

**Planning Board**  
**March 5, 2008**

The meeting was called to order at 7:08 P.M.  
A quorum was present.

**1. Roll Call**

**In Attendance:** Daniel Bowie, Bonnie Sontag, Brian Tierney, Ann Gardner, Jim McCarthy, Henry Coo, and Sue Grolnic.

**Absent:** Jeff Roelofs and Don Walters

Nancy Colbert and Emily McCourt from the Planning Office were also present.

**2. Correspondence**

**3. General Business**

**a) Approval of Minutes**

**Minutes of February 20, 2008 meeting.**

Approval of the minutes will be postponed to the March 19, 2008 meeting.

**4. Old Business**

**5. New Business**

- a) Daniel R. Wilson, Jr.**  
7 Williamson Avenue/25 Alberta Avenue  
ANR

Attorney Mark Janos summarized the project. The applicant is obtaining a 450 square feet piece of land from an abutter to maintain a hedge.

Ms. Gardner made a motion to approve the ANR.

Mr. McCarthy seconded the motion.

Motion was approved unanimously.

**Votes Cast:**

Dan Bowie – approve

Bonnie Sontag – approve

Sue Grolnic – approve

Brian Tierney – approve

Jim McCarthy – approve

Henry Coo – approve

Anne Gardner - approve

**b) Leonidas Theodorou**

**190 State Highway and 192B State Street  
Major Site Plan Review Completeness Vote**

**Bonnie Sontag read the notice of public hearing aloud for the record.**

The applicant gave a brief overview of the proposed project. The site is located on the Route 1 traffic circle. The applicant has owned the property for 20 years. The existing buildings are in poor condition. A market analysis was done which stated that the office market in the area is relatively weak. However, the retail market in the area is significantly stronger. People want to have their businesses in Newburyport but cannot afford to rent space downtown. Therefore, the applicant decided to move forward with a retail project. The project went through several different designs and ended up with current plan.

The plan proposes to demolish the two existing buildings and construct three new buildings. The three buildings will total 14,000 square feet. The buildings will be able to accommodate up to 10 retail spaces. One of the buildings will have drive through capacity. There will be 54 parking spaces. The applicant wants the buildings to be “off” of Route 1 as opposed to the way the existing buildings are “on” Route 1. The applicant set the buildings further back so that pedestrians can walk throughout the property safely. The applicant would like the project to be aesthetically appealing to retailers and something that Newburyport residents will think is attractive and an improvement over what exists there now.

The traffic flow on the site was designed to make it easy for cars to exit into the traffic circle. There is one clear entrance and exit to the site which is an improvement to the existing situation.

The proposed project will provide increased tax revenue for Newburyport and will keep businesses in Newburyport

The architect reviewed the project:

- The applicant did not want an average strip mall but rather a nice commercial marketplace off of Route 1 with a quieter, more peaceful setting.
- Designed a courtyard to create an open space in the middle of the buildings.
- Tried to pull flanking buildings as close to State Street as possible so that there will be visibility at the corner.
- Put parking in the middle to a safer spot
- Brick will be used on the exterior to reflect the Newburyport style
- Landscaping will be used to screen the back of the buildings

Jim Babbins, the engineer on the project, reviewed the project engineering:

- Family has put a lot of thought into this project. Mr. Babbins met with the applicant’s daughter six years ago. They had lengthy discussions about what buildings would fit on this site. There were many versions of the plans. The owner of the abutting property is not currently interested in doing a joint project.
- Mr. Babbins reviewed the topography of the site and how it affects the location and design of the buildings. The site has a pitch to it and the easterly corner is the highest. Mr. Babbins

reviewed how the drainage will work on the site. A native species wetland will be constructed in the back of the property.

- There are three isolated, low quality wetlands on the property. The wetlands in the back are to be protected but the three in the front are of low quality.
- Parking was designed to create a main route into the site. There will be two-way traffic on one side of the parking lot (to accommodate tractor trailer trucks) and only one-way traffic on the other side. The area of the one-way traffic was designed so that cars will have to move slower as they enter and leave the site.
- Mass Highway will not review the plan until it is reviewed by a board. However, they met with the applicant and discussed the project. Mass Highway suggested moving the existing entrance so that the traffic is funneled into a single entrance located at a certain position on the site. The applicant did this and then met again with Mass Highway. They do not have a concern about the amount of traffic that the site will generate. They are concerned with visibility at the exit and the ability of cars to exit the site and enter the traffic circle. Any improvements or changes to the road need to include Mass Highway. Mass Highway has already done traffic studies of the area. They are comfortable with the number of car trips that the project would generate.
- Sewerage for the entire site will be collected by gravity to a wet well and then to the existing manhole.

BM asked if there was any discussion of slowing down traffic coming down Route 1 from the north so that people leaving site can exit safely. Signage in this regard would help this site and the traffic circle as a whole. **Mass Highway does not have plans to redesign the rotary. The applicant discussed a deceleration lane but Mass Highway was concerned that if people perform maneuver correctly that they will be stuck in that lane.**

Phil Christiansen, the city's peer review engineer, summarized his issues with the project.

- Recommends removing several proposed trees because the abutter would have visibility issues when exiting their property.
- The general rule is that parking should be on the side or back of building. The proposed plan has the parking in the middle of the buildings.
- there will be conflicts getting water, sewerage, and gas to one of the buildings. Water must be 18 inches above the sewer system or 10 feet horizontally from the sewer line.
- There is a sewer easement that he would like to see removed. The applicant will note that Leo's Pizza has the rights to the easement and the easement will be removed.
- There is very high ground water on the site. Mr. Christiansen needs to see information on the chambers as far as separation of ground water from the bottom of the chamber.
- A tractor trailer truck and fire vehicles can not access the site and turn very easily. There is only one area where they can access the buildings in the proposed plan. A traffic study needs to be done and it needs to assess the use of the buildings and how the businesses would be serviced by tractor trailer trucks if necessary.
- Suggested eliminating several parking spaces that have awkward angles to exit. There are more spaces than necessary. There are potential turning issues in certain areas of the parking lot.
- Intersection of entrance to site with Route 1 may cause issues.

## Planning Board Meeting Minutes – March 5, 2008

- Traffic study is a must and should look at total vehicle trips per day, turning movements in and out of the site, entering and exiting during peak hours, and a breakdown of where the customers are coming from (north or south) and some basis for that assumption (this will affect the turning movements).
- A decision was made that the two front isolated wetlands were not subject to wetlands restrictions but the third one has not been decided on.
- The applicant needs to determine the type of business that will use the drive through. It will make a difference as far as traffic and service vehicles accessing the site.

Mr. Babbitt stated that he spoke to the Fire Chief and he said that if they install a sprinkler system than he does not have concerns about fire vehicles not being able to access one of the buildings. The applicant plans to install sprinkler systems in all of the buildings. The applicant is still going to review the corners of the parking lot to make sure that safety trucks can get in and out of the parking lot.

BM asked how would this design work with total build out of the area. BM asked if this area would be capable of handling heavy traffic such as 3,000-4,000 cars per hour. **It could not handle that level of traffic.**

BM is concerned how this project will work itself into a future build out in the area. BM is concerned about traffic coming from Newburyport and going to the train station. BM is just concerned that this project is going to make situation worse. **Mr. Christiansen suggested improved signage and potentially a traffic light at rotary to help alleviate the traffic situation in the area.**

Nancy Colbert noted that a traffic study was done for the traffic circle area and it remains to be seen what the correct answer is to alleviate the traffic problems. No single project is going to bear the burden of the whole traffic situation but each project will need to be reviewed with the build out of the whole area in mind.

Mr. Babbitt suggested that the applicant needs to work with the city and Mass Highway to do whatever they can do alleviate traffic issues.

Mr. Christiansen suggested that a completed traffic study would be the basis for a meeting with Mass Highway to discuss the situation.

Mr. Babbitt does not believe that the changes in traffic density from this project will be high enough to trip a decision by Mass Highway to do something. A traffic study will just provide Mass Highway with information that they already know. He does not see the value of a traffic study that is based solely on traffic volume.

Mr. Theodorou stated that he is anticipating that the drive through will be used by a bank. He thinks that the types of businesses that will be on the site will not attract customers/cars at the same time.

Planning Board Meeting Minutes – March 5, 2008

BM noted that he is more concerned with the dynamics of the traffic as opposed to the volume and level of service so he does not know how much will be gained from doing a traffic study. He would like to see some research that can be done from a safety angle.

BM noted that the board needs to look at this project in terms of the future development that will be done in the area.

Ms. Colbert said that it is in the interest of the PB to know that this is a safe project. The applicant is saying that it will be and the PB needs information to back up that assertion.

BM would like to see an expert perform the traffic study that includes a review of safety.

Board members agreed that they would like a traffic study done. Mr. Christiansen will draw up a scope for the traffic study and then subcontract the work.

Board members agreed to form a subcommittee to review the project. Bonnie Sontag, Jim McCarthy, and Henry Coe will be on the subcommittee.

Discussion of how to review this project in relation to the plans for future development.

BM stated that the Little River Project is only conceptual and that the applicant has a project they want to do now and that the PB should not try to tie the project into the Little River Project.

Ms. Colbert noted that she has had previous conversations with the applicant regarding integrating some of the ideas of the long term plan for the area into his project.

**Chairman Bowie opened the hearing up to public comment.**

**Patty Spaulding, 5 Butcher Street:** Ms. Spaulding does not have an opinion either way but believes that a traffic study is important. She believes that the city needs to look at the cumulative traffic study data that has been done on the area. Pedestrian and bicycle use needs to be taken into consideration as well. She is concerned that currently there is not some sort of coalition between the city, the businesses, and the court house to fix the traffic circle problem.

**Steve Grinley, Amesbury, MA:** Mr. Grinley owns The Birdwatcher store which is located on the site. He has been there for 13 years and there have been no improvements to the circle. He hears comments from his customers all the time about how difficult it is to get in and out of his site. Mr. Grinley sees accidents in the area all of the time. He would like to see this project be a catalyst for discussions with Mass Highway on slowing traffic down in the area.

**Chairman Bowie closed the public comment portion of the hearing.**

The hearing is continued to the April 16, 2008 meeting.

- c) **Laura Goldberg and Gary Gastman**  
**16R Woodland Street**

### **Discussion of Section VI-C Special Permit Modifications**

Emily McCourt noted that the minutes and the past decision do not specifically restrict changes to the building.

Architect summarized the proposed modifications.

- Install garage door to be able to move gardening supplies in and out of the garage.
- Eliminate three dormers and replace them with skylights.
- Install two windows on the side bedrooms
- Removing smaller dormers and installing a shed dormer
- Construct a farmer's porch on the front
- Construct a chimney for a fireplace

Discussion of whether there is enough proposed change to warrant reopening the Special Permit. There was significant public comment at the initial hearing. Board members reviewed the original decision. The board agreed that they would like to have the applicant apply to reopen the Special Permit.

The board informed the applicant of potential issues with the proposed modifications. The board would like to see further detail on the modifications.

## **6. Planning Office**

### **a) Section VI.C Discussion**

Discussion and amendment of the draft revision of the IV.C Special Permit ordinance.

### **b) Subcommittee report on the proposed Wind Turbine Ordinance**

Subcommittee went to Hull, MA to look at the wind turbines.

The subcommittee has met three times. They are trying to fast track the zoning because they are expecting a proposal to be submitted soon and would like to have a zoning ordinance in place beforehand. The subcommittee has taken examples of model ordinances and melded them into a draft ordinance to be submitted to the City Council. The earliest it could be adopted would be May.

Discussion of elements of the zoning ordinance with regard to height, noise impact, and location in relation to residential districts. Discussion of a commercial wind turbine going into the I1 and IB zoning districts and wind analysis of the area.

## **7. Adjournment**

Motion made to adjourn.

Motion seconded.

Motion approved unanimously.

Meeting adjourned at 9:52 P.M.

**Respectfully submitted, Jennifer Stone - Note Taker.**