

**City of Newburyport
Planning Board
October 21, 2015
Minutes**

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

1. Roll Call

In attendance: James Brugger, Doug Locy, Noah Luskin, Jim McCarthy, Leah McGavern, Andrew Shapiro, Bonnie Sontag, and Don Walters

Absent: Sue Grolnic

2. General Business

- a) The minutes of 10/7/2015 were approved. Doug Locy made a motion to approve the minutes. Bonnie Sontag seconded the motion and seven members voted in favor. Don Walters abstained.

b) ANR – 35 Carter Street

Chairman McCarthy said the lot line had been moved. Members said the frontage was acceptable, but the lot area was not. Chairman McCarthy said the Planning Office was comfortable with a post endorsement variance process with the ZBA for lot area.

Bonnie Sontag made a motion to endorse for frontage. James Brugger seconded and all members 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.

3. Old Business

- a) ***New England Development
80 Merrimac Street and 90 Pleasant Street
Definitive Subdivision (2014-DEF-02)
Continued from 8/19/2015***

Chairman McCarthy had suggested earlier that representation was not needed to grant the continuance to December 16th. Member comments: Could the continuance be pushed a year out? The two-part process could not occur without Director Port. Chairman McCarthy supported the idea.

Doug Locy made a motion to continue to December 16th. Leah McGavern seconded and all members 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.

4. General Business (continued)

a) Approval of 40R Application Form & Filing

Members were unsure whether the 40R application form could be approved given needed modifications. The 'by right' applications under 40R conferred some importance to further considerations. Chairman McCarthy said applications did not have a completeness vote as the Site Plan Review process did. Members read aloud "...failure to comply with the requirements of the form will result in the application being incomplete." Despite no completeness vote, the board could deny an application, but a completeness vote allowed discovery of whether requirements could be met. A liability existed if the board voted favorably on a project that was missing something; an appeal could result. Chairman McCarthy would administratively conduct a completeness review. Context was important for the board's discussion. Was Director Port expecting an approval tonight for an upcoming application? Chairman McCarthy said the applicant should try to file a building permit first, which required a decent set of plans. Members agreed. Members considered whether the requirement for the building permit contained a typo because the language read "...building approval authority or planning board. 'Or' should be removed. A member asked why denial of a building permit was needed? Chairman McCarthy said prior to board approval the building inspector would issue a denial if ordinance requirements were not met.

The implication of MINCO owning two or three other parcels was discussed. A bit of upland could be useful for off-site parking or other developer's parking. Director Port would be asked to include all MINCO-owned parcels in the application instead of just the one they wanted to develop. Chairman McCarthy read, "...All property needs to meet building requirements" and said that density worked for keeping certain places open. Could the board make some areas viable for other people to use? Members agreed other parcels would be part of the delineation for MINCO's application. Chairman McCarthy wanted more overt pedestrian benefits and to know what was planned for the other MINCO lots. Members said the language also applied to the other side of the rotary where lots would be cobbled together and everything in back was wet. There was little communal space outdoors. Could "...communal outdoor space" be added to ensure outdoor space for tenants that others could use also? Could private property accommodate a public space similar in concept to what neighbors gathering together outside for a cookout might need? Vice Chair Bonnie Sontag would find out if the ordinance accommodated

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communal space that would mostly be for the residents. Chairman McCarthy said a communal public space would help alleviate the density.

Regarding mixed use, “outdoor café” was specified because an indoor café was retail, and an outdoor café would delineate outdoor seating. What if a restaurant wanted to expand to include outdoor seating? Chairman McCarthy said that might be an accessory use, not a standalone use. The board would ask MINCO if they planned outdoor seating. When retail tenants flipped, did they come back to the board? Chairman McCarthy said retail uses listed in the regulation became ‘by right.’ However, the board could not prevent the building from going condo. Hopefully MINCO would rent spaces before selling them. The space would evolve over time, depending on what residents demanded. He had no opposition to the first floor becoming residential if that met demand.

Regarding signage, if something was not on the list, did that mean it was not required? Chairman McCarthy said if something were not on the list, it would become a problem to execute. Something in the zoning that an applicant had not checked it off was still required. Language not on the Smart Growth Application would be nothing more than a guideline. The board could always revise the submittal application. Chairman McCarthy wanted to make an explicit sign plan so the board would see where all signs would be.

Corrections would be shown to Director Port by 4 pm Monday. The board was not quite finished with the Smart Growth Application.

5. Planning Office/Subcommittees/Discussion

a) Updates

The Towle project was discussed.

6. Adjournment

Doug Locy made a motion to adjourn. James Brugger seconded the motion and all members voted in favor.

The meeting adjourned at 8:00 PM.

Respectfully submitted -- Linda Guthrie