

**City of Newburyport  
Planning Board  
August 5, 2020  
Approved Minutes**

The online meeting was called to order at 7:04 PM.

**1. Roll Call**

Attendance: Alden Clark, Beth DeLisle, Anne Gardner, Leah McGavern, Bonnie Sontag, Rick Taintor, Mary Jo Verde and Don Walters

Tania Hartford arrived at 7:10 PM

Andrew Port, Director of Planning & Development, and Katelyn Sullivan, Planner, were also present.

**2. Public Hearings**

- a) Institution for Savings in Newburyport, c/o Lisa Mead, Mead, Talerman & Costa, LLC  
93 State Street  
Site Plan Review (2020-SPR-02)  
ITIF Special Permit (2020-SP-01)  
DOD Special Permit (2020-SP-09)  
Continued from 7/1/20*

Attorney Lisa Mead, Mead, Talerman, and Costa, LLC, 30 Green Street, said a new concept would be discussed tonight. Following the last public hearing, the bank undertook another complete redesign working within the constraints of the existing structure on the property, their programmatic needs, and the related parking. The bank also incorporated comments from the Newburyport Historical Commission and some members of the Planning Board relative to the request to look at the proposed addition more as a transition to the neighborhood architecture rather than a building on State Street. Elements from these comments include wood clad finishes rather than the brick architecture of State Street and the 1871 building, varied use of materials, a complete change of massing and the scale to be more of a transition to the neighborhood while still needing to serve a commercial purpose, and being sympathetic to a pedestrian experience on Prospect Street, similar to the rest of Prospect Street and Otis Place, including the activation of street level windows. To effect these changes, the bank is working from the outside in. As a result, the bank will need to change its operational program space to accommodate the exterior design changes. The design does not yet include the exterior details of corner boards, color choices, headers, and other similar design features. This is truly a concept. Nor has the design undergone a core services or regulatory review yet to understand if it will actually work. Before these further efforts are made, however, the bank needs to hear feedback from the board. She reminded the board that design development creation is a process.

Architect Christopher Angelakis, ARC, 501 Boylston Street, Boston, said a whole new, fresh look would be presented as a result of deep listening to issues at the last meeting to which they felt they could bring design solutions to from the last meeting. He demonstrated on a series of renderings and

plans the following aspects. The essential design perspective was transitioning from residential toward State Street, as opposed to the other way around. They started with looking at the plan. One of the things they were trying to solve in the new concept was how to activate the street. It may not look like a big change, however, it was one thing they heard that could be resolved through design. Looking at the building from the street you saw blank spandrel glass that you knew concealed parking. The orange and yellow colored areas represented where they tried to create occupiable space on the first floor along Prospect Street and Otis Place. The space had not been programmed yet, but their intent was to create occupiable space where you would see activity inside human scale windows. Parking is hidden away. To make that possible they relooked at how to do one-way in and one-way out, which eliminated any curb cut onto Prospect Street or Otis Place. Cars come in and out of one location that is almost invisible. The garage access is pulled back and blended in with the architecture in a way that does not call itself out as a garage door. To accomplish this the façade is pushed out to the property line, at the sidewalk edge, consistent with all the other houses on Prospect Street, and there is a minor change to the island. The massing makes more sense when you consider the compromises, beginning with the square footage of the upper floor. He demonstrated on the plan blue colored areas for program space, or office activity, a yellow area for circulation, and gray areas for building services. The upper floor has been eroded away, which would be easier to see and understand on the 3-dimensional renderings. The design is a cluster of buildings, instead of one building, sized and scaled to the houses around the neighborhood. Two key features include the introduction of pitched roofs commensurate with eave heights across Prospect Street (where you could clearly tell what is intended for the mean roof height), and the buffer space between Prospect Street and the parking that cuts right through the corridor connecting two larger spaces along Prospect Street. The buffer will be activated and may have something worth seeing into even though it happens to be a hallway.

Mr. Angelakis demonstrated on a series of 3-dimensional concept renderings the street views. Turning onto Prospect Street from State Street showed a series of transitions from the current brick buildings to the clapboard building with casement-looking windows and pitched roofs. They had not looked into the finish details, however the intention was to look at the appropriate languages of headers, sills, jambs, corner boards, eaves, and gutters in the neighborhood, as if the neighborhood was growing onto the site. Another view showed how the long mass along Prospect Street starts to break down. The garage door will have a color and texture to blend with clapboard-style cladding. Two smaller masses were house-scaled and not as long as the buildings across the street, achieved by introducing the architectural reveal. Windowsills are 3 feet 6 inches and sympathetic in size and scale, or proportional, to the residential neighborhood. On the corner of Otis Place and Prospect Street he showed how the massing starts and stops and the program for the upper floor has shrunk, allowing this single building to have the appearance of a series of smaller buildings built in close proximity to each other. At the corner, the mass has dropped down to be sympathetic to the smaller homes on these streets. From the opposite end of Prospect Street, they asked themselves if they could identify the transition to a business, and the answer was no. The concept is sympathetic to the scale, breaks things down, and lets masses be either two-story or single-story in an appropriate way. Returning to the view of Prospect Street from State Street, he demonstrated the loggia, which is an entryway. It was important for the concept and for the bank that this building had an apparent front door. The loggia was an element that dropped the scale of the building and created a human scale. As the gable ends the loggia begins, much like a front porch would, to call out an entryway and serve as a scaling device.

Public comment open.

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Chair Bonnie Sontag reminded residents to comment only on what they had heard and seen tonight, which is the concept design.

Jared Eigerman, 83 High Street, speaking as a City Councilor for Ward 2, said he had not been involved in all of the Planning Board and NHC meetings. This is an important location not just for residents but also for our institutions. He was very curious about the new drawings and needed time to digest them. He was not ready to make a judgment. He did see this as a fundamental flipping of the script instead of matching a commercial look going along Prospect Street to Otis Place. The wood frame-style is appreciated.

Glenn Richards, 6 Kent Street, chair, NHC, said he was speaking from his personal opinion and not for the NHC, who had not reviewed these concept plans as a group. In general, this was a step in the right direction. He appreciated the bank, its trustees, board, and everyone involved for their willingness to listen to input and make such a substantial change of direction. Someone had said to him why disguise a commercial building as a residential building. He felt Mr. Angelakis did a good job explaining the rationale for that. He was concerned about the design pushed up to the lot lines, where it was a little set back before, but the other changes were an improvement. One thing that could be looked at is the eave line. He assumed that the first floor was unusually high because of the parking system. The Otis Place rendering showed an uncharacteristically high eave height and the distance between first floor and second floor windows was uncharacteristically big. Maybe there was something that could be done about that, especially where the buffer area can be taken advantage of to move the eave line down a little bit and do something creative. He thanked them for making a bold move.

Tim Wacker, 13 Otis Place, lived half a block from the project. He assumed the board would not be rendering any decisions tonight.

Bonnie Sontag said that was correct.

Mr. Wacker said he had questions he wanted read into the record because they had not been answered to his satisfaction. When the board was ready to make a decision, hopefully someone would have the answers.

Bonnie Sontag said there would be a more detailed discussion of the application at the next meeting. Tonight, the board was just taking input on the concept design. Issues that were general questions should be saved for the next meeting.

Mr. Wacker said the redesign did nothing to address traffic congestion issues that are inherent here.

Tara Cederholm, 20 Fruit Street, said she had followed the project carefully and not spoken before. She thanked the board for their effort and the bank for going back to drawing board. It was a step in the right direction, but at a previous meeting the building height was 30 feet. The peak is now 31.5 feet. Perhaps they were considering the building height at the edge of the roof. She was not sure that completely addressed neighbors' concerns about scale and massing. She suggested a shadow study be done for the neighbors before any final decision was made. Both the loggia and the reveal were of today's moment, post-modern architecture, and stand out in a way she would not want. Those

two elements are a little out of scale. She agreed with Mr. Richards that the windows were out of scale as well.

Colleen Turner Secino, 15 Otis Place, said the new plan was clever and wonderful but did not address massing, scaling and size. That was all we have ever asked for. Put it on State Street or push it back.

Peter Mackin, 11 and 13 Prospect, was directly across the parking lot and appreciated the bank's effort, but he agreed with Ms. Secino. It was too much for the current parking lot location. The scale was off the charts. It was getting bigger, not smaller. The design felt like a reproduction. He did not see that the design broke up the mass because it came up to property line and enhanced the tunnel effect of a very narrow street. The renderings showed no cars parked on the street. The design was not pedestrian friendly because it was a long building somewhat disguised to be a house. It did not help the bank's brand or image. Three or four other possible options had been proposed. Was it possible with the CityLift to put more parking underground and make a one-story building 14 or 15 feet high?

Joseph Morgan, 55 Hill Street, NHC member, thanked the applicant for undertaking a rework of the addition. It was a step in the right direction and successful in reducing the perceived scale along the street. It also started to break up the overall mass. People should remember it was a continuous 30-foot brick wall down Prospect Street and up Otis Place. This has successfully broken down that scale and there is now a smaller element at the corner of Otis Place and Prospect Street. Other elements were used successfully that could be refined in the next go around. The loggia idea is very successful. Breaking the building in half with an element that started to provide a house scale is successful. There is still some opportunity to set that eave at the datum height of the bank, which is really 24 feet. The eave lines of the houses opposite were between 21 and 23 feet. He understood the challenge of the eave height because the first floor was 16 feet high, but there were tricks that could be employed to deal with that, such as a higher window elevation along that facade. This could work and it has addressed the particular concerns of materials and neighborhood context.

Claire Papanastasiou, 4 Otis Place, said the concept ignored details about the main issues she had talked about from the start. Certain things seemed superficial. She wanted to see more focus on the size of the structure, the massing, and the impact. She thought everyone was on the same page about impact. If this goes through here, what would happen on Charter and Essex Streets when other entities want to expand? It impacted not just this immediate neighborhood, but also downtown and the entire city. She was unimpressed.

Mark Griffin, 4 Otis Place, said this was a big change in plans from what had been presented previously but consider that this has been pending a very long time. Previous plans were grudgingly changed in minor ways. When we finally get to this point and suddenly see something that is not brick, we think, "Wow. The bank has really made a significant change." It is a significant aesthetic change, but it is not a significant change in the footprint, which is virtually the same. The height might actually be higher. They built out to the lot lines again. The building wall and pedestrian walkway next to his kitchen window had not changed, although now it was a wood wall rather than a brick wall. He was heartened at the last meeting when board member Rick Taintor thought the building should be brought up toward State Street. That was a good idea and would have been a significant change. This is more of an aesthetic change. He was not on board with patting them on

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the back just for changing brick to wood, especially since they did not make many changes before. He was not impressed.

Steve and Rene Charette, 16 Prospect Street, at the corner of Prospect Street and Otis Place, 45 feet from the proposed expansion, agreed with his neighbors. Mr. Griffin said it well. This is an aesthetic change that does not address the size, the scale, and how it will affect the homeowners. He appreciated the Planning Board's acknowledgement at the last meeting on how the proposal affected the light, the airflow, how it puts us in the shade, and the noise emanating from the building, which he heard now and it is several hundred feet away. It stands to reason that with the building right on top of us there will be a substantial increase in the building services equipment noise. Aesthetically this was a change that did not address their main concerns, which were the size and scale of this building. He and his wife were much more in favor of this expansion being on State Street.

Richard Pollak, property owner, 1, 3, 5, and 7 Garden Street, said the building was right in his back yard now. He was concerned that he did not see anything about the backside of the building that his nine tenants would be facing. His 9 tenants were very concerned. He was also concerned about the size, the lack of sunlight, noise from the generator (which was not addressed in this presentation), the air conditioning, and water coming onto his property because of the roofs. He had back yards full of water during the spring presently. The construction was too much for the area and would take all the sunlight from his backyard. The bank was trying but they would be better off to go up to State Street where people have said commercial buildings should be and not all that parking in our neighborhood.

Sean Sullivan, 9 Prospect Street, directly across from this development, said the new design was interesting but the change made the issues he had worse than before. The problems are the size, the massing, and the shade cast on a south-facing house, which would become worse with the increased height of the structure. The bank shows these plans next to the largest houses, not the smallest houses. His eave line is 16 ½ feet. A basic shade analysis shows this is just as bad or worse than before. He had the same comments made last time and the same comments as his neighbors. The exterior had changed a little bit, but in his opinion it had become worse in size, massing and shade.

Anne Marie Clausen, 3 Otis Place, said she agreed completely with Ms. Secino and Mr. Griffin. State Street was a great idea. She was behind that option. She said the Planning Board and the NHC had been ignored regarding the massing, scale, and height.

Cindy Johnson, 99 Lime Street, said she was impressed with the bank's management and their ability to go back and hire additional architects to pursue comments made by both the NHC and the Planning Board. This design had the potential to be world class. Living in the crowded South End, this could be a feather in Newburyport's cap to show how you transition from a historic building to a historic neighborhood in a sensitive way.

Patricia Peknik, 4 Dove Street, vice chair, NHC, said successful additions on historic buildings can result from very different design approaches. What is common to buildings that meet the Secretary of the Interior's standards is that the additions are subordinate. The challenge is Standard #9, which requires compatibility with massing, size, scale, the property, and the environment. The Secretary, on page 156 of the 2017 Standards, which is on the NHC website, recommends against "constructing a new addition that is as large as or larger than the historic building because it is

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important not to visually overwhelm the historic structure and the environment.” The NHC makes exceptions on Standard #9 only when the large addition would be hidden on a new elevation not visible from any public way. The National Alliance of Preservation Commissions’ explication of Standard #9 with regard to subordination is that the inquiry must not privilege only the view from the center façade of the historic structure and that the highest standards for subordination in historic districts should apply to corner lots. That has been the practice of our historical commission, as we have consistently made clear to applicants. To satisfy Standard #9, the horizontal massing of these additions can be greater than that of the historic structure if the vertical massing is lower. Or, the addition’s height can be just a little bit higher if the horizontal massing is reduced so that the volume proportion of the addition to the historic building is closer to 1-to-1 or 1.5-to-1, but not 2.5 or 3:1, as we had seen previously.

Public comment closed.

Bonnie Sontag encouraged a back and forth conversation, with the applicant responding to each member’s questions as they spoke.

Rick Taintor said the concept went a long way toward addressing some of the comments and concerns raised at previous meetings. In contrast to the previous plan, this is much more successful in addressing the requirement of the zoning ordinance that it be consistent with the adjacent residential neighborhood. The zoning ordinance does not refer to residential but it does refer to the adjoining properties within the district and the adjoining properties within the district are all residential. This does a much better job of doing that.

There is a challenge in terms of scale. The new concept design goes a long way in that direction. The building is taller at the peak but at the street line it is much lower and the pitched roof certainly addresses some of the shadow issues that he was concerned about last time. He did a rough shadow analysis at the last meeting, looking at the angle of the sun at different times of year. The new concept design would solve quite a bit.

The new design has a nice combination of traditional and modern elements. He liked the loggia idea to break up that façade and create an entrance, although he was unsure about the specific design. He liked the way the building was divided by the reveal. He had seen other examples of that type of architecture in the area and thought it made sense. It does a better job of addressing the subordinate relationship of the building to the historic building, especially when seen from the State Street angle. Because it faced the Otis Place and Prospect Street properties, it still cannot be subsidiary to the bank. He had asked at the last meeting to have the idea of a model similar to the library across the street be considered but it was a tight site and he recognized that. The space on the site might not make it possible to do that.

The one-story building at the corner seemed odd. Would it make more sense to anchor the corner with a two-story building, and in that way, get some distance from the Otis Street abutter? The renderings showed some trees on Prospect Street. Would those trees really fit in there? Would the building be softened as much as was suggested by the rendering? In general, the concept went a long way to address concerns, particularly by members of the Planning Board. He appreciated the creative attempt to enclose a modern commercial space and yet try to be sensitive to the surrounding neighborhood.

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Mr. Angelakis said breaking down scale and massing had some clear architectural approaches that were also subjective. We thought roof forms, gable ends, and stretches of façade should be no bigger than some of the larger houses nearby and that ruled our efforts. The building does stretch out on Prospect Street, but by including the reveal and the one-story end, we determined that the concept design agreed with our rule. He demonstrated on a rendering of the corner of Prospect Street and Otis Place viewed from the opposite end of Prospect Street that a gable, with another gable set back from that, and a lower one-story level in front of it, felt to them how a neighborhood would naturally progress, where not everything was built at one time and maybe include additions. That was how they evaluated it for themselves. He agreed that some might find it odd, but it felt to them like something that would have aggregated over time. That was where they landed for tonight. That was not to say no other options were in their pocket, but this agreed with the approach the best. He needed to detail out what space they really had at some of the setbacks to see how street trees, plantings, or buffers could be implemented. Mr. Taintor was correct in observing that the sidewalk may be too narrow in that area. One tree in particular in this rendering could be a challenge, but he had seen street trees done in a sidewalk. It was a question of whether it was appropriate. After tonight, if this were the right direction, he would start detailing those kinds of approaches.

Leah McGavern agreed this was a huge step in the right direction. She appreciated the bank's pivot to transition into the neighborhood. The loggia was interesting. She liked the way it was drawn. It suggested something a little fresh for Newburyport, which she found a little exciting. It would also be interesting to consider some sort of opening on the ground floor to make it feel a little more neighborhood-like. She realized that might not work with the plan. She echoed the comments on window heights. Changing that would be a challenge, but the window heights should match better with across the street and benefit the elevations. There was something about the third building on Otis Place. All three buildings looked alike. It would be interesting to see if they could each have a little more personality, or at least one of them. In particular, the building on Otis Place seemed like it should be different from the other two buildings. She imagined they could test that. Given comments about the trees and building right out to the street (which she was generally okay with), it would be interesting to consider pulling the hallway wall back a little bit for more of a setback. The hallway was not doing much of anything on the ground floor.

One could argue it was odd to disguise a garage so literally to look like a residence, but in that gesture, you would also be reducing the peak height. It probably impacted the second floor. She suggested that as something to explore. Maybe it goes in and out in places, although that might be complicated given that parking had to happen there. It was a design thought that might address some people's concerns. This plan, given that the massing was broken up more, became a language that was independent from the original bank structure. It does a good job of contrasting with the bank. It looked like an entirely separate development rather than an addition to the bank. That was a positive argument for this concept. In general, it was a positive direction. There were lots of little things that could be talked about. She had offered a couple of ideas and encouraged the bank to pursue this concept.

Mr. Angelakis addressed the ideas of a doorway on the ground floor and the hallway. He did not want to focus on the hallway too much. The hallway was connected to areas in the plan where real programming could happen. If they continued with the concept, there would certainly be a doorway on the ground floor for a real entry point. Hopefully he could move forward with this concept. The team felt like there were upsides to making the street active and not the dead façade heard very well from the previous critique. Last time, he heard that window heights were out of scale. They were

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tall, but this was the game of scale. If he stretched them too high so they felt like the space in between the first story and second story was diminished, then the critique comes that the windows were too big. He could argue very well the windows were residential size. As far as how the windows were across the street, there were three or four buildings, and the window heights popped up and down a lot. The three that were multi-family had sills that were quite high, up around 5 ½ feet, which was higher than he would want on a building with a ground floor entry. Their heads were somewhere in the 11-foot range. The concept design's first floor heads only came up to about 10 feet with sills at 3 ½ feet. There was space to push the windows up and some interesting architectural variations for doing that. He spoke to the architectural scale challenge of hitting the perfect target of size versus scale. They would do the best they could, but he thought this was a good start.

Mary Jo Verde agreed with most of the comments by Mr. Taintor and Ms. McGavern. With regard to the image of Otis Place, a second means of egress would be needed at some point. The Otis Place façade looked like extra-large infill. The three-story peak next to the one-story corner piece felt out of scale. Referring back to what Ms. McGavern said about it being part of the same development, maybe that was a place where there could be a change. It looked like the back of a building because it did not have an entry. Could there be an opportunity there? It overwhelmed the house with the gambrel next to it. Ms. Peknik from the NHC talked about the scale being subordinate. The scale still feels large. Were there numbers that related to that? Was it really subordinate? It was a really big structure. She commended the bank for flipping completely to something much more contextual that fit in with the neighborhood, but it was still large. The eave line could come down a foot or two on Prospect Street.

Mr. Angelakis said the Otis Place corner was going to get a lot of attention. They could discuss further what could be done. He had already spoken about why this was a good approach. There were other ways to think about it, but he would stick to his guns a little bit. Did it look like something additive or did it look like an extended part of a larger form? They could study that. It was hard to speak to the scale being subordinate. They had done everything they thought they could to make it subordinate and still achieve the bank's program and the program-generated parking count. That resulted in a floor space that needed to be achieved. With those givens, they believed that it was as subordinate as possible with this approach. The rest was a little more subjective. In a conceptual approach, eave lines were being set for them to have some ability to develop the building structurally without hamstringing them to have to come back to raise them later. They were extremely comfortable that this eave line, which was similar to the adjacent eave lines of the three multi-stories across from the house, and made some sense. As things developed they could try and sneak some of that down, but this was a good place to start because things got harder and tighter as they got into development. That was as much as he could say about the eave lines.

Beth DeLisle agreed with a lot of what had been said before. This is a good step. Like Ms. Verde, she thought the scale was a bit too large. She would like to see a street level view from the front of the bank to see how it all fit together once it was further along. Although that was not the only view for determining whether it was subordinate to the historic building, it would be helpful. The parking was driving the scale and size of this and she encouraged the bank to consider whether there were any other possible configurations using the lift or using off-site parking, to pull the building in a bit or lower the roof height to cut down on the scale a bit.



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Mr. Angelakis said the images were from a live model. Their process was to do things perceptually and three-dimensionally all the time, and then back into the two-dimensional drawings once they had solved the problems of three dimensions. They could show the board views from anywhere and get members the views they wanted to see next time. For other planning boards they had gone before they had been able to drive the live model in real time. He encouraged the board to consider that in the future because it let the board know they were not hiding anything. If there were rough parts, the board would be able to see them. The parking configurations had been studied exhaustively. There was a lot of code driving this, and there were things they were and were not allowed to do by state code. At this point, the parking codes were what they were, unless some crazy variance happened. What they were trying to do was follow the rules as written to make those parking counts work as they were prescribed.

Don Walters said he would go over some of the points fellow board members made if for no other reason than the applicant needed six positive votes for the special permit. He wanted to let the applicant know where he stood. He spent a reasonable amount of time on State Street today, walking back and forth, looking at where the building would be. His preliminary finding was that the building was generally remote, or separate, from the historic building, first from the distance where the addition was and second the trees on State Street and part of Prospect Street where the drive through was, were very large. That might bring up a question in the future about what happened if those trees became diseased. But for the time being, there was a fair amount of separation.

Ms. Peknik also mentioned subordination. He read a section from the Secretary of the Interior Standards, which he did not think was out of context: For a new addition to the historic structure, “recommended” is “ensuring that the addition is subordinate and secondary to the historic building and is compatible in mass, scale, materials, relationship of solids to voids, and color.” “Not recommended” is “constructing a new addition that is as large and/or larger than the historic building,” which seemed very factual. The key point was “which visually overwhelms, i.e. results in the diminution or loss of its historic character.” Because of where it was located on the property, he did not see that happening. He liked it closer to the street because it was consistent with the houses. The gable roof was similar to the architecture of the other houses there. It was similar to what was done in some buildings with four or five floors where the board had said to use step-backs. It softened things a bit from before.

He would like to see some renderings with a closer view, as these perspectives were far away. Today, from the corner of Prospect and State Streets, the buildings looked different from your focal point. Some kind of a walk-through would be helpful. He deferred to others on windows and heights. People are concerned about the scale, the height, width, and they’d like it a little bit less from the property line. His preliminary thought is that it was either a one-story or a two-story building at the end of the day. At this point he was inclined to be in favor of the general height that was there as opposed to a one-story building with a sloped roof.

Mr. Angelakis said they agreed on a number of points. He showed all of his images at 60 degrees, which sort of matched the human eye. He did the best he could to put the cameras as if you were standing on the street, but nothing beat driving around in real time to see how things interacted with each other. He appreciated the scale versus height comment. Scale was sometimes used for the word big, but scale was proportional. He worked hard at getting scale right, trying to mitigate between the

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scale of the neighborhood and how to be subordinate with the historic building. It sounded like Mr. Walters thought he was getting there.

Tania Hartford had some technical issues and might have missed some of the questions from other members. She apologized in advance for repeating anything. Overall, she was not a fan of a fake residential look for a commercial building but she understood the reasoning behind design. There did seem to be some comments in favor of this being a better scale and what some people were looking for in terms of fitting into the neighborhood. She liked the clapboard because it softened the façade over the wall of brick. She liked that some of the planes were broken up and that it was not just a large brick wall. She was curious how much the pitched roof raised the roof height compared to when the roof was flat, and whether that reduced the shadows cast onto the street or not.

Mr. Angelakis said last time there was a two-story flat roofed building. He demonstrated on the rendering of the corner of Otis Place and Prospect Street that clearly the peak of the gable was higher. The eave height was generally in the same place as the previous proposal, if not a little lower. The shadows had not changed. The shadow casting of a two-story building, whether a pitched roof or not, was generally the same. When the sun was super low in the evening or early morning, the shadows lengthened, but when you got into mid-morning or late evening they were essentially the same.

Tania Hartford said she felt as if having a single-story building on the corner of Otis Place and Prospect Street was a little out of scale. It seemed out of scale. There were not any single-story buildings in this neighborhood. That being said, she wondered about taking the one-story building and moving it over, flipping it, so it was next to Mr. Griffin's smaller house on Otis Place and the two-story building mounted the corner. She wondered if that could be done from a design perspective so that it looked like an accessory building or an addition to the fake house look at Prospect and Otis Place because it seemed out of place where it was. It was just a suggestion and she did not feel strongly one way or the other.

Mr. Angelakis said the best he could do was to take that suggestion and look at it. If he was to do that he would be looking at a very long stretch of taller building on Prospect Street. They were doing the best they could to balance the Prospect Street issues with the Otis Place issues. Right now he was agnostic as to which one was more difficult to solve. This was a scheme that balanced Prospect Street and Otis Place the best they could for this meeting. Like they did at the last meeting, he would take these comments to heart and see if something emerged out of it.

Tania Hartford said it seemed like there was still a neighborhood concern about massing and scale. Some of the massing and scale was coming from the fact that there was so much parking on the site. It is an unusual amount of parking for a downtown commercial building. She wondered if there was an option to reduce the parking and do some off site parking to reduce the scale and mass. She knew that would require another permit, but she was supportive of off site parking. The neighborhood would have to think about whether that was a trade-off because they were concerned initially about not having enough parking. In the end, she almost felt like there was possibly too much parking on site to meet the zoning requirements.

She agreed in some ways with Mr. Walters, that this was an appropriate location instead of being on State Street. She questioned whether this would be considered an addition when you looked at the Secretary of the Interior's Standards because it was such a separate structure and was so far away

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from the historic structure. She questioned whether it had to follow the scalability recommendations stated in the Standards. In her opinion, being on the back of the site actually gave more prominence to the historic structure. In many ways she saw this as an addition to the 1980s addition as opposed to an addition to the historic structure. That was how she analyzed it.

Attorney Mead addressed the height of the new proposal compared to the previous proposal. She demonstrated on a rendering that the height of the current proposal to the eave was 25.5 feet. The height to the eave line, or parapet, was 29 feet 8 inches. The proposed was 4 feet shorter.

Anne Gardner said she liked the change in focus on the design very much. Her only continuing disappointment reflected all the comments from the neighborhood relative to size and massing. The architect had articulated how to fit in the programming and zoning requirements. She wished there could be some solution to that. Maybe Ms. Hartford's idea about the parking might have provided something. She did not know if it was too late for that. She liked the redesign, but she was sorry the neighbors were still unhappy with this in their neighborhood.

Bonnie Sontag said this was moving in the right direction. She was glad Ms. Gardner brought up the impact on the neighborhood. Other members alluded to that. The effect and the impact of this addition on the neighborhood, while it visually tried to fit in, was still a big change from an open parking lot. She appreciated that. Whether it could be made more amenable to neighbors with a different design, the board had not seen that yet. She appreciated that the bank had certain requirements for how it was going to use the building and the number of employees they wanted to have on the site. The City so far has required that you have all your parking on site. That forced the mass and scale seen. From the concept design, there was some indication that when the board got more details that sense of a big thing in your neighborhood would be adjusted a little bit. The applicant had heard some ideas from other members to consider. No discussions covered how the windows looking into the garage were going to look from the street. Was the new design meant to cover up the garage as the previous windows were going to open into it? If that were the case, how would ventilation get into the garage?

Mr. Angelakis said the design intent of the windows in this proposal was that you were looking at occupied people space only. There would be no windows that opened visually to see anything that looked remotely like a garage. It was the design intent of the previous proposal as well, except those windows would have been spandrel glass, something that you could not see through but still looked like glass. These would be true windows that looked into true program space. Ventilation was a technical issue that they now had to solve. On a number of other projects they had done ventilation through a perforated garage door. You would never see the perforations within 20 feet of it. There were low profile technical solutions where you did not see or hear it. They would undertake finding the right solution for ventilating the garage and he felt like they could do it elegantly.

Bonnie Sontag said that was reassuring but she was also concerned, as other people had mentioned, about the noise in general. She guessed that would come in the details. She would like him to consider as much auditory buffering as possible for any of the mechanicals having to do with this building. She heard at least one neighbor talk about being quite far away from the existing mechanicals and being able to hear them today. Could he speak to the conceptual design view from Garden Street?

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Mr. Angelakis said the view from Garden Street would be broken up into two masses as well. He demonstrated on renderings the connection to the 1980s building, a brick mass that then transitioned to a house-scaled gabled mass with another reveal separating the two. From Garden Street backyards people would not see one long, featureless brick façade. They would look at a whole series of buildings that were generally the same scale as their houses. The design intent was to make this feel like a cluster of house-sized buildings so that from your backyard it was not a surprisingly large thing that you were looking at. There might be a brick façade from some people's backyards. Other backyards would see something more clapboard. There was also a 6-foot tall garden fence. The upper floor of the buildings look like the wood clad residential portion with what would look like residential windows activated by whatever program is going on up there. The brick had a different style of window, but generally they would be activated by whatever was going on there too. They were not dead facades. They were active. In general, the same approach taken on Prospect Street and Otis Place was also taken on Garden Street. That is, to break this into multiple pieces so it does not look like one, large, undifferentiated thing.

He demonstrated on the plan the addition of buffer zones shown in yellow and orange that was about as good an acoustic buffer as you could ever get on Prospect Street and Otis Place. It was two acoustically dense walls with space in between, which was even better. They would endeavor to make sure all the enclosing walls around it were acoustically solid, including possibly proposing not having any windows at all along the Garden Street property line. He heard in previous meetings that acoustics was an issue. This scheme was quite an improvement to that just by the adding of space. The people occupying whatever rooms ended up down there would be closer to the noise that might happen in the garage than anyone else around the street. He demonstrated on a section of the plan where they had the opportunity to place some of the louder mechanical things in between the gables to acoustically shield them from either side of the building. They thought about this when doing the conceptual design.

Attorney Mead said this architectural firm designed by 365-degree live model, which was available to the board. Hopefully, at the next meeting when there were more details, perhaps the chair and the board would work with the Planning Director to allow that live model, from which every single one of the views can be shown, to be used.

Bonnie Sontag said the board would take that into consideration. She liked the idea of a more modern entrance. It was good for new development in historical areas to have some reference to the historical, but as has been stated, they did not want everything to look like a replica where you could not tell the difference between what was really old and what was more modern. She liked the idea of the loggia and entryway there. The subordination of the addition was more visual than in actual dimensions. That should be taken that into consideration when looking from State Street, which is where the historic building is located. The whole idea behind the subordination of an addition is not to overwhelm the existing historic structure. Given the distance away from it and the relative sizes of the two, it would seem that the historic structure and the space around it has been preserved. She hoped the NHC would help the board to understand where they could, as one NHC member said, deviate from those Standards in a literal interpretation, look at this as the unique site that it is, try to understand how we are meeting those Standards, and meeting the requirements of all zoning that controls this project, to help make it work. For the next iteration, the board was definitely interested in seeing more details, both for what they had been planning and what they had heard tonight. She asked to hear their list of issues and design features they would be considering and/or incorporating into the next iteration.

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Attorney Mead said she had a significant list. Did the board want to hear all of them?

Bonnie Sontag said she wanted to make sure they hit the high points of not only what the Planning Board had mentioned, but if at all possible, to consider the neighbors' concerns as well. The board reflected the need to balance the needs of the applicant, the immediate abutters, and the community as a whole. She did not mean to give short shrift to the comments of neighbors, even though some of them may be more extreme than what could be accommodated. She wanted to make sure the list dealt with the major issues brought up tonight. Could Attorney Mead summarize the items?

Attorney Mead said yes, that she took many notes on the neighbors' comments and the NHC's comments, as she did on the Planning Board's comments. She read her list: the relationship of the eave line and the distance of windows on the 1<sup>st</sup> and 2<sup>nd</sup> floor, differentiation between the buildings by using color, detail, and potentially adding elements like doorways on the 1<sup>st</sup> floor at appropriate places, the placement of the windows, looking again at the Prospect Street sidewalk to determine where, if any, landscaping could fit in, the gable end height and the need for a shadow study (which they could provide), the acoustics (which they would be able to provide more engineering information on related to the operations of the garage), taking care in the location of mechanicals, (which they had not addressed yet in relation to the design), the entrances, breaking-up the planes, and colors and details were things to work on. Those were the bigger ones, without going into greater detail.

Leah McGavern said she did not hear the issue of whether a one-story building should be on the corner of Prospect Street and Otis Place.

Attorney Mead said she had that, regarding the location of the break-up. She requested a continuance at least until September 16.

Don Walters made a motion to continue the DOD Special Permit (2020-SP-05), ITIF Special Permit (2020-SP-01), and Site Plan Review (2020-SPR-02) applications for 93 State Street to September 16, 2020. Mary Jo Verde seconded the motion and eight members voted in favor. Alden Clark abstained.

Bonnie Sontag said the continuance must take into account the NHC putting the detailed design on their agenda before it came to the Board.

Attorney Mead understood. Depending on how they progressed, because they also had to work on the site plan in relation to the internal operations for the core of the building, she would be in touch with the Planning Director on their ability to meet that date

**Motion Approved.**

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

### **3. Public Hearings**

#### ***a) Minor Site Plan Review – 0 Parker Street (2019-SPR-07)***

Bonnie Sontag said this had been continued since 7/1/20. The applicant requested to continue to 8/19/20.

Leah McGavern made a motion to continue the 0 Parker Street Minor Site Plan Review Application (2019-SPR-07) to August 19, 2020. Anne Gardner seconded the motion and eight members voted in favor. Alden Clark abstained.

#### ***b) 2020 Open Space & Recreation Plan Update – Letter of Support***

Director Port said the plan had been submitted to the state for review. The Planning Office was waiting for their comments. They might have a few tweaks. It was all in good format. The only question at this point was whether the City Council had any changes. They would have another couple of meetings with them, but nothing further was needed from the Planning Board.

#### ***c) Correspondence re: Anna Jaques operating room expansion***

Director Port said members got a copy of the plans that were also provided to the City Council. The hospital wanted to let everyone know, based in part on their need to adapt to the Covid-19 situation, that they were phasing in construction that the Planning Board approved. He knew Mr. Taintor had looked into the plans. He did not know if the board had any questions or particular concerns. Director Port did not see any particular issues. The hospital was trying to make sure, as good neighbors, that City Council, the Planning Board, and everyone involved, knew they would do a phased construction instead of everything all at once so that there would be no surprise.

Mr. Taintor said the correspondence was a little vague. Theoretically, they could do the first phase and then come back in 10 years to do the second phase. Was there any time limit on this?

Director Port said that came down to case law. If the Planning Office saw someone extending beyond a 2- or 3-year period for doing the construction for this project, then they would need to come back and get a formal extension from the Planning Board versus having to re-file. They did not have the opportunity to go 10 years. The permits called out a 2-to-3 year period. If they went beyond that, the Planning Office would direct them to come back to ask for an extension in order to have valid permits for doing the remainder of the construction.

Mr. Taintor said he looked at the approval and saw there was no time frame. So they have a 2-year period and the building permit was the guiding piece?

Director Port said yes. After that period, the Planning Office would consider them to have abandoned the project unless they had gained a time frame extension from the Planning Board. Otherwise they would have to re-file again.

#### ***d) Approval of Minutes***

Rick Taintor made a motion to approve the minutes of 7/15/20 as amended. Anne Gardner seconded the motion and seven members voted in favor. Tania Hartford and Leah McGavern abstained.

**Motion Approved.**

**4. Planning Office/Subcommittees/Discussion**

***a) Potential zoning amendments***

***• Discussion of Section VI-C and Accessory Dwelling Units (ADUs)***

Bonnie Sontag said the board requested a draft, even rough, on the ADUs to see where there might be overlap. That was not ready yet, so the board had some bullet points from the Staff Report. Mr. Taintor had pulled out bullet points from the VI-C so members could see if the elements of the two proposed amendments were consistent and talk about them conceptually. One of the major questions was an idea that Mr. Walters brought up. There was a concern about a possible problematic situation where VI-C applicants, doing two, full- sized units on one lot, could then come back for accessory units on each unit. We do not have the new ADU ordinance yet, but we have language proposed for VI-C that would restrict that. Did that work for everyone for now?

Tania Hartford asked if that would restrict ADUs completely on these lots. She stated that part of the reason to pass the ADU ordinance was to allow more affordable types of units. Her only concern was that by eliminating it altogether that eliminated the possibility of allowing it in some instances when it made sense to allow for affordable units that were not necessarily income-restricted but lower-cost units.

Bonnie Sontag said the idea was that the ADU amendment, when it came through, would do exactly what Ms. Hartford was saying. That would be the major vehicle for getting more affordable units. The VI-C would remain more for a second subordinate dwelling unit on one lot.

Director Port said the Planning Office was not necessarily assuming that the VI-C ordinance would need to preclude ADUs. Ms. Hartford had made a valid point. The board may just as well want to have ADUs there if that resulted in more affordable units, even if they were not deed restricted. He did not have a particular stance on that, but was not sure it was necessary to restrict them on VI-Cs. It could be a large lot where a VI-C was proposed, and maybe that additional dwelling unit did not necessarily have an impact of any kind. It was up to the Planning Board and City Council in terms of what you wanted to zone for. It was not something the Planning Office felt was needed.

Bonnie Sontag said that it was actually incorporated into the rough draft that Mr. Taintor created. You could convert another building but it would be restricted in size.

Mr. Taintor said this showed again the difficulty of trying to fix VI-C without also doing ADUs at the same time. As we talked about in our last discussion on this, we have to accept this is only a first pass on the VI-C. Once we see what the ADU proposal is, then we can adjust the VI-C to be compatible with it. He did not have a problem with an ADU internal to a family dwelling on a VI-C, even if there were two single-family dwellings on a lot. He did have a problem with two detached accessory units for two single-family units on one lot. Once we see what the ADU proposal is, and

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whether it includes detached ADUs, as well as attached ADUs (we may want to look at how that works) we can exclude them from the VI-C and then add them back in afterwards. He preferred to do them all at once, but if they had to be done separately, that was the way he preferred to do it.

Director Port said he was not convinced it was necessary to have the ADU ordinance finalized in order to determine what changes should be made for VI-Cs. When the board issued a VI-C permit, if members felt it was that big of an issue, a condition could be placed on the VI-C special permit that no accessory units could be added without coming back to the board. The site plan involved with the VI-C was part of that approval, giving the board the ability to restrict additional units if it was deemed necessary. If the board wanted to propose adoption of VI-C to the City Council now, as Mr. Taintor pointed out, you can restrict them and then go back and allow them again. But you can restrict ADUs by virtue of the special permit imposed on the property.

Bonnie Sontag said if you do that, you are talking about amending the existing ordinance. We are talking about revising the whole VI-C right now and how we handle ADUs is part of that concept. She did not think any members, from our previous discussions, wanted to just tack on some stuff to the existing VI-C.

Rick Taintor and Alden Clark agreed.

Anne Gardner said the bullets developed reflected the board's last conversation.

Tania Harford asked what the bullet points on the ADUs said. She would be more apt to leave it open and not prohibit ADUs on VI-C properties. Instead, give us the discretion to decide whether it made sense or not. She agreed with Mr. Taintor that it made more sense that ADUs would be attached as opposed to detached. But did that mean a VI-C with a garage, when an applicant wanted to put an ADU on top of the garage, is an attached ADU?

Bonnie Sontag said only if the garage was attached.

Rick Taintor said right now, there is no such thing as an ADU in Newburyport. There is only an in-law apartment. The way we have thought about the VI-C is to say that VI-C could allow two residential dwellings on a lot. If you had a detached garage and you wanted to convert that to an ADU, that would by definition violate the VI-C because you would then have 3 residential dwelling units on one lot. If we decide we want to have an apartment on top of a garage in the future, we can do that. But it would not work with the language we are talking about right now. We would have to go back and re-write the VI-C to specifically say we will not count an apartment in the garage as a residential structure.

Tania Hartford said we could go back and amend. There could be other parts of the ordinance that need to be changed too, so we could just flag that.

Rick Taintor said that since we don't know what the ADU proposal is going to be, we just have to bite the bullet and revise the VI-C now then go back to revise it again in the future to be consistent with the ADU ordinance whenever it is adopted.

Director Port said part of the reason why he was not comfortable just yet incorporating the zoning change for ADUs was because of a meeting he had a couple of days ago with the water engineer



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about the City's water and sewer capacity. He was not familiar with all of the details but one of the concerns he wanted to take into account properly, when thinking about the growth and build out of the City, was that everything became finite at some point. We cannot count on infinite future growth. The water supply was also somewhat limited. Prior studies had shown there was adequate capacity for some point in the future, but apparently that was being reassessed now by the DPS. If the City Council was going to adopt something that allowed ADUs, the Planning Office was going to recommend that wherever we are accounting for growth, whether it is the 40R District, Waterfront West, or infill development, we are not suddenly ballooning the potential that would exceed what the City was capable of supporting. Before seeing amendments for growth adopted, he wanted to make sure we were not creating other problems down the road.

Bonnie Sontag said if you look at the language in the draft from Mr. Taintor, it said you could convert a garage or a carriage house, and it had limits. It said, "...In such case, the converted building will not be increased in height nor expanded outward other than by dormers, porches or decks and not exceeding 300 square feet in total." She did not know about 300 square feet in total, but that effectively said your second unit is that conversion. We are not saying anything about having an accessory dwelling unit. We could just be silent on that in the VI-C.

Anne Gardner said she would not hold up ADUs because it might cap our water supply while continuing to allow all other development. She thought ADUs were a great idea that we should move ahead with, particularly since the water issues were not even quantified.

Beth DeLisle asked if ADUs were going to be allowed in all residential areas, including single-family?

Bonnie Sontag said that question got into the details that Director Port did not want to talk about.

Director Port said it was not that he didn't want to talk about it. The Zoning Advisory Committee (ZAC) never reached a consensus on the details of ADUs while we were trying to package up a whole comprehensive zoning re-write for the City Council, which was a monumental project and difficult to finalize when being pulled in a million different directions. It was a lengthy document that required multiple changes every time you touched one paragraph because other sections needed to be adjusted. There was no expectation that we would be prohibiting ADUs in a single-family district. The understanding he had was that they would be allowed in residential districts. The question was what were we recommending, whether or not we only allow ADUs in a two-family district, a three-family district, or a single-family district. He welcomed the board's thoughts or preferences so there was consensus from the start. Several times in the past the Planning Office had started to draft language for something before everyone agreed conceptually on what made sense and what the intended result would be. It was preferable to have those discussions first and come to some agreement rather than drafting something and going around in circles. The VI-C discussion had been revisited several times over the years and set aside. Originally it was whether the benefits were sufficient and whether the affordable housing component needed to be spelled out in more detail regarding contributions.

Anne Gardner said all that discussion was taken away in the new draft that Ms. Sontag and Mr. Taintor had put together. The points developed here were our recommendations. We have taken away the affordable issue.

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Director Port said these were Mr. Taintor's bullets. The Planning Office could draft something from them if it was the board's consensus that this was everything.

Don Walters said he saw the section that said "...permanent preservation restriction on existing historically significant buildings..." He wanted to confirm his interpretation that, if there was no historically significant building, a VI-C could proceed without any other compensation. He appreciated what Mr. Clark had said previously about incremental tax-based revenue. He was not in favor of this unless there was some other carve-out when there was no historical preservation. It was agreed the open space was a bit nebulous, but surely there could be some type of funding component. He understood the issue of quantification where preservation was binary. Nonetheless, he was not in favor of this as written.

Bonnie Sontag said Mr. Walters raised legitimate concerns needing consideration. He said if a building was available for a preservation restriction, that would suffice as a benefit. But, if there was not a historic building, the board needed to consider something else.

Don Walters said if there was historic preservation and that sufficed, that was fine. If there was no historic building, what happened then? He agreed with what Ms. Sontag said. He thought there should be some the incremental benefit to the City.

Bonnie Sontag said let's figure out what that should be.

Don Walters said maybe other members are okay without an additional benefit.

Rick Taintor said he was not opposed to it, but did not know what other benefit there could be. You are asking if it is a simple matter of making a monetary contribution of some sort to the City, or some kind of extraction like that. He did not know what would be related to the development that could be asked for.

Don Walters said perhaps the analogy was incorrect. As a developer who used to contribute to cities and communities when he built power plants, not commercial structures, there was development where you were paying for fire trucks and providing some type of development funding. The City of Boston gets some type of contribution for whatever it is. You can classify or categorize or name it what you want. The bottom line is there was some extra benefit, albeit monetary, to the City. Mr. Taintor hit the nail on the head.

Mr. Taintor suggested a substantial contribution to the affordable housing fund.

Leah McGavern asked whether this implied that we would allow a VI-C with a contribution? She thought the whole idea was to allow VI-Cs where it improved the property or we thought it was good design, where it actually made sense to do it, rather than accepting the notion that we are going to let them do it, compromise the lot, and as a penalty for compromising the lot they give the City some money. She thought VI-C would be structured so it was only done in situations where it made sense from a design and planning perspective.

Rick Taintor said if we were to look back at the one we just approved and hypothesize that the building was not historic, would we want to approve that or would we want to say we would only

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let that second building be built on the other street if we got something else out of it? That was the basic question.

Leah McGavern confirmed he was referring to 342 Merrimac Street and Merrimac Court behind it. That was a situation that made sense from a design perspective. There was an empty lot. It faced a street all on its own. It seemed like a single-family unit belonged there.

Rick Taintor said that was the reason he proposed not asking for anything else. He did not want to put obstacles in the way of that type of development.

Anne Gardner said we got a historic restriction on that property and that was a big plus because it was a very visible site on Merrimac Street. We have a lot of nice historic buildings there. They were taking an addition off and restoring the original house. The history with historic architecture in our City was well worth preserving with those types of restrictions.

Bonnie Sontag said the board was trying to figure out whether, if that house had not been historic, with the findings we have proposed here (that it fits the neighborhood, with frontage on its own street, that it is good infill) that was not enough, as Mr. Walters suggested. This is a special permit. You should have to do something other than just make a nice house on the lot and get a financial benefit from it for free.

Leah McGavern asked if that generally was the rule about special permits?

Director Port clarified. This ordinance said two things. It called for the Planning Board to look at the typical special permit criteria of whether it was appropriate for the neighborhood or was there some sort of impact on the neighborhood. Also, there was some type of public benefit called out in the ordinance. The typical categories were open space contributions (of which there had been one or two), affordable housing (which had been limited - not many wholesale units had been created and maybe a couple of thousand dollars donated), and historic preservation (which was the most common). The Planning Office had seen a lot of folks go to the NHC to get confirmation that the building was historic and worthy of a preservation restriction, then they circle back to the Planning Board and say there was a public benefit and could they get VI-C special permit.

Anne Gardner said the board had recently turned down VI-Cs also, when it was not in keeping with the neighborhood, like the other one on Merrimac Street. We have the right to determine that, even beyond the preservation. If the last VI-C we approved had not had the historic building, still she would have wanted it. It made so much sense. There were two different streets. It was not 'one house behind the other' infill. It made so much sense that she would not have required a public benefit. The fact that the City got a historic preservation was a huge plus. To say, "If you are going to do this you have to throw \$50,000 to the Affordable Housing Trust," was something she did not know how to measure.

Bonnie Sontag said she probably did not use the right language when she said, "you have to give us something in return." In thinking about the other special permits we have, like the Open Space Residential Development (OSRD), they get to cluster houses together and get more housing and have open space. Then, the City gets the open space because almost all of them (there were a few exceptions) had public access to that open space. A benefit is designed into that special permit. There is the Downtown Overlay District (DOD) that already preserved the historic character of

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buildings in downtown. Those special permits are where she got the idea that a special permit is special because you had to meet certain criteria as long as there was something in return whose criteria were clearly stated. They were there all along, but we have not been using them very well because we have been so focused on the benefit. Unless we can come up with a VI-C benefit related to the land development, something they are doing that we want to encourage for the City, she was going to back off the need for a benefit other than historic preservation. Unless someone had a brainstorm before we submit a revised VI-C for consideration and adoption, we will go with just the findings.

Tania Hartford asked about requesting a contribution to the Community Preservation Act fund because that had open space, affordable housing, and historic preservation as part of their mission.

Bonnie Sontag said that was a tax on the City.

Tania Hartford asked if they could take donations.

Director Port said additional funds could be added to that account. If you wanted to amend the ordinance to specifically call that out you could work with a developer who proposed to provide funds to that for affordable housing. Right now the ordinance says “a clear public benefit derived from the proposed project, including but not limited to...” Then it listed the three things he mentioned earlier. Donations to the CPA fund that could be distributed by the City Council for a project if need be were not prohibited.

Tania Hartford said the CPA fund covered the three areas the ordinance stated. Historic preservation was important, but she agree with Mr. Walters that the developer of the site was getting a significant increase in value on the property by creating two single-family homes instead of one multi-family. Maybe contributing toward affordable housing, if the historic preservation piece was not an option, was appropriate given that affordability is a big issue in town right now.

Bonnie Sontag said where a contribution went still did not solve the problem of how we create it, what we say it is. Is it a percentage of the development cost? Is it a flat fee that gets reviewed every two years? That was where the challenge was.

Mary Jo Verde said she thought it could be a percentage of the value of the property because they were increasing the value of the property by building a second structure. That made the most sense instead of a set number.

Bonnie Sontag asked how that was evaluated before the house was finished?

Tania Hartford said this would be a recommendation to the City Council. They could decide what was appropriate, whether it was the CPA fund or whether it was the Affordable Housing Trust.

Bonnie Sontag said she was still trying to differentiate where it went and what it was. She did not think they were clear on what they were asking for yet.

Don Walters said he sent something to Mr. Taintor but it was not distributed to the rest of the Planning Board during the drafting process. It was not perfect, but he had suggested a percentage (5-10%) of the original property value two years previous so that there was necessarily no gaming

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or appealing a decision. To Ms. Verde's point, it was the assessed value. Maybe that was too big a percentage. On a property with a \$700,000 assessed value, a second structure would be worth possibly another \$700,000. He guessed the developer would make a couple hundred thousand dollars. If it was 5 percent, that would be \$35,000. The City would get a third. The developer would get two-thirds. He could argue for risk-adjusted returns, but that was different. This was just a number for everyone to comment on.

Mary Jo Verde said if it is related to the property value that made the most sense. The assessed value was always different from the appraised value. You could not ask for an appraisal. She assumed we would have to go with the assessed value, if that is the direction.

Bonnie Sontag said, for clarification, the assessed value of the property once the second structure is on it, right?

Mary Jo Verde said that was where it got hard to figure out.

Bonnie Sontag asked how you came up with the assessed value of the property?

Don Walters said to make it simple he suggested the assessed value of the original property before the VI-C. Since it was already assessed we would not have to ask for an appraisal. It was factual, assuming one agreed. The only debate was percentage. He threw out 5 percent. Maybe that was too high or too low.

Alden Clark asked if that would go to affordable housing?

Don Walters said yes, he was a big advocate of affordable housing. He did not know when we would get the ADU ordinance. VI-Cs were not ADUs. They were separate, stand alone, high-level houses.

Alden Clark asked, if a development came in, and we said okay we will let you do this development but you have to provide a certain percentage of it as affordable housing, what was the normally, commonly looked at percentage for that?

Leah McGavern said it was one in six units.

Bonnie Sontag said for a big development, yes. For every six units, they had to give one affordable unit. The idea was that they had made enough money on the other units to afford putting in an affordable one. The problem with VI-C is that we never get that because there are only two units. They would lose their shirts if the second one were affordable.

Alden Clark said if it is one in six, maybe the amount should be one-sixth of the cost of building an affordable unit as the amount, if you're trying to say that is what a developer would do. If we ended up with six buildings that were VI-C, then you could afford to build an affordable unit.

Bonnie Sontag asked if Mr. Clark was using that as an example, because a VI-C was for two units on one parcel.

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Alden Clark said right. You are saying they have to make a contribution to affordable housing. Mr. Walters was wondering if 5% was too big or not. If you are requiring a developer, once he has six units, to have one affordable. Then, if you had a developer who was building an additional unit, it sounded like you could require him to pay 1/6<sup>th</sup> of the cost of an affordable unit.

Bonnie Sontag said 1/6<sup>th</sup> of the cost of the new structure?

Alden Clark said of building an affordable unit. Maybe that is the percentage of the developer's cost. He was trying to get to some comparable measure to a developer who was developing one additional unit with this lot that could be compared to a larger development where you were requiring affordable housing.

Beth DeLisle said if they do not build the affordable unit was there an assumed cost for what an affordable house would cost to build as a contribution?

Bonnie Sontag said that had to do with inclusionary zoning. She was pretty sure they had to build an affordable unit.

Director Port said the inclusionary ordinance was put in there just to make sure developers could not just pay out a small amount of funds. The problem was that there were mobilization costs for the City related to trying to get those units built. If the developer was already out there, there were efficiencies for the City in getting that unit built, whereas if they gave the City a percentage of that cost as the net difference between the market rate and the affordable, it was not enough for the City because we have to mobilize for a construction project and the contribution would not be spread over the rest of the project.

Beth DeLisle asked if there was an assumed cost for what a unit of affordable housing would cost to build? Was there a number?

Director Port said that was driven by the market.

Ann Gardner said site development and land costs depended on the project. She thought Mr. Walter's approach was the simplest and made a lot of sense. We keep going around and around on VI-Cs. She thought the board was in agreement to throw out the public benefit except for historic preservation. If that was not the case, maybe a couple of people could get together to rework the VI-C bullet points because we are not at a consensus anymore.

Bonnie Sontag said let's first see how many people think it's important that we move beyond findings and the requirement that we always have a preservation if a historic house is under consideration. Is Mr. Walters the only one who seriously would like to see benefit for other situations in addition to the findings for neighborhood character, etc.?

Tania Hartford said historic preservation was important and these other issues were important too. They were put in this ordinance for a reason. She was okay with preserving some type of public benefit. If we are going to have historic preservation in there, we should look at the other ones as well. It should either be that we do not have any public benefit, including historic preservation, or if we did have a public benefit, we include the other two pieces, or drop open space and have affordable housing.

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Bonnie Sontag said even if knowing that affordable housing would have to be a contribution? An affordable unit could not be built in most cases.

Tania Hartford said it might help to have the contribution. We should look to see what other communities do. She thought it was usually under 5%, somewhere around 2-3% if you were talking about the assessed value. She would work with Mr. Walters to flesh it out.

Anne Gardner said she would forget open space because a) we have a ton of it and b) the CPA funds open space every year, according to the CPA mandate. She liked the idea of historic preservation or affordable housing.

Beth DeLisle would stick with having all 3 options. We had not had a case where open space made sense, but she thought there could be one in the future. Part of what we were trying to do was tighten things up and not approve VI-Cs in every case where there was a benefit. Have more restrictions and more explanation for when we were likely to approve them. She did not know why we thought we did not need to have the benefits. We could do both, have the benefits and tighten it up.

Bonnie Sontag said we have been working on a percentage contribution to give the developer an option for affordable housing. Ms. DeLisle thought the same thing should be done for open space, but where would we put that money? Would it be CPA fund money?

Beth DeLisle said if someone was unwilling to put a restriction on property they owned, they could commit to something like that in exchange.

Tania Hartford said what if there was an area to build a park or where a connection could be made to the rail trail. There could be something they could do, depending on the site, and we just don't know. It might not be a contribution. The Colby Farm Lane development did green space as their public benefit.

Rick Taintor said that was an open space development, so that was different.

Tania Hartford said there could be options like that for VI-C.

Rick Taintor said clearly if there was a historic building we want it preserved. As Mr. Walters said, that was binary. His concerns were that we did not have anything else defined that was binary like that. And if someone with a historic building got away with it by putting a PR on their building, which was essentially not a very substantial cost at all, but we had a substantial cost for somebody who did not have a historic building, then we run into trouble with treating similar applicants unequally. If we were going to ask for a financial contribution of any sort, he would expect it to be asked of anybody who got a VI-C and still require a PR on a historic building. If we are going to have a financial contribution, he liked Mr. Walters' suggestion for its simplicity. There was no question. Somebody can look at their assessment from two years ago, do the math, and figure out what their contribution would be. They could decide whether it was worth it to come in and apply for a VI-C. We run into trouble when somebody might be required to provide 5 acres of open space and somebody else might be required to put a certain amount into a housing fund and somebody else might be able to make a connection to a rail trail. It was treating people very unequally.

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Tania Hartford said you could just add a percentage to the CPA fund, which covered all of those.

Rick Taintor said if you take Mr. Walters' suggestion and it goes to the CPA fund and everybody had to do it, then he would not be opposed. He thought it would reduce the number of VI-Cs but we did not get that many.

Tania Hartford was okay with that. She agreed with Mr. Taintor that a PR did not mean much to a developer because they were selling the property anyway so it did not mean much to them. So you need a preservation restriction and this contribution.

Rick Taintor said if Ms. Hartford and Mr. Walters wanted to draft a suggestion for adding on to the draft amendment, then the board could decide whether to move forward with that suggestion.

Bonnie Sontag said the matter was not closed yet but we would better understand, once Ms. Hartford and Mr. Walters came up with their rationale for the percentage, if it was something we could live with. Progress had been made.

Rick Taintor said we were 95% of the way there on actual ordinance language also. We are close.

Bonnie Sontag said the board would leave ADU issues alone until asked to deal with them or asked for an opinion. We could have a session like this on the ADU ordinance too, starting with bullet points, but she did not want to do that now or get it mixed in with VI-C. Let's put VI-C to bed and see if anybody thinks our planning capability is good enough that we could handle ADUs sooner rather than later.

Anne Gardner thought that was a good idea.

Tania Hartford and Don Walters said they would present their public benefit contribution ideas at the first meeting in September.

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

Director Port said he appreciated the discussion on the VI-C ordinance. He had talked to at least one councilor about the possibility of sponsoring a zoning amendment. One planning issue the City had was whether or not to allow further growth on Plum Island. One thing he was suggesting was that City officials revisit whether or not it made sense to change the zoning to be more consistent with the original intent when the sewer system was extended, which was to limit growth. It was not in the City's best interest to continue allowing the type of growth that has happened out there on a continuing basis. He was recommending that the City Council consider, and the Water and Sewer Department weigh in on, whether or not they wanted to allow more bedrooms out there because there had not been any curbing of growth out there as was originally intended. That was one area of zoning reform he would like to see in the coming months, along with the other high priority issues like short-term rental units (STRUs). It was important, while dealing with neighborhood contextual things, to think about sustainability also and whether or not some things made sense with storm surge and sea level rise increases in the coming years. We needed to protect the treatment plant, the most vulnerable low-lying facility in the City. It did not make sense to continue allowing the kind of



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growth that was happening on the Plum Island. Some of the smaller homes out there had become quite large. He wanted to put that across the board's radar, if they had any thoughts about it.

Bonnie Sontag said tomorrow night she and Mr. Taintor would participate in the STRU working group. The STRU revised amendment would be brought forward for a joint public hearing on August 19<sup>th</sup>. The board might be discussing it that night, because she could not promise that it could be put off. Councilors were eager to get this out of the City Council and onto the floor of a joint public hearing. She did not know how much lead time members would have to review the revised document. She would push for the usual week before, but that was next Wednesday.

Rick Taintor said it really should be posted so the public can see it before the hearing.

Director Port said this zoning hearing was not something that was required to be re-advertised. The new versions could come out of working sessions and be discussed at a continued public hearing. The Planning Office re-advertised it because it had been a long time due to the Covid situation, but the new version of the working document that came out of that process did not require another notice.

Rick Taintor said we have a new document we are discussing. Was it the new document dated July 22<sup>nd</sup> that was being advertised or was it the original from way, way back?

Director Port said what was advertised was just the summary of the scope of what would be discussed in the amendment. You would not publish the whole ordinance. That way, if the public was interested, they could come and look at the scope in greater detail.

Rick Taintor said, typically, it was common practice to give the public an advance look at what you would be discussing.

Director Port agreed. Members may need to say they had not had enough time to review it. He was just reiterating what was statutorily required versus what Mr. Taintor thought was appropriate.

Rick Taintor said what he was referring to was a document he was not sure the public knew about. Wouldn't it be helpful for the public hearing for the public to know about that document?

Director Port agreed. The intention of the councilors who edited it most recently, and forwarded it this working group, was that a cleaner version would come back to them out of that working group, and that is what they would send out to everybody. It would be preferable if we worked out what we were trying to accomplish first, regarding the goals and issues we are trying to resolve. We could post the working document on the website right now. That may not make sense because it created another version out there that was probably going to be revised the day after it was posted based on the feedback from the working group. The intention was to minimize confusion at the next meeting by having an updated version that addressed as many issues as possible working with that core stakeholder group.

Rick Taintor said that was what he was saying. What came out of the working group meeting should be posted in advance so the public could see it because that was what would be discussed at that meeting.

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Director Port said the question would be whether there would clear enough consensus tomorrow night in the working group so that those edits could be made and published early next week. That would be up to the City Councilors to decide based on the working group's progress.

Bonnie Sontag said she made a note to inform the working group in tomorrow night's discussion so they understand that the Planning Board and anybody else who wanted to review whatever came out of the meeting tomorrow night would have sufficient time to do so in advance of the joint public hearing. Without being able to see it they are all very much hamstrung in how they could comment on it. We will have to have a really detailed presentation if there was nothing on the website as a result of tomorrow night's discussion. This was being driven by the councilors. The working group would do the best they could to get it out there before the public hearing.

**5. Adjournment**

Tania Hartford made a motion to adjourn. Alden Clark seconded the motion and all members voted in favor.

**Motion Approved.**

The meeting adjourned at 9:53 PM

Respectfully submitted -- Linda Guthrie