

**City of Newburyport
Zoning Board of Appeals
January 20, 2016
Auditorium**

The meeting was called to order at 7:15 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Robert Ciampitti (Vice-Chair)
Duncan LaBay (Secretary)
Jamie Pennington
Richard Goulet
Renee Bourdeau (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of the January 12, 2016 Meeting

Mr. Goulet made a motion to approve the minutes and Mr. Ciampitti seconded.

The motion passed.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – approve
Duncan LaBay – abstain
Jamie Pennington – approve
Richard Goulet – approve
Renee Bourdeau – approve

3. Public Hearings (4 on the agenda)

Public Hearing #1, #2, #3, #4:

2016 005

Address: 4 Hillside Avenue and 15, 16, 17, 18, and 19 Cottage Court

Special Permit

Construct multi-family homes with bonus units and with reduced separation between buildings;
and construct a private parking lot

2016 006
Address: 12-14 Cottage Court
Special Permit
Construct a private parking lot

2016 007
Address: 18 Cottage Court
Dimensional Variance
Construct a lodging house with insufficient lot area, side, and front setback

2016 008
Address: 18 Cottage Court
Special Permit
Permit a ten room lodging house (Use #106)

Attorney Lisa Mead of Blatman, Bobrowski, Mead and Talerman, 30 Green Street presented on behalf of Hillside Sustainable Living LLC.

David Hall, project Principal spoke. He briefly spoke about the importance of being stewards of the environment. He spoke of the project's proposed net zero development, transportation, and cultivation of food. He then presented a short video with a visual overview of the project.

Attorney Lisa Mead explained the proposed site is the former Hiller property and salvage area. The land was in need of hazardous cleanup, which has been completed. The site is situated between Cottage Court and Hillside Avenue and Route One. There would be 48 housing units between three separate buildings, a 10 room lodging house, and 76 parking spaces.

Keith Moskow, project architect spoke. He has been working with David Hall since 1990. A site plan from above and renderings were presented as he described the project. Multi-unit buildings would include Cottage Court, Cottage Court Ext., Hillside Ave. and South Rise. Architects collaborated and modeled the buildings after the smaller scale cottages on Cottage Court. They would have porches and decks and be welcoming, simple structures. The simple structures would be a backdrop for growing. There would be a "Firemen's Walk" for fire department access as well as use by residents for walking and non-motorized vehicles. Central to the community would be an exterior common growing area, greenhouse, barn, and common house with main community room.

The Cottage Court building would be 12 units total, in two structures with firewall separation (6 units, 6 units). Cottage Court Ext. would be set up very similar to Cottage Court, but would be 8 units total, in two structures with firewall separation (4 units, 4 units). Hillside Ave would have 16 units total, with firewall separation (9 units, 7 units). These buildings would be built into the actual hillside. South Rise would have 12 units total, in two structures, separated by a firewall (6 units, 6 units). These buildings would also be built into the hillside. Units would be a mixture of studio, one, two and three-bedroom apartments. All units would have some type of outdoor

private growing space and plenty of light and air. Access to private units would vary; some having access from street level, and some from the firemen's walk.

Richard Wescott, Civil Engineer, spoke. He has been working with City Engineer, Jon-Eric White on grading, drainage, water/sewer, and utilities. The site has unique topography with the slope from Hillside Ave. to Cottage Court at about a 20' drop. The buildings built into the hillside become retaining walls. Drainage retention would not be seen, would be underground and landscaped.

Robert Michaud, MDM Transportation Associates, spoke. His company has put together a comprehensive study that complies with state and local requirements. The study looks at access points; Route One, Cottage Court, and Hillside Ave. MA DOT approval will be needed for a driveway on Route One. In initial meetings, MA DOT was supportive, but they are subject to a more thorough process for permitting later on. The signal at Low Street and Pond Street has capacity at this time for added traffic. Schematics were presented for weekday AM and PM traffic. They did consider the additional 10 units of the YWCA building as individual apartments for purposes of the study. The relative increase/impact will not change the current function. On Route One there would be an entry lane and exit lane of 18' each with ample sightlines. There would be a raised island feature for separation of the entry/exit. The location is convenient to local bus routes, summer shuttles, and the train station. Electric smart cars on site would be available for resident use. Having the access to Route One is beneficial and would eliminate left hand turns onto Pond Street to access Route One.

Ms. Mead presented criteria for Special Permit application 2016-005.

(1) The use requested is listed in the table of use regulations or elsewhere as in the ordinances requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.

The requested use is listed and allowed by Special Permit.

(2) The requested use is essential and/or desirable to the public convenience or welfare.

The requested use is desirable for reasons including; net zero impact on the environment, site has been cleaned up, there is private parking, more rentals and affordable housing are needed, site is located off of Route One and close to the train as well as downtown.

(3) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

Mr. Michaud went over traffic in detail. The primary parking lot is located near Route One to minimize traffic on small side streets.

(4) The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare.

Water/sewer would not be overloaded. New water and sewer lines would be installed. Storm drainage would be taken care of on site.

(5) Any special regulations for the use, set forth in the special permit table are fulfilled.

Density bonus; If a multi-family development project proposes 25% of its total housing units to be developed as market rate rental housing as outlined, the number of allowable units per

structure may be increased by 50%. Six units are permitted by right, and with the density bonus, nine units would be permitted.

(6) The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

Density is not greater than adjacent neighborhoods. The applicant has been sensitive to the site and will not overtake the neighborhood. There would be private parking to prevent neighborhood street parking.

(7) The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

There is not an excess of multi-family use in the surrounding area.

(8) The proposed use is in harmony with the purpose and intent of this ordinance.

The use is allowed by special permit and density is encouraged. The project does not overwhelm the neighborhood. The previously contaminated site is being re-used in an environmentally friendly way.

(9) The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

After standard construction, this will be a welcome and inviting community.

Ms. Mead presented criteria for Special Permit application 2016-006.

The site currently holds a non-conforming two-family structure. A Private parking lot would be added.

The above criteria also apply to this Special Permit request.

A parcel is proposed to house a YWCA lodging house.

Mr. Moskow went over the structure located on the southern most portion of site. The house would contain a group of rooms to be used by clientele of the YWCA. There would be separate bedrooms and unified community space. This structure would sit into the hillside.

John Feehan, YWCA Executive Director, spoke. Affordable housing is a great need in our area. It meets the intention and goals of the City's master plan. This would allow more people to live and work in the community. He spoke about local workers, seniors, and those returning from college as some of the types of people in need of affordable housing. The goal for this house is for successful long-term tenancy.

Ellie Davis, YWCA Housing Coordinator, spoke. The YWCA has an thorough screening process to find those best fit. They intend to carry this through with the hillside community. She is excited about the project.

Mr. Wescott spoke of the topography of the site for the rooming house. It is unique as it is surrounded by Route One, a cemetery, and a driveway. The building will be a retaining wall into a 25' slope.

Ms. Mead presented criteria for Dimensional Variance application 2016-007.

Lot area, side and front setback of the lodging house would be insufficient and they are seeking relief. The site is unique with dramatic rise/slope. This caused the structure to be located at the front of the lot and built into the hillside. In the 1930s a taking occurred on part of the parcel for Route One. It is also bisected by a private way.

Ms. Mead presented criteria for Special Permit application 2016-008.

(1) The use requested is listed in the table of use regulations or elsewhere as in the ordinances requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.

The requested use is listed and allowed by Special Permit.

(2) The requested use is essential and/or desirable to the public convenience or welfare.

Ms. Davis and Mr. Feehan previously went over the need for affordable housing in the community.

(3) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

Mr. Michaud went over traffic in detail. The primary parking lot is located near Route One to minimize traffic on small side streets.

(4) The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare.

Water/sewer would not be overloaded. New water and sewer lines would be installed. Storm drainage would be taken care of on site.

(5) Any special regulations for the use, set forth in the special permit table are fulfilled.

None.

(6) The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The structure would be built into the topography, would be architecturally pleasing, and would not overload use in the area.

(7) The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

There are no lodging houses in the immediate area.

(8) The proposed use is in harmony with the purpose and intent of this ordinance.

The use is allowed by special permit and density is encouraged. The project does not overwhelm the neighborhood. The previously contaminated site is being re-used in an environmentally friendly way.

(9) The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

After standard construction, this will be a welcome and inviting community.

The applicants are continuing to work with neighbors on concerns.

Chair Ramsdell opened the hearing to public comment.

In Favor:

*Attorney Mark Griffin, 11 Market Square (representing abutters at 0 & 5 Hillside Avenue)
They are not yet for or against and have been in talks with developers. They are currently working on some changes. He requested to speak at a continued hearing.*

*Nancy Peace, 53 Warren Street #217
In support for the affordable housing and environmental impact.*

*Paul Healy, 8 N Street
In support because it is a very good plan. He liked the addition of YWCA affordable housing building.*

*Pastor Oliver Jones, 10 Cherry Street
In support for the affordable housing. The YWCA does a great job.*

*Christin Walth, 1 Merrimac Street #21
In support, echoed Ms. Peace. There is need for green as well as low income housing.*

*Judy Tymon, 39 Lime Street & member of the Affordable Housing Trust
In support as the City has lost over 300 units of affordable housing in recent years. There is great need for rental and affordable housing.*

*Victoria Carr, 1 Hill Street
In support because of the need for affordable housing, rental units, and the developers have a solid history.*

*Steve Wiehe, 33 Frances Drive & member of the Energy Advisory Council
In support as the project developers will pay attention to detail.*

*Harold Babcock, Minister on Pleasant Street
In support because of need for affordable housing.*

*Mary Williamson, Salisbury
Professional and volunteer in the community. In support as she hopes to call this home in the future. The project is visionary, innovative, creative. socially compassionate and responsible.*

*Lauren Petty, 229 Water Street
In support because it is a cool, forward thinking project.*

*Jean Berger, 31-33 Middle Street & YWCA Board member
In support and excited for the affordable housing needed, the attraction of all ages.*

*Nat Coughlin, 22 Bromfield Street
In support for the affordable and market rental housing.*

Mike Strauss, 56 Federal Street & member of the Energy Advisory Council

In support for the well thought out energy conservation, transportation, etc. It will be a great opportunity to move toward net zero for City.

Nancy Rose, 25 Milk Street

She works with low-income families and many live in cluster of isolated cluster. This is a wonderful opportunity for families to be embraced and contribute to the community.

Sue Carper, 8 Fruit Street.

In support for the affordable housing need and it will be a thoughtful project.

Sheila Taintor, 10 Dexter Street

In support for the environmental impact and affordable housing.

Jane Doyle, 1 Charles Street

As a former YWCA resident, she knows the impact this will have on those in need.

Cynthia, a resident at the YWCA

Knows the need for affordable housing. She used to quite a distance from her non-profit job in the community and now is able to be close.

Sarah Holden, 34 Toppans Lane & on the YWCA Affordable Housing Committee

In support for the additional rentals and affordable units as well as sustainability.

Donna Holaday, 6 Parsons Street and Mayor, City of Newburyport

In support of this exciting project for the City. There is a need for affordable and rental units. David Hall has been a tremendous, thoughtful leader in the community. It will be a sustainable, beautiful project. She understood the impact on the surrounding neighborhood.

Rebecca Wish, 30 Lime Street

In support as the work David Hall does in the community is great.

Jeanette Isabella, 1 Lime Street

Worked at YWCA years ago and was always impressed with the care and affordable housing. David Hall is great for community projects.

Ed Cameron, 17 Oakland & Newburyport City Council

Echoed the support for David Hall. Understood the abutters concern. This impressive project has really evolved.

Eileen Frates, former community member

Echoed support from other community members.

Pamela Brown, 154 Hale Street

In support for the affordable housing.

Jonnie Evans, 54 Jefferson Street

In support for the affordability and sustainability.

In Opposition:

Tom Joy, 51 Pond Street

Still working with David Hall on changes. Not opposed to the YWCA at all. This was a density is issue. A wall of buildings down Cottage Court is certainly a big change. Seeking a reduction in units.

Don Little, 6 Cottage Court

Likes the project if it were not across from his house. Density, erosion, parking, and traffic were main concerns. No issues with the lodging house.

Questions from the Board regarding Public Hearing #1, #2, #3, #4:

Mr. Ciampitti asked about the DOT access point process and where they are currently. The initial meeting has happened, but they will need to obtain local permits before it goes any further.

Mr. LaBay asked about the traffic flow within the development and what would prevent cars from cutting through. A part of the driveway is one way, discouraging the cut through.

Mr. Goulet asked the total number of parking spots. There would be 86. In larger lot there would be 53 spots and the remainder would be spread throughout the property. Mr. Goulet also asked about accessibility/ADA. Mr. Hall had an accessibility plan he was willing to share. He explained the units would be single level living and access. They are required by law to have 5% accessible, but would be in excess of that. Many units would be easily transitioned as well.

Mr. Pennington asked for clarification on the density bonus and whether the units would be rented or sold. Mr. Hall answered that the intent is for the units to be leased at market rate. The backup plan is for levels 3 and 4 of the Hillside building to be sold and all others would be rented. The project would not qualify for subsidized housing, as it is not an affordable housing project. It is a market rate rental project. Mr. Pennington also asked about construction phasing. Mr. Hall answered the plan was to build all at once.

Ms. Bourdeau was concerned about the density. She was curious on the outcome after working more with abutters.

Attorney Mead requested a continuance to April 12, 2016.

Motion to continue applications 2016-005, 2016-006, 2016-007, and 2016-008 to April 12, 2016 made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve
Richard Goulet – approve
Renee Bourdeau – non-voting

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Goulet at 9:48 PM.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Jamie Pennington – approve
Richard Goulet – approve
Renee Bourdeau – approve

Respectfully submitted, Katie Mahan - Note Taker