making the approval process longer. The situation can be hard on applicants, but the board's understanding expands with each meeting's discussion. Section VI.Cs are surprisingly complicated. There seems no way to make the process more efficient. The board does their best to develop a fair and equitable application of the public benefit.

A member said when discussions get to the details of an application, it is difficult to be consistent with the past. Recalling Chairman Bowie's comment regarding the value of a property being determined by the Zoning Code, with Section VI.C as a way to unlock property value without going through an OSRD or subdivision process, the member said zoning would drive this project to the same place eventually. The first public benefit offer was not reasonable; the new offer is more reasonable.

A member said the board is examining a Section VI.C application and prefers the discussion to remain on Section VI.C issues rather than what might happen with a subdivision.

Chairman Bowie found the public benefit sufficient but wants the buffer resolved to the satisfaction of the abutter. Submittals do not show what vegetation is there to preserve. Sprinkering is a condition. The space over the garage addition to the existing structure should stay a garage only.

A member shared concern that part of the proposal was about a house the applicant didn't own and part was about a property they did own. Attorney Costa said it was not unusual for engineers or others to act as agents for property owners; he was before the board as the agent asking for relief.

Another member said the agent's applicant had an interest in the new structure but no interest in the front structure. How could the board have control over permitting two structures on one

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property, but not over anything being added or taken away from the front property? Can the board condition anything on the front property?

A member asked if part of the development was to construct a garage addition that is attached to the main house. Attorney Costa confirmed that it was. The member suggested it was beyond the board's authority to condition because there was no period of time in which the improvements must be completed.

Mr. Norton said the special permit would affect the entire property, although he was not proposing to build the attached garage nor do the conversion to a single-family on the front structure. It was a future project for a future owner.

Chairman Bowie said the board could control everything but the timing. Mr. Norton said if conditioned improvements never occurred, and the other house was already built, it would represent a violation of the permit.

Another member said there was a legal issue, either you have a P&S on the property or you don't. Attorney Costa said the board's application had a spot for the petitioner and a spot for the owner, making it somewhat of a technicality who had control. Another member was in favor of letting the market drive control of what happened to the front house.

A member asked if there was a drawing that showed the left side of the proposed home and whether the applicant envisioned dormers or windows overlooking the abutter's backyard. Chairman Bowie said the only rendering was of the front. Mr. Norton reminded the board of the architect's elevation. The member asked if it was possible to condition the left side of the building as part of the approval? Mr. Norton said there were no dormers proposed on the left side. If the future homebuyer wanted something different, they'd be back before the board.

Chairman Bowie asked for a straw poll from the board. One member, independent of the legal debate, was not in favor of the application, saying the applicant could have shown modifications to the front house. Another member agreed. Another member liked the revised application but because the main house would remain in disrepair, would feel more comfortable if the board found a way of conditioning repairs to the front house for the approval. Three other members approved of the revised application, along with Chairman Bowie.

Two members did not support the application due to concerns that the public benefit was imbalanced compared to the benefits conferred by the special permit. One of the two members also had concerns about the messiness of 'application ownership' and the fact that the board could not affix conditions for fixing-up the front house that was getting the addition. The member said the board could not do its job properly.

Attorney Costa asked if there was something he could do by way of a reasonable condition for the front home that would gain the needed votes? He preferred to continue the process rather than go the subdivision route. Chairman Bowie said more discussion about whether there could be a condition on the front property tied to the occupancy permit for the rear development was worthwhile.

A member pointed out that a modest amount of money, compared to the NAHT donation, would make the front house presentable. Another member said requesting a renovation of the front house was vague. The first member said the Section VI.C was an exception where the burden of proof was on the applicant, not the board. The second member highlighted that, just as the new garage is proposed but not required to be built, the front home should have been modified in the rendering. The first member said the front house appeared to need some TLC, not rebuilding.

Chairman Bowie asked the board if a way to address the front property could be determined, would that satisfy two board members? One member said it was a matter of principle; the board existed to balance the desires of applicants with what was good for the city and the abutters. The member was not convinced the proposal was the right step for this neighborhood. Another member would approve if there were something the board could do for the front house. Chairman Bowie said it would be beneficial to continue the matter one more time to resolve the issue. Discussion was continued to the October 3rd meeting. Chairman Bowie suggested to the applicants they both be in contact with the Planning Department.

Don Walters made a motion to continue the Section VI.C Special Permit.  
Chairman Bowie seconded the motion. The motion passed unanimously.

**Motion approved.**

**Votes Cast:**

Dan Bowie: approve  
Henry Coe: approve  
Paul Dahn: approve  
Sue Grolnic: approve  
Noah Luskin: abstain

Jim McCarthy: approve  
Bonnie Sontag: 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.**

**c) Stephen B. Sawyer, Design Consultants, Inc.  
Brown Street OSRD Subdivision  
*Request for Plan Modifications***

Chairman Bowie had spoken with Steve Sawyer, Design Consultants, Inc. engineer, that afternoon. Mr. Christiansen had not received the material and the board was still waiting on peer review. Mr. Sawyer emailed requesting a continuance.

Jim McCarthy made a motion to continue the request for Plan Modification to October 3.  
Henry Coe seconded the motion. The motion passed unanimously.

**Motion approved.**

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**Votes Cast:**

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Sue Grolnic: approve

Noah Luskin: approve

Jim McCarthy: approve

Bonnie Sontag: 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.**

**4.) New Business**

**a) Bradley Kutcher, Kimberly Realty Trust  
251 Merrimac Street  
*Amend Special Permit***

Dave Ouellette, Horsley Witten Group, said Mr. Kutcher received his permit in June or July for the Section VI.C to restore the Greek Revival house, removing historic additions. A garage was discussed at that time. He seeks permission to build a one-car garage to the side of the house to enhance marketability of the property. One buyer had walked away. Proposed is a 14 x 22 footprint, just shy of 13 feet to the peak of the roof, keeping a low profile with a 5-pitch roof. Included is a 6-foot high cedar fence. There is a minimum 6-foot setback between front property line and garage. Two cars could park side by side without obstructing the sidewalk. Zoning requirements are met. A 23% coverage of the lot area goes up to 26%; the zoning maximum is 30% lot coverage. The only thing seen above the fence is the roofline.

A member asked if any trees would be taken down? The applicant said any trees taken were done for the original proposal; no new trees will be affected.

A member asked if the 6-foot garage setback from the fence was allowed by zoning? Another member said if it's detached, yes. The member knew the neighbors on that side of the lot were concerned about their privacy. The applicant said neighbors were satisfied.

Public comment opened.

Ann Miller, 6 Oakland Street, abuts the property. What is the public benefit of a larger footprint than what was originally presented? It's claustrophobic. Our open view from the window is now shut down.

Corey Scrupps, 253 Merrimac Street, abuts the property on the other side. He agrees the garage makes it more marketable, but who's to say it won't make it more marketable to put another garage on the other side? He doesn't think there needs to be any more structure there, but if the garage is approved, he'd like to see it pushed back towards the rear of the lot so it doesn't block his views. The applicant responded that when originally before the board, the board asked if

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there was room for a garage. The applicant said he was remiss in not applying for a garage, but it was discussed. The garage proposal is in keeping with the house, adds to the property value, and is within the parameters of what is allowable. He is not asking for a variance.

Steven Munier, 257 Merrimac Street, adjacent to Mr. Scrupp's house. The applicant has done a good job renovating the property. He questioned why approve a project only to have it come back again for something that should have been included the first time. What's to prevent them from coming back 6 months from now and asking for a balcony?

Chairman Bowie said there is nothing in state law or zoning ordinances to prevent people from coming back to add things. My recollection of the hearing is the same as the applicant's. Another member recalled the garage discussion as well.

Joyce Munier, 257 Merrimac Street, was opposed; too much lot coverage.

Public comment closed.

A member said the street grade goes up; is there a river view in question? The applicant said a lot of money was spent to step the grading. The abutter cannot see the river. The member asked if someone's view of the river would be blocked. Resident Corey Strups said yes, one house has their front corner view of the river obstructed. The applicant asked if the garage were pushed back a couple of feet, would that satisfy? Two members said a single car garage is not unusual in that neighborhood and Mr. Kutcher has been cooperative. Site lines are not owned and are not a discussable point.

A member asked if the garage was in the final version of the board approved? Chairman Bowie said there was no garage in the approved version. Another member asked if there was any reason not to push the garage back. The applicant said he was trying to maintain more back yard, but yes, it could be pushed back.

Another member asked if a side fence had been there before? The applicant responded yes, chain link. An agreement with the neighbor was to put up a solid fence. The fence tapers down to 4 feet moving toward the street. A member asked how a 12 foot 6 inch garage would work?

Chairman Bowie considered the possibility of adjusting the location of the garage. A member said moving it back could make it less obtrusive to the abutter on one side, but what about the abutter in back? Mr. Kutcher said the rear abutter was two lots away from the property. The member said a visual is different from the feeling of closeness. Mr. Kutcher said the garage could be the same grade as the driveway, stepped back into the embankment of the yard.

A member said the property angles as it moves inward. Mr. Kutcher said he'd have to move the garage 6 inches closer to the house.

Another member was unsure if moving it back would enhance or detract from the streetscape. Another member added it would be better for the streetscape because it is further off the street. Mr. Ouellette said it's probably 100 feet away from the dwelling on Oakland Street.



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A member asked what guidelines should be used when people come back for changes? Why not put it all in, and you don't have to do it. Mr. Kutcher agreed, saying he came before the board with the proposal as a minor modification and the board asked him to return for a major modification. At that time, he didn't know what size garage was needed and was told not to worry about it. A member didn't see any problem with the proposal. Another member commented that in the scale of things two feet is nothing.

Chairman Bowie said the board couldn't say 'this is your one and only time to come before the board with this project.' I'd approve with the ability to shift the garage up to 2 feet to the southwest.

Jim McCarthy made a motion to approve amending the Special Permit for the garage with the ability to shift the garage up to two feet to the southwest. Don Walter seconded. The motion passed unanimously.

**Motion approved.**

**Votes Cast:**

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Sue Grolnic: approve

Noah Luskin: approve

Jim McCarthy: approve

Bonnie Sontag: 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.**

**d) City of Newburyport School Department  
331 High Street  
Major SPR**

Chairman Bowie read the legal notice. Don Walters, a board member, who is also on the School Building Committee, will abstain from voting to avoid any appearance of a conflict of interest.

Dierdre Farrell, Chair of the School Building Committee for the Nock, Molin and Bresnahan Schools and Assistant Superintendent, said the mayor wanted her to comment on the MSBA model school project, modeled after the East Fairhaven Model School. East Fairhaven liked the model school so much they are building another model school across town. Ours will be the third iteration of this design. The project merges the Brown School students with the Bresnahan, for a Pre-K – 3<sup>rd</sup> Grade elementary school. We spent the summer working with teachers, staff, architects, engineers, and principals to bring the drawings to this point.

Laura Wernick, HMFH Architects, gave a project overview describing a two-story classroom wing and a one-story administration and shared spaces section. Facing the front of the building, the administration and shared spaces section looks one story, the rear classroom wing looks two-

story, and the split-level nature makes it a three-story facility. The primary entrances include a bus loop in the front coming from High Street and a second entrance off North Atkinson Street for parent drop-offs. The parent drop off area along the classroom wing has two lanes for passing stopped cars and proceeds to a parking area. A green buffer and play area exists between the Senior Center and new school building.

Nate Ketchel, Garcia-Galuska-Desousa, civil engineer, spoke about water services the school requires. Multiple meetings with the Fire Department and Department of Public Services resulted in a request for loop entrances. Mr. Ketchel requested a sewer waiver, but North Atkinson Street needs sewer repairs, so the sewer connects from Murphy Avenue. Gas services will continue to come from Myrtle Avenue. Electrical services from National Grid will be made from North Atkinson Street. The site includes a natural gas emergency generator. The drainage report will be completed and sent to the Planning Office by Friday of this week. The rate of drainage conveyance will be reduced from what occurs today. The system is sized up to the 100-year storm water level. Drainage exists under the play areas. The Fire Department is happy with the locations and layout of hydrants. Proposed are 20-foot tall LED lights with no spillage onto adjacent properties, programmable for dimming on different schedules.

Mary Webb, Landscape Architect, described the landscaping as focused on pedestrian circulation systems, keeping the existing systems regarding accesses from High and North Atkinson Streets and Myrtle Avenue. The site is well screened with existing vegetation and it sits in a hollow. We are adding more screening for abutters.

Bob Michaud, MDM Traffic Consultants, Marlborough addressed traffic. He studied all the gateways. The data collection process looked at existing queuing conditions. A snapshot of data showed in excess of 40 cars queued in the morning with both site line and circulation issues and dangerous U-turn activity on North Atkinson Street. There are 220 entering trips between 7:50 - 8:50 AM for student drop-off, the majority coming from North Atkinson Street, and orienting back to Low Street and onto Interstate 95. The afternoon is 30-40% less intense in a similar pattern. Flow patterns are important in understanding the volume conditions for design. Peak morning drop-off is the predominant design condition. A 40+-vehicle queue today will intensify to 80-100 vehicles with the addition of Brown School students. We need to accommodate 100 vehicles over an hour's time. We can stagger parent arrivals to lessen pressure. A large parking area is added as an option for parents. The new curb space is more than twice what exists now, accommodating 40-50 cars along the curb and out of the public way with over 195 parking spaces as a supplement. The plan enhances efficiencies and is linked to a traffic management plan, staggered arrival and departure, and staff assistance processing students out of cars and onto a designated sidewalk connection to the school. We focused on what's happening on the North Atkinson driveway because of the site line problems caused by the queue of cars and the slope of the adjacent property. We've reduced the slope of that hill to help the addition of more vehicles onto the site. We've improved pedestrian access to the site. The crossing at North Atkinson Street will be improved with ADA compliance and signed more visibly.

Chairman Bowie asked why there is a difference in traffic volume at the start versus the end of the day? Mr. Michaud explained 25% of the 533 students either remain on site or go to the YWCA and there's a higher reliance on school buses in the afternoon. Chairman Bowie observed

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that Murphy Avenue is a big part of the project. Mr. Michaud said Murphy Avenue provides the most direct means of egress from the school for about a third of the students. Three of every four trips entering want to get back to Low Street and 40% of those trips are destined for Interstate 95. These vehicles would find it easier to go down the short stretch of Murphy Avenue to get to Low Street, thereby reducing issues and activity on North Atkinson Street that are intense for a brief period of time. Ms. Farrell said cars are required to make a right-hand turn. Mr. Michaud said the impossibility of making a left turn onto High Street was a disincentive; it's easier to go down to Low Street.

A member said the plan makes it easier to take a left turn. Mr. Michaud responded that it was a safety-based enhancement, but illegal movements will not go away entirely. The member clarified that making the illegal left turn safer means more will do it; consider making it legal. Mr. Michaud said there would be fewer site line issues. Volumes on High Street are about 200 cars/hour; it's simply easier to make the right turn. Chairman Bowie clarified Mr. Michaud was contemplating a right turn-only onto Murphy Avenue and directing everyone out to the West End.

A member asked about the challenges at the base of Murphy Avenue. Mr. Michaud described Murphy Avenue connecting to North Atkinson and Low Streets. Today's peak vehicle volume there has six vehicles exiting per hour, two going left and four going right, plus six more vehicles entering per hour, three from the left, three from the right for a total of nine-ten vehicles per hour. Most people make a right turn. Our proposal reduces the conflict points with students crossing North Atkinson Street.

A member asked if there were any visual site line problems as Murphy enters Low Street? Mr. Michaud did not believe so. The member said the board counted on Mr. Michaud's expertise to be sure there are no problems since he was proposing to increase the traffic at the bottom of that street. Mr. Michaud replied that there is no access to the school from Murphy Avenue. The actual volume of folks using Murphy Avenue is between 60-100 in one hour; 100 in the morning, 60 in the afternoon, and most have a propensity to turn right. We've requested an enforceable right-turn only sign that requires city authorization.

Chairman Bowie asked if the Police Department commented on the traffic design? Ms. Farrell responded that the Police Department worked with them on egressing the new building, helping them understand the right hand turning issues off of Murphy Avenue, where sidewalks would go, where students might cross and pointed out other things they'd not considered. Chairman Bowie asked for the Police Department comments in writing, which is typical for the board to need for their files.

A member asked what effect the traffic pattern would have on High Street and on the Senior Center traffic? Mr. Michaud said under the plan, the bus loop is from the High Street side, separated from the parent pickup and drop-off. There will be an additional four buses from the Brown School. All staff activity will be oriented to North Atkinson Street. There should be a net reduction in traffic from High Street, leaving it more open for traffic related to the Senior Center. We've talked with the Council on Aging to estimate trip rates generated from the Senior Center

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and see a net reduction by 74 vehicle trips per hour in the morning, and 23 trips in the afternoon. We're reducing the conflicts on High Street.

A member asked about the parking spots and why there is a bus loop. Mr. Michaud replied ancillary and contingent parking; for functions in the gym space or a new parent who's unfamiliar the site. The member asked for comments from the landscape architect about the green space. Ms. Webb replied it is an asset for the city, available for use after hours. There are additional green spaces around the Senior Center. The member asked how many parking spaces were associated with the Senior Center? Mr. Michaud said 130 parking spaces are on the south side of the facility. Senior Center programming is proposing to be open from 9 AM-4 PM only, with 10 staff on hand and a maximum of 50 people participating at lunchtime. The parking demand is 20-50 spaces during the day.

Chairman Bowie asked if the considerations for traffic were based upon current programming? The two points of information for the traffic projections, Mr. Michaud said, were discussions with COA and their historic participation rates, as well as industry standard trip rates for a Community Center. In all cases, trip numbers are relatively modest and consistent. Chairman Bowie commented that, as a Community Center and a Senior Center, there should be increased use. Mr. Michaud confirmed the numbers presented incorporate increased use for Community Center programming not in existence today. More community-based programming will generate 26 trips an hour, but it's at or after 10 AM and does not increase the intensity of peak hour trip activity.

A member commented that the city is spending millions of dollars for a center that's only open 9 AM-4 PM? Utilization of capital is at issue.

Another member said, relevant to the schools, it seems okay. The Center's broader use is a different conversation. A member clarified that trips will be spread out throughout the day and should not negatively impact on the school or High Street. Mr. Michaud added that if day care and other intense uses occur down the road, that could change things. Uses, as they are described to us now, were used with relevance to the school project.

A member said that although the Senior Center is not on the table, should the board factor in the future possibilities? Chairman Bowie said the broader uses are factored in and asked if the traffic consultant's four-page letter had been submitted. Anthony Pruner, Heery International, physical manager for all three projects, said the Bresnahan School finishes September 2014; construction on the Senior Center starts June 2015. Traffic will be less overall than what we have today.

A member sees parents dropping students off on Myrtle Avenue. Had Mr. Michaud studied Myrtle Avenue at all? Mr. Michaud had not; he studied what are called the 'primary gateways' exclusively and Myrtle Avenue does not serve as a primary means of egress. Under the proposed plan, it's not likely that Myrtle Avenue will serve the same purpose it does today. Another member suggested Myrtle Avenue could be made inaccessible. Mr. Michaud said he is showing it strictly as a pedestrian way because the proximity of Myrtle Avenue to the new school is much different than its proximity to the school today, where it's a fairly direct entrance.

A member asked if sidewalk upgrades were planned. Ms. Wernick affirmed the north side sidewalks would be improved.

Another member asked if an analysis of what is occurring now compared to what will be had been done, and that delta examined? Can you show the board visually what it is now? Mr. Michaud said the comprehensive traffic report shows all of that information.

A member asked where the board stood with respect to peer reviews? Chairman Bowie said that no one had looked at traffic yet and Phil Christensen would be looking at drainage. We can come back to that.

Public comment opened.

Mike Wilkerson, 17 Murphy Avenue, had concerns about traffic and the potential for cars stacking all the way up Low Street to the exit; Murphy Ave. is not a long street. What about speed bumps? You took into account all the Brown school students who live in the south end. What about the volume of cars that will want to go south? Mr. Michaud responded that had been taken that into account. Our neighborhood will be damaged with the volume; it's a hardship and a big change.

Juliette Walker, 13 Eagle Street, submitted a letter to the board regarding the importance of pedestrians and bicycles. Newburyport is a walkable and bikeable community. At this stage, we want you to think about access to the whole site for pedestrians and bikes to make this project better. Our letter lists some options, such as a cross walk at the narrower portion of North Atkinson Street. Instead of doubling vehicle traffic, what if it was reduced by a more welcoming approach for more pedestrians and bikes? Staggering drop-offs is inconvenient for parents, doubling the amount of times parent have to come back. The Brown School folks are already coming from all over the city. Whatever we can do to proactively help the neighborhood folks makes this project that much better. The landscape architect needs to think about amenities for pedestrians and safety for pedestrian access by widening all sidewalks to avert conflict between pedestrians and bikes. Chairman Bowie confirmed with Mr. Pruner that the development team had a copy of Ms. Walker's letter. Mr. Pruner offered to provide a written response to the letter.

Ms. Farrell commented that they would not stagger drop-offs by grade.

Shelia Comeau, Norman Avenue, abuts the Bresnahan property. Concerned about safety, she said a lot of parents are walking their children and babies up Norman Avenue. With no sidewalks or sidewalks in poor condition on Norman Avenue, mothers and children are walking in the street. She believed that mothers use Norman and Murphy Avenues greater than what was indicated. She also believed there were more left turns on Murphy than what was stated. She requested there was more work to be done with the Police Department in this regard. The crossing guard is wonderful, but when parents are in a hurry, they are not paying enough attention. Someone is going to get hurt if all the North Atkinson activity is redirected onto Norman and Murphy Avenues. She didn't realize there was going to be a play area up near the

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Senior Center. Seniors will be coming in from High Street, right towards the play area. She was worried about drivers losing control and endangering children.

Dan Keno, 16 Boardman Drive, a member of both School and Building Committees, said the work occurring on the project is fantastic.

Dr. Marc Kerble, Superintendent of Schools, said our school neighbors are very important to us. We have a terrific development team working on this school and they can be trusted to do the right thing for the neighbors.

Megan Kensey, 1 Griffin Court, is one of the parents on the streets during peak activity hour and is supportive of the development team. She complimented the queuing system and drawing traffic off of North Atkinson Street. Right now, people play chicken when they need to get across and out quickly by making the illegal left turn. From a safety standpoint, this proposal is thrilling.

Maureen Woods, 17 Myrtle Avenue, said her house backs-up to the loading dock, dumpster, compost, and HVAC system area. There are six to eight 50-foot tall native hemlocks she would like left alone as a buffer from this area and it's lighting. Mr. Pruner brought this fact to the attention of landscape architect, Ms. Webb, and promised no trees would be cut along the Myrtle Avenue side. The resident said the road looks wider; doing that will disturb the root systems of existing trees. Mr. Pruner commented that their work was far removed from tree root systems. All lights point downward and no one on Myrtle, North Atkinson or High streets should receive any spill-over light. The resident explained that her house sits up very high and would look down on the lights. The school is lit up at night when the custodians clean. Mr. Pruner said lights could be dimmed. Ms. Wernick said acoustic fencing around the loading dock and roof equipment areas would also help. The resident said her house would probably be level with the 3<sup>rd</sup> floor.

Jackie St. Clare, resident, said traffic taking a right hand turn onto Low Street would go by her house. Mr. Michaud said there would be an increase in traffic turning right onto Low Street of about one vehicle per minute and no increase in left turns onto Low Street. About 30%, or one of every 3 parents, will use Murphy Avenue; the other 2/3 will continue to use North Atkinson Street.

Resident Mike Wilkerson spoke again about a problem with the elevation and the pitch being too low on Murphy Avenue for the sewer coming from the school. He was concerned in the event of sewer problems; sewage would all back-up at his house. He wanted to see the studies. Mr. Ketchel, civil engineer, said there is a proposal to redo the sewer on Murphy Avenue. Mr. Wilkerson asked if run-off from the parking lot was considered? Mr. Ketchel said drainage from the lots will be directed to subterranean infiltration basins and the overflow will be directed to North Atkinson Street. Mr. Wilkinson said every year a pool of water collects at the head of Murphy Avenue, running down the avenue. He hoped more drainage would be installed on Murphy Avenue. Mr. Ketchel said they are changing the ponding tendency by re-grading and re-directing run-off into catch basins. Mr. Pruner added that part of what they are calling the Murphy Avenue improvement is repaving the street, adding gutters and catch basins to control

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the sheet flow. They are considering installing sidewalks on the left hand side. He acknowledged that the Norman Avenue sidewalk is in bad shape.

Marjorie Beaumont, resident on the corner of Murphy and Norman Avenues, asked which side the sidewalk would be on? Mr. Pruner responded they are working with the Department of Public Services to select the best side; for safety the left side is best.

Resident Mike Wilkerson said the renderings of the school look like it will be 25 feet away from his house. He hoped there would be landscaping to provide a buffer for his property.

Public comment closed.

Chairman Bowie asked when the board could expect the remaining portion of the work to be reviewed, aside from the storm water review to be performed by Phil Christensen? Mr. Ketchel said Friday. Chairman Bowie commented that it's a big piece of work for the board to review. Ms. Wernick expected it to be pushed off to mid-October.

A member was interested in how the pedestrian and biking issues would work, requesting the issue to be addressed from all angles. The member requested more building architecture and presentation materials.

Another member commented on signage needing more review regarding knowing where you can turn, if you can turn, and safety.

Another member commented that more people would use Norman Avenue than projected in the traffic analysis and requested an evaluation of what's really happening today. The member had concerns about putting traffic measures in locations where things were not happening now.

Three members wanted a peer review on traffic. Letters are needed from Fire, Police and the Department of Public Services. Chairman Bowie explained that the board's process includes these letters for the file.

A member asked Ms. Webb to determine if the green space was large enough to be used as a possible T-ball field.

Chairman Bowie made a motion to continue the discussion to Oct 17th.

Jim McCarthy seconded. The motion passed unanimously.

**Motion approved.**

**Votes Cast:**

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Sue Grolnic: approve

Noah Luskin: approve

Jim McCarthy: approve

Bonnie Sontag: 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**

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**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.**

**5. Adjournment**

Henry Coe made a motion to adjourn.  
Chairman Bowie seconded the motion.  
Motion approved unanimously.  
Meeting adjourned at 10:25 PM.

Respectfully submitted, Linda Guthrie, Note Taker