

**City of Newburyport  
Planning Board  
December 15, 2021  
Draft Minutes**

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

**1. Roll Call**

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

Absent: Beth DeLisle

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 11/3/21*

Joe Sirkovich, architect, Arrowstreet Architects, 10 Post Office Square, Boston, reiterated 10 comments from the last meeting: simplify the overall site plan, reduce the size of the building and building footprint, vehicular circulation has too many curb cuts, vehicular circulation to north & south parking is confusing, pedestrian connections are too narrow, pedestrian circulation from the Rail Trail to Hill St. is compromised, the parking ramp entry at the circle entry compromises the pedestrian experience, the parking ramp geometry is questionable, the viability of retail location was questioned, and parking and pedestrian circulation are inconvenient to live/work units.

Joe Sirkovich demonstrated changes on the plan. The building length shrank 50 ft, and the footprint is 3,500 sf smaller. Four stories cross most of the building. The unit count is down to 92 from 94. Surface parking is reduced by 8 spaces. The paved surface area is reduced. He demonstrated on the Newburyport Crossing master plan how this gateway building anchors the neighborhood with 3 access points to the Rail Trail connecting to the Boston Way buildings. He described five areas in detail: the north parking lot and retail area, the pedestrian corridor from north to the south, the community green near the Hale St. connector, the residential courtyard area at the front entry, and multiple connections along the Rail Trail and the landscaping there.

Scott Cameron, engineer, Morin Cameron Group, 66 Elm St., Danvers, said changes included shifting the Parker St. driveway closer to the 28 Parker St. parcel to the north, reducing the landscape strip along that edge close to zero lot line to widen and embellish the buffer between the parking and the Rail Trail by 8-10 ft. and moving the solid waste enclosure to the easterly lot line away from the Rail Trail. The turnaround diameter increased from 35 to 40 ft and now includes a conventional drop off shoulder along the cul de sac for daily package deliveries. The entrance to the underground garage is fully enclosed. The ramp covering is a green roof. The

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ramp configuration is improved with a softer slope. The Route 1 side egress is gone. The building shifted closer to Route 1 and as far northeast as possible. The 6 ft pedestrian walkway is separated from Route 1 by a tree belt with more landscaping between the walkway and the building. The south end of the property has an open space amenity area. The north end parking is reconfigured. Parking spaces are all compact for more open space and separation from the Rail Trail. The commercial ground level space is now its own building with 4 dedicated parking spaces open to tenants after business hours. The Parker St. entrance has a direct sidewalk connection to the Rail Trail open to the public. The cul de sac turnaround has a sidewalk connection to the Rail Trail. The lighted intersection crosswalk at Hill St. has an 8 ft wide direct route to the path to the Rail Trail. Existing trees along the boundary and within the property are preserved. Phil Christiansen's comments are addressed but the submission was held back to include tonight's comments.

Bob Uhlig, Halvorson/Tighe & Bond, Landscape Architects, 25 Kingston Street, Boston, said simplifying the site plan allowed them to create a user friendly realm for public benefit around the entire site and reduced impervious surfaces. Three clear routes to the trail and pathways through the site are all ADA and MA Architectural Access Board compliant. There are 3 distinct publicly accessible open spaces. Generous open space surrounds the north end around the retail space. A community green and courtyard is at the southeast gateway to Hill St. An additional courtyard to the southwest is near the entrance. A richly planted buffer runs along the entire Rail Trail property line. Path connections to the trail are widened from 6 ft to 8 ft. Other walkways within the site went from 5 ft to 6 ft. The landscaping prioritizes existing plantings. Six oak trees to the north and to the west of the parking lot will have construction fencing. The protected sumacs are close to Parker St. The Alchemical Garden will be protected with construction fencing. The property line runs down the middle of the site's low point where a remnant swale from the prior railroad use is filled with 50+ years of invasive species and settled debris. That will be cleaned up and the property line replanted with naturalized drifts and groupings of 50-60 evergreen and deciduous trees and over 100 new shrubs, enhancing the previous proposal. Plantings at the crossings are reduced in density to allow for visual cues that invite you to make the crossing and to ensure safety. The proposal re-grades and smooths out 3 areas adjacent to Rail Trail connections and an area adjacent to the Alchemical Garden to accommodate site drainage. Those areas will be over seeded with lawn and meadow mixes for a more natural look along the edge. Along Route 1, 35 ornamental trees will not obstruct the utility lines, provide a visual buffer, and help reduce the building scale. Another dozen trees are along at the entry at Parker St. All species are low maintenance, will be attractive year round, and are listed on the planting plan. The turnaround area and pedestrian crossing are more human in scale. The low plantings in the center oval are surrounded by permeable pavers with asphalt beyond that.

Bob Uhlig said the new civic space with amenities around the commercial/retail building includes bike racks and benches to help the space succeed. The retail parking layout is modified by designating compact depth spaces and adding more trees to reduce the impact on existing trees. Picnic tables and lounge chair seating are on the Rail Trail side. A courtyard adjacent to the building entry offers seating for visitors near the circular drop off. The pathway toward Hill St. along Route 1 has a 2 ft buffer and room for a little fencing and some plantings. Ornamental trees around a community green with pavers, seating, and a low wall at the south corner along Route 1 replaces what was previously parking. Waste management moved closer to Parker St.

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The pedestrian crossing from the Rail Trail features crescent seating and supplemental plantings. Some parking has been removed to make the crossing to and from Hill St. safer. The connector walk near Parker St. has moved away from the edge of Parker St. and goes directly to parking spaces to make it safer than walking along the edge of Parker St. He demonstrated a sampling of materials including the fieldstone wall along the community green and Route 1, permeable pavers for the drop off roundabout with gaps for stormwater to penetrate, patterned and louvered screening for the trash enclosure, onsite bike racks, site furnishings such as benches, picnic tables, and hi-top bar tops for outside the retail, sun lounging chairs, and lighting fixtures. He presented the photometric plan.

Joe Sirkovich demonstrated an updated rendering of the revised building. Two buildings over 12,000 sf each are connected by a glass feature that contains the lobby and amenities for all floors. The 4<sup>th</sup> floor roof deck moved to the northern end of the building because its corresponding portion in the glass feature was used for a unit. A separate building at for the north end of the property commercial/retail space gives it a better chance to succeed. He presented interior floor and underground parking plans and building elevations. He demonstrated on renderings of the building a revised angled, green-roofed ramp. Moving the parking ramp opened up the front entry courtyard area by moving the parking ramp. It's now more pedestrian and bike friendly. He demonstrated on renderings the gym opening to an outdoor terrace, the southern portion of the roof for solar panels, Juliet balconies on the Route 1 side, full balconies face the Rail Trail side, parapets that step up and down, a 2<sup>nd</sup> floor amenity deck, bay windows at the 4<sup>th</sup> floor on the northern most building, a roof deck on 3rd floor at northern end, and fieldstone walls.

Public comment open.

Public comment closed.

Bonnie Sontag reviewed the waivers, including a request for dimensional waivers. The Board previously discussed the request to increase the maximum front yard setback from 10 ft to 15 ft and felt that this is okay. The footprint waiver is still quite significant. The third waiver requests no façade on Route 1 with a new pedestrian sidewalk instead.

Rick Taintor said a comment in the Staff Report that MINCO's signage plan details will be submitted when the site plan is approved is not consistent with the Board's vote on the requested submission waivers.

Director Port clarified that MINCO would rely on a straw poll consensus of the site plan layout, prior to the approval, to submit signage plan details.

Bob Koup said there's enough progress to see the site's potential as an anchor. He strongly felt the building needed 2 distinctly different frontages and that it would be best to bring the activity generating elements together in a way that creates a viable urban space with a mix of uses. The south side plaza should be as large an area as possible because that's where the potential for synergies between the pedestrian, live-work units, retail, the building's arrival point, the Rail Trail, and other activities crossing the site exists. Route 1 north and south frontage is just the

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opposite -- a buffer area rather than a pedestrian friendly environment. The units at grade need a buffer, such as the fieldstone walls, instead of a sidewalk. The Rail Trail connection to the south side of the building could be emphasized. Food trucks should be at the southern end of the site where all the activity is mixing, but that's only possible if the space is bigger. The building would have to move a bit to do that. It's not quite there yet.

Don Walters asked about the retail space hours and related parking arrangements and agreed with Mr. Koup on the location for food trucks. He wouldn't mind only one Rail Trail connection and didn't see the point of 2 connections without the retail space.

Rick Taintor said the Route 1 sidewalk is needed to get from the parking lot to that side of the building, even though it doesn't go anywhere to the north. Site plan C3-1 shows the area along Route 1 as a tree belt, but the landscaping plans only show lawn there. Is it possible to shift the sidewalk closer to the building and flip trees to the roadside? They have only about 12 ft of space to grow between the building and edge of sidewalk pavement. If the tree belt was wider with larger trees, it would be a better buffer and create a more parkway feel along Route 1 to soften the experience for drivers and residents. The building can't get closer to Route 1 because of the MA DOT slope easement. The Alchemical Garden area is on both sides of the pathway from Haley's. A disconnect between existing conditions and the plan shows eliminating of some of Alchemical Garden features for seeded lawn. Rendering A-501 shows the Alchemical Garden completely gone and doesn't match the landscaping plan. He wants to be clear about what's happening with the landscaping there. Rendering A-506 also suggests the pathway that cuts across the traffic circle has different paving, but in the concept drawing it's paint. He knows a concept plan is not a detailed site plan, but he'd like the preliminary planting list and landscape plan to be more specific about the number of trees and plants in the preliminary planting table.

Heather Rogers said the sidewalk along Route 1 makes her uncomfortable. She uses the Route 1 crosswalk and wouldn't want to walk along that curb. Is there an internal lobby access to eliminate the Route 1 sidewalk, or something tighter to the building? If parking spaces have overlapping uses with the retail space, how is it known that works well now that people are working from home?

Scott Cameron said the 5 spaces near Parker St. are for access to the Rail Trail. The 4 spaces on the retail end are shared. Residential use will take priority and managed by signage saying, "Resident parking 6 PM – 6 AM," to avoid the general public parking there overnight. Building code requires door entrances on the Route 1 side. The overhead wires on Route 1 along the front of the building can't be moved which is why it's shown as grass. We're working with MA DOT on frontage improvements. They want the sidewalk closer to Route 1 and extended across the property as part of a future design plan.

Joe Sirkovich said in addition to the lobby, two staircases empty out onto Route 1. The curbs and stone walls will make it safer for residents to walk along Route 1.

Bob Uhlig said they want the walkway set back from Route 1 with ornamental grass or other herbaceous plantings between the curb line and the sidewalk instead of woody plantings that

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would take too much abuse from roadside snow and salt. Lusher buffer plantings are between the sidewalk and the building.

Bob Koup understood the limitations and still believed the sidewalk would not be a pleasant pedestrian environment. The Route 1 environment is not urban, it's about traffic. If the building egresses on Route 1 could be minimized, the Route 1 strip could return to being a landscaped buffer so that ground floor units do not feel the impact of Route 1 as intensely.

Scott Cameron said the easement is variable in width. The building is right up against the easement. The south end of the building closest to Route 1 is only 10 ft. from the highway and faces challenges with slope backs that require sheet piling to construct the foundation below the highway grade. The building's middle portion fits right around the V- shaped easement.

Lou Minicucci, MINCO, said it was important to have a retail component, but he's concerned about the viability of retail at this site and had no qualms eliminating or relocating it, but its current location gives it the best shot of attracting the most people. He would eliminate the sidewalk that MA DOT asked for if they allow it.

Bonnie Sontag said mixed-use is required for the SGD and 2 live-work units don't do it on their own. Viable retail might involve different uses in different seasons. She's in favor of integrating it into the project.

Lou Minicucci said a coffee retailer is open to using one of the retail spaces in the morning. The space is on the "AM" side of the road. At 11 AM, it could become an ice cream shop that may also sell salads and sandwiches. It could be a site for Christmas tree sales or craft fairs in the winter.

Rick Taintor said the Board originally wanted retail right by the lobby. That makes it more of a focal point for the Newburyport Crossing community. Shuffling businesses over the course of the day would not make for a robust retail center where someone could predictably find what they want. Dunkin Donuts existing on less trafficked roads than Route 1 cause backups from entering and exiting during rush hour. He wouldn't target retail to drivers on the road, but rather to the neighborhood residents, people en route to the train, and Rail Trail users. The Boston Way projects got a pass on mixed use. This is a stronger location for a business than Haley's location.

Don Walters suspected there would be incremental calming in the area if and when the traffic circle goes down to one lane. Does the Board have the option to waive the retail requirement should we wish to?

Bonnie Sontag said retail is an integral part of the SGD community to provide activated spaces during the day. Director Port said the Board had some latitude to do that but agreed with Chair Sontag that retail is integral to this project and should be kept. He agreed with Mr. Koup that retail should be closer to the Rail Trail or the center of the building.

Heather Rogers said it's a lot to think the residents could support the retail space, which is what would happen if it moved closer to the circle. The proposed location is the best. Pushing it into

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the neighborhood may not be fair to whomever rents the space. Maybe there could be an organic walkway that tied the current retail location to the building better.

Bob Koup said a retail pavilion that accommodates different seasonal business would take creative thought to make it part of the public space. There's not enough visibility or parking for the location to become a destination, but it connects to the Rail Trail and the other buildings. Shifting the building north would solve some of the proximity issues at the southern end close to Route 1. The north end parking is hard to understand because it's so remote. There should be an entrance at the north end.

Lou Minicucci said there are 1.45 spaces per unit at Boston Way to satisfy the parking requirements of the residents. There are people who don't use their 2<sup>nd</sup> car as frequently, and those could park remotely. Some of those spaces help fill parking that tenants want.

Bob Uhlig said the Route 1 sidewalk was requested by MA DOT to accommodate future needs. He disagreed with having retail at the south end. Metzy's at the train station has done well. The Riverwalk Beer Garden has vibrant activity facing the Rail Trail, which is just across from where this retail will be.

Lou Minicucci felt it was important to have a retail component. Residents patronize Metzy's, who delivers, and go to the beer garden across the street. Changing Tides Coffee Shop comes with a food truck every morning and she has 10-12 regular customers.

Bonnie Sontag asked where the pedestrian connection from the crossing at Hill St. goes through the property and into the Rail Trail. On one drawing it seemed to miss the oval drop off.

Scott Cameron said they were still in concept and had not taken the finishing steps but have received comments from the Planning Office about it. That path will be on the outside of the turnaround area and will be defined by inlaid, flush curbing.

Bob Koup said parking includes 83 spaces below grade, 23 spaces as you enter the project, and about 20 spaces to the north. About 16 of 83 spaces at the lower level are tandem spaces that are difficult to get at and shouldn't be factored into the parking requirement of 107 spaces. The below grade parking still has circulation and maneuverability issues. He'd like to understand how they get to the required numbers.

Scott Cameron said the current ratio is 1.39 spaces per unit, just below what Mr. Minicucci says the market looks for. Zoning requires 107 spaces and there are 112 spaces freely accessible from any open aisle from anywhere, not including the tandem spaces. Families with 2 cars will lease 2 tandem spaces that don't need extra aisle space and are really no problem for people.

Bob Koup agreed. The north end parking spaces are part of the requirement to make this work. Circulation issues include car turning radius and coming to the bottom of the ramp where some spaces are tight to maneuver into while other cars are coming in. He assumes the spaces are all assigned so they don't have to find a way to turnaround if they can't find a parking space because this is a dead end parking system.

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Don Walters said he likes what was done with the parking. There are no public streets if there was ever a need for overflow. He liked tandem parking and agreed with Mr. Minicucci's observations that some cars don't move for months. He asked the design team to look at the Rail Trail connection at the southern end for safety because most people would take that to get to the train. Pedestrians would be crossing during commuting hours.

Lou Minicucci said train ridership is usually about 10%, and it's increasing. Boston Way has 21% train ridership, and an electrified rail will rejuvenate things.

Rick Taintor said the 40R zoning and regulations are standalone and do not prohibit tandem parking. The tandem spaces count toward the parking space requirement.

Bonnie Sontag noted Geordie Vining's comments about landscaping and circulation.

Bob Uhlig recognized the importance of the north end oak trees and said some trees may need to be trimmed along Route 1. The language needs to be massaged to address Mr. Vining's comments regarding syntax.

Bonnie Sontag said the sidewalk to the north goes across the curb cut and just stops. She would end it at the first curb cut and use that portion of sidewalk for more landscaping

Scott Cameron said MA DOT's requested it for their future walkway plan along Route 1. The team thought it made sense to turn the sidewalk into the northerly parking area. There is ongoing communication with MA DOT, who want the sidewalk completely within the state layout. We didn't want to do that. Director Port asked for himself or Mr. Vining to be part of the next conversation with MA DOT to walk through those particulars.

Bonnie Sontag asked if the southerly part of the sidewalk actually connected to the Hill St. crosswalk. It looked messy. She knew the crosswalk at Hill Street may be redesigned.

Scott Cameron demonstrated on an image where the sidewalk got very narrow and the MA DOT property line. They're doing their best to improve things. Director Port clarified that the plan doesn't go far enough to address a connection with that intersection.

Alden Clark asked about the recommended deed restriction on the undeveloped north end. Director Port said the City is looking to protect the vegetated screen that exists for Rail Trail.

Lou Minicucci said deed restrictions complicate financing. What purpose would a deed restriction serve if there is an approved site plan? The cleaner his titles are, the better off he is in the long run. Unless it's necessary, it complicates his title. This is a \$100 million investment.

Bonnie Sontag agreed. Getting into the north parking area is possibly a little too tight an entry coming off of Route 1. Would they consider taking out the first 2-4 parking spaces to make it work better? Director Port said his staff have a similar concern.

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Lou Minicucci envisioned that those spaces would not turn over frequently.

Bonnie Sontag said parked cars are what causes incoming cars to have trouble maneuvering.

Scott Cameron would bring the comment to Scott Thornton and MA DOT and come back with a professional opinion on those spaces.

Director Port asked if there was any ability to extend underground parking?

Joe Sirkovich would look at that but thought it could only be done on one end of the building because of the pinch point, which would be expensive.

Bonnie Sontag confirmed the applicant would bring any issues with peer review and City engineer Jon Eric White back to the Board. She asked for a straw vote on where to locate the retail activity. Most members preferred to leave it where it was currently located. She said the Board agreed the site plan is better and everything is heading in the right direction.

Scott Cameron said he spoke to peer reviewer Phil Christiansen today. Everyone is on the same page. He expected the technical submittal to occur by Friday.

Rick Taintor said a new utility plan is required. There are significant differences and a lot of reconciliation is needed between site plans, the architectural plans, and the landscaping plans. He wants to ensure the plans are reconciled before they are submitted.

Scott Cameron said the technical review, including the utility and drainage plans and the construction detail, will be submitted Friday. The reconciliation would be ready by Jan 19<sup>th</sup> when he hoped they would be at the finish line.

Rick Taintor made a motion to continue the Smart Growth Plan Approval Application for 166-168 Route 1 to January 5, 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) Approval Not Required – 47 Marlboro Street (ANR-21-4)***

Director Port said the lot split meets the required frontage and square. It's straightforward and the Office recommends endorsement.



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Don Walters made a motion to endorse the ANR Plan for 47 Marlboro Street (ANR-21-4) . 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) Approval Not Required -- 153 Storey Avenue and 1 Lt. Leary Drive (ANR-21-5)**

Director Port said the West End fire station reconstruction requires additional area to be acquired and added to the City lot from a residential lot. The remaining lot is undersized, but the ordinance now addresses that. Otherwise, it's straight forward

Rick Taintor made a motion to endorse the ANR Plan for 153 Storey Avenue and 1 Lt. Leary Drive (ANR-21-5). Heather Rogers 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.*

**c) Approval of Minutes**

Don Walters made a motion to approve the minutes of 10/20/21 as amended. Alden Clark seconded the motion, and all members present voted in favor.

The minutes of 11/3/21 were postponed.

**Motion Approved.**

**d) Other updates from the Chair or Planning Director**

Bonnie Sontag said both STRU zoning and licensing ordinances were carried over to the new City Council session. They are reconciled, updated, and will be republicized for a final joint public hearing in the new session. Director Port said the ZBA will be the permit granting authority. He would send out the updated drafts of both. There are minor language tweaks. The resource issues raised with City Council are that the ZBA might need additional hearing nights to

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handle the initial influx of applications, additional staff to handle the back end of that, additional paperwork, and enforcement, especially as it relates to parking.

Bob Koup asked if a 3<sup>rd</sup> party was still involved in enforcement. Director Port said yes, it will be necessary because of the way STRUs are advertised. It helps to keep an eye on what's out there and is needed for documentation and reference for zoning and licensing compliance.

Bonnie Sontag asked if resource concerns could move forward before the ordinances are adopted. Enforcement could come into play by June 1, meaning there would be legally approved STRUs before June 1. Director Port said yes.

Director Port said NED is interested in working with the Avalon concept. He asked the Board to think about what makes sense there in terms of zoning. The fundamental issues with the community are what is the right density, height, size, and massing. Those issues should be worked out up front. Whether NED is on the same page is debatable.

Rick Taintor said the link to the Waterfront West page needs to be reposted on the website.

Bonnie Sontag said in order to revise the overlay district the Board needs modeling at a cost of about \$60,000. We can't have a reasonable discussion or make any progress on revising the overlay without modeling. Avalon and NED are looking at a 40B. Director Port said the City could take a safe harbor for 40Bs for a couple of years because of the 3<sup>rd</sup> MINCO project that increases the City's affordable housing.

### **3. Adjournment**

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

### **Motion Approved.**

Meeting adjourned at 9:46 PM

Respectfully submitted -- Linda Guthrie