

**City of Newburyport
Planning Board
October 21, 2020
Approved Minutes**

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

1. Roll Call

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

Absent: Tania Hartford arrived at 7:20 PM and Rick Taintor left the meeting at 9:44 PM

Andrew Port, Director of Planning & Development, Katelyn Sullivan, Planner, and Jennifer Blanchet, Zoning Administrator 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 9/16/20*

Attorney Lisa Mead, Mead, Talerman & Costa LLC, 30 Green Street, said the proposed addition, approximately 150 feet from the front of the 1871 structure, over 80 feet from its rear, and over 188 feet from State Street (nearly 2/3 of a football fields) incorporates wood cladding, pitched roofs, and gable ends to reflect the Prospect Street and Otis Place neighborhood rather than State Street, as requested by the Newburyport Historic Commission (NHC) and the Planning Board.

Since the last meeting, the bank determined that the August concept plan meets their mechanical needs. We reduced the Prospect Street eave line as requested. The eave line prior to the August design was 29 feet 8 inches. The August design's eave line was a bit over 26 feet. The new eave line is 25 feet. Eave lines at 11-21 Prospect Street are 23 feet 9 inches high in comparison. The redesign at the corner of Prospect Street and Otis Place incorporates elements from rest of the building. The addition of several residential doors and a chimney for an interior working fireplace creates a residential feel. The generator, previously on the exterior, is now fully enclosed. The only Site Plan changes are:

- 1) Removal of the additional curb cut egress onto Prospect Street, leaving only one exit for vehicles from the new structure, into the bank parking lot, and then to the existing Prospect Street driveway access. You cannot exit onto Otis Place or Prospect Street.
- 2) A slightly reduced and relocated island allowing for an additional lane of traffic around it, with the teller on the outside lane.
- 3) A slight increase in impervious surface onsite resulting from these changes. Peer reviewer Phil Christiansen and the Fire Department approved stormwater plan changes.

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The photometric plan is unchanged from August. Existing lighting on the Prospect Street side remains and added 4-foot high, wall-mounted lights along the rear sidewalk.

Attorney Mead said he design meets Downtown Overlay District (DOD) requirements in Section XXII-F.5c that say new construction may reflect non-historic styles that remain compatible with the historic character and scale of the subject historic building, and structures or architectural features on its lot and setting within the DOD. Guidelines for interpreting The Secretary of the Interior Standards for new additions discuss massing and scale in relation to the historic structure as defined by its visual relationship, as previously mentioned by Mr. Walters. The new construction in its location on the lot will not impact the historic structure. The design compatibly reflects the residential neighborhood without copying it. The property and building are in a commercial district. Changes are consistent with responses to the Site Plan Review Criteria and Performance Standards and Special Permit Criteria.

Architect Christopher Angelakis, ARC/Architectural Resources Cambridge, 501 Boylston Street, Boston, demonstrated design plans on a series of images. Ground floor features include one entry into the parking garage. Prospect Street windows look into people-occupied spaces, enlivening the street and providing an acoustic and visual buffer for the parking garage. The generator enclosure vents through the roof only and meets the highest possible acoustic separation standard. Breaking down the massing was a key goal in stepping back the 2nd floor in multiple places with the effect of creating different building components. No matter what street you stand on, the building looks like 3 or 4 separate masses that blend with the neighborhood architecturally, each one no bigger than adjacent buildings. Materials are architectural asphalt shingles on pitched roofs; hidden internal gutters and downspouts that drain onto the flat roof drainage system; painted wood clapboards, corner boards and trim; a granite base to the brick walk; painted aluminum-clad wood windows (for now); and a number of painted wood exterior doors that pick up the rhythm of doors on the street. The brick mass matches the 1980s building.

He demonstrated on elevations the distances and heights from the 1871 building. The Garden Street side elevation has a fence 6 feet away, added walkway lighting, spandrel glass in the parking garage's lower windows and vision glass for the upper windows' occupied space. The Prospect Street side elevation has 3 gabled-ended masses, one brick mass, one low one-story mass at the corner of Otis Place and Prospect Street, and an entry canopy facing State Street. A textured, painted garage door simulates the clapboard façade., The brick mass behind that connects to the 1980s building. The individual component's masses fit with the scale and character of houses in the neighborhood. He demonstrated the relationship of eave heights on the Prospect Street elevation. Two masses on Prospect Street are perceived as two separate buildings because of the reveal between the two gable ends. Shadow studies followed Boston's permitting standard and show 9 AM, 12 PM and 3 PM on March 21, June 21, September 21, and December 21. Neighborhood houses cast almost identical shadows to this building.

Architect Shreya Shah, ARC/Architectural Resources Cambridge, 501 Boylston Street, Boston ran the live model and Mr. Angelakis narrated beginning with a view from State Street, through the trees, to the addition's profile to demonstrate how it blends into the neighborhood fabric. He demonstrated the joining of brick and clapboard buildings and the building's canopied front entrance with 2 large windows, all visible from the public way. Prospect Street windows are 2

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feet 10 inches from the ground, 3 feet 6 inches wide, 7 feet tall. This is in line with glazing in the neighborhood. He demonstrated breaking down scale at the reveal and at the corner of Otis Place and Prospect Street, which mirrored the smallest size of houses. He illustrated the organic geometry of Prospect Street. Some houses are parallel to the street, some are not. Roof lines pop up and down. These features are incorporated into the design, as well residential elements like the chimney. The view from between two houses on Garden Street shows two different architectural styles and massing -- it doesn't look like just one building. There is a low flat-roofed mass and a gable-ended mass. He demonstrated on an aerial view the geometry of the massing and 4 roof forms that mimic neighborhood roof forms. The building's design is based on the way it will be experienced at ground level, not for the helicopter view

Public comment open.

Tim Wacker, 13 Otis Place, abutter, is opposed. At two public hearings he spoke about concerns that traffic congestion would be exacerbated in the most constricted neighborhood in the City. The concern has gone unaddressed by the board, the applicant, and a formal traffic study is being waived. He sent pictures of congestion which have not been addressed. At least once or twice a week Garden Street, Prospect Street, and Otis Place are sufficiently clogged as to constrict emergency vehicle access. Moving trucks are in the neighborhood all the time. This is a regional bank with 14 other locations and only a quarter of its total deposits in Newburyport. They can change the bylaw that requires it to be headquartered here. Administration heavy enterprises like banks are moving away from large office space operations toward online banking and employee telecommuting. The need for this project will only diminish over time. Why go up against the stiffest residential opposition this board has considered in recent history? The neighborhood will suffer disproportionately. The project is ill-suited from economic, planning, and public safety perspective. The future trend does not favor this project.

Glen Richards, 6 Kent Street, chair, NHC, said the commission received the same presentation two weeks ago and wants more time with the new plans. The IFS plans are on the agenda tomorrow night, after which another historical report will be prepared for this board.

Tom Kolterjahn, 64 Federal Street, co-president the Newburyport Preservation Trust, is opposed. He requested more attention to neighborhood concerns rather than proceeding without remediating those concerns. Buildings 7-8 feet higher than the 1871 building are not compatible with the historic neighborhood. The buildings are connected and fully relate to each other.

Colleen Turner Sechino, 15 Otis Place, abutter, is opposed. The plan is sensitive to nothing and will set a precedent for two additional State Street banks to mimic the concept and adversely affect neighborhoods on Temple, Essex, and Charter Streets. The project flies in the face of Newburyport's ordinances by pushing an inappropriately enormous building into the back of the bank's setting, which insults both her as a neighbor and the community who appreciates historic relevance and value. With each successive re-do the bank only moves things around when it's the overall footprint and height that bothers everyone. She agreed with Mr. Wacker. The lack of setbacks creates dangerous traffic patterns for drivers, cyclists, and pedestrians with shadows, limited visibility caused by high roofs, and creates a blind corner. Adding this much space for physical bodies during a pandemic doesn't makes sense and puts everyone at risk. Start over.

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Steve Charette, 16 Prospect Street, abutter, is opposed. The design improved but the building is not subordinate to the original structure. The setbacks are unreasonable. He disagreed with the applicant's statement that Site Plan Review requirements are met. The requirements of community character to provide for a smooth transition between industrial, commercial, and residential areas to preserve the character of individual City neighborhoods is not met. His quality of life and the enjoyment of his property will be negatively impacted. He is specifically concerned about the health impact of noise with this building looming only 45 feet away from his 11 windows. The Land Use Planning criteria for commercial development to be sensitive to Newburyport's distinct community character is not met. He opposes the size, scale and massing.

Aaron Clausen, 3 Otis Place, abutters, is opposed. She agrees with others and hopes the Planning Board will wait for the NHC review before making their determination. The presenter said the plans are in line with other homes, but no other homes have 16-20 windows in one building. It is too massive and more peaked than other historic homes in this neighborhood. It's not a fit for a charming historic neighborhood.

Peter Mackin, 11-13 Prospect Street, abutter, is opposed. He sent a letter. Each proposal gets higher, wider, and more massive. The scale is out of character with neighborhood. Renderings do not show the tunnel effect of cars parked in street with traffic. The building comes to the edge of a narrow 6-foot sidewalk because of the indoor corridor. The sidewalk on the opposite side is 9-foot wide. This is a major problem. The aerial view would more appropriately reflect issues if you looked at State Street from Otis Place. He had offered multiple suggestions. Put indoor employee parking below ground to lower the size and mass of the building. Other neighbors have offered suggestions, too. The issue is there is never any feedback on our suggestions. We never hear of any options the bank is considering.

Mark Griffin, 4 Otis Place, the closest abutter, is opposed. The refrain from abutters has not changed because the applicant has not changed those aspects of the project that make it too big, looming over and taking up too much space in the neighborhood. The bank proposed a massive brick building initially. Revised plans showed the mass breaking up the building envelope but fundamentally nothing changed. He still has an unreasonable 6-foot setback without screening. Customarily, most Planning Board applications are asked to remediate situations like this. It is built out to the setbacks as originally proposed. He disagreed with the applicant's statement about complying with Site Plan Review. The board has jurisdiction to condition Site Plan Review in section XV-H.b with respect to height, bulk, and in section 7, can request appropriate setbacks. He's requested more setback and screening all along and heard nothing from the applicant. The best location is on State Street, not in the neighborhood.

Stephanie Niketic, 93 High Street, a nearby resident, is opposed. The applicant has long discouraged the board's questions about its program for this expansion but under Site Plan Review, this is important to your decision. Fifteen new offices and a conference room accessed from the sidewalk may intensify use of the public ways in a dense residential neighborhood. Abutters testified to the current excessive traffic on Otis Place, Prospect and Garden Streets. On 11/4/20 you will hear an application for a permanent modification at 102-104 High Street to replace a permeable parking area on Otis Place with asphalt due to a litany of traffic problems

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including frequent use of this private property as a turnaround area for commercial vehicles and lost motorists unaware that Otis Place is a dead end. Site Plan Review regulations recognize that certain developments, even if generally suitable in the zoning district, can adversely affect the purpose of zoning because of their size, complexity, and impacts on the historic quality and community character, including traffic, air quality and light. The applicant fails to meet the zoning intent of providing a smooth transition between commercial and residential areas.

Paula Renda, 16 Otis Place, abutter, is opposed. Regardless of the continued neighborhood protests, the bank continues to push a massive structure against an already congested area with parking issues and narrow streets. The cars and narrow streets cannot be seen in the drawings. Structures placed against the sidewalk with little or no setback creates the feeling of a fortress closing in the neighborhood even further. Residents are very concerned.

Carol Piper, 12 Otis Place, abutter, is opposed. Plans shown are not in perspective without showing cars. It's way too big and will ruin the neighborhood. Nobody cares what it will look like from our side of the street on Otis Place.

Sean Sullivan, 9 Prospect Street, abutter across the street, is opposed. The appearance has changed dramatically, but the main issues of scale, size and setback are still the same. The design does a good job of camouflaging the parking lot, but the neighborhood's main concerns remain. His smaller house is disproportionately affected by the shadows. With this project the sun will set at 3 PM on his house. The angle of the sun has not changed with any of the designs. That affects his quality of life. He never thought he'd see the day when a neighbor like the IFS would shove a project this big down the neighborhood's throat. He hopes to never see that happen.

Grace Connelly, 47 Green Street, Newburyport Chamber of Commerce Economic Development Committee member, is in support. She commended the bank for its effort to blend a beautiful bank building into the neighborhood. She walks the area every day and evening. Change is hard, but we should not underestimate how important the bank is to the community. She is impressed with their efforts on the parking. It's a challenge to blend residential and commercial. This is an important project for the present and future of Newburyport.

Lloyd Hamm, CEO, Newburyport Bank, Newburyport Chamber of Commerce Economic Development Committee member, is in support. He has encouraged the bank and its neighbors to find a mutually agreeable solution. The new proposal is a greater balance between the bank's needs and the neighborhood's comments. It provides a transition to the residential end of the property that's more appropriate and sensitive to the neighborhood. He's pleased the parking and generator are enclosed. He understands the need to grow a business and be sensitive to neighbors who are also customers. A solution that works for both sides and supports the vibrancy of Newburyport can be found if neighbors and IFS continue to communicate.

Frank Cousins, President, Newburyport Chamber of Commerce, is in support. Allowing the bank to improve and grow in its original location in downtown Newburyport is important to the continued economic vitality of the City. If the bank had not shown the need to make the addition work for the City, he would not support the project. Taking the Prospect Street exit out is a big improvement. All cars will now enter and exit from State Street. The bank's willingness to invest

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in Newburyport through its handling of parking and enclosing the generator shows they have tried to make some necessary changes.

Gary Karelis, San Diego, CA, property owner of 15, 17, 19 and 21 Prospect Street, is opposed. Traffic congestion is not addressed. Parking underground to lower the height of the building is not addressed. Sun and the loss of light is not addressed. Buildings are colder without sufficient light. There will be no light for his buildings which face what is has been an open space for years. No one denies the importance of this bank, but people do not believe there is a mutually agreeable solution. Mr. Wacker's point is well taken. A number of area banks have closed branches and reduced hours. Growth, if needed, does not need to be in a congested area of the City. Why not consider space near another of the bank's branches where it will not adversely affect people who live in the surrounding area?

Freeman Condon, 6 Forest Road, Salisbury, member of the IFS Board of Trustees, is in support. He would never advocate for anything contrary to the best interests of the people in a neighborhood he lived near and walked through for 25 years. The bank has listened to the neighbors and attempted to accommodate them throughout the process. They solved the parking problem, enclosed the generator, changed the materials, and redesigned the entire structure. The neighbors keep moving the goal posts with new objections. The Planning Board has the responsibility to listen to neighbor's and abutter's concerns but no obligation to ameliorate all concerns, which is sometimes impossible to do.

Public comment closed.

Attorney Mead addressed some exaggerations in public comments. The 1871 building's mean height is 32 feet, 2 ½ inches. The proposed mean height is 25 feet (she meant 31 feet). The top of the 1871 building cornice is 33 feet 11 inches. The ridge of the proposed building is 37 feet. The discussion about how the tallest part of this building is at the rear of the lot is important. Mr. Sullivan's house is one of the smallest on Prospect Street. Factually, it sits across from the smaller new front entry way/porch area rather than a taller portion of the new building. A lot of thought went into the location of the building and gables along Prospect Street. Some things Mr. Sullivan said are inaccurate based on the shadow studies provided.

Mr. Angelakis said the number of remarkable design choices were completely in response to the neighbor's comments, such as activating the street level and shielding everyone from viewing parked cars in the garage and hearing noises. Some things had to give way to accommodate those changes, such as pushing the building closer to the property line. He hears everything being said and encouraged the board to take advantage of viewing the building from any angle.

Traffic Engineer Ron Muller, Ron Muller and Associates, 56 Teresa Road, Hopkinton, said he documented traffic generated and the impact on residential streets in a February traffic assessment when the project was much larger than currently proposed and included a new garage access on Prospect Street. The peak hours of late weekday afternoon rush hour and Saturday morning/midday shopping times added 12-13 trips for an additional 6 cars in and 6 cars out, based on national standards. The real impact on residential streets will be less than demonstrated

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based on the addition of 7 employees accessing and departing the garage from State Street now. The revised project's impact on traffic will be negligible.

Bonnie Sontag said the board is waiting on the next advisory report from the NHC. Tonight's comments are not be final and will continue to another public hearing. She advised board member to address the public's major issues around size, massing, height, and setbacks, as well as the design.

MJ Verde asked which Site Plan Review criteria had not been met, per public comments.

Director Andrew Port is not aware of any unaddressed Site Plan issues. Peer review signed off on stormwater management. Other City departments reviewed and approved the applicant's submission. Traffic issues were addressed earlier this year. That is why deliberation, so far, has been about architecture.

Bonnie Sontag asked for clarification of the Planning Board's authority to deviate from zoning requirements under a special permit in Site Plan Review, in relation to setback and height.

Director Port said there are zero lot line setbacks in the underlying zoning district. The applicant can go up to the lot line. Height requirements are called out directly in the ordinance. However, in the DOD, the Planning Board looks at the compatibility of the structure's scale and mass and how that fits in context with the historic neighborhood and adjacent structures. We should start with the premise that the volume proposed is consistent with the underlying district. Under the DOD, the board would look at whether, within those setbacks, the proposed is consistent with the fabric of the original bank building and the abutting neighborhood. The applicant presented to these points this evening.

Attorney Mead said there are two different permits with two different standards, but Site Plan Review is not a special permit. As its own permit it covers design of the site and sets forth the criteria Director Port addressed. The special permit gives the board some latitude in applying its criteria. Section XXVII-F.5.c talks about non-historic styles permitted for new construction and additions. It clearly states what standard the board is to apply.

Bonnie Sontag said the board will review decision criteria for Site Plan Review and Special Permit, in general and in the DOD, to see how they overlay with what everyone has said, at the end of our comments

Leah McGavern said because it came down to the character of the neighborhood, that meant the architecture, which has come a long way. It looks and feels compatible with the neighborhood.

MJ Verde said the transformation has gone in a good direction. She questioned the overall height. The slope of the roof could come down a foot or two. She is disappointed that the sidewalk width is so narrow when compared to the other side of the street. The massing could push back from the sidewalk a little more. She is supports adding the other brick piece at the end. The overall character fits the neighborhood. The massing is broken down. The chimney adds character. They've done a good job of bringing it all together.

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Tania Hartford said the bank has listened to some of the comments about making the project fit into the neighborhood. The height and massing are still under the zoning requirements in an area where a building of any size would be an issue. Setbacks match some of the existing homes and might look odd pulled back. Mark Griffin, his wife and the abutting property owner have talked about a buffer along the property line. Has the applicant looked at ways to alleviate these neighbor's concerns? Has preserving some of the mature trees in the back that were to be removed been considered for screening? The noise of the systems keeps coming up. She hopes the bank will address that.

The bank has property rights to build on this property and while we would hope a compromise could be reached with the neighbors, but she is not sure the bank is going to be able to get there. The board will have to make their best judgement based on what we have seen so far.

Leah McGavern said the addition is so far back from State Street and its character and general look so distinct from the original bank, the addition feels subordinate to the historic building. The fact that it might be taller and volumetrically larger is negligible because of those reasons. Tania Hartford agreed. Ms. McGavern asked the bank to find a way to grant Mr. Griffin's requests for landscape screening in the proximity of his home and Otis Place.

Beth DeLisle understands that multiple roof lines break up the building and that the applicant is trying to use up all the space in the lot, but that many angles look complicated and her concerns about the scale and size fitting in with the neighborhood and historic building remain. When viewing it from the side and other angles further back, it still has the potential to dwarf the historic building. The window spacing makes the Prospect Street side look massive. Altering the roofline pitch could reduce the height. Is handicap parking sufficient? She urged the bank to provide screening for Mr. Griffin's property. She is unsure how traffic flow and the teller work. Some people said the only access and egress is from State Street, but that may not be correct according to the plan and she would like that explained. Would people exiting take a right onto Prospect Street in front of the entrance? That seems complicated. How does soundproofing for the lift work in the rear of the property where there are so many windows?

Attorney Mead said lifts are entirely inside the garage. Sound space is added on Prospect Street and along the Otis Place sidewalk in the back. The lift will not be heard from the outside anywhere. The sound of the lift is comparable to the decibel of an electric garage door opening if you are standing inside the building.

Mr. Angelakis agreed the buffer zone added on the Prospect Street side would address any noise with the lifts. You will not hear them when walking right next to the building. He demonstrated on the live model that angles generated by the rooflines are as contextural as possible. The angle of facades on Prospect Street mirror the other side of the street in that they are parallel to the curb line. The context speaks the language of Prospect Street. The context on the corner of Otis Place picks up the angles moving down the street, which tend not to be as rigorously parallel to the curb line. There is more urban texture on Otis Place. How the building meets the curb line reflects that. The design is sensitive to both streets. There is nothing contemporary about the simple shed gable rooflines and flat roofs. They mimic the simplicity and traditionalism of other

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roof lines in the neighborhood. When taken as a whole, the different masses cluster together to feel like a neighborhood. It is intentionally more complex than a single building with a single roofline to address the scale issues of this building. We adjusted the traffic flow after hearing neighbors' comments about having a garage door exit onto Prospect Street. The traffic circle was modified to make one way in/one way out work for the garage so that 3-4 cars can queue for the teller window on the outside lane of the traffic circle, while leaving a space for people to exit the garage which is indicated by markings on the ground. Our study shows that when people are coming in and out of the garage is not a time when people are queuing up for the teller. There is little worry that cars will interfere with each other. How people get in and out of the circle is the same as it is today. If people today can exit the circle and take a right today, they will still be doing that and be able to get by any cars queued up at the teller.

Bonnie Sontag heard earlier in the presentation that this Prospect Street curb cut was removed.

Mr. Angelakis said a curb cut further down Prospect Street in the previous submission was removed. The existing curb cut will not be modified.

Bonnie Sontag asked whether there was any consideration to close this curb cut off to address the issue of additional congestion on Prospect Street.

Attorney Mead said in the original proposal vehicles entered the building this way and exited from a garage door further down Prospect Street, where their only options were continuing down Prospect Street or up Otis Place. We removed that exit in the middle of the neighborhood. The way people use the bank and parking lot today will be the same with this proposal. We did not consider shutting down this ingress and egress because it is in use today.

Bonnie Sontag asked if the traffic flow would work for the bank if this curb cut were closed to ameliorate some traffic congestion in the neighborhood.

Attorney Mead said no, it's not possible because of the customers using the drive-up teller.

Bonnie Sontag said she would add removing this curb cut would to the list of things she would like considered because it would go a long way to keeping bank traffic off Prospect Street. It is the only thing she could identify that would help the neighbors regarding traffic. Just because it's there today doesn't mean it has to be there tomorrow. It would also provide more on street parking for the neighbors that do not have off street parking.

Attorney Mead said she could show the negligible impact of vehicles that use this egress.

Beth DeLisle said Attorney Mead spoke to lift noise at the back of the property, but Attorney Griffin's house is very close. What is the width of the walkway? Is there any soundproofing in the windows? There were a lot of comments about how the street looks with parked cars. She requested the addition of parked cars to the model images for gauging the impact with the building and the tunnel effect.

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Attorney Mead said the entire back of the building with parking is now entirely enclosed, whereas at one point there were openings. The garage lift will not be heard outside the building. Currently, a generator sits outside and runs with some frequency. It's entirely enclosed in a soundproof room now, whereas the last proposal had that generator outside. We meet the handicap parking requirements with one space in the parking lot.

Mr. Angelakis said the backside is completely opaque. Although it looks like windows for aesthetic purposes, it's a better than residential fully insulated wall for acoustic purposes. He is confident you will not hear the lifts or the generator. That issue is solved. Adding people occupied space on the first floor solved multiple design issues, mostly to add a dynamic nature to the street, but also offers acoustic benefits. We don't need to do the same thing on the other side to accomplish an acoustic buffer. Window spacing is a function of scale. The window height on the ground floor needs to be human. The upper windows are at an office desk height. That makes a lot of sense. The vertical space between the two window rows is a function of the garage and accommodating the lift. As a façade composition it is in scale and character with the neighborhood, even though you typically wouldn't have windows that far apart.

Anne Gardner said the architectural design incorporates a commercial use with a residential appearance well. But the neighborhood has said the same thing about scale, massing, and setback for many months, that it's just too big. With respect to the board's responsibility under special permit criteria, she was not convinced that the project as it stands will not impair the integrity of the neighborhood. Architects and designers can say what will integrate a neighborhood but it's the people who live there that can tell you how the integrity will feel. The bottom line is we've seen nothing smaller. She did not know how to evaluate the need for all that space for 7 employees. It made no sense. Would the applicant consider shrinking to a smaller scale to address these concerns? She also wanted to hear what the NHC had to say.

Attorney Mead said the bank has gone to great lengths to accomplish a number of things. We'll address this after the rest of the comments.

Don Walters requested a direct comparison of the eave height and the ridgeline for the proposed addition as well as the 2 houses directly across from the bank, as measured from the center line on Prospect Street (not the tallest or smallest building, but something in the middle) to better understand the differences. The slope of the roof on the live model looks similar to the opposite side of Prospect Street and therefore compatible with the neighborhood. He requested the sidewalk widths for both sides of Prospect Street. There is a tunnel effect when you have a long narrow road. We've all walked down Prospect Street. Please add cars and traffic all the way down the street, not just near the addition, to make it representative of what is there. Kudos to the design team on the interactive model. There is an exhaust stack to the outside related to the generator. There will need to be certain silencers on there for noise. As long as the noise meets our City ordinance, that's the standard. If abutters are looking for something more stringent than our ordinance, they should let us know sooner than later.

Attorney Mead said she would measure need to the sidewalk on both sides. She demonstrated on the live model image the exhaust stack from the generator room. The mechanical engineering review for the generator is complete. She demonstrated the 3 largest houses on Prospect Street

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(the green, blue, and pink buildings). The two owned and rented out by Mr. Karelis have eave heights of 23 feet 9 inches. We don't have the height of Mr. Sullivan's yellow building directly across from the entrance. The eave height of the proposed structure is 25 feet. She would get back to the board with the information requested.

Mr. Angelakis said they created the model to the best of their ability without getting out tape measures for all the existing buildings. The roofline speaks to the neighborhood and not any one individual house. The bigger houses have a flatter pitch than what we're proposing. The pitch is similar to the pitch of the house on the corner of Otis Place, as well as other houses on Otis Place. Any neighborhood has multiple roof pitches, which make a neighborhood rich. This pitch speaks to what was most common in the era of houses you see around here without matching any one individual house. It is modifiable. We've internalized a huge amount of mechanical equipment to keep rooflines clean and not seen from the public way. From the model, the sidewalk widths vary from house to house.

Bonnie Sontag agreed with Ms. Gardner. She expected more responsiveness to the abutters who will live with the results of our decision. The board takes their concerns about massing, height, and setback seriously. The back part of the parcel is very full. The special permit criterion of compatibility is an issue. One side of the plan is architecturally compatible. The site would never be as open as it is today, but she would be more comfortable if the applicant pulled back some buildings and reduced the height on some buildings that aren't constricted by the garage being underneath, or put another layer of parking underground, as one abutter suggested. That's a significant expense, but if it would make a difference in height that the neighbors could live with, and that the Planning Board could agree on, it would be the radical change that would allow these structures to fit better into the neighborhood. Find a way to reduce the height and the feeling of the massiveness. She is concerned about the view from Garden Street. Seven windows in each of two buildings on that side create much longer wall spaces without anything broken up compared to other sides of the project. You showed us views between the buildings, but people looking at that have a narrow view that could encompass 5 or so windows on a solid wall of building. Consider how to break up that massing.

Attorney Mead demonstrated on the live model how the Garden Street view encompasses three buildings. The length of the wall is no different than the length of wall at 11-13 and 15-17 Prospect Street. In fact, it's shorter. This side of the building is not any different than the neighborhood. It's close to the property line, as are a number of houses in the neighborhood. You experience the buildings on the street. No one looks at the aerial view on a day to day basis. The façades, fenestrations, and building designs on the street inform the mass and scale.

Mr. Angelakis demonstrated on the live model a Prospect Street house with a well-proportioned façade and a nice eave height that could be seen in the background from Otis Place. But, from an aerial view, it's a very big house, going deep into the site. Aerial views can trick you to think something is massive when the reality is the scale is managed and broken down. We are doing exactly that. The bank and its designers have considered size in this proposal very carefully. The design's setbacks and massing movements drastically reduced the building's usable occupiable space. It's hard to hear neighbors say it's not smaller when that's exactly what we did with the

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upper floor. A previous design was a large, continuous, 2-story footprint. The building now pulls back all over the place and is smaller to create a neighborhood feel.

Anne Gardner asked if the overall square footage is larger than the initial presentation. The hallway along Prospect Street changed the usable square feet from what the bank originally proposed.

Attorney Mead said the usable square footage for office space and things of that nature is the same size. Mr. Angelakis said the bank did give up programmatic space to allow for the building to take the shape it's in. The overall gross square footage is the same but usable space on the second floor is quite a bit smaller.

Anne Gardner did not see a smaller building from a programming perspective. What part of the program was reduced? If you quantify that it would be helpful.

Attorney Mead said design changes are masking the scale. The DOD criteria for new construction and additions relates to massing and scale, not size. Nor does size come up in The Secretary of the Interior Standards & Guidelines. Criteria focus on the historic structure and scale of the subject historic building structure or exterior feature, not size. There's been confusion about that. She would provide numbers to quantify the change in programmatic space.

Beth DeLisle said size is mentioned in the DOD criteria. Attorney Mead said it's necessary to look at new construction and additions in section XXVII-F.5.c.

Anne Gardner said in her interpretation size and massing can be related to the integrity and character of the existing residential historic neighborhood.

Attorney Mead said this is a commercial property in a commercial district. All houses between Otis Place, Garden Street, Prospect Street, and the bank are in a commercial district. That's the balance we must make. Usable space on the first floor is the entryway, long hallway and back conference room. That space was originally on the 2nd floor as open, usable office space and conference room for day-to-day operations. To accomplish those changes, Mr. Angelakis created a hallway along Prospect Street to provide important architectural qualities and separation from the garage. It is not usable space for the bank. That is a compromise.

Bonnie Sontag read from section XXVII-F.5.c, "*New construction and alteration within the DOD shall be compatible with the size, scale, height, color (excepting paint color), material and character of the subject historic building structure or exterior architectural feature, the lot where it is located and its setting within the DOD as the case may be.*" Size is included. Attorney Mead said you must continue reading to section c, "Non-historic Styles."

Bonnie Sontag continued, "*Non-historic styles permitted for new construction and additions: the design of new construction and additions as distinct from other alterations within the DOD may reflect non-historic styles so long as they remain compatible with the historic character and scale of the subject historic building, structure or architectural feature. So long as new construction and additions are compatible, the special permit granting authority shall not*

require reproduction of historic styles and shall encourage contemporary styles.” The two sections have to meet.

Attorney Mead said you must read them together and with The Secretary of the Interior Guidelines that also talk about scale and not size. It’s about the visual impact on the historic structure and neighborhood, not just the size.

Bonnie Sontag said size impacts the perception, look, and feel of a building in the neighborhood. For houses next to, or across from, any part of the new structure, it’s how large it feels in the neighborhood. She agreed the addition was so far from the historic structure that compatibility was not a concern. Her concern was compatibility with the immediate neighborhood, how it feels walking and driving by this new set of buildings.

Attorney Mead demonstrated on the live model the 2 gabled-ended facades on Prospect Street. They are shorter and less wide than the 3 buildings directly across the street. The neighborhood is comprised of multiple building sizes. The architects took into consideration the size of the fronts and the depths of these neighborhood buildings when designing the facades on Prospect Street and Otis Place. She understood that one house is particularly close to the property. The bank is expanding their business and building very carefully to address as many issues as they can. She asked to board to look at all the neighborhood buildings, not just one or two.

Bonnie Sontag confirmed that Attorney Mead had the list of concerns raised this evening.

Leah McGavern 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) for 93 State Street to November 4, 2020. Don Walters seconded the motion and eight members voted in favor. Alden Clark abstained.

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.

Rick Taintor left the meeting at 9:44 PM.

3. Other Business

- a) ***Bavaro Family Realty Two, LLC***
177 State Street
Minor Site Plan Review (2020-SPR-08)

Director Port said the office did not see any issues with this application other than one issue raised by the Water Division about soil conditions on the site and the potential for VOCs or other

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contaminants to enter the City's water line despite closed pipes. Much of this project is across the town line. He recommended a continuance until the outstanding issue is resolved.

Engineer TJ Melvin, Millennium Engineering Inc., 62 Elm Street, Salisbury, said the mixed-use building's exit and four parking spaces fall within what is already paved today. Circle Finishing's licensed site professional (LSP) evaluated the site. The applicant is hiring his own LSP to address any further issues. Newburyport is providing water and sewer services. All stormwater drains back toward Newbury and collects in the east side infiltration basin.

Tania Hartford asked if the town of Newbury had approved this. The DEP oversees environmental concerns raised by the department head. Does this Planning Board have authority to hold up the project for the environmental review? Mr. Melvin said they had not been before the Newbury Planning Board yet.

Director Port recommended continuing to give the applicant time to address the technical concern raised by the Water Division. Even though a LSP may oversee construction, Water Distribution Superintendent Jon Carey still thinks there is some contaminant infiltration risk during the lifespan of the use of this property, such as from a damaged pipe. He did not think this concern would hold up the project. The Planning Board may want to add special conditions rather than solely relying on the DEP. Continuing allows time for follow-up communication from the DEP to confirm there are no issues, similar to the DEP's communication regarding the landfill some time ago, which was sufficient to satisfy officials.

Tania Hartford said it didn't look like there were any issues in the report that would prohibit our approval. She didn't want to hold up the applicant for something minor. Director Port had asked the DEP about any special conditions that could be added this evening to address Mr. Carey's concern. It seems there is no way to address that without further follow-up.

Beth DeLisle asked for the location of high levels of VOCs. Mr. Melvin said the LSP indicated the highest area of concern is the wetland and its ecological risk. The fire department's water runoff pushed contaminants across the site, although the northern third of the site is not affected. The Newburyport portion of the site may have zero contamination according to the LSP. They just need more time to close this loop with the Water Division, who is concerned that something could seep into the water pipes.

Beth DeLisle verified the concern that water contaminants might get into Newburyport's water line because Newburyport is supplying the water service. Otherwise, contaminants seem more relevant to the Newbury review and permitting.

Director Port said the concern is that something could migrate into the pipes. We will pass on anything we learn to Newbury Planner Martha Taylor. He didn't know whether it was a matter of extra coating on the pipes or something else.

Alden Clark said the plan narrative mentions 34 parking spaces, but there are only 32 parking spaces on the drawings. An encircled "10" on the drawing may indicate 10 spaces but there are only 8 spaces drawn. Mr. Melvin said there could be a typo in the narrative.

Alden Clark said there will be some changes down the road on Route 1. Did they consider that in their design of the exit onto Route 1?

Director Port said MassDOT repaving and improvements will occur next year on the northern section of Route 1 by the auto rental company to make room for a horizontal crossing place until the traffic circle can be reconfigured. He is not aware of any plans for a crossing by this project.

Anne Gardner made a motion to continue the Minor Site Plan Review Application for 177 State Street (2020-SPR-08) to November 18, 2020. Alden Clark seconded the motion and eight members voted in favor. Rick Taintor was absent.

Motion Approved.

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

b) Approval of Minutes

Alden Clark made a motion to approve the 10/7/20 minutes. Don Walters seconded the motion and six members voted in favor. Beth DeLisle and MJ Verde abstained. Rick Taintor was absent.

Motion Approved.

***c) Potential zoning amendments
STRUs***

Bonnie Sontag said the Planning Board's report on the Short Term Rental Unit (STRU) zoning amendment reflects our last discussion and includes licensing comments that came up, should we choose to attend any of those meetings. The board is required to submit the report for the City Council's consideration.

Don Walters made a motion to adopt the Planning Board's STRU Zoning Amendments Report. Alden Clark seconded the motion and six members voted in favor. Beth DeLisle and MJ Verde abstained. Rick Taintor was absent.

Director Port would advise the board of any additional meetings on STRUs.

***d) Other updates from the Chair and the Planning Director
--Discussion of public comment emails to Board members***

Director Port said the mayor suggests using the City website or another automated process to streamline the process for both the general public to submit comments to one general repository and the Planning Office to send them to board members. A general email address could

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automatically distribute comments to individual board members as they come in and serve as a general repository for comments. Today, comments are sent to different staff members and sometimes a board member. It's a lot of effort to package comments for various projects for City boards. It's preferable for comments to all come to one place. The mayor's suggestion would save staff time. We're looking into whether a general email repository for comments could post to the website automatically.

Beth DeLisle prefers comments packaged. Otherwise, she would not know if she's seen everything. Don Walters asked if there was a legal requirement to post all comments. Director Port said it was not a statutory obligation. The Planning Office posts comments as soon as possible, sometimes before a meeting packet goes out.

Director Port said when comments are not sent to the same people, it's not always clear if everyone has all the comments. Written letters are placed in the meeting packet and their receipt is noted during the meeting for the record. Often, an emailed comment is sent to only one board member. It's erratic. One general email address is more thorough and transparent.

Bonnie Sontag preferred to access them all on the website. Director Port said automating the comments for the website would take care of that, if we can figure out how to do it. Don Walters thought a general Planning Board email address accessible by Director Port and office staff would work. Bonnie Sontag agreed, and requested an email that alerted board members when new comments are posted. Tania Hartford agreed. She preferred to scroll through comments as one document. MJ Verde agreed also.

Tania Hartford requested a panelist calendar invite for each Zoom meeting. Director Port said the panelist email invite was sent directly from Zoom with whom arrangements did not offer a streamlined way to re-send the panelist invitation each time. The original invite can be retained for reference. Don Walters suggested putting the link on a calendar.

4. Adjournment

Alden Clark made a motion to adjourn. Leah McGavern seconded the motion and eight members voted in favor. Rick Taintor was absent.

Motion Approved.

The meeting adjourned at 10:22 PM

Respectfully submitted -- Linda Guthrie