

**City of Newburyport  
Planning Board  
September 21, 2022  
Minutes**

The hybrid meeting was called to order at 7:05 PM.

**1. Roll Call**

Planning Board Attendance (in-person): Alden Clark, Bob Koup, Beth DeLisle, Jamie Pennington, Heather Rogers, Bonnie Sontag, Rick Taintor and Don Walters

Planning Board Attendance (remote): Richard Yeager

Planning Director Andy Port and note taker Linda Guthrie were also present.

**2. Public Hearings**

- a) Newburyport Office of Planning & Development  
24 Merrimac Street (Market Landing Park Expansion & Restroom/Visitor Facility)  
SPR-22-2  
Continued from 8/17/22 AND 9/7/22*

Director Port hoped for a site plan approval based on revisions in the West Lot EV parking and shared use path terminus, East Lot circulation and parking, the swing trellis under review this evening. The site plan will also show the Visitor Center footprint with screening. The Visitor Center will be reviewed separately for a DOD Special Permit. There is a lot to do in order to have build-ready specs and plans to get bids for spring construction. Plan sheets with revisions are submitted.

Merin Braco, Sasaki, 110 Chauncy St., Boston, recapped the site plan design changes requested at the last meeting, demonstrating on detailed drawings the shared use path terminus is doubled in width at 21 ft. She confirmed with the electrical engineer that an entire row of parking would be made EV-capable with conduit but not wiring in the West Lot, totaling 14 labelled EV spots. In the East Lot, she demonstrated additional bike parking at the beginning of the shared use path. Three bike racks at the top and 5 racks at the bottom along Ferry Wharf Way, with cut throughs from the garden, 3 additional racks at the entrance of the shared use path, and another bike rack at the Visitor Center. There are 8 permitted parking spots for residents in an abutting property. The Phase 1 interim conditions parking count is 80 for the East Lot, 33 for the West Lot, and 54 for the NRA Lot for a total of 167 spaces. She demonstrated on images and plans the design intent for shaded swing trellis structures made of wood slats and metal as well as alternatives. The choice, informed by a shade analysis, is one of the most expensive features in Phase 1. They are in the 75% set design. Fabric structures require additional maintenance and deemed impractical.

Rick Taintor said the new plans don't show a lowered curb at the west terminus of the shared-use path. The grading plan is probably different. Since the Board won't see the final plans tonight,

Planning Board  
September 21, 2022

how should we proceed? Director Port said the entire bid set will match the details presented on the drawings shown this evening and are on the 75% plan set submitted.

Rick Taintor asked if the curb is flush where the relocated boulders are in the drawing sheet showing the upper left corner. Director Port said there would be a lowered curb line. Merin Braco said the whole edge is less than 6 inches.

Rick Taintor asked, with regard to bicycle safety, if the location of pavement striping is level or is it the beginning of the ramp down to the boats? Director Port said it's a flush condition.

Rick Taintor said the PA 20 is not asphalt. Merin Braco said it is pavers.

Rick Taintor asked if the widened part of the path is pavers? Director Port and Merin Braco said yes.

Rick Taintor said he assumed everything will meet all existing grades. Director Port said yes. He would draft language for the decision that reflected that.

Rick Taintor said Visitor Center screening is not shown on the site plan. Will it be part of the special permit? Director Port said yes, it will be integral to the building project. Rick would like to make it a condition on the special permit.

Bob Koup said the base of the swing trellis has advantages because there are no posts. He favored that because it doesn't block the view. This is the only seating option. He asked about other more conventional seating for seniors. Merin Braco would consider that need.

Richard Yeager asked if there was a designated handicap area near the swings. Merin Braco said the companion seating near the handicap parking is where you can pull up a wheelchair next to the granite seating. ADA options are included with the picnic tables. The gaps between the swing trellises make it possible to pull up a wheelchair.

Alden Clark asked if bike racks near the harbormaster are part of Phase 1 or 2. Director Port said those bike racks are part of Phase 1. Merin Braco said Ferry Wharf Way bike racks are part of Phase 2. Director Port said the Ferry Wharf Way walkway is in Phase 1.

Rick Taintor said there are 5 benches facing the parking lot along Ferry Wharf Way. Can a bicyclist turn off the shared use path onto Ferry Wharf Way walkway and find signage directing you to the bike racks? Merin Braco said the benches face the food truck location. The path is wide enough to handle bike traffic.

Bonnie Sontag asked if the 2 EV charging stations will be connected to a transformer related to the Phase 3 visitor center. Merin Braco said there are potentially 2 transformers. The first one for the EVs will go in at the same time as the charging stations. It will be in Phase 2, with the parking lot.

Don Walters confirmed the transformer will not be installed until Phase 2 and asked the elevation of the transformer. Merin Braco said all the electrical will be above the flood level.

Planning Board  
September 21, 2022

This particular elevation has not been determined yet. There is a lot of grade change where the transformer is located because of the steps there.

Don Walters asked for screening for the transformers. Merin Braco said it's in a planting bed.

Rick Taintor said the plan showing the transformer as part of Phase 3 needs to be adjusted.

Richard Yeager said the newly installed bike racks (3) where trucks will come in for events should have bollards installed so trucks don't take out a rack.

Rick Taintor reviewed changes to the decision based on items discussed in the last meeting. In particular, he requested that the number of parking and EV parking spaces are updated to reflect the latest plans and the updated date of the Stormwater Management Plan is added. He also questioned whether they wanted to work on the project on summer Saturdays. Director Port said yes, from a permitting perspective, in case it becomes necessary.

Rick Taintor reviewed recommended changes to the standard and special conditions. He suggested deleting standard condition # 9 regarding trees and sidewalks because this isn't relevant for a park plan that already involves planting trees. He also suggested some revisions to special condition #1 to remove some specificity.

Rick Taintor said that the plan could be revised by the time Phase 2 begins. Another Planning Board review of Phase 2 is desirable. He proposed a special condition #5: "Each project phase that is proposed to be initiated more than one year after the date of this Site Plan Approval (or after January 1, 2024) shall subject to further review by the Planning Board in order to ensure consistency with the approved Site Plan and/or to submit for approval any proposed changes (other than field changes, grading adjustments and similar non-substantive changes), which changes shall be reviewed and approved by the Board as minor modifications." Director Port agreed in the event there are changes, but otherwise not.

Rick Taintor would like to see the final site plans because normally that's what the Planning Board would require for an approval. Merin Braco said they would be ready in October or November.

Bonnie Sontag suggested a special condition for a review by the Vice Chair of the Planning Board before issuing a building permit. Director Port agreed and suggested the language 'prior to construction.' The Vice Chair would confirm with the zoning administrator that the final site plan conforms with the decision.

Jamie Pennington said the way special condition #1 is written doesn't add value.

Rick Taintor said materials in the slide presentation on the trellis swings are not part of the plans. Director Port said 3 options were presented for trellis swings with the possibility that there could be a fourth option.

Planning Board  
September 21, 2022

Bonnie Sontag recommended simplifying the special condition so that it comes back for review if there is a change in the trellis swing.

Rick Taintor made a motion to approve the Site Plan Review Application for 24 Merrimac Street (Market Landing Park Expansion & Restroom/Visitor Facility), Newburyport Office of Planning & Development, as amended. Bob Koup seconded the motion, and 7 members present voted in favor. Beth DeLisle and Don Walters 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.*

***b) Newburyport Office of Planning & Development  
24 Merrimac Street (Market Landing Restroom/Visitor Facility)  
PBSP-22-6 Downtown Overlay District Special Permit***

Dan Dwyer, architect, Sasaki, 110 Chauncy St., Boston, presented plans for the Visitor Center. The City Council ad hoc committee said the building geometry should be perpendicular to, and face, Merrimac St. They prefer wood cladding with maximum transparency to the interior, minimizing the footprint and a flat roof to take advantage of south facing solar panels.

The Newburyport Historical Commission said the building did not need to mimic historical buildings nearby but should not contrast with the surrounding historic character. The NHC expected a contemporary design with the use of traditional materials, with an increase in the level of trim and detail to add character. They recommended using the Harbormaster building as a reference, along with other Newburyport buildings.

Other comments resulted in the 8 ft canopy overhang to protect the south facing glass from solar heat gain and protect visitors from the rain, restroom doors that are set back from the Visitor Center volume and under a 3 ft overhang, and screening restroom doors with either landscaping or architectural elements. He proposes a combination of both.

Dan Dwyer presented the Visitor Center plan layout and demonstrated resiliency details on drawings and plans. The building, located outside of the FEMA flood zone and the land subject to coastal storm flowage (LSCSF), has a finished floor elevation (FFE) of 15.33 ft to provide full protection from a 2070 one percent flood event (12 ft + 40 inches). The building, designed to be raised in the future, has a wood floor diaphragm attached to the walls and elevated above a crawl space. Continuous insulation is below the crawl space creating a “conditioned” space below the building. Materials proposed include zinc-colored aluminum coping at the roof, teak or white painted wood windows, weathered cedar shingle siding and/or cedar clapboard siding, unfinished or stained, and a gray granite base. He presented building elevations, contextual drawings of the building and 3 screening options for the restrooms and adjoining plaza. Screening options include a landscaped trellis, just landscaping, and a combination of both, which he recommends.

Planning Board  
September 21, 2022

Public comment open.

Glenn Richards, 6 Kent St., Chair, Newburyport Historical Commission (NHC), speaking as a resident, encouraged the use of cedar shingles with white trim option because it works well in the New England seacoast setting. He didn't want all upper cased letters on signage. Initial caps with lower case letters are easier to read and more welcoming. The NHC report indicated the commission was not impressed with the past design but understands the constraints. Given its size, the latest revisions, and some of the landscaping features, the key decision is whether it will have a negative impact on the historical nature of the location. The NHC did not think the design had an adverse impact on historical values since the land was cleared long ago.

Wilbur Shank, 1 Beck St., member, Waterfront Trust, said his board completely supports the current design. There is a great need for nicer public restrooms in the park.

Rita Mahalek, 53 Warren St., is disappointed in the Visitor Center design, and prefers something more in character with Newburyport that doesn't remind her of a fast food place.

Public comment closed.

Bob Koup wanted to see a rear elevation because it faces the park. In the various drawings, sometimes there are 3 windows on the west side, other times 2 windows. Dan Dwyer said there would be 3 windows on each side.

Bob Koup suggested more graphic consistency in the signage rather than different font sizes and some lines flush left and some centered. He asked about lighting. Dan Dwyer said lights are located in the soffits and throughout the park.

Bob Koup suggested Mr. Dwyer think about the details of the bathroom doors. How would a raised building affect the foundation and adjustments to the grade? Dan Dwyer said the grade is flush with the door. The top of the footing is below grade. He demonstrated on a drawing how the building could be raised above the footing using the opening at either end of the building for inserting an I-beam.

Jamie Pennington asked how a clean look at the building corners could be maintained with clapboards. Dan Dwyer said he could use thinner clapboards that miter together neatly.

Rick Taintor asked about the screening that is part of the special permit. There are discrepancies between the black & white plans showing 3 trees in an area and the color sketches showing 4 trees in the same area. The August planting plans show the building on the other side of the plaza. The plans submitted for tonight's meeting don't include the planting plans or list the tree species as the August plans do. He's not sure 3-4 trees are sufficient screening for the path to the bathroom doors. He requested a detailed planting plan. The Board would be approving the screening as part of the special permit for the Visitor Center. Planting materials should be listed as in the submission because the plantings are part of the screening.

Planning Board  
September 21, 2022

Bonnie Sontag likes the mixed planting design in front of the doors for screening. Director Port likes the multiple layers and the different heights. Heather Rogers likes the layered plantings.

Beth DeLisle prefers the bench seating by the restrooms from the first plan because it makes sense, and it has a cleaner look. She confirmed that the screening includes horizontal slats and that benches were only on one side of the building.

Bonnie Sontag suggested that screening details be reviewed in the next meeting.

Richard Yeager preferred only the trellis screening in option 1. More hardscape, which is appropriate here, has a cleaner perspective. He supports the building design.

Beth DeLisle asked about seasonal changes when plantings are in their winter state. Merin Braco said the plantings will be evergreens.

Alden Clark prefers the trellis and trees combination but doesn't object to the trellis only.

Bob Koup asked about the HVAC equipment and commented on the building parapets. Dan Dwyer said HVAC equipment is on the roof. A condenser for the heat pump will be located behind the parapet. There is a mechanical space for the rest of the heat pump equipment.

Rick Taintor said that planting plans say the screening trees are deciduous.

Bonnie Sontag said she would like the roof to look less flat from a certain angle, like a hip roof does. Can an entire building be clad in shingles without any flat surface?

Don Walters asked for the difference between the material selection for the Visitor Center and the harbormaster building. He wanted to understand the cost differences between cedar shingles and clapboards. Dan Dwyer said the harbormaster has cedar shingles with trim board. It's difficult to add a pitch to the roof with this linear north-south design. He looked at a number of roof pitches that could handle south facing solar panels that could be hidden. It would be a long linear pitch with a very modern aesthetic. A mansard roof was considered but a one-story building presents challenges. The coping line hasn't been explored yet.

Bob Koup said Chair Sontag's suggestion would fundamentally create a different building than one with simple, contemporary lines. Changing the roof on what is presented tonight is the wrong approach. It adds a layer of complexity and detail that doesn't match with the building.

Bonnie Sontag is looking to lessen the impact of the flat roof and the overhang.

Don Walters said the overhang is beneficial from an energy point of view. He asked what the net zero features of the building are and how much of the building's annual energy consumption of the building would be through those solar panels? The parapet and rooftop HVAC equipment reduce the amount of space for solar panels. Dan Dwyer said word from the electrical engineer confirmed enough space for the correct number of panels to carry the building's load.

Planning Board  
September 21, 2022

Don Walters asked to see the engineer's report. What is the cost difference compared to a slab on grade? Director Port said it was \$20-25,000. Dan Dwyer said it is less expensive.

Alden Clark said the black & white drawing shows 2 tables in the plaza area as an option. That would change the landscaping. Director Port prefers some flexibility for furniture in the future.

Bonnie Sontag ~~said~~ requested a landscaping plan for the trellis-only option.

Beth DeLisle recommended something akin to signage that references Newburyport's maritime history. There's nothing in particular that harkens back to the City itself and this is a building design that could be seen anywhere.

Bonnie Sontag requested signage plan details for wayfinding. Director Port said an interior digital display has been considered.

Merin Braco said the plaza is larger and the planting plan is expanded.

Don Walters made a motion to continue the Planning Board Special Permit for 24 Merrimac Street (Market Landing Park Expansion & Restroom/Visitor Facility), Newburyport Office of Planning & Development to October 5, 2022. Rick Taintor seconded the motion, and all members present voted in favor.

**Motion Approved.**

*During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.*

**3. General Business**

***a) Correspondence***

- ***Letter from Tim Smith re: Proposed STRU Ordinance***

Received and filed.

***b) Other***

Rick Taintor gave an update on the Waterfront West committee. A revised overlay district has to be adopted by City Council before the applicant (NED) can submit an application.

Bonnie Sontag said there is a lot of work to do before a recommended revised overlay district amendment is submitted to City Council.

Planning Board  
September 21, 2022

Director Port said some zoning clean-up changes that will be brought forward will include a proposal to adjust the dimensional requirements for the center of the business park.

**5. Adjournment**

Alden Clark made a motion to adjourn. Bob Koups seconded the motion, and all members present voted in favor.

**Motion Approved.**

Meeting adjourned at 9:38 PM

Respectfully submitted -- Linda Guthrie