

**City of Newburyport
Planning Board
October 4, 2017**

The meeting was called to order at 7:06 PM.

1. Roll Call

In attendance for the Planning Board: Anne Gardner, Joe Lamb, Jim McCarthy, Leah McGavern, Bonnie Sontag, and Don Walters

Absent: James Brugger, Andrew Shapiro, and Mary Jo Verde

In attendance for the City Council Planning & Development Committee and Committee of the Whole: Ed Cameron, Joseph Devlin, Jared Eigerman, Bob Cronin, Greg Earls, Larry Guinta, Charles Tontar, Bruce Vogel, and Sharif Zeid

Absent: Barry Connell

Andrew Port, Director of Planning and Development, was also present

2. Continuation of Joint Public Hearings with the City Council's Planning & Development Committee and Committee of the Whole on Zoning Amendments

Councilor Cameron called the Planning & Development Committee meeting to order.

a) Hotel/Inn (#105), Lodging House (#106), and B&B (#110) and short term residential unit changes

Members said the current use of Airbnbs was incompatible with the ordinance, affected parking availability, created turnover activity and excessive noise, potentially removed rentals from the market, and competed with B&Bs and inns. The amendment mirrored the intent of the City of Cambridge's ordinance, which was to make the operation of short-term rentals legal without a detrimental effect on the character and livability of neighborhoods, and required rentals to be associated with an owner or primary leaseholder on the premises. Rather than adapt existing uses, the proposed would add a new use in the ordinance for all residential districts, the Waterfront Marine Dependent District (WMD), and the Plum Island Overlay District (PIOD). Publishing a new notice for discussion was required. The ZBA would control use. Licensing would control the regulation and make enforcement clear. The definition of the use would be broad enough to cover unusual types of units, such as moored boats.

Amendment sponsor Councilor Tontar said the working group had no definitive conclusions. His focus was to find any means to address current problems for neighbors. Licensing may not provide the needed leverage, but limiting short-term rentals to owner occupied units might address most existing problems. More public comment was needed.

Chairman McCarthy said, as proposed, the amendment only addressed use in the zoning component. The amendment needed the operational control aspect of licensing and enforcement.

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The original proposal used both permits and special permits, depending on the district.

Councilor Cameron said there were legitimate quality of life and rental market impingement issues to be improved. He was not in favor of banning the use completely. The state was preparing to enact taxation and regulation for Airbnbs. The owner-occupied aspect provided some oversight. Councilor Vogel questioned a term of less than 30 days for short-term rentals in light of some of the City's traditions. Councilor Tontar said Airbnb cases in land court had received inconsistent decisions. Councilor Eigerman said the City Council would have to act by November 14 or the amendment would have to be re-advertised anyway. He recommended continuing to November 1.

Members discussed licensing requirements for lessee responsibilities such as owner-occupied units, adequate parking, fees, a one-year licensing term, a rental term of less than 30 days at a time, and adequate health and safety measures. Complicated issues for further discussion included clarifying the definition of owner-occupied so that it included renting a room in a single-family house while the family was away. The working group's goal was to permit more, thus not use a special permit because the criterion for special permitting was a challenge to define. Director Port said a license could be withdrawn if there were issues.

Public comment open.

Bill Harris, 56 Lime Street, said legal Airbnbs provided income important to property owners over age 65 who generally had less income. Seniors occupied 35% of the City's residential units overall. Airbnbs were fair competition because B&Bs and inns were frequently at capacity. They did not affect loss of affordable housing. Despite a 31% increase in housing, there was a 12% loss of affordable housing. He supported licensing but not special permits.

Joanne Clemens, 26 Jefferson Street, was in her fifth year as an Airbnb host without any problems. She home-shared for extra income and qualified every person. Her Airbnb was two houses away from Councilor Tontar's residence. Reasonable regulation would include long-term rentals and Plum Island. Dynamite blasting for infill, potholes, and noise on Merrimac Street effected the quality of life more than Airbnbs.

Audrey Furkart, 294 Water Street, an Airbnb hostess for rentals under 30 days, used a detailed screening conversation. Home sharing promoted Newburyport. She did not allow parties or excess people. Foreign visitors brought cultural flavor to the community and patronized local businesses and restaurants, grandparents regularly returned to visit their kids, she had bird watching regulars, and a steady stream of people 30-40 years of age.

Linda Harding, 13 Tremont Street, did committee research to learn the number and location of Airbnbs, correlate complaints to locations, and noted how many Airbnbs had no complaints. Members said the research was anecdotal. A few problems were driving the process. A business use that occurred where business uses were not allowed was a situation the needed regulating. Director Port said he was researching software to track short-term rental postings to enable verification of needed permits and licenses.

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Al Clifford, 45 Green Street, said superimposing a business use in a quiet residential district was a dangerous precedent, at the expense of the neighbors. Online reservation systems allowed payment without screening an applicant, unless a personal vetting process was done. His inn clients arrived and departed at all hours in a business district.

Patrick Fitzgerald, 56 High Street, ran an Airbnb with rules, including a quiet time from 11 PM – 8 AM. He verified IDs, unlike hotels. He recommended using best practices from other towns.

Ahmed Mahmoud, 52A Ferry Road, said people tried to attack Uber and Amazon. His wife left for work at 5 AM. Anna Jaques Hospital had evening shifts.

Kristin Hunter, 209 High Street, said B&B travelers differed from Airbnb travelers who were looking for host home visits. The Chamber of Commerce had visitors' demographics. Properties hosting concerts and weddings needed close examination.

Jim McCauley, 27 Storeybrooke Drive, supported a regulation. Testimony of successful Airbnbs was from owner-residents. His concern was stand-alone entities without oversight.

Members said the discussion had moved in a different direction from the original proposal. Director Port said another working session would help flesh out another draft to be discussed in a new hearing. Chairman McCarthy said frequency of use mattered in a neighborhood. Licensing should address intensity of use.

Councilor Zeid said he was concerned about the special permits. Consistency was important. How would the City decide that one address could have a special permit and a neighboring address could not? What capacity did the City have to regulate and enforce the use? Would fees support the enforcement infrastructure? When a license was revoked, how would the City deal with a Cease & Desist order that was ignored? Councilor Eigerman said an Airbnb was the same as a B&B or lodging house, which the City had decided not to allow in residential neighborhoods. A special permit could be specific to the applicant, rather than the use. The City was allowed to vet and distinguish between applicants for licensing purposes.

Public comment closed.

Councilor Eigerman made a motion to continue the amendment to November 1. Councilor Cameron seconded the motion and all members voted in favor.

Leah McGavern made a motion to continue the amendment to November 1. Don Walters seconded the motion and all members voted in favor.

Motions 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) R3 to R2 map changes and associated dimensional changes

Chairman McCarthy previously met with Councilor Zeid to clarify the amendment's intent. The Planning Office provided several enough information to support a data driven decision. Director Port said rezoning a substantial area of the city had pros and cons. Down zoning and modifying dimensional changes should try not to increase the already substantial number of non-conformities. The character of infill was one issue. The other issue was multi-family housing. Chairman McCarthy said the proposed would rezone all of R3 to R2 as well as change some dimensional requirements to compensate for the change. Today, 75% of R3 one- and two-family structures did not conform. Shifting them all into R2 increased non-conforming lots to 85%. That was a major concern. Some properties would be unable to do a small addition if the coverage changed. R3 has over 100 non-conforming multi-family dwellings. That was another big concern. There were 60 R3 lots with enough space to become new multi-family dwellings. The board could consider no new multi-family dwellings in the R3 by zoning for coverage. Targeting only multi-family structures would be a different focus.

Amendment sponsor Councilor Zeid said he addressed an intention to limit infill by limiting new units. Where loss of open space, not character, was the concern, parking was the main issue. Non-conforming lots could be reduced when downzoning all R3 to R2 by applying R3 dimensions controls to the R2 because R3 dimensional controls were less strict. R1 areas could handle additional units most easily. He was flexible on which dimensional controls were applied. All dimensional controls needed to be revamped. The amendment was not meant to prohibit additions or new housing, but to make take a fair and balanced approach.

Chairman McCarthy said if R3 became R2 with less strict R3 dimensional requirements, developers could take advantage of the reduced lot area requirements by aggregating lots, tearing down buildings, and erecting four structures where three originally stood. That defeated the intent. Director Port shared the same concern. He was hesitant about any sweeping zoning change, but believed R2 dimensional requirements would make additional infill more difficult, despite an unintended increase non-conforming lots. Members asked about the effectiveness of altering footprint and parking requirements within the existing R3, and using special permits to prevent undesirable infill? Tweaking what was in place would avoid a sweeping change.

Councilor Eigerman would rather regulate the impact of multi-family structures rather than rule them out. Efforts to revamp dimensional controls had not yielded anything, so far. The five-year LHD process failed and the comprehensive zoning rewrite authorized four years ago was still incomplete. Non-conforming lots with one- and two-family homes had special protections. For every other use, he could not recall any examples where the ZBA said no. He offered the ZBA's practice on substantial detriment as an example. The ZBA had no findings when Port Rehab was not allowed to intensify their impact. The issue went to land court and was approved. Impact on infrastructure was another concern. He had championed 40R, but it was hard to accept that there was no good data on water and sewer capacity, which was still unknown today. He advised realism regarding the City's infrastructure. At one time, multi-family dwellings were not going to be approved until the Graf Road lift station was on line. They were approved anyway and the lift station still was not on line. He did not think anyone would tear down three \$500,000 homes.

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Councilor Tontar said only 91 out of 1,000 single families were conforming for lot and dimension. Proposed changes could leave only 45 conforming lots. Under R3 dimensional controls a 16,000 square foot lot could have two houses. He preferred eliminating R3 and maintaining R2 dimensional controls. Councilor Cronin said multi-family dwellings created a diversified housing stock. Developers flipping \$600-700,000 units were not diversifying the community. Shoe-horning a requirement for off street parking onto smaller side street lots made it harder to enter and leave the driveway. The problem was exacerbated when residents with driveways parked on the street anyway.

Chairman McCarthy suggested adding a monitoring program to the rezoning of R3 to R2, and keeping R2 dimensional controls to avoid trapping projects other than multi-family structures. Enforcement would be the monitoring. Alternatively, consider not allowing any new multi-family buildings in the R3. Members did not want to completely restrict new multi-family buildings. A grant for a pattern book would help manage compatibility. Director Port said multi-families were one issue, questionable ZBA decisions was another issue, and compatibility of scale and architecture was another issue which could be managed better with a pattern book to give the ZBA more criteria for their decisions.

Public comment open.

Jeannette Isabella, 1 Lime Street, said as long as the ZBA ignored counsel, rules, and guidance, nothing would change. Train ZBA members. The zoning change should extend further into the south end. What if a non-conforming lot had to rebuild?

Councilor Eigerman said reconstruction was allowed. He received many emails about extending the boundary to Fair Street. He would consider it, although there would not be many more multi-family buildings by moving the boundary. Resident parking was a significant issue that the City would review holistically with the consultant. The remaining bits of R3 were in his ward, including a piece uphill from the train station. It was useful to have multi-family units near transit. Re-noticing rules were not black and white and not needed for reducing dimensions. He suggested a trailing amendment and further discussion on boundary changes.

Tom Kolterjahn, 64 Federal Street, co-president, Newburyport Preservation Trust (NPT) was in support of changing R3 to R2.

Victoria Carr, 1 Hill Street, said the City's history consisted of three-family houses, half-houses, and Captain's houses. People lost site of the fact that the City center was dense. Changing R3 to R2 could not reduce the number of existing units. She saw wonderful changes in single-family homes to three and four units. Some people in the South End had eight cars. How could that be restricted? The proposed changes would limit smaller, less expensive units that were needed.

Michael Olson, 28 Charles Street, said changing R3 to R2 would help reduce population density. Reducing dimensional controls with less density could result in buildings covering more open space. Open space was important to everyone and dimensional controls ran counter to that.

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David Powel, 3 Salem Street, was disappointed by the objective. Housing needs were changing rapidly. Putting the community under a glass bell jar would have unforeseen consequences and not work. Changes should not exacerbate the workload of the busiest ZBA in the state by creating more problems than currently existed. Research the communities abroad who were coping with the same issue. Zoning was not merely changing lot lines and coverage. Housing existed in relation to work and family size. A community's way of life was a direct reflection of its zoning choices. Do not class people out and ghettoize Newburyport.

Mary Haslinger, 299 High Street, said the plethora of historic structures made the City rare, desirable, and valuable. Preserving its unique history turned the City's economy around. Newburyport, surrounded by cities unlike itself, was impoverished for open space today.

Ann White, 5 Brown Street, was concerned about infrastructure and traffic. She could smell the sewage on Brown Street and at the Mall. Without decent crosswalks, people were getting killed. The amount of building was overwhelming.

Jack Santos, 10 Spring Street, supported changing R3 to R2, but non-conforming lots should be reduced. Between Fair and Federal Streets should not be excluded. The neighborhood fabric and density was the same and there were lots that could be developed. Short-term rentals should be permitted from Federal to Lime Streets.

Councilor Guinta, Ward 5, was concerned about schools. When people heard schools were full, that meant classrooms were balanced with 17-21 kids. Growth in the south end would result in unbalanced classrooms. The City eschewed school choice to maintain balanced classrooms.

Linda Miller, 20 Ship Street, said the packed south end was a density problem. Allowing bad projects that impaired the City's historic fabric also increased density. A zoning change would help preserve historic neighborhoods.

Stephanie Niketic, 93 High Street, did not want to ghettoize neighborhoods for rich people. She wanted to stop developers from doubling the size of two-family structures with additions that made their historic aspects unrecognizable in order to sell three condos instead of two. If the ZBA would not deny applications, there was value in reducing their discretion. She wanted dimensional controls and design requirements examined in the areas proposed for rezoning. Newburyport had always been economically diverse, but small homes servicing middle class families for over 100 years were being supersized. She supported the zoning change.

Councilor Devlin, At-Large and an attorney, represented a small developer. Developers were not interested in converting to two units. The magic number to make money was three units. The City did not have to allow developers to maximize their profits.

Michael Sales, 6 Fruit Street, said the City's historic character was what made it a successful pro-business community. Developers should not be allowed to ruin that character.

Bill Harris, 56 Lime Street, agreed with most comments. The council should support the conversion of R3 to R2 to help protect the historic character and slow down the burden on

infrastructure and schools. It was the best opportunity to take some action, but would not end the ZBA volume. Guidance from the City Council and the zoning change were both needed for the ZBA to stop supporting developers' hardships.

Public comment closed.

Chairman McCarthy said declining three applications in a row would reduce the ZBA workload. Members said the useful discussion had changed some thinking. They supported R3 to R2, keeping R2 dimensional controls, and including Fair to Federal Streets. Director Port suggested proceeding with R3 to R2 and addressing future map changes with another notice.

Councilor Cameron made a motion to rezone R3 as R2 within current boundaries and retain R2 dimensional controls. Councilor Eigerman seconded the motion and all members voted in favor.

Don Walters made a motion to rezone R3 as R2 within current boundaries and retain R2 dimensional controls. Leah McGavern seconded the motion and all members voted in favor.

Motions 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.

c) Inclusionary Affordable Housing

Director Port said comments had been solicited, including some debate with the Affordable Housing Trust (AFT) over language. The Department of Housing and Urban Development had also commented. The City wanted any affordable units created to be part of the state inventory. AFT Chairman Judy Tymon suggested language to achieve that. Councilor Eigerman said he and co-sponsor Councilor Cronin were in support. Councilor Cameron read the AMI language. AMI was a standard tool used across MA and the country. Boston, Somerville, Ipswich, and Salisbury had increased their AMI. Inclusionary meant six or more units. The flat rate could need to change over time. Councilor Eigerman agreed. A higher AMI was recommended by experts in order to get affordable units on the state inventory. Members were in support.

Public comment open.

Jeannette Isabella, 1 Lime Street asked if the language applied to new housing only? Councilor Eigerman said yes.

Public comment closed.

Anne Gardner made a motion to recommend the Inclusionary Affordable Housing amendment. Joe Lamb seconded the motion and all members voted in favor.

Councilor Cameron made a motion to approve the Inclusionary Affordable Housing amendment. Councilor Eigerman seconded the motion and all members agreed.

Motions Approved.

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3. General Business

- a) The minutes of 9/6/17 were approved. Don Walters made a motion to approve the minutes. Anne Gardner seconded the motion and all members voted in favor.

Motion Approved.

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4. Public Hearings

- a) ***Clipper City Car Wash
74 Storey Avenue
Major Site Plan Review (2017-SPR-03)
Continued from 9/6/17***

The applicant requested to continue to October 18.

Bonnie Sontag made a motion to continue the Major Site Plan Review to October 18. Leah McGavern seconded the motion 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.

- b) ***Gorman Homes LLC
32 Union Street
Definitive Subdivision (2017-DEF-03)***

Continued from 9/20/17

The applicant requested to continue to November 1.

Joe Lamb made a motion to continue the Definitive Subdivision to November 1. Don Walters seconded the motion 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.

**c) *Berkeley Investments c/o Lisa Mead, Esq.
260, 268-270, 275-276 Merrimac Street
Special Permit Amendment (2007-SP-03d2)
Continued from 9/20/17***

Attorney Mead addressed Condition 11 regarding the inventory of items in the Samuel Morse house to be removed. The applicant submitted a list of items that had been removed and where they went. The board asked for more and another list was created based on input from the NPT and photos dating to 2007. The condition was written in 2015, not 2007. The list was not for restoration purposes. Michael Steinitz, Deputy State Historic Preservation Officer, Massachusetts Historical Commission (MHC), said in a conversation with Director Port he did not need the list. The Newburyport Historic Commission (NHC) and MHC focused on exterior, not interior, preservation. She asked the board to find the condition had been met.

Director Port had discussed with NHC Chair Sarah White whether the NHC wanted any interior restoration. The NHC was still reviewing interior items to be included in the Preservation Restriction (PR). Attorney Mead read a list of interior items already requested by the NHC to be included in the PR. The MHC did not have a problem with including the interior items. Mr. Steinitz had no comment on the list. His comments were clarifications on the PR itself.

Chairman McCarthy wanted to establish a value for the list. Members said the the applicant had a right to remove anything they wanted as long as they provided a list of those items prior to demolition. The City wanted the option to save interior items not being used. On the face of what was written, Condition 11 was not satisfied. At this point, Condition 11 could never be met. Mitigation was necessary. A minimum requirement should be interpretive signage placed on the property and viewable from the public way that told and showed what the 1690 House looked like. The applicant should consult with the NHC for signage details. Should the board get an advisory from the NHC before voting? The restoration plan was independent of Condition 11. Members would be satisfied when the NHC was satisfied.

Public comment open.

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Tom Kolterjahn, 164 Federal Street, co-president of the NPT, read aloud Attorney Mead's letter to the board. He took issue with the applicant's assertions they had "acted in good faith" and that interior items were not lost in process. Both statements were untrue. Neither the NPT, nor the City, were given an opportunity to salvage critically important historic materials such as fireplace surrounds and crown moulding. The applicant had not fulfilled Condition 11.

Stephanie Niketic, 93 High Street, said an interpretive signage proposal was submitted to the board months ago. There was no public value to signage given what was done to the house. Currently, there was no protection on the Towle building, which could be torn down. An exterior PR on the Towle building itself was needed since the same people owned it. Most important was state approval of the restoration plan and the PR before a decision was made on Condition 11.

Bronson DeStadler, 19 Walnut Street, was confused as to what happened to the interior pieces.

Public comment closed.

Members were unwilling to make a decision without NHC input and an approved PR, and would limit the amount of time the NHC had to respond. Director Port said if there were a decision to accept the list tonight, there would be no more review on the PR by the board. Tonight was the last chance to determine compensation. The occupancy permits would not be granted before the PR was registered in Salem. Chairman McCarthy suggested the board ask the applicant to stop coming back to modify Condition 11 until the PR was granted. Members liked the idea of a PR on the Towle building. Interpretive signs should be educational in nature rather than plaques only. Chairman McCarthy said if the NHC input did not assign a value to the list, the board would do it. Attorney Mead said the PR was on the October 11 NHC agenda. Another meeting was scheduled two weeks later if there was no quorum. Attorney Mead requested a date certain.

Don Walters made a motion to continue the Special Permit Amendment to November 1. Leah McGavern seconded the motion 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.

d) Evergreen Commons, LLC
18 Boyd Drive and 5 Brown Avenue
Definitive Subdivision (2017-DEF-01)
WRPD Special Permit (2017-SP-05)
Continued from 9/20/17

Chairman McCarthy said there was a 26-page special conditions decision. The lowest basement elevations had been modified. The board still needed testimony from its experts. CSI answered his questions today at 4:30 PM. The board was waiting to hear from Horsley Whitten (HW).

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Attorney Mead said HW submitted their first review to the Conservation Commission. Phil Christiansen, CSI, 160 Summer Street, Haverhill, had received the HW report and revised plans with non-substantive technical changes. Yesterday, Mr. Christiansen sent comments to Steve Sawyer, DCI, 68 Pleasant Street, on issues that could affect the design, but not stop the project.

Mr. Christiansen was in agreement with Mr. Sawyer's data for groundwater and the ILSF, which confirmed what he had seen over the years. He was on site for additional test pits and determined a groundwater seasonal high of elevation 52, except at the edges of the golf course where it rose a bit. The design reflected basement floors above groundwater and ILSF level. A test pit would have to be done at every house to ensure basements were built two feet above. A model created by Mr. Billings was subsequently misapplied to the observation well by AECOM. Mounding readings did not apply to the development. The HW report agreed. Some sewers were below the groundwater level, something that happened throughout the City. Pipe material had to change for deeper pipes. He had asked Mr. Sawyer to reflect that on the plan. As it stood now, the plan met the requirements of the WRPD and should result in an improvement in the water quality.

Chairman McCarthy asked if the seasonal high groundwater was determined by oxidation-reduction (redox)? Could water be above the redox level and not leave a mark? Mr. Christiansen said the redox level defined the seasonal high groundwater level. If the redox level went higher without leaving a mark that would not be the seasonal groundwater level. Chairman McCarthy asked if basements would get wet if the higher level stuck for a couple of days? Mr. Christiansen said he would be surprised if that happened. Chairman McCarthy asked if the plan was adequate or class A? Mr. Christiansen said road dirt and pollutants were being removed from the water. Pollutants filtered out by the soil were staying put. Forty-four percent removal was required. If everything was discharged, a cleaner filter was possible, but it was all contained on site. There was no point in doing more. Members asked what type of pipe was used? Mr. Christiansen said PVC. Members wanted best engineering practices. Would polypropylene pipe provide better protection against leaking? Mr. Christiansen said welded joints could be used. PVC had gasketed joints. Ordinarily, water tended to get into pipes, not leak out. Chairman McCarthy asked if it was necessary to upgrade any designs? Mr. Christiansen said it was more costly, not necessary, and he did not recommend it. Members asked about the mounding? Mr. Christiansen said there was a monitoring well on City property where road runoff drained in and a lot of surface water ponded. Infiltration was greater than exfiltration. Members asked if everything on the draft was being addressed? Mr. Sawyer said he would correct everything. Mr. Christiansen said there were elevation issues to straighten out before construction, but nothing was a showstopper. He would look for revised plans from Mr. Sawyer before giving his final approval.

Chairman McCarthy asked if roofs were infiltrated? Mr. Sawyer said originally, yes, but now there were drip edges at the eaves and a stone trench at the foundation. Chairman McCarthy asked if there was a substantial difference with that change? Mr. Christiansen said no. Chairman McCarthy thought there was a six-foot wide blacktop path around the perimeter. Mr. Sawyer said it was a stone path. Chairman McCarthy said the zoning enforcement officer would cross reference the 26-page special conditions decision with the plans to look for inconsistencies. Mr. Christiansen had answered all questions clearly. The board needed to hear back from HW. Director Port said that a stone dust path was written into the decision. He recommended

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continuing to November 1. Attorney Mead said October 18 was better. Members wanted written findings several days beforehand if the intent was to vote on November 1. Director Port said HW would review the conditions and he would have a draft decision.

Don Walters made a motion to continue the Definitive Subdivision and the WRPD Special Permit to November 1. Leah McGavern seconded the motion and all members voted in favor.

Motions Approved.

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4. Planning Office/Subcommittees/Discussion

a) Waterfront West Update

Councilor Eigerman, Director Port, and Leah McGavern met with NED to review the City's focused objectives. Included in the discussion were requests for a commitment to schedule the hotel, no five-story buildings, more clarity on parking (such as a ratio of cars per bedroom and that all parking be on site), a commitment to redesigning the Route 1 intersection and that the state would do all the work, a height reduction for building #8 on the pier, more clarity on the status of Brown Square and the space behind the hotel as either courtyards or parking lots, better definition of street proportions in order to designate building fronts and backs, architectural and massing variability, variation in roof heights, and the building #1 set back. NED said no to changes in the boardwalk by Michael's Harborside. More dialogue was needed on conflicts with marine uses in public space. A public meeting on traffic and fiscal impact was October 26.

b) Other Updates

The MINCO development adjacent to Waterfront West was discussed. Tonight was Chairman McCarthy's last meeting after 14 years on the board.

c) Election of Officers

Bonnie Sontag was elected Chair; Leah McGavern was elected Vice Chair; Andrew Shapiro was elected Secretary; and Joe Lamb was elected as the Community Preservation Committee representative.

Motions Approved.

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5. Adjournment

Bonnie Sontag made a motion to adjourn. Don Walters seconded the motion and all members voted in favor.

The meeting adjourned at 10:42 PM.

Respectfully submitted -- Linda Guthrie