

**City of Newburyport
Planning Board
January 19, 2022
APPROVED Minutes**

The online meeting was called to order at 7:00 PM.

1. Roll Call

Planning Board Attendance: Alden Clark, Beth DeLisle, Bob Koup, Heather Rogers, Bonnie Sontag, Rick Taintor, and Don Walters

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

2. Public Hearings

- a) *Turnpike Redevelopment, LLC*
166-168 Route 1
Smart Growth Plan Approval (2021-SGD-01)
Continued from 1/5/22

Scott Thornton, Vanesse Associates, Inc., 35 New England Business Drive, Andover, reviewed traffic updates. The MA DOT endorsement of the Route 1 “deceleration concept” was received by the Planning Office. He’ll work out the details on modifying the guardrail to widen the shoulder with MA DOT during permitting process. He proposed 2 conceptual options for the Parker and Hill Streets intersection. Option 1 adds a 16” wide audible rumble strip as a tactile device to get people’s attention and to maintain the paved turning radius for tractor trailers. The noise would not be a nuisance. Option 2 is more structural with a 6” standard raised median concrete island. The island’s inside curve is a shorter 3” reveal curb that tractor trailers can cross over while discouraging passenger vehicles. The other side of the curve has easy-to-maintain stamped concrete as a visual buffer with a mountable curb that snowplows can mount but passenger vehicles would have an unpleasant experience. Option 3 proposed by the City engineer is to replace the impervious surface with grass to allow drainage there. The goal is to address speeding around this curve and calm traffic off of Route 1 and Hill St.

Don Walters thought Option 2 was safest. Will the applicant talk to the Office of Public Safety and the police? Folks tend to accelerate there raising concerns about people coming off the Clipper City Rail Trail (CCRT) and people exiting the proposed development.

Bob Koup was interested in option 2 and 3. Would grass stand up to the truck turning traffic? There is a structured surface that grass grows through called Grasscrete that might support truck traffic better than turf. Option 2 would work well also.

Rick Taintor supported option 2 with any revisions approved by the City engineer. Grass would require maintenance. This is part of a larger problem created by a wide curve at this end and a wide curve at the Route 1-Hill St. end.

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Bonnie Sontag supported option 2. Are there serious drainage issues that could be mitigated with pervious pavers?

Scott Thornton said drainage would be looked at in the design phase. Pervious pavers would absorb runoff from the island. Director Port said DPS has trouble with unit pavers because they have different rates of rising and settling that creates issues. The stamped concrete could be permeable material.

Bonnie Sontag said it would be important to have something more concrete by the next meeting. Director Port asked the applicant to confer with the City engineer about incorporating the specifics of any stormwater adjustments or tapering of the area into a plan that the Board could reference in its approval. Scott Thornton agreed.

Bob Uhlig, Halvorson/Tighe & Bond, Landscape Architects, 25 Kingston Street, Boston, presented landscaping refinements in coordination with the civil engineering plan. Starting at the north end of the project, the curb line changed to reflect the deceleration lanes. Notes clarify protection of trees along the edge (Geordie Vining approved limbing to improve visibility) and which invasive species to remove. The retaining wall for the north parking lot is modified to be off set from the trees as much as possible. Each CCRT connection is enhanced with pavers across the trail. A bike rack is adjacent to the northernmost CCRT connection. The fieldstone wall is extended down the length of the sidewalk along Route 1 to the entry point. Evergreens south of the north CCRT connection are salvaged. A continuous under drain drainage line goes along the property line with periodic drain inlets to make the grading a more continuous landscape. The pedestrian way outside the vehicle travel lane at the entry circle is identifiable from a travel lane of pavers with a raised curb. Going toward Hill St., the chain link fence is removed, and the sidewalk adjusted to accommodate a modest continuous planting strip. The utility pole adjacent to Haley's is removed from the plan. Note #5 clarifies that the City will maintain the lawn areas and the developer will maintain the plantings. Other notes clarify that the developer will maintain plantings at either side of the gateway. The number of trees (105) is identified in the planting list, which includes species of 24 deciduous shade trees, 72 ornamental trees, and 9 evergreens. Lighting and other associated planting details are the same.

Rick Taintor asked for the height of the Route 1 stone wall. Mr. Uhlig said 2-2 ½ ft. Mr. Taintor's main concern was the interruption of the CCRT by the pavers. It's not a good idea for the circle of pavers on the CCRT to look like a small plaza where people could gather. It's a safety issue. It wouldn't look good striped. The pavers make it different than all other parts of the CCRT, which he did not favor. If the south side of the Alchemical Garden is eliminated as part of the grassy area at the Haley's connection, that should be called out and he wanted to understand why that was necessary.

Bob Uhlig said they focused on preserving the area north of the circle of pavers because they are regrading and doing drainage work on the other side. His understanding was that the Alchemical Garden's storage was on the south side of the connector.

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Rick Taintor said the garden's storage is north of the fruit trees, not to the south. His biggest concern is preserving the CCRT as it is and keeping pavers in the plaza area. Director Port agreed with Mr. Taintor about keeping the CCRT asphalt.

Alden Clark concurred.

Don Walters asked if moving the transformer at the southern end of the property somewhere else or burying it was considered.

Bob Uhlig said it needs to be located where it can be most easily serviced. Other locations, such as near the entry circle, are less desirable. There would be screening around the transformer.

Joe Sirkovich, architect, Arrowstreet Architects, 10 Post Office Square, Boston, demonstrated architectural updates on the plan and renderings. The 24 ft wide parking ramp lane has a 4 ft turning radius at the inside corner of the parking spaces on either side. The bike rack removed from the CCRT circular plaza connection (that now becomes a semicircle) is relocated to the northerly CCRT connection. There's more open space at the entry turnaround. A stone wall screen and landscaping are below the Route utility poles on the north side of the building. Exterior elevations and materials are unchanged.

Bonnie Sontag asked if every CCRT connection should have bike racks, including at Route 1.

Bob Uhlig said he worked with Newburyport's Senior Project Manager, Geordie Vining, on bike rack locations. Mr. Vining felt southern crossings were resident-related areas that did not require bike racks.

Rick Taintor agreed with Mr. Vining but thought there should be bike racks at the front door and by the live/work units for their visitors. Mr. Sirkovich agreed to make those changes.

Bob Koup talked about the Smart Growth District's (SGD) mixed-use goals and the opportunities for pedestrian interface around the project. The frontage along Route 1 and Ashby Cross don't offer an opportunity for activity or interface with pedestrians the same way frontage along the CCRT does. All emphasis on mixed-use should be near the center entrance public space area where the people are, or it still feels like a residential environment. He requested a design concept that concentrated the live/work units and retail around the public space nearest the entry to activate the retail and to leverage the synergies of mixed-uses by concentrating them in a mixed-use environment that meets the mixed-use objectives of the City. The ramp location cuts off this potential and obstructs the visual connection to the CCRT.

Rick Taintor said the building is big relative to the site. When the ramp was on the other side of the building, the Board was told the 8 ft wide pathway wouldn't fit. The space available to get into the building was a problem. The driveway is located to get it away from the southern end of the building. He wanted to know if live/work units facing the turnaround were truly designed as commercial spaces that for an interim period could be used residentially. He'd rather have the designation be live/work-commercial, rather than live/work. It might be possible to have

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live/work units on the north side of the building with the garage ramp where it is. There's too much building for the site. Everything is a struggle, but we're trying to make it work.

Bob Uhlig said the live/work space is near a civic space at the important Hill St. crossing. The public space referred to is further away from the CCRT connections. The team emphasized the building's south end connections to the CCRT.

Bob Koup expressed his concerns about the retail location in the last couple of meetings. It is necessary to connect retail and mixed-use to make it feel like mixed-use. These elements would normally go on the street to create relationships with pedestrians. He doesn't doubt the benefit of the small, paved areas but they're not visible to the general public and the view down to the parking lot isn't as desirable. The connection to the CCRT and the kinds of things that would support a retail environment, like a farmer's market, needs space. He didn't see that kind of space on the plan unless it's intentionally created in a place that's easy to get to.

Bob Koup complimented the project's character and landscaped environments. It could be a terrific project. The Board has to give emphasis to these mixed-use components if the City feels strongly about the established SGD guidelines. He wanted to re-enforce the mixed-use pieces.

Don Walters said the most critical point is to continue developing affordable housing in a smart way. He is comfortable with the size. The design team did a good job of understanding the Board's requests and it's a good compromise. Some tree planting was requested by the City to shield the development from the CCRT. Part of this is our own doing. With only one other green roof in Newburyport, this larger space could serve a programming function need mentioned by Mr. Koup.

Alden Clark would be concerned about a ramp beside the Hill St. crossing because it would be too crowded and closed-in without more clearing.

Rick Taintor said the area labeled "green roof over the garage" is almost level with the adjacent terraces. Is this a usable open space or will people have to stay off of it? Is it a grassy area?

Bob Uhlig said the garage green roof area will have enough depth to be planted as lawn.

Rick Taintor said that area could be indistinguishable from other lawn areas. Mr. Uhlig agreed.

Bonnie Sontag advocated for a more vibrant integration of the work/live, retail, and residential spaces without a major reconfiguration. Would it make sense within this design to move the live/work units from the south closer to the retail, further develop that area with a commercial option and make it more accessible through signage and landscaping? She was concerned about an isolated, separate retail building's chance of success. She asked the applicant's team to bring Mr. Koup's recommendations forward in their design.

Beth DeLisle agreed that part of the issue with that side of the building is connectivity. Creating more pathways and adding more public open space behind the retail area makes sense for connecting that area to the front plaza and would allow an easier future transition from

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residential units to work/live units. Another pathway to the CCRT might help further merge the retail and residential.

Lou Minicucci, MINCO, 231 Sutton St., North Andover, said he considered the district's future growth when he learned the turn wouldn't be adequate for putting the ramp on the south side. He's negotiating with the owner of Ashby Cross. Any developer there would likely build housing. That expansion opportunity contributed to placing retail on the north end. He sees a benefits to moving the ramp.

Lou Minicucci said the key development component is 252 units of housing (1 and 3 Boston Way plus this project) added to Newburyport's housing goals, not to mention that 25% is affordable. The housing need outstrips the need for retail, which is a shrinking industry he's well versed in. Haley's wasn't doing well financially before the pandemic. Without being charged any rent, Haley's still barely makes it. Retail habits are changing. Empty retail is worse than no retail. He hopes tenants will support the retail currently proposed. The area is a no man's land until a neighborhood with mass and density is created. He understands what the Board seeks but doesn't think he can accomplish it on this site. Chair Sontag's idea might work. He could relocate all 4 live/work units with 2 facing north at the corners of the building and orient the two endcaps more toward the parking lot.

Joe Sirkovich thought it could work.

Bonnie Sontag liked the idea of making the north end a retail hub and asked about Ms. DeLisle's suggestion to make this end of the building more connected to the south side.

Joe Sirkovitch said they had considered two walkways but realized people could just use the CCRT to get from one end of the building to the other.

Bonnie Sontag asked if signage would help people get from the south side to retail on the north side. Traversing that distance is part of what's driving Mr. Koup's concept.

Lou Minicucci said residents will walk down the spine of the building from the lobby elevators to get from one end of the building to the other, particularly in bad weather, then walk out the side door to go to the retail. Then once they did that, if they were going to make a connection to the train, they would down the Rail Trail to the station. A lot of people would grab a coffee there and walk the Rail Trail, either to walk their dog or exercise

Bob Koup said part of the challenge is that the tree line at the edge of the CCRT becomes an issue for connecting the CCRT to the building. Could that be opened up a little bit more, so the live/work units have a direct sight line to the CCRT? Could the internal corridor open at the end wall of the building rather than turn and go out to Route 1 so that it opens between 2 live/work units for a more direct visual connection out to this space?

Bob Uhlig said certain places are meant to be open and others are meant to be more private. The City didn't want to see the building from the CCRT, so units facing the trail had more privacy and the ends had the open public spaces. The back side of the retail building has a rain garden.

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Bob Koup said trees and public space are not complicated adjustments for creating the proper visibility and pedestrian experience around the live/work, retail, and residential uses so they work together better. It's not asking too much to look at the site plan around these elements at the concept design stage.

Rick Taintor said the rain garden could become a feature to unify the non-residential components, similar to how a water feature works. The narrowest piece of landscaping on the site plan are the trees that separate the rain garden from the property line. That could be opened for a visual connection to the commercial area. Pulling the central corridor toward the commercial building rather than Route 1 could connect it to the seating plaza. It's not a lot of modifying to activate the non-residential uses around the retail building.

Joe Sirkovich clarified that what the Board is talking about is keeping the ramp in its current location, moving the live/work units closer to the retail, and providing exterior access to the north end plaza.

Bonnie Sontag suggested putting 2 live/work units on the CCRT side of the corner.

Bob Koup suggested putting all live/work units on the CCRT side, from the north corner to the ramp, and connecting that live/work zone to the retail with the open space in front of the building so that it feels like a defined space. The goal is to make a coherent public space around the uses and connect it to the CCRT.

Public comment open.

Tom Kolterjahn, 64 Federal St., echoed Rick Taintor's comments about removing the round interruption from the CCRT. People are going to see this 4-story project from the CCRT and many other places.

Public comment closed.

Rick Taintor pointed out 2 issues on the civil plans. The utility pole still exists in the Parker St. driveway on the utility plan. That has to be addressed before the Board votes. Conflicts exist between drawings of the corner of Hill St. and Route 1. This utility plan and the grading plan both show the crosswalk in its current configuration. The Landscape Illustrative Plan L-102 shows the crosswalk angled. He assumes that's because the handicap tip down is there and that means there's a plan to move the striping. The edge of the crosswalk is too close to the stop line. Has MassDOT okayed this plan? Will the stop line be moved with the crosswalk that close to it?

Scott Cameron, engineer, Morin Cameron Group, 66 Elm St., Danvers, said painting would appear on the plan that deals with all the site-related matters. The utility pole is not on the site plan. He doesn't know where National Grid will relocate it. He'll make a note on the plan that the pole will move and that everything in the layout will be MassDOT-reviewed. The plans have a long way to go to be polished for construction, when all these matters will be fleshed out. He

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depicted shifting the stop line back, putting it at a slight angle, and constructing a sidewalk layout in the available real estate.

Director Port asked that the push button for the crosswalk also be relocated.

Scott Thornton had talked to MassDOT about upgrading the push button devices as part of the access permit process, but they are not at the point of talking about exact locations. It's likely the stop bar will be relocated further back from the crosswalk.

Rick Taintor observed the site plan says the pedestrian crossing signal will not be moved. There's currently no way for someone to get to the signal from the new crosswalk, so that note should be removed from the site plan.

Don Walters wanted the crosswalk detail tied down in case MassDOT doesn't do anything. The adjacent landowner may or may not grant an easement or something similar. If the other 2 things don't happen, there's the option of eminent domain. The developer might be amenable to providing specific funds to the City for a certain period of time in case a piece of that property could be obtained. That would provide funds to construct the remaining portion of the sidewalk.

Bonnie Sontag said that was in the draft conditions submitted late this afternoon and would be discussed later.

Lou Minicucci supported adequate sidewalks in the area. If the project were to be approved, there would be about 2,000 linear ft of sidewalks when combined with 1 and 2 Boston Way. The viability of Newburyport Crossing is dependent on sidewalks. He and Director Port had spoken about a MassWorks grant for a sidewalk initiative in the area. Director Port said the issue of the diagonal inconsistency should be resolved with applicant before approval.

Bonnie Sontag highlighted the waivers. The first one has several elements, dimensional and parking requirements, design standards, etc., that will be itemized in a table for review. The second waives requirements for submitting affirmative fair housing marketing and affordable housing plans. She would add that the submittal must be DHCD approved documents, not draft documents. The third waives submission of a signage plan. Parts of all three waivers will be incorporated into the conditions. She highlighted 2 findings. The finding related to sustainable mixed-use development should include the number of live/work units on the 1st floor. The High Quality Development Standards finding included a statement about respecting patterns of New England construction, taken from the SGD regulation. She asked Director Port to remove that statement.

Director Port walked through the draft special conditions, including exterior façade detail, maintenance of improvements, review & approval of signage, open configuration of the live/work and residential units on the first floor, operable windows, DHCD approval of affordable housing units & eligibility for subsidized housing inventory, rental rates to be published, recognition of adjacent business & industrial uses, landscape maintenance, Hill & Parker Streets intersection modifications, Route 1 & Hill St. sidewalk connection, proposed deceleration lane on Route 1, Parker St. drainage, and the commercial space marketing plan.

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Rick Taintor asked if the Route 1 & Hill St. sidewalk connection would be affected by the crossing signal. Director Port said the special condition deals with the width of the sidewalk. The diagonal crossing and relocation of the push button signal would need to be resolved by the developer through their coordination with MassDOT irrespective of additional sidewalk width.

Director Port suggested a formal confirmation from MassDOT for the deceleration lane instead of a condition such like this. The Office would support the applicant in securing a consent.

Lou Minicucci said his experience with MassDOT is that it takes 3-4 months, if you're lucky.

Scott Thornton said MassDOT wouldn't release a formal approval letter until design plans and all the submittals are reviewed. The language Director Port used is as good as we're going to get. Realistically, it will be 6 months to get a formal approval.

Bonnie Sontag requested language that reflected either the deceleration lane happens, or an adjustment is made at the site because of the big safety issue. She understands it's out of the applicant's control, but the Board has to be sure it's safe to enter the north parking lot. What deadline is appropriate for a review of this issue? Director Port said Chair Sontag refers to possibly removing parking spaces to allow an arriving car to pull around a parked car that is backing out.

Don Walters said the language implies that if a deceleration lane doesn't happen, a building permit will not be issued. Director Port said there should be a control point for the applicant to return to the Board with a redesign of the north parking lot if there is no MassDOT approval.

Rick Taintor said a deadline wasn't necessary if the wording is more specific, such as, "as shown on drawings C3-1, the plan calls for a deceleration lane subject to MassDOT approval. Construction and use of the north parking lot is contingent on the deceleration lane. If that is not provided the applicant has to come back for a significant site plan amendment that may reduce the number of parking spaces."

Scott Thornton said MassDOT did not feel a deceleration lane necessary for the north parking lot during his initial discussion with them. He's concerned about being held to a deceleration lane that's under MassDOT jurisdiction. He has looked at the trip generation. The sight distance exceeds the requirements for the speeds observed.

Director Port said plans show the deceleration lane as part of the project. His understanding is the parking spaces in the north lot are one way of addressing the safety concerns. In his discussion, MassDOT District 4 indicated that it made sense to have something like that here. Can Mr. Thornton clarify whether MassDOT looked at specific plans? The Board prefers that specifics that are important to the site be resolved at the time of permitting.

Scott Thornton said he showed MassDOT the latest plans that include the deceleration lane, which will be proposed as part of the site plan package. MassDOT's conceptual agreement is not

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necessarily a full endorsement of the concept because they did not get into design details. He will continue working with them on it but is concerned about hinging everything on their approval.

Rick Taintor said there are two issues -- whether MassDOT feels a deceleration lane is needed for their highway and, secondly, the City's concern about the impact to the north parking lot once a car gets off the highway. The Board may be less concerned if there were a right angled turn into the lot rather than an angled turn that allows people to go fast. A parking lot re-design is called for without a deceleration lane. That's why he suggested tying the deceleration lane to whether the parking lot is built and what it will look like.

Bonnie Sontag agreed. She asked Director Port to incorporate Mr. Taintor's suggestion into the conditions. What about a condition related to solar panel installation? It's mentioned on the plan that the details will be worked out. She would like to see solar installation before first occupancy.

Don Walters agreed. He would like EV charging stations on the plan as well.

Lou Minicucci said he's committed to doing everything he can to get the deceleration lane. He'll put in the EV infrastructure to do more than half of the spaces but not necessarily fire them all up initially. Director Port recommended including a base number.

Don Walters suggested 10% of the spaces with infrastructure be activated. He also preferred a minimum number of active stations.

Scott Cameron recommended using the term "EV-ready" in the condition because it depends on the abilities of the power grid.

Lou Minicucci said out of 92 units, he'd put in infrastructure for 50% which is 46 spaces. Ten percent of that is 5. He would activate 6 EV stations.

Rick Taintor said two additional conditions are year round, full width maintenance on the connection between the CCRT and Route 1 to keep it open for public access and, secondly, a management plan to ensure only compact cars are assigned to tenants' parking spaces in the north lot to ensure no SUVs or trucks park there.

Don Walters said exiting from the Parker St. driveway, making a right turn, and immediately hitting the CCRT crossing, had led to discussion about not seeing the other stop sign. He suggested electrically connecting the two signs, so they flash simultaneously. Anyone activating the crossing sign from the trail causes the stop sign to flash also.

Scott Cameron agreed. A 3 ft bullnosed curb is included there so that exiting cars have to pay attention or they'll hit the curb. Electrically linked signs are no problem. Director Port asked him to put a note on the current plan.

Rick Taintor made a motion to continue the Smart Growth Plan Approval Application for 166-168 Route 1 to February 2, 2022. Alden Clark 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.

***b) Caswell Restaurant Group c/o Lisa Mead, Mead, Talerman & Costa LLC
17-21 State Street
DOD Special Permit***

Attorney Lisa Mead, Mead, Talerman, Costa LLC, 30 Green St., said the applicant went before the Newburyport Historical Commission (NHC) for replacing windows with operable, stacking windows within the existing openings, restoring and re-facing the banner sign with a name change to BRINE. The galvanized header will remain and windows adjacent to the doors remain fixed. The building was constructed around 1820, has a Form B, and the structure was updated in 1941 when the store front windows were installed. The applicant received a ZBA variance allowing operable windows and a condition that the applicant apply to the Planning Board for a DOD special permit regarding all design issues. The applicant engaged historical consultant Dr. Judith Selwyn to review materials, existing conditions, and make recommendations. Her report is provided. Updated drawings reflect the NHC feedback.

Julia Mooradian, Seger Architects, Inc., 83 North St., Salem, said the black around the windows will stay. The frameless stacked windows have a 4" brushed stainless top and bottom rail that opens from the inside. On the banner sign, the "Fowles" lettering is etched in and will remain behind the new lettering. The metal above the windows and the black and white surround will remain as is. The name "BRINE" will match the "Fowle's" lettering as closely as possible using a combination of fonts.

Attorney Lisa Mead described how the application met both general special permit criteria and DOD special permit criteria.

Bob Koup asked about potential energy code issues since the vertical window joints were not particularly tight. Could the 4" brushed stainless frame be reduced?

Julia Mooradian said there would be no energy code issues for this historic building. The plan includes interior removable storm windows. The 4" top and bottom rail is a standard size from the manufacturer.

Alden Clark asked if the door's side windows would be replaced to match.

Julia Mooradian said side windows would be replaced and include the 4" stainless rail.

Rick Taintor asked for details about the interior storms.

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Julia Mooradian said the interior storms have thin aluminum frames to match the operable exterior windows and are not visible from the outside.

Don Walters asked if the manufacturer could provide a sample of the exterior and interior windows. Ms. Mooradian agreed and would include shop drawings.

Bonnie Sontag asked how thick the stacking on either end would be when windows are opened.

Julia Mooradian said the product was selected because it stacks thin. Shop drawings accompanying the samples will specify the thickness. They stack 120 degrees against the wall.

Public comment open.

Glenn Richards, 6 Kent Street, NHC Chair, stressed the importance of preserving and restoring the iconic sign as close to the original as possible. The sign's existing condition is due to the landlord's neglect. It's disappointing that the applicant didn't make all the corrections pointed out at the NHC meeting. The proposal still calls the window edging "galvanized," but it's aluminum, and refers to the bottom panels as "fiber panel" when it is structural glass.

Tom Kolterjahn, 64 Federal Street, Co-president of Newburyport Preservation Trust (NPT), understands the 1941 glass will be changed. Unfortunately, the windows will be reduced by 8". It's critical for preservation that work is reversable as a condition of approval. Plans should make clear what will remain untouched and unchanged. It would help if plans stated all glass panels will remain or note which ones will be replaced. Another condition of approval should be clarity concerning the glass panels, the sign glass, and the black panels at the bottom.

Jon Growitz, 147 Merrimac St., was in support of this great improvement to State St.

Reg Bacon, 21 Strong St., was in support of reversable changes. The typography should be reviewed by a professional typographer instead of using incongruent typefaces. He is concerned about enforcement of the conditions of approval based on Newburyport's past experiences. The applicant's challenge to the validity of the DOD is active at this time.

Stephanie Niketic, 93 High Street, said not included in the NHC report are 3 sign panels that seem not to be original and contain the letters "EW," "TO," and "RE." Will these panels be addressed in the proposal? Are the proposed panels original structural glass or bona fide replacements of structural glass? Restoring is not just cleaning and repainting new letters on the sign. What will the restoration include? Are all proposed alterations reversable, including changes to windows, banner sign lettering, and the structural glass below the windows and on the middle pole? The treatment of the black Carrera glass below the windows was addressed in the NHC report but has not been discussed tonight. She asked the Board to drill down on the details of restoration, repair, retention, and reversibility.

Ron Dylewski, Pittsburgh, PA, was opposed. As a regular visitor, he said the sign uses Pittsburgh Plate Glass. It is the applicant's restaurant, but it's the community's sign. Almost no one needs signs the way they once did. The sign doesn't need to be changed, there is no need to paint over

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Newburyport's past. Removing the Fowle's logotype and other painted text is not restoration but eradicating and ruining the sign. The need for operative windows is obviated by outdoor seating and indoor a/c. If a problem during the construction phase causes glass to break, it is lost forever. He hopes the applicant will be a good steward. Newburyport has always been about history and historic restoration. This facade needs our attention and protection. Newburyport will not be the same without the Fowle's sign.

Public comment closed.

Attorney Lisa Mead said the applicant will follow Dr. Selwyn's recommendations regarding the Fowle's sign, the treatment of the glass panels, replacing the center post section that is not original, cleaning the black panels below the windows, and removing the lettering. She would accept a condition relative to following the professional's advice regarding the cleaning of the sign. She would double check but thought none of the panels on the "News Store" sign were changing. Two of those panels are not actually glass. Those will be marked accordingly. The changes are all reversible.

Julia Mooradian said operable windows slide into a top and bottom track that is easily removed. The etched "Fowle's" lettering will be painted over with removeable paint.

Attorney Lisa Mead read from Dr. Selwyn's report, highlighting that the sign glass was dirty but in good condition. Cracked glass at the right end would be filled in with sealant.

Julia Mooradian said her firm worked with a known professional on the font selection. This expert typographer performed a great amount of work.

Don Walters asked if the applicant has supplied the missing information requested by the NHC in the 3rd bullet in the key findings section of their advisory report.

Bob Koup said it's important to understand the details of the window system. The Board has not seen any information on the storm windows. He thought it likely they'd be visible from the outside. He wanted to understand how the track tops and bottoms relate to existing conditions and materials, and whether the operable windows reduce the vertical window opening. He didn't have a complete picture of the window system. What about the existing Brine blade sign?

Attorney Lisa Mead said the existing Brine blade would remain.

Glenn Richards said missing information included accurate renderings. Overall accuracy was less than desired, such as correctly calling out what materials are used. Some sign and column panels are not structural glass. The applicant should clearly identify what's there and what it will be when it's all done. There wasn't much detail on the existing conditions report. The typography could be improved. He agreed with Mr. Dylewski from Pittsburgh that there's no logic behind a sign change.

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Rick Taintor said a diagram on page 3 of Dr. Selwyn's report indicates the Pittco glazing system is about 1 ½ to 2" tall. There seems to be some dimension already in the existing glass. Is the window change less than the 8" previously mentioned?

Julia Mooradian said yes. Part of the 4" at the top will be tucked in under the existing frame so the total difference is 6".

Attorney Mead would provide an exact number.

Bonnie Sontag requested the shop drawings for the next meeting. Attorney Mead agreed.

Beth DeLisle asked if any different metals or materials were considered, other than aluminum. What are the widths on either side of the entry? She wondered why narrower windows were chosen for the left side. Were other parts of the sign lettering etched or just the word "Fowle's"? Would the already replaced sign panels also be replaced?

Julia Mooradian said the left wall's angle precludes using longer panels. Compared to the right side, they would hit the wall. She will review optional materials with the manufacturer. Only the word "Fowle's" is etched. Existing replacement panels would be cleaned, not replaced.

Attorney Lisa Mead confirmed that replacement panels would remain.

Rick Taintor made a motion to continue the DOD Special Permit Application submitted for 17-21 State Street to February 16, 2022. Alden Clark 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.

2. Other Business

a) 57 Low Street ANR Plan -- Certificate of Vote

Director Port said the plan to buy the National Guard parcel from the Commonwealth for municipal use was endorsed back in 2020. The plan is beyond its statutory timeframe. He asked the Board to designate him as the signatory on the Certificate of Vote. The plan has not been modified.

Don Walters made a motion to designate Director Port as the signatory on the certificate, as presented tonight, indicating that no modification has been done to the plan and no rescission has occurred. 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.

b) Approval of Minutes

Rick Taintor made a motion to approve the minutes of 1/5/22 as amended. Alden Clark seconded the motion, and 6 members present voted in favor. Don Walters abstained.

Motion Approved.

c) Other updates from the Chair or Planning Director

Director Port said the February 2 Board meeting would include a joint public hearing with the City Council Planning & Development Committee on a draft amendment regarding short term rental units (STRUs).

3. Adjournment

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

Motion Approved.

Meeting adjourned at 10:58 PM

Respectfully submitted -- Linda Guthrie