

**City of Newburyport  
Planning Board  
December 2, 2020  
Approved Minutes**

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

**1. Roll Call**

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

Alden Clark arrived at 7:03 PM

Andrew Port, Director of Planning & Development, and 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 11/4/20*

The applicant requested to continue to 1/6/21.

Anne Gardner 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 January 6, 2021. Leah McGavern seconded the motion, and all members present voted in favor.

**Motion Approved.**

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

- b) *Newburyport Office of Planning & Development  
98 State Street  
DOD Special Permit (2020-SP-15)*

Planning & Development Director Andrew Port represented the City in the application to replace a dilapidated fence at the rear of the library parking lot. He demonstrated on photos of the site the dilapidated fence and the character of the neighborhood, and a photo of the proposed fence style. The Newburyport Historic Commission (NHC) finds the fence to be of no particular importance and recommended Planning Board approval. The Institution for Savings (IFS)

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contributed funds toward the project a while ago. It's been a lengthy process to accept funds, find contractors, and go through the special permit approval process.

Bonnie Sontag asked if the fence style presented tonight was the same one shown to the NHC.

Director Port said yes. The standard stockade fence has a little more detail than the current fence and meets the DOD ordinance criteria. The fence, 6 feet to the top of the post with a 1-foot decorative portion at the top, is more attractive than the existing style.

Public comment open.

Walt Thompson, abutter, 100 State Street, is a project advocate who's worked on this opportunity to reflect the historical nature of the former location of Wolfe Tavern for about 4 years, off and on, with support from Ed Dixon, Branch Manager, Hancock Associates, and Suzanne Dubus at the Women's Crisis Center. Four historic murals have been paid for representing the old tavern, YMCA, IFS, and library, in the same tradition as murals found on the Rail Trail and the Pleasant Street alley. The abutters love it, and he would appreciate the board's support.

Public comment closed.

Rick Taintor asked what is meant in the Conclusion and Decision that the decision is pending. Director Port said that sounds like a typo. It should say approved.

Rick Taintor made a motion to approve the DOD Special Permit for 98 State Street (2020-SP-15), in accordance with the draft decision provided by the Office of Planning & Development. Alden Clark seconded the motion, and all members present voted in favor.

**Motion Approved.**

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**3. Other Business**

- a) *Request for minor modification – 47 Storey Avenue (2019-SP-04)  
Continued from 11/18/20*

Tony Capachietti, Hayes Engineering, 603 Salem Street, Wakefield, said last time here there was an issue with the MA DOT plans. He demonstrated on a new set of plans created for the Planning Board the details of each change outlined in his letter.

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Mr. Capachietti demonstrated on plan C-3 the one-way westerly entrance, reduced from 24 to 16 feet wide with a 15-foot radius entering and a 2-foot return. The first parking space is removed for 23 total spaces from 24. The easterly egress moved 9 feet 6 inches to the west and the width reduced to 20 feet with a 15-foot radius exiting. The crosswalk was changed from continental style to MA DOT's standard 2-stripes style. Pavement marking and traffic signs at the entrance and exit are based on MA DOT standards, with a couple of "Do Not Enter" signs at the exit, 7 feet from the walking path to avoid obstructing anyone. The front outdoor dining area rotated 90 degrees and sits in an east-west fashion. Railings are reconfigured because of Mr. Taintor's comment at the last meeting about the bump-out at the drive through lane, which is meant to shelter a pedestrian. Anyone exiting on the east is now forced to walk along a railing that funnels them out further to increase sight distance. A bollard-mounted internally lit sign that says "Caution, people exiting" is placed where cars exit. A picture of this sign is in the letter. The parallel employee parking spaces on the southeast, originally 9 x 22 feet, are reduced to 9 x 20 feet. Parking spaces on the east shifted west, away from Port Plaza, by 3 feet 6 inches to assist with the abutter's snow storage concern. That provides an additional landscape area.

Mr. Capachietti demonstrated on plan C-6 minor changes in grading and drainage based on how the curb shifted. A net decrease of about 200 sf of impervious surface became an increase in landscaped areas. Water service is relocated. Two parking spaces to the right of the planter sign were shifted off the sidewalk edge where originally approved to continue the frontage hedgerow. Spaces #1, #2, and #3 shifted about 4 feet which decreased the buffer. Mr. Taintor wanted a larger buffer there. It was discussed with Chipotle. Their goal when starting a facility is to have 25 parking spaces. They started off with 24 here, and lost one to MA DOT, which increased the landscape buffer on the west side of the building where a paper birch is added. But we lost some landscaping on the east side of the building. There was some discussion about removing space #1 but Chipotle is reluctant to do that. Their operations studies show a need for at least 3 customer stopping or holdover spaces, which leaves 20 spaces. Although overparked for zoning, 3 spaces are dedicated to pick-up. Losing more parking becomes a safety issue for queuing. The plans maintain that space in the hope that the board will discuss a decreased street buffer in that zone. Two spaces in the front of the building were moved to the back to extend the row of boxwoods for continuity and consistency since they are visible from the street. He added 5 boxwoods, 3 junipers, and a birch to the 200 sf of additional landscaping area.

Mr. Capachietti said light posts relocated to accommodate shifting parking spaces but still maintain a similar foot candle rating throughout the site. The original plan had 2 light posts mount on top of the wall in the south corner, but the wall didn't seem like it could handle that. We cast two bases and went from one light post to three posts and moved them closer together for the same coverage. We added 2 MA DOT specific detail sheets with the traffic management plan that do not affect the site plan.

Mr. Capachietti said peer reviewer Phil Christiansen considers this minor and an improvement over what he previously approved. He hoped the board would consider this a minor modification.

Rick Taintor continues to be concerned about the landscaping strip, which is much less than the 3 closest properties, Panera, McDonalds, and Dunkin Donuts, on the same side of the street. Storey Avenue is not over landscaped. While it's better than what was there, it's not as good as it

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should be or as good as CVS at the corner of Low Street. He prefers to lose parking space #1. He understands Chipotle wants to maximize parking on the site. Additional landscaping is a community benefit that outweighs the benefit of one additional parking space.

Tania Hartford agreed. More landscaping would be nice and might also help with snow storage.

Alden Clark agreed a consistent landscaping strip is preferable.

Bonnie Sontag agreed. Boxwoods are kind of low. Are there taller trees?

Rick Taintor said most of the landscaping is low in that area. It has to do with the topography, where the lots slope away from the street. Panera has lawn, a stone wall and bushes stepped back from the street. Dunkin Donuts has a steep slope with lawn and bushes. McDonalds has bushes. Convenient MD has a fence and some landscaping. More greenery and verticality define the rest of the street. He would like as much of that as possible since we won't get it in the middle of the site because of the sign and the parking spaces. His preference to regain landscaping where parking space #1 is right now, is how the board originally approved it.

Director Port said it sounds like there are a couple of extra parking spaces that, if removed, could allow for more landscaping. Mr. Taintor said the second space, where there's a raised planter and a sign, is not as important as parking space #1, which provides both shielding and continuity with adjacent properties.

Bonnie Sontag said the applicant promoted the 'call ahead and pick-up' nature of the site. This is not supposed to be an eat-in restaurant with an ancillary pick-up service, but the other way around. Losing one parking spot should not be a huge detriment to the business.

Tony Capachietti said Chipotle considers this site under-parked. They target 25 spots, for the seat count, without which conflicts occur with cars entering, exiting, and waiting to park. If coming in from Route 113, waiting for 30 seconds could create an issue. Parking spaces by the planter were originally approved at the edge of the pavement. He had done his best to add landscaping to break it up from the street line. He added landscaping next to Panera. Chipotle is trying to strike a balance between their concerns about adequate parking and landscaping. The nearby sites referenced were all built new, some with curb cuts on the side for continuous landscaping along the street. We are working with what's there. Today, it's already a vast improvement over the photo shown of the site in 2019. If this was a tear down, we could easily accommodate the landscaping, but it's a redevelopment project. We're looking at 20 spaces for a store that should be doing 500 customers a day or more.

Bonnie Sontag asked what type of plantings are along Storey Ave. Mr. Capachietti said dwarf boxwood that grow to 2 feet. Nothing can go taller than 3 feet per the sight line for the MA DOT permit. The critical area is around the exit. Chair Sontag asked about mixing some taller plantings in with the boxwood hedgerow. Mr. Capachietti said he could add green spire arborvitae, like the ones in front of Panera, between space #3 and #4 across the frontage. Chair Sontag said that could be a trade-off with leaving parking spot #1.

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Rick Taintor said compared with the original plan we're not getting even half the landscaping as has been taken away. Originally there was more landscaping on the righthand side and a 12-foot square of landscaping on the left side of the exit, now replaced by those parking spaces. He is not comfortable with this level of landscaping.

Tania Hartford said once there's a parking spot, it's a parking spot forever. What if we start with the landscaping and if there are queuing problems, we revisit adding the parking in a year if you come back to revisit it. There are not a lot of employees here. It's a good queue for pick-ups, which will be most of the customers. There's probably enough parking, but this is another compromise.

Rick Taintor asked if Ms. Hartford meant to go back to the removal of parking space #1 and returning to the amount of landscaping in the approved. Anyone can come back to look at the situation. Tania Hartford said yes. Mr. Taintor makes a valid point. We must live with the building as it sits because it's existing.

Tony Capachietti was not authorized to accept removing the space. He asked for a continuance.

Leah McGavern supported putting the landscaping originally approved back. It's important to clean up the whole area and get consistency out on the street. She supported losing a parking space to do that.

MJ Verde does not agree. This is a great attempt to make a much better landscaping plan, certainly better than Convenient MD. Panera happened to have a great site. Mr. Capachietti has an existing condition to work with. The tree to the west sitting by itself could use a lot more landscaping around it if that doesn't impede sight lines, as well to the east. She's driven by and it doesn't bother her.

Alden Clark asked how tall the trees in the triangular space are. Mr. Capachietti said the two additional paper birches are about 10 feet tall and 1 ½ inch caliper now. They grow to 25 feet. The junipers in front of them reach 18-24 inches high and are hardy for snow storage. Landscaping stones help with drainage.

Anne Gardner would like more landscaping but could be persuaded to support what the business needs if Chipotle would like to address that with their information.

Beth DeLisle agrees with Ms. Verde and Ms. Gardner. It would be great to see more landscaping, but if there's a business need, this is still a dramatic improvement over what has been there. If they can't do without parking space #1, she would approve it as it is.

Bonnie Sontag said opinions are split.

Tony Capachietti said Chipotle is willing to support taller landscaping with arborvitaes where possible if that helps. He was texting with them now.

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Leah McGavern said adding more robust plantings around the tree on the west, in the snow storage area, and anywhere possible would be enough to persuade her. Mr. Clark agreed.

Tania Hartford asked if arborvitae would be in the front against the sidewalk. You wouldn't want them too high. Chair Sontag said yes, but away from any entrance or exit.

Tony Capachietti said green spires are very narrow and would be kept trimmed to 7-8 feet high. He could frame the white birch on the Panera side with arborvitae on either side. That would also shield the light post. And adding two more next to the handicap parking space in the middle plus another 2 on either side of the birch in the snow storage area, but far enough back so they don't intercept the sight of the triangle from the exit, makes 6 added arborvitae.

Tania Hartford asked about the plants along the sidewalk. Mr. Capachietti said those dwarf boxwoods are planted and would not change. Ms. Hartford asked what size arborvitae would be planted. Mr. Capachietti said 5 feet tall arborvitae could be planted in the spring.

Tania Hartford still did not think they needed the parking space. When is the opening? Mr. Capachietti said they hoped January 15, but they were still waiting for National Grid to provide electricity. Ms. Hartford said the additional, bigger plantings satisfied her.

Leah McGavern clarified what she meant by robust plantings -- carefully thought through clusters plantings are visually more appealing.

Rick Taintor expressed concerns about trying to write a decision for a plan the board has not seen. That's not a good process. If we want to go in this direction, we should see a plan.

Leah McGavern and Director Port agreed.

Rick Taintor said there were 2 options. Lose the parking spot and regain landscaping for a real buffer in that spot or ask the applicant to come back with a revised landscaping plan. He agreed with Ms. McGavern that cluster plantings rather were better than spaced apart plantings.

Bonnie Sontag said there was a condition regarding an exit sign in the wrong place in the previous decision. Mr. Capachietti said that's been corrected on the plan. Chair Sontag said they would incorporate that into the minor modification vote when the landscaping plan comes back.

Leah McGavern made a motion to continue the Minor Modification request for 47 Storey Avenue (2019-SP-04) to December 16, 2020. MJ Verde seconded the motion, and all members present voted in favor.

**Motion Approved.**

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***b) Approval of Minutes***

Alden Clark made a motion to approve the 11/18/20 minutes. Rick Taintor seconded the motion, and eight members present voted in favor. Tania Hartford abstained.

**Motion Approved.**

***c) Potential zoning amendments***

Tania Hartford said the (AHT) was looking for something from her on VI.C that she sent today.

Director Port said he was waiting to set up a rescheduled time with Councilor Shand to talk about VI.C sponsorship. He's not expecting any action on STRUs by the end of the year. Some zoning efforts are temporarily diverted because of the Covid situation and the Central Waterfront Park expansion capital project he's working on with Geordie Vining. The Waterfront Park is expanding into the former NRA parking lot now that the NRA is disbanded, and we have a parking garage. He's been spending a lot of time with consultants.

Rick Taintor said the Planning Office directed him to speak with Mr. Capachietti about the project to expedite things. It turned into more of a conversation. Is that a good protocol? Director Port said, generally, he agrees with Mr. Taintor's concern. He recognizes that for a project like this, compared to a controversial project, it can be more efficient to make revisions prior to the upcoming Planning Board meeting.

Bonnie Sontag said if everything discussed is brought back to the public meeting, that's okay because Mr. Taintor was working toward a plan to meet all concerns and has specialty knowledge in this case. The next time it might be someone else's knowledge.

Leah McGavern said it would have been helpful to have been aware of their conversation before discussing the project.

**4. Adjournment**

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

**Motion Approved.**

The meeting adjourned at 8:01 PM

Respectfully submitted -- Linda Guthrie