

# Philip G. Christiansen PLLC

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## City of Newburyport Planning Board Review for Compliance with Site Plan Review Regulations

### Compliance Checklist

Review Date: May 11, 2020  
Plan Title: **3 Stanley Tucker Drive**  
Applicant: K&B Zampell Realty Inc.  
Applicant's Engineer: Hayes Engineering Inc  
Plan Date: February 18, 2020

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Key to check boxes: Com = complete Inc = incomplete N/A = not applicable Var = variance required

#### XV-E MATERIALS FOR REVIEW

Com Inc N/A Content:

- |                                     |                          |                          |  |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | XVE Plan Sheets 24" x 36"  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | XVE Scale of not less than 1"=40' or 1"=8' for elevations                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | XVE Plans stamped by a registered architect, landscape architect, or professional engineer |

#### XV-E (a) SUBMISSION REQUIREMENTS:

- |                                     |                                     |                                     |  |
|-------------------------------------|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | XVE(a)1. <i>Location and boundaries:</i><br>The location and boundaries of the lot, zoning district, adjacent streets or ways, applicable information from section VI, Dimensional Controls, the location and owners' names of all adjacent properties. Plans shall also show any deeds of easement, rights-of-ways, covenants and any other agreements affecting the use of the site.<br><b>Owners of adjacent properties missing</b> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | XVE(a)2. <i>Structures:</i><br>Existing and proposed structures, including dimensions, footprint, total gross floor area, number of stories, floor elevations, and building height(s). See section II, Definitions.  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | XVE(a)3. <i>Signage:</i><br>The location, dimensions, height, lighting, and other characteristics of all proposed signs.<br><b>Signs are existing</b>  |

Com Inc N/A Content:

XVE(a)4 *Landscaping*

Proposed landscape features including the locations and a description of buffer areas, screening, fencing, and a planting plan. A registered landscape architect shall prepare a planting plan, unless the planning board deems a licensed plant nursery person appropriate for small projects such as minor additions or alterations.

XVE(a)5 *Traffic*

The plan shall show pedestrian, bicycle, and vehicular traffic flow patterns and show adequate access to and from the site and adequate circulation within the site. The planning board encourages accommodation of public transportation and/or private vanpooling arrangements.

**There aren't any sidewalks in the industrial park and therefore pedestrian access to the site is not relevant**

XVE(a)6 *Parking*

The location of parking and loading areas, driveways, access and egress points, bicycle racks, and bus stops or drop-off areas.

XVE(a)7 *Public Access*

The location and description of proposed public access areas, including parks, conservation areas, gardens, bikeways, pathways or sidewalk areas. Riverfront sites shall include indications of compliance with state and federal regulations.

XVE(a)8 *Lighting*

Existing and proposed exterior lighting, including locations, lighting source, and fixture types. The planning board may require photometric analysis of proposed lighting

**A wall pack lighting unit brochure is included**

XVE(a)9 *Topography*

Existing and proposed topography of the site including contours (two foot intervals), the location of wetlands streams, water bodies, aquifers, aquifer recharge areas, drainage swales, areas subject to flooding, and unique natural land features, including all stone walls, trees over eight (8) inches in caliper, and the general location of the tree line.

XVE(a)10 *Water and Waste Disposal, drainage and other utilities*

The locations and description of all existing and proposed septic systems, sanitary sewer water supply, storm drainage systems (including method and calculations for 10- and 100-year storm events), utilities, refuse and other waste disposal methods.

XV-E (b) NARRATIVE SUBMITTALS – MAJOR PROJECTS:

Com Inc N/A Content:

XVE(b)1 *Surface and ground water pollution*

A report on the impact of storm water runoff on adjacent and downstream water bodies, subsurface ground water, and water tables.

**Stormwater Management Report not included**

XVE(b)2 *Soils:*

A report on the potential erosion and sedimentation caused by the operation and maintenance of the proposed development and the mitigation efforts proposed. To this end, high intensity soil mapping, i.e., test borings and analysis, may be required

XVE(b)3 *Environmental and community impact analysis*

For projects with significant environmental impact to wetlands, floodplains, or other sensitive resources the board may request a report following the submission requirements of Section 5.6 of the Newburyport Subdivision Rules and Regulations, including a report on the relationship of the proposed development to the natural and man-made environment, and compatibility of the proposed development with adjacent or surrounding land uses and neighborhoods. This analysis shall be a guide to the planning board in its deliberations and will build into the Board's decision-making process consideration of the environment and community impacts of the proposed development. An EIR required through the MEPA process, which addresses the Planning Board's concerns, may be substituted in lieu of this report.

**A specific report was not included. The issue was addressed on page 8 of Attorney Roelofs submittal letter under Narrative Submittals**

XVE(b)4: *Traffic*

**The narrative stated there won't be any additional traffic yet it would seem an expanded warehouse would increase incoming and outgoing trucking. On page 2 of the submittal letter Attorney Roelofs states that the expanded warehouse space is being build "so that Zampell can avoid having to store scaffolding and other materials/equipment in outdoor areas." Yet the area used for outdoor storage on this site in 2018 was only 2400 square feet far less than the 19,000 square feet proposed.**

XVE(b)4 i The nearest and/or most impacted public roadway intersection.

XVE(b)4 ii The estimated average daily traffic generation, including composition and peak hour levels.

XVE(b)4 iii The directional flows resulting from the proposed development.

XVE(b)4 iv Any proposed methods to mitigate the estimated traffic impact such as promoting the use of public transportation, or other appropriate means.

XVE(b)4 v. The methodology and sources used to derive existing data and estimations.

XVE(b)4 vi. The feasibility of traffic calming measures such as textured crosswalks, bike lanes, roundabouts, rumble strips, street trees, or bulb-outs.

XVE(b)4 vii. A detailed traffic access and impact study may also be required for the project. At the applicant's expense, the planning board may engage a traffic consultant to review said report and make its recommendations to the planning board thirty (30) days before final action is required.

6/10/2020

XVE(b)5 *Architectural Style*

Plans and other drawings shall include architectural elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered in any way. A registered architect who shall sign the plan and place his/her seal upon it shall prepare the renderings or elevations. The drawings shall be prepared at a minimum scale of 1/8" = 1' and shall show the following:

XVE(b)5 i. Exterior material, including trim, and colors.

XVE(b)5 ii. Type, pitch, and material of roofs

**Com Inc N/A Content:**

XVE(b)5 iii Size, type, and spacing of windows, doors and other openings.

XVE(b)5 iv. Size, location, colors, and copy of signs affixed to or hanging from the building.

XVE(b)5v. The relationship in massing, scale, and height to other existing structures in the immediate vicinity.

XVE(b)5vi. Elevations or renderings of new construction, renovation or expansions (or model may be provided at the option of the applicant).

XVE(b)5vii. Cross-sections of the site and buildings.

XVE(b)5viii. Product literature on proposed light fixtures

XVE(b)6: *OTHER PERMITS REQUIRED*

**Com Inc N/A Content:**

XVE(b)6i. All completed or pending actions of the zoning board of appeals relative to the application, including an estimated schedule of application and approval

XVE(b)6ii. A listing of state and federal permits, licenses, and approvals necessary, including Chapter 91.

### **XV-G. SITE PLAN REVIEW CRITERIA**

#### **XV-G (a) Community Character: The proposed development:**

**Yes No Var N/A Content:**

XV-G(a)1 Minimizes obstruction of scenic views from publicly accessible locations;

XV-G(a)2 Minimizes impacts to important natural or historical features;

XV-G(a)3 Screens objectionable features such as large blank walls, open dumpster, loading or storage areas, from neighboring properties and roadways;

XV-G(a)4 Is in harmony with the architectural style of the adjacent buildings and immediate neighborhood;

XV-G(a)5 if located within the National Historic District, is consistent with the architectural style, scale, density, massing and setbacks in the district;

XV-G(a)6 Promotes a design and architectural consistency regarding the architectural value and significance of the site, building or structure, the general design, arrangement and texture, materials and color of the features involved and the relation of each feature to similar features of building and structures in the immediate neighborhood and surrounding area;

XV-G(a)7 Is appropriate in regards to the size and shape of the buildings or structures both in relation to the land area upon which the building or structure is situated and to the adjacent buildings and structures within the neighborhood.

6/10/2020

**XV-G (b) Traffic, parking and public access: The proposed development:**

Yes No Var N/A Content:

- XV-G (b)1 Minimizes vehicular traffic and safety impacts of the proposed development on adjacent highways or roads.
- XV-G(b)2 Maximizes the convenience and safety of vehicular, bicycle, and pedestrian movement within the neighborhood and site.
- XV-G(b)3 Minimizes adverse impacts on neighborhood on/off-street parking and includes incentives for the use of alternatives to single-occupant vehicles.

**XV-G(c) Health: The proposed development:**

Yes No Var N/A Content:

- XV-G(c)1 Minimizes adverse air-quality impacts, noise, glare, and odors;
- XV-G(c)2 Provides for appropriate handling and disposal of hazardous materials and transmissions.

**XV-G(d) Public services and utilities: The proposed development:**

Yes No Var N/A Content:

- XV-G(d)1 Is served with adequate water supply, wastewater systems, and solid waste disposal systems;
- XV-G(d)2 Is within the capacity of the city's infrastructure as defined by the water, sewer and DPW departments;  
***The appropriate City Departments should confirm the adequacy of the existing systems.***
- XV-G(d)3 Includes measures to prevent pollution of surface or groundwater, minimizing erosion and sedimentation, as well as measures to prevent changes in groundwater levels, increased run-off, and potential for flooding;
- XV-G(d)4 Demonstrates an effort to conserve energy and water.

**XV-G (e) Land use planning: The proposed development:**

Yes No Var N/A Content:

- XV-G(e)1 Is consistent with the land-use goals of the city's master plan.

**XV-G (f) Open space and environmental protection: The proposed development:**

Yes No Var N/A Content:

- XV-G(f)1 Minimizes adverse impacts to open space usage and retention and is integrated into the natural landscape. Minimizes adverse environmental impacts to such features as wetlands, floodplains, and aquifer recharge areas and minimizes tree, vegetation, and soil removal, and grade changes;
- XV-G(f)2 Proposes a landscape design that favors native and drought-tolerant species and avoids invasive plants.

**XV-H. DEVELOPMENT AND PERFORMANCE STANDARDS:**

**XV- H(a) Pedestrian and vehicular access and traffic impacts:** Applicants must demonstrate that the project will minimize pedestrian and vehicular traffic and safety impacts on city roads. In the case of multi-tenant properties, these requirements are directed at the immediate vicinity of the proposed renovation, addition, expansion, or new building rather than the site as a whole.

Yes No Var N/A Content:

- XV-H(a)1 One access driveway per lot shall be permitted as a matter of right, except, the planning board may, in certain circumstances, require additional driveways as part of the site plan approval process where the access is shared or the project has frontage on two separate streets. To the extent feasible, access to businesses shall be provided via one of the following:
- i. Access via a common driveway serving adjacent lots or premises;
  - ii. Access via an existing side street;
  - iii. Access via a cul-de-sac or loop road shared by adjacent lots or premises.
- XV-H(a)2 All proposed curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width provided however; the board may require a curb cut to be up to 30 feet in width for commercial or industrial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets must provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.
- The curb cuts are existing.***
- XV-H(a)3 All proposed driveways shall be designed to afford pedestrians, bicyclists, and motorists exiting to public ways with safe sight distance. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian access to adjoining sidewalks, paths, walking trails or bikeways.
- The curb cuts are existing.***
- XV-H(a)4 The proposed development shall assure safe interior circulation by separating pedestrian and vehicular traffic within its site.
- XV-H(a)5 All roadways and sidewalk construction within the site shall comply with Sections 6.8, 6.9 (except for all I districts), 6.10 and 6.11, of the Newburyport Subdivision Rules and Regulations.

***Drives and walks are existing***

**Com Inc N/A Content:**

- XV-H(a)6 Sidewalks, crosswalks, walkways, bike racks, or other pedestrian access may be required to allow access to adjacent properties and between individual businesses within a development.
- XV-H(a)7 If the property abuts a public bikeway/right-of-way, an improved access route to the bikeway may be requested.
- XV-H(a)8 Unless a variance is granted by the ZBA pertaining to the requirements of Section VII, proposed projects or uses must comply with the parking and off-street loading requirements in Section VII.
- XV-H(a)9 Where feasible, parking areas shall be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The planning board may require alternative parking lot layouts. Except where infeasible or inappropriate, all parking lots shall be accessible by driveways to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses.
- XV-H(a)10 Except where physical constraints, site configuration, or safety considerations preclude strict compliance, no parking or loading shall be permitted within the required front yard setback.
- XV-H(a)11 Traffic calming measures such as crosswalks, bike lanes, rumble strips, and landscaped islands may be required.
- XV-H(a)12 All off-site construction on state roadways shall comply with the Department of Massachusetts Highway Department (MHD) standards, specifications, or special conditions as applicable as well as requirements listed under CMR 521 as amended for the Massachusetts Architectural Access Board (MAAB) unless waived by MHD and or MAAB.

**XV- H(b) Site plan and architectural design**

**Yes No Var N/A Content:**

- XV-H(b)1 Height
- XV-H(b)2 Bulk and general massing (footprint, shape, articulation or detail)
- XV-H(b)3 Major divisions or rhythms of the façade (height and width proportions, building lines, etc.) Where appropriate large continuous buildings shall be avoided and massing of buildings should be broken or staggered to reflect the historic scale of existing buildings and traditional development patterns of Newburyport.
- XV-H(b)4 Rhythm of openings (i.e. # windows, spacing, window and doors relationships.)
- XV-H(b)5 Roof treatments (slope, articulation surface). Rooftop mechanical equipments shall be screened from view by rook forms or other appropriate screening devices.
- XV-H(b)6 Materials, colors, and textures of building and signage. In general, natural materials such as stone, brick, wood siding, shingles, slate, etc. are preferred to industrial or artificial materials such as exposed concrete, anodized or galvanized metal, tinted glass, plastics vinyl, etc.

**XV-H(b)7 General Architectural Character**

Yes No Var N/A Content:

- XV-H(b)7i Horizontal or vertical emphasis of building.
- XV-H(b)7ii Scale (height and width proportions).
- XV-H(b)7iii Stylistic features and themes.
- XV-H(b)7iv Setbacks.
- XV-H(b)7v All proposed structures within a local historic district shall require a certificate of appropriateness form the historical commission.
- XV-H(b)7vi additional dimensional and setback requirements, etc.

**XV- H(c) Lighting**

Protection of adjoining premises or open space areas against detrimental off-site glare or spillover light.

Yes No Var N/A Content:

- XV-H(c)1 The goal of exterior lighting shall be to make development safe and identify and accent key elements in the project's design.
- XV-H(c)2 Lighting poles and structures should be appropriately scaled and styled for the project. Pedestrian areas should have poles ten (10) to twelve (12) feet high and parking areas should have poles eighteen (18) to twenty-two (22) feet high. The pole heights should determine the overall spacing of the poles and fixtures shall be of the cutoff luminaire type. Off-site illumination to adjacent properties shall not exceed 0.2-foot candles as measured at the property line. Lamp type should be metal halide to provide a natural uniform quality of light. Parking and pedestrian light fixtures should be compatible with the building lighting to provide for a contiguous appearance of the project.
- XV-H(c)3 If requested by the board, a registered engineer or a lighting consultant shall prepare a photometric analysis of site lighting.

**XV- H(d) Landscaping:**

Yes No Var N/A Content:

- XV-H(d)1 Except for zoning districts where the setback requirements are less than 20 feet, a landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. Unless waived by the board due to safety, pedestrian uses, or lot shape, the buffer strip shall be planted with grass, medium height shrubs, and shade trees having a minimum 3 inches in caliper planted at least every thirty (30) feet along the road frontage. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present an obstruction to sightlines.
- XV-H(d)2 Except for zoning districts with no side-yard setback requirements, a continuous landscaped buffer strip between business and industrial districts and any residential districts and/or property lines shall be provided for new development and maintained in perpetuity. In particular, circumstances where said buffer strip may be impractical to apply, given safety, land use, permitted setbacks, lot shape or historic preservation considerations, the planning board may vary the landscape buffer requirements. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species are encouraged and shall be planted at a minimum height of



six (6) feet. Fencing may be allowed in lieu or in conjunction with plantings. Design and height of said fencing shall be subject to the approval of the planning board.

**Com Inc N/A Content:**

- XV-H(d)3 Other than for existing retaining walls, new retaining walls shall be constructed to a maximum height of six(6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. New retaining walls facing residential districts shall be solid fieldstone or fieldstone veneer or other similar material. Unless used within the industrial districts, vertical cast in place concrete or concrete blocks shall not be permitted.
- XV-H(d)4 Surface parking lots containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such trees to be a minimum of 2 1/2 inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots of at least nine (9) feet in width with no more than 20 parking spaces between each island or plot. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips, and landscape islands may be required as necessary.
- XV-H(d)5 Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings
- XV-H(d)6 All landscaped areas shall be properly maintained. Shrubs or trees, which die within the first year, shall be replaced within one growing season as a condition of approval. The board strongly encourages the use of drought resistant native plant species.

**XV- H(e) Storm water runoff :**

The site plan shows or includes adequate provisions for measures to prevent pollution of surface or groundwater, minimizing erosion and sedimentation, and measures to prevent changes in groundwater levels, increased run-off, and potential for flooding. The plan shall include:

**Yes No Var N/A Content:**

- XV-H(e)1 A plan consistent with the Massachusetts Storm-Water Management Policy (SWMP), where the rate of surface water run-off from the site shall not be increased after construction. If needed to meet this requirement and maximize groundwater recharge, increased run-off from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of subsurface infiltration systems, retention or detention ponds. Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants. The plan shall also be consistent with the Phase III National Pollution Discharge Elimination System (NPDES) requirements as adopted by the City of Newburyport.

***See separate comments pertaining to stormwater management.***

- XV-H(e)2 Neighboring properties shall not be adversely affected by excessive run-off.
- XV-H(e)3 A detailed stormwater management plan will also be required.

XV- H(f) Water Quality:

Yes No Var N/A Content:

- XV-H(f) Groundwater recharge shall be maximized and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, reduction of paved areas, and reduction of building coverage. Installing grease traps, and/or gas/oil separators to improve water quality may also be required. Where the groundwater elevation is close to the surface extra site grading precautions may be taken to maintain the protective function of the overburden.

**XV- H(g) Wetlands:**

Yes No Var N/A Content:

- XV-H(g) In order to minimize design and permitting conflicts, when wetland replacement or mitigation is required, the application shall include, if completed, a copy of the plan submitted in accordance with the regulations of the Newburyport Conservation Commission.

**XV- H(h) Erosion Control:**

Erosion of soil and sedimentation of streams and water bodies shall be minimized using the following erosion practices:

- XV-H(h)1 Exposed or disturbed areas due to stripping of vegetation, soil removal, and regrading shall be permanently stabilized within six months of occupancy of a structure.
- XV-H(h)2 During construction, temporary vegetation and/or mulching shall be used to protect exposed area from erosion. Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped by using staked hay bales or sedimentation traps.
- XV-H(h)3 Permanent erosion control and vegetative measures shall be in accordance with the erosion/sedimentation/vegetative practices recommended by the Soil Conservation Service.
- XV-H(h)4 All slopes exceeding fifteen (15) percent resulting from site grading shall be both covered with four (4) inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or to be stabilized by a retaining wall.
- XV-H(h)5 Dust control shall be used during grading operations if the grading is to occur within two hundred (200) feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.

**XV- H(i) Utilities:**

- XV-H(i)1 Except for preexisting overhead connections, all electric, telephone, cable TV and other such utilities shall be underground from the roadway utilities.
- XV-H(i)2 In order to minimize design and permitting conflicts, the applicant must demonstrate that the proposed development will be permitted to connect to the public sewer, water, and other service systems. If sewerage is to be treated on site, the application shall include, if completed, a copy of the plan submitted in accordance with the regulations of the Board of Health.

***The appropriate City Departments should confirm the adequacy of the existing systems.***