

**City of Newburyport
Planning Board
November 3, 2021
APPROVED Minutes**

The online meeting was called to order at 7:01 PM.

1. Roll Call

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

Planning & Development Committee : Jared Eigerman, Heather Shand, Christine Wallace, and Jim McCauley, Bruce Vogel, Barry Connell, Afroz Khan, Charlie Tontar.

Andrew Port, Director of Planning & Development, Jennifer Blanchet, Zoning Administrator, and Linda Guthrie, note taker, were also present. And Craig Holt, licensing commission chair,

Chair Bonnie Sontag opened the Planning Board meeting.

Chair Heather Shand opened the Planning & Development Committee meeting.

2. Joint Public Hearing with the Planning & Development Committee and Committee as a Whole

- a) Amend Sections V-D (Table of Use Regulations), V-E (List of Allowable Uses), VI-A (Dimensional Controls), and VII-B (Parking Requirements) and related provisions to modify the definitions, requirements, and Special Permit Granting Authority (SPGA) for uses #305 (country clubs / outdoor health and recreational facilities) and # 406 (indoor / health and recreational facilities)
Continued from 10/6/21*

Director Port reviewed the changes as amended from 10/29/21. SP was changed to NP in a couple of districts. The outdoor health & recreation category is not allowed in the R1 and industrial business district. Specific language indicates the retractable structure is considered a structure for the purpose of setbacks. The lot size requirement increased to 4.5 acres. Additional footnote language talks about giving the Board some latitude to allow additional lot coverage for the temporary enclosed structure as part of the special permit (SP), which is similar to a ZBA variance without a hardship. Specific parking requirements have been added. These changes address concerns raised in the last meeting.

MJ Verde asked why not allow an outdoor facility in the industrial park. Director Port said business operators in the park raised concerns about traffic-generating uses interfering with adjacent businesses' deliveries and shipments.

MJ Verde asked why outdoor facilities are permitted in R2 but not R3. Councilor Eigerman said outdoor facilities do not fit with suburban style housing in R3. Councilor McCauley said there are no available parcels for outdoor facilities in R1. The potential lots in R1 were eliminated

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when we increased the lot size coverage. Councilor Eigerman said indoor vs. outdoor is a distinction.

MJ confirmed the proposal applies to private property and not to a public park.

Rick Taintor said the definition of 'building' in the ordinance, says that a roof (which makes something a building), "shall include an awning or any similar covering whether or not permanent in nature." Do we need this language if a temporarily enclosed structure is subject to setback requirements and lot coverage because it's a building?

Jennifer Blanchet agreed with Mr. Taintor's interpretation. Director Port clarified that the language is meant to leave no ambiguity.

Rick Taintor was concerned about the lack of an open space requirement which would typically be 40% in R2. Once a pool is covered by a roof it is no longer open space. We should be thinking about the general zoning standards for open space. With the larger lot size requirement than for most uses in that district, the open space requirement could be smaller. There is a 30% maximum lot coverage now. Also, the footnote gives the Board a lot of discretion for lot coverage that is not given to other buildings.

Director Port said the lack of an open space requirement relates to the original use definition of a country club, for which it made sense not to have an open space requirement. That category is now replaced by health and recreation facility.

Rick Taintor said a lower open space requirement would be okay, but there is no analysis for what the correct number would be.

Councilor Eigerman suggested changing the word 'structure' in the previous table (Section V-E List of Allowable Uses) to 'building.' The definition of open space in our code says, "Open space shall be used for landscape areas and for active and passive recreation including but not limited to... tennis courts." Since this is a tennis club, we should be okay. He's more interested in getting the percentage of lot coverage right than an open space requirement and doesn't know if 30% is enough. The footnote is a little vague. Waive means to zero out, not reduce. It's meant to be 'reduce.'

Director Port said reduce is consistent with language in the 40R district.

Bonnie Sontag asked where 30% lot coverage originated. Director Port said it was suggested by Attorney Mead.

Rick Taintor said 30% is 1.35 acres of building coverage. He couldn't think of a scenario where more lot coverage would be desirable. Given that we need 50 ft of open space around the parameter plus parking, you couldn't get more than 1.35 acres of building on the lot area. There's no need for the footnote

Attorney Lisa Mead said the existing building is 41,280 sf on a 5 ½ acre parcel with 18.9% lot coverage. Additional areas under the roof includes an 8,856 sf pool, an area around the pool, a

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1,500 sf locker room, a 1,500 sf a snack bar, a 1,000 sf storage area, a 108 x 82 ft kiddie pool, and an area for supporting the retractable roof. The numbers are just under 25%, and 30% represents using a cover over any portion of that to keep people from standing next to the pool.

Alden Clark said the table in Section VI-A has a blank under district. Should it say R2? Director Port said it could, although it's not necessary.

Alden Clark asked if there should be a row for the R3 district since it's allowed by SP but not listed in the existing table. Director Port agreed.

Rick Taintor was unsure about the restriction for air conditioned gross floor area compared to just gross floor area in the parking requirement for both outdoor and indoor facilities. What did "air conditioned" add, and does it include heating? Also, the word 'court' is not defined. He assumed it meant pickle ball and tennis, but it could be a basketball court. He was unsure what surface pool area meant compared to pool area.

Jennifer Blanchet said air conditioning speaks generally to heating, cooling, and ventilation. The reason to differentiate is because an area of the site with columns and a roof is not necessarily within a building. Surface pool area differentiates the pool from the pool deck.

Attorney Lisa Mead said the terms came from her research. The tennis club has 6 un-air-conditioned courts. The waiting area and the locker room are the only air conditioned and heated areas differentiated by the term air conditioned. The surface pool area is differentiated from the pool deck area. It's used to determine the parking required, based on the number of people allowed in the pool, as opposed to using cubic feet. The club's current 82 parking spaces are based on the gross area of the entire club. Parking is based upon the number of courts. Typically, families visit pools and standards are set by pool size.

Councilor Eigerman suggested 'x' number of spaces per sf because it's easier to enforce than detailed drawings about how much is pool deck and what's heated or not. Sports tend to change over time. Basketball tournaments have a lot more people than tennis. He recommended using basic square footage for simplicity, which would be easier to apply and enforce.

Attorney Lisa Mead said those are good points. The uses and parking requirements are different for Gold's Gym. The focus is on the activities themselves. It's easier to use sf. The current requirement doesn't make sense for the tennis club because they never use all the spaces. She was trying to be more refined to avoid too much parking.

Councilor Eigerman said the tennis club is probably currently over parked, but we're attempting to plan ahead for problems with neighbors because the club will have heavier attendance with the wider range of uses. He didn't have a number in mind.

MJ Verde asked if they could expand parking on the existing site if they needed to. Director Port said the grading and the additional building space might preclude that.

Attorney Lisa Mead said the entire site would be reworked if the club proceeded with their plans.

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Applying 1 space per 300 sf of gross pool area and the same for the air conditioned area for the new uses would be 43 additional spaces. Recalculating for the club itself would be 28 spaces. That's a total of 71 spaces and there are 82 spaces today. A limited number of people can be on the 6 courts. An 8,856 sf pool would take 30 spaces. The lockers rooms, snack bar and storage are added in, but only so many people can use the pool at one time.

Councilor Eigerman suggested reducing the count to a ratio per court, such as .5 space per player, instead of calculating parking by court so we don't have to think of every possibility.

Jennifer Blanchet said it's too specific to use a court for one sport. A square foot average is preferable and is flexible for changing a specific use.

Councilor Eigerman proposed settling on .5 per participant per court. If that's not workable for Ms. Blanchet, 3 per court is 1 per 1,000 sf of court area. He didn't propose a change for the pool and didn't know the standard pool area.

Attorney Mead said 1 per 300 sf for pool area is used in other communities.

Councilor Eigerman asked for samples. It seemed like it could work.

Public comment open.

Public comment closed.

Bonnie Sontag said the Board agreed to include everything in the table of use regulations, replace the word 'structure' with 'building' in Section V-E, add R1 for use 305, R3 SP for use 406, and clarify lot area as 4.5 acres in Section VI-A. Lot coverage is settled at 30%. 'Reduce' will replace 'waive' in the footnote.

Rick Taintor would simplify the footnote. He suggested, "The Planning Board may permit a larger lot coverage under the SP," and deleting other verbiage. He'd rather get the number right and not have the footnote.

Councilor Eigerman agreed. If it had to be 35, he could be persuaded.

Bonnie Sontag agreed to leave it at 30 and eliminate the footnote. Parking requirements in VII-B changed to 1 parking space per 1,000 sf of court area, applicable to indoor or outdoor, and 1 per 300 sf of the pool surface area.

Rick Taintor made a motion to recommend to the City Council adoption of the revised amendment, as amended tonight. MJ Verde seconded the motion, and all members present voted in favor.

Motion Approved.

Jared Eigerman made a motion to recommend to the City Council adoption of the revised amendment, as amended tonight. Heather Shand seconded the motion, and all members present voted in favor.

Jared Eigerman made a motion to close the public hearing and kept the amendment in Committee to review the changes. Heather Shand seconded the motion and all member present voted in favor.

Motion Approved.

Jared Eigerman made a motion to adjourn the Planning & Development Committee meeting. Heather Shand seconded the motion and all members voted in favor.

Motion Approved

3. Public Hearings

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

Joe Sirkovich, architect, Arrowstreet Architects, 10 Post Office Square, Boston, said the number of intersections play a significant role in the design. The site is highly visible on Route 1 and anchors the Newburyport Crossing Community and the SGD in that all 3 buildings would be a neighborhood. He proposed a LEED certified, passive house certified, all electric building, like Boston Way. Existing conditions include 2 lots totaling 2.47 acres bounded by Route 1 with 4 curb cuts and the Rail Trail through the site. The proposed building has an entrance on Parker St. and 3 and 4 stories, reducing building height to 35 ft in portions where 45 ft is the allowed maximum. The lower level has 78 covered parking spaces, plus 53 uncovered spaces for a total of 131 spaces. The building has 94 units out of 99 allowed, 40 bicycle spaces above and below ground, and a mix of 1-2-3 bedroom units with 25% affordable.

Joe Sirkovich said the first pass at a site plan includes 1 building stretching across the site, 4 stories on the south stepping down to 3 stories toward the Rail Trail on the north to reduce the bulk. Amenities are consolidated in one building from the ground to the top floor, creating efficiencies and more open space.

Scott Cameron, engineer, Morin Cameron Group, 66 Elm St., Danvers, said site challenges, aside from the irregular lot shape, include frontages along the lot lines with the Rail Trail and Route 1. The industrial building sits in the middle of 2.47 acres. The majority of the site is paved today with little consideration to stormwater, most of which goes to Route 1, the Rail Trail, and to the likely remains of an original railroad drainage ditch that's now filled in with organic material and grown in with understory and tree canopies. The drainage heads to Parker St. and converges in an old railroad culvert before going underground, flowing down through Boston Way, where it is treated, and further south before ending up in the Little River several thousand ft away. He had

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not observed the flooding that used to occur at the intersection because the problem was alleviated by Boston Way's clean-up of a buried pipe in the culvert. No water table was observed in the test holes. The majority of the property is deep sand, with silt and clay.

Scott Cameron demonstrated on a demolition and site preparation plan how the site blends with the Rail Trail. The access is a 24 ft wide conventional 2-lane driveway that bends through parking to form an oval that accommodates a firetruck at the front door. He demonstrated the reconstructed path and a handicap accessible path to the Rail Trail. Walkway paths and driveway isles are differentiated by materials. There will be a dedicated 6 ft lighted path to the crosswalk on Route 1 that needs working out with MA DOT to complete a safe connection to the Rail Trail. A delivery and fire truck access from Route 1 at the south end of the building provides access to 3 sides of the building, a loading zone, and temporary parking on that side. The south end of the building has a parking area. Tenant parking will be assigned. Northerly parking is multi-purpose during the day for the commercial uses. The sidewalk continues back around to Route 1 for access to the work-live units. There is 360 degree access to the building for pedestrians. The building has pool and handicap spaces in the front. The plan lists the waivers for lot coverages and open space that help achieve a better project.

Scott Cameron said lot line setbacks are close to zero. In addition to horizontal challenges there are vertical challenges with close to zero setbacks. The grade change across the property is roughly 31 to 35. The low point at the Parker St. culvert is down to 20. Holding the Route 1 frontage keeps the building from sitting below the highway, which is aesthetically unpleasing and creates problems with headlights. The site will match the grade along most of the Rail Trail. The swale on the Rail Trail side ranges from 25-30 and will be regraded and maintained again. Grades will be matched with the corner of Parker and Hill Sts. The paved area is decreased. The building will be plumbed to drain into an underground infiltration basin at the north end of the property for the clean roof runoff. The MA DOT easement prevents the building from being right along the Route 1 frontage. The utility connections go to Parker St. and include a provision for 3 new hydrants on the site. One hydrant already exists at the Newburyport Business Park driveway. The hole in the ground is where things flow into the culvert now. They will upgrade the drainage pipe with a new oversized manhole for the pipe that also takes the Rail Trail drainage swale water. Peer reviewer Phil Christiansen's first review just arrived. There was a preliminary conversation with Jon Eric White, city engineer.

Bob Uhlig, Halvorson Landscape Architects, 25 Kingston Street, Boston, said the site's lowest edge borders the Rail Trail. The majority of existing vegetation is on the development site side. He had discussed with the City protecting one large tree and 2-3 oak trees adjacent to the parking lot on the site's north end and some sumac closer to Parker St. Most of the site's other trees are non-native invasive species to be cleared. The area will be regraded for a smooth transition with the Rail Trail. The unsightly swale area will be regraded and planted with a lush, vegetated buffer of deciduous and evergreen trees and understory plantings to avoid a straight-line hedge along the entire Rail Trail property line. The City encouraged supplementing the Rail Trail side with plantings. The Rail Trail connection to Hale Street would be recreated and maintained. A new connection at the north end of the site will allow access to the commercial end of the building. The two connection would be widened to 8 ft wide from the Rail Trail to the site, and then within the site the sidewalks would be 6 ft wide.

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Bob Uhlig said ornamental scale trees along Route 1 avoid the power lines. Pulling back the Route 1 sidewalk makes room for a continuous buffer for pedestrian safety and plantings. The south end parking area also has plantings. The large paved area at the main entrance off Parker St. will utilize unit paving to differentiate areas, such as at the edge of the circle. When the pedestrian path crosses that area it's friendlier and aesthetically pleasing. A wall addresses the grade change between the pool area and the Rail Trail. He was encouraged to add the colored plantings on the west side of the Rail Trail fill in the existing gaps along the woodworking shop. Bike parking is located in the lower level parking, near the front entry off Parker St., and at the commercial north end of the site. The lighting plan uses the same parking and pedestrian scale fixtures as Boston Way. Both are cut-off, downcast, warm LEDs.

Joe Sirkovich said there are 42 units on the north and 52 units on the south connected by a vertical amenities space that reinforces community between the 2 buildings. It includes two lobbies, pool access, a gym, a mailroom, an atrium, a leasing office, a 2nd floor deck and working space, a lounge, and a 4th floor space with an outdoor deck. Amenities not available at 3 Boston Way would be shared to further reinforce community connections. A small retail space is at the north end of the building. The 3 separate SGD buildings are much more open on the sides facing the Rail Trail than the Route 1 side because the Rail Trail connects them to each other and the greater Newburyport community. There are north and south parking lots, short term parking and drop off at the entrance on Route 1, underground parking 11 ft below grade, and 24 affordable units distributed evenly across all 4 floors. The ground floor has 4 live/work units and a dog washing area. He presented interior plans for the 4 levels of residential units. The 3-bedroom units are on the corners. The 2nd floor outdoor deck has a stairway down to the pool. Full balconies face the Rail Trail side. Juliet balconies face Route 1. Lounge spaces on each floor build community. The roof has accommodations for solar like Boston Way. Location and placement will depend on mechanical systems.

Joe Sirkovich described setbacks, differing materials and windows for texture and depth, mixing distinct brick, wood, and wood-toned fiber cement products like fiber planks, modern detailing, and coursing articulation to address the building mass. He presented sample images showing different treatments with these materials. The glass amenity area separates the two buildings. The roofline will use different parapet heights to avoid one long roof line on both sides. The first floor height is taller for retail opportunities. Fourth and 2nd floors have decks. There are setbacks at the third floor, banding on the first floor to define the retail/commercial zone, and bay windows. The live/work units will have canopy frames to help define the units in 4 locations. All windows will be operable. The soundproof windows used on Boston Way are under consideration. He presented elevations and renderings of each side and area of the proposal.

Public comment open.

Ken Tarantino, owner, Haley's, said Mr. Minicucci had been a fantastic landlord who spoke with him before applying for the permits.

Public comment closed.

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Bonnie Sontag said the application submittal waivers were approved at the last meeting. The first dimensional waiver is a maximum front yard setback increase to 16 ft to maintain a consistent building line along Route 1. A second is for the allowable maximum footprint area of 10,000 sf, whereas a 32,000 sf footprint is requested given the unusual lot shape.

Bob Koup said this is a challenging site to configure but there is a little too much that you are trying to make happen on the site because of the building footprint and lot coverage. Good points were made about the SGD, but the site isn't organized in a way that takes advantage of that because all pedestrians will be on the Parker St. side. He did not understand how the retail would work. Circulation could be helped if the main entrance connected toward Route 1, which has to do with the building footprint. A lot of issues need to be resolved. There are 4 curb cuts on the curve of Route 1 which is not great. Fundamentally he has a problem with the lot coverage. The footprint creates a lot of other issues to be addressed before the project moves forward.

Rick Taintor echoed Mr. Koup's concerns. His issues relate to the size of the footprint. Squeezing, in so many places, creates little corners on the north and south sides, squeezes the pedestrian connections, etc. These lots were analyzed previously to determine a proper footprint. A 45% increase over the maximum footprint is big, given that the building hasn't changed much since the September meeting when the Board provided feedback on the footprint. The building has to get smaller for vehicle, pedestrian, and bicycle circulation, as well as safety of parking movements in the small lots. A waiver for 10,000 sf over the maximum allowed footprint creates serious issues and is too much.

Joe Sirkovich said they looked at a 2-building scheme after the initial discussion with the Board. That would require 2 buildings with separate lobbies and amenities, as well as 4 stories for each building. Two lobbies creates access difficulties for fire trucks. We still think two buildings up against each other is the right move.

Bob Koup said urban design has a broader context in the SGD, particularly concerning the ground plane and the connection of uses and reinforcing simple vehicular circulation. The building height is not at the top of his list for urban design considerations on this particular site. Lower building at the north end creates a larger footprint and squeezes urban design issues at the ground plane creating difficult circulation and unclear connections. He suggested relooking at the things not working at the ground plane in terms of how the building functions, circulation, and how it connects to the broader SGD. Retail needs to be where the people are. If all the pedestrians are moving between this project and the train station, he would put the retail in that direction. The small retail piece at the building's north end doesn't seem viable because it doesn't have maximum pedestrian connection.

Bonnie Sontag agreed. She's not worried about 40 ft across the entire structure if the issues Mr. Koup raised can be worked out.

Alden Clark agreed and is not concerned about building height. A smaller footprint would enable more setback from Route 1, where it seems tight.

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Bonnie Sontag said the third waiver concerns the 60% minimum of the front building façade that must be at the front line. The waiver request is for no façade on Route 1 due to the existing slope easement and lot geometry. A new pedestrian sidewalk will be constructed along there. The fourth waiver concerns the minimum sidewalk width of 5 ft. The waiver requests a minimum of 4 ft at the southeast building corner.

Joe Sirkovich demonstrated on the plan the one small area with a pinch point at the corner.

Rick Taintor said waiver is a function of the design and building footprint. One of the things the Board strongly asked for was a bicycle and pedestrian connection from the Rail Trail to Hale St. It's difficult to talk about this waiver in isolation because this plan takes the bicycle and pedestrian connection across 3 driveways rather than a direct shot across the property line to Hale St. That relates to the building footprint and doesn't pay attention to the pedestrian connections that the Board asked for previously.

Bonnie Sontag said the last waiver request is for a Cape Cod-style bituminous berm along the edges of the parking area or no curbing in certain areas to accommodate low impact storm water management measures and snow push areas. She reviewed the dimensional and parking requirements.

Rick Taintor said that 40 units per acre is the maximum allowed density, not the density requirement as stated. It shouldn't be stated that it is mandated that they have 94 units. It's not a requirement, it's a density maximum.

Bob Koup said relative to the below grade parking which is a dead end system. Access in and out is a tough turn to make with 2-way traffic. More thought can be given so that that significant portion of parking functions properly.

Heather Rogers asked if parking for the commercial retail at the end had a different parking plan associated with and whether that would limit some businesses based on their parking needs. Would the parking ratio change if the live/work units were converted to retail? Are there concerns about outside people using the parking spaces close to Parker St. to use the Rail Trail?

Scott Cameron said there are flex spaces. Residents will primarily park here in the evening when they come home from work. During the day when the northerly lot spaces are empty the spaces are available to the commercial tenant. We are providing 131 spaces and only 109 are required. There are 4 spaces near Parker St. left open for Rail Trail parking.

Rick Taintor said the north parking lot doesn't work unless residents leave during the day. How would you lease space to a tenant who can't be assured their parking won't be used for a building resident's second car or what if the building resident works from home, leaving a car in that space? The live/workspaces facing Route 1 don't make sense if there's no parking for them in the north lot. It's not a question of the number of spaces, but the management of them. The north lot can't be for residential parking.

Rick Taintor said Phil Christiansen noticed that item E is not correct. There are two places at least where there are more than 10 parking spaces without a landscaped island.

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MJ Verde said the main turnaround has no plantings.

Joe Sirkovich said they make sure the fire truck does not feel claustrophobic, so obstructions are kept away. There can be some low lying cover but nothing over 12-18 inches.

Bonnie Sontag said the affordable housing requirements are met. A request to waive the submission of an affirmative housing marketing plan. Director Port said those are submitted prior to occupancy because they are involved in some back and forth between the state. He suggested the plan be finalized and on record prior to the first occupancy, with submission of the draft plan prior to approval for the waiver.

Rick Taintor asked if the plan details should be reviewed.

Bonnie Sontag said getting into a lot of detail at this point may become irrelevant. She asked for general comments on architectural design and materials.

Bob Koup said the palette, character, and quality of materials shown and the efforts to break down scale are all in the right direction. The architectural firm working on this project has a long track record of excellent work. He's confident they can deliver the quality the Board expects.

Alden Clark agreed. The attempts to break up the surface with varied materials, heights, and indentations is the right way to go.

Beth DeLisle agreed. She would like to see the buildings tied together with a better material treatment. There's so much detail in the front. There should be more detail on the Route 1 side given the gateway references.

Heather Rogers agreed with everyone. She liked the materials. The building depicted here is more pleasing than 2 buildings with 4 stories. She likes the way this plan scales better.

MJ Verde expressed concerns about the building's south side with the amount of glazing. The sliders would have blinders because of the exposure. That visual is bothersome.

Bonnie Sontag was concerned about the potential conflict between roof equipment that hasn't been identified yet and the solar panels. It looks like it can't all fit. '

Don Walters understood the applicant must conform to the stretch code. Has the applicant done a study to determine the incremental cost to make it a net zero building or decreasing the energy use per square foot by 50%?

Joe Sirkovich said an energy study is not done at this point but when we know what we're designing to, we will do one. Mr. Taintor mentioned 80 units. How are we supposed to respond at this moment to a layout?

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Rick Taintor said a program aimed for 94 units is causing all the difficulty. You're not required to provide 94 units. Because this is an oddly shaped site, you need to design the building to the site instead of to the number of units.

Lou Minicucci said the site accommodates 99 units which they've reduced to 94. He understands what needs to drive the project must circulate better. If it needs to be less than 94 units, they will work on that. He is committed to energy efficiency. 3 Boston Way is striving to be passive house certified, LEED Gold certified, and Fitwell certified, but the pricing continues to go up more than we ever fathomed and there are supply chain issues. While the guideline in most communities for affordable housing is 20%, this project and Boston Way has 25% affordable units. That's 254 units for Newburyport's inventory. A certain number of units is needed to maintain the commitment to energy efficiency, affordable housing, and quality materials.

Bob Koup said there are 2 fundamentally different environment to each side of the building. The side facing Route 1 is a vehicular environment without a lot of pedestrian activity. The plan should acknowledge that. The south side of the building is the pedestrian environment and where the layout relates to the public. The plan needs to recognize the realities of the two different environments on each side of the building.

Rick Taintor agreed. The live/work units should be oriented toward the front, Parker St. side of the building. It's hard to see how people will circulate to the live/work units. It's the nature of the site and size of the footprint that the parking layout is disjointed. It's hard to imagine how you would provide effective way-finding. The south parking lot is potentially a source of danger for cars backing out because of the conflict with the exit driveway and pedestrians crossing the driveways. The plan needs to give more room to other than vehicles.

Bonnie Sontag said the comments from Geordie Vining on the Rail Trail are with the applicant and were referred to in the presentation.

Lou Minicucci said the housing plan will be similar to 1 Boston Way. The only difference is the location of the units and that's hard to do until the plan is finalized. The language has all been worked out and we're operating with an approved plan from DHCD which took over a year to work out.

Rick Taintor made a motion to approve the waiver for the submittal requirement for the affordable housing marketing plan. 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.

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Rick Taintor asked if the applicant would be able to address Phil Christiansen's concerns including plan requirements if they return December 15?

Scott Cameron said a great deal of the comments are highly technical in nature and have little to do with the site layout. There is a lot in flux right now that will involve a lot of engineering work.

Lou Minicucci said until we have a site plan nailed down Mr. Cameron can't start digging into what he has to do. If we come to a meeting of the minds at the December 15 meeting, Mr. Cameron can start addressing Mr. Christiansen's questions.

Don Walters made a motion to continue the Smart Growth Plan Approval Application for 166-168 Route 1 to December 15, 2021. Bob Koups 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.

4. Other Business

a) Request for minor modification – 75 Storey Avenue (2014-SPR-02)

Director Port said CVS has asked to replace the fence between the medical office building and their building with a vinyl fence because of lower maintenance. The top foot detail on the fence is not proposed in the replacement fence. Does the Board want that detail maintained?

James Mitchell, applicant, representing Giena of Newburyport LLC, said they tried to preserve the fence to make it last longer with priming which did not bond and looks terrible. An abutter called to say the fence looks terrible. We propose a PVC fence that doesn't require painting. The Dunkin Donuts neighbor is using a privacy fence of the same kind of material. Any detail added will break because kids pull on it and it will snap off. The goal is to make it look nice.

Don Walters made a motion to consider the request minor and approve the Request for minor modification to 75, 79, 79R, 81, and 83 Storey Avenue Site Plan Approval (2014-SPR-02) decision. MJ Verde 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) Correspondence

Comments re: IFS (Larzelere 1/18/21)

Comments re: IFS (Piper 10/20/21)

Comments re: IFS (Papanastasiou 10/20/21)

Comments re: IFS (Lyon 10/20/21)

Comments re: IFS (Kipp 10/20/21)

Comments re: IFS (Renda 10/20/21)

Comments re: IFS (Santos 11/1/21)

Bonnie Sontag acknowledged receipt of the comments which are posted on the website.

c) Other updates from the Chair or Planning Director

Director Port said he's tracking the Short Term Rental Unit (STRU) ordinance as it moves forward. The Route 1 Traffic Circle presentation by MA DOT is taking place November 10. The judge agreed to remand back to the board pending the City Council's vote on the remand order this coming Monday. There is a tentative date of 12/1/21 for IFS if the remand order is approved.

The meeting of 11/17/21 might be canceled because there are no agenda items as of now.

Bonnie Sontag said a technical review on the SGD project occurs before the Dec 15 meeting,

Rick Taintor said the next TSAC meeting is next Thursday. Will anyone from the SGD project attend that meeting? Director Port said the TSAC meeting moved to Nov 18. We will have heard from the applicant on circulation by 12/15/21.

5. Adjournment

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

Motion Approved.

Meeting adjourned at 10:34 PM

Respectfully submitted -- Linda Guthrie