

**City of Newburyport
Planning Board
May 1, 2013
Minutes**

The meeting was called to order at 7: 05 PM.

1. Roll Call

In attendance: Dan Bowie, Henry Coe, Sue Grolnic, Noah Luskin, Bonnie Sontag, and Cindy Zabriskie

Absent: Paul Dahn, Jim McCarthy, and Don Walters

Andrew Port, Director of Planning and Development was also present.
City Councilors Barry Connell and Tom Jones were present for the Joint Public Hearing

2. New Business

***Joint Public Hearing with the City Council Planning & Development
Committee on proposed zoning amendment:***

Section V Use Regulations - Medical Marijuana Treatment Centers Temporary Moratorium

Director Port introduced the procedural vote to amend the Use Regulations of the Newburyport Zoning Ordinance to include a moratorium on land and/or structures used for medical marijuana treatment facilities. Regulations permitting the facilities in Massachusetts were issued a few weeks ago in draft form and could be found on the Department of Public Health (DPH) website. At issue was whether the city was ready to determine a location for treatment centers. Security issues needed more scrutiny, such as locating the facilities away from schools. The Office of Planning and Development suggested a temporary moratorium would prohibit such uses at least until the moratorium expired, at which time the city would be better prepared to address appropriate zoning changes. Zoning of treatment centers was left to individual communities. A moratorium would provide an opportunity to see what facilities in other communities were like. Before the moratorium deadline, Newburyport would designate an allowable zoning area subject to whatever conditions the city determined. A series of meetings on how Newburyport might zone the uses is underway with the City Council and other groups.

A member said the moratorium would be in effect through June 30, 2014. Would a permanent ordinance be ready for the Council to adopt by that date or would it already be in place by that date? Director Port said the city would have an ordinance ready to adopt before the moratorium expired.

Councilor Connell said the issue had been discussed at monthly meetings for a while. Who should be consulted before acting on an ordinance? Already a party had expressed interest in a growing facility, but what did one look like? The Council would need a few months to understand the regulations and determine conditions appropriate for Newburyport.

A member asked if a committee would oversee the process? Director Port responded that the Board of Health and Zoning Board of Appeals were primary to the process, with the Planning

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Office and this board involved as well. Councilor Connell wanted input from Anna Jaques Hospital, considering their potential involvement with medical marijuana and their services for the broader region as well as the city.

Public comment opened.

Lyndi Lanphear, 347 High Street, asked if draft regulations were on the city website. Director Port said he would post them.

Mary Cresci, 32 High Street, thought the city should respond to the draft regulations before they were finalized. She cited the example of separating cultivation from the dispensary versus the current draft with those uses combined in one facility. Director Port said the Board of Health director was thinking through that issue now.

Public comment closed.

Cindy Zabriskie made a motion in favor of the Medical Marijuana Treatment Centers Temporary Moratorium. Henry Coo seconded and all members voted in favor.

Councilor Tom Jones made a motion in favor of the board's recommendation to City Council. Councilor Barry Connell seconded the motion and all members voted in favor.

3. General Business

The minutes of 04/17/2013 were approved. Henry Coo made a motion to approve the minutes. Sue Grolnic seconded the motion and four members voted in favor. Noah Luskin and Chairman Bowie abstained.

18 Reilly Avenue – ANR

Albert Sanchez, property owner, said the lot line adjustment created more space at the corner of his garage. The issue came to his attention when his abutting neighbor, who was selling his property, told him that new owners could erect a fence that would make it impossible for him to walk around his garage. Non-conformities on both parcels would be bettered by the adjustment.

Bonnie Sontag made a motion to approve the ANR. Henry Coo seconded the motion and all members voted in favor.

Chart House Development, LLC

2 Mechanics Court

Major Site Plan Review Completeness Vote

The plan represented a complete site plan review package. The Planning Office recommended that the board vote to accept the application package as complete.

Cindy Zabriskie made a motion to accept the Major Site Plan application as complete. Henry Coo seconded and all members voted in favor.

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The public hearing was scheduled for May 15th.

***Brown Street Extension Subdivision
Request for Minor Modification (street name change)***

Steve Sawyer, Design Consultants, Inc., Somerville, spoke on behalf of DiPiero Properties, LLC and residents Ann and Alec White. There had been mail delivery confusion for the addresses of 1, 5 and 7 Brown Street and the continuation of addresses at 11, 15, and 19 Brown Street Extension. No one was pleased with the name Brown Street Extension. Subdivision regulations said an extension of a street could be named the same. Mr. Sawyer proposed another modification to the land plan, eliminating the word 'Extension' so the entire plan referenced Brown Street. City assessors and department heads had no issue with the name change.

Chairman Bowie said the label 'Extension' was established to differentiate between the private and public way. A member asked about even numbers? Mr. Sawyer said the open space parcel was #6, but had no mail delivery; the lot on the right would be #10. A member said the plan still showed Felde as the owner at #1. Mr. Sawyer said he needed to make that change.

Henry Coe made a motion to approve the Request for Minor Modification with the condition there would be a new Mylar. Cindy Zabriskie seconded the motion and all members voted in favor.

4. Continuation of General Business

***Jay Caswell
325, 323R, and 329 High Street—Twomey Drive Subdivision
Approval of Performance Guarantee in the Form of a Covenant***

Chairman Bowie read the covenant: "Until we finish the roadway and utilities are installed, we will not convey any lots. Endorsing the Mylar plans will be held until the covenant is executed."

Bonnie Sontag made a motion to approve the Covenant as a form of Performance Guarantee and to endorse the Mylar plans to be held by the Planning Office until receipt of the executed covenant and the Chair was directed to sign. Henry Coe seconded the motion and all members voted in favor.

4. Planning Office/Subcommittees/Discussion

The MBTA property on Boston Way, zoned 40 R, was on the market again and a pre-bid meeting was scheduled for Thursday, May 16. Merrimack Valley Regional Transportation Authority had a draft of the RFP, which included five buildable parcels totaling 5.2 acres, with the rest of the 11-acre property designated wetland.

National Grid was beginning work on their waterfront property, razing five buildings and performing soil remediation. The property is situated next to where Stephen Karp once intended to build a hotel. Unknown was the timeline for selling the land.

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The Planning Office is still working with the NRA on Waterfront Park and development plans. Until ground water and soil analysis are completed, Director Port won't know whether the conceptual plan would require modification.

Director Port is working on architectural design standards for the downtown that would cover some of the same general issues proposed in the Local Historic District, such as facades, scale and character, but avoid fine details. A member asked what the procedure for implementation would be. Director Port said a draft of the Design Review Standards would go to the Zoning Working Group and this board.

5. Adjournment

Bonnie Sontag made a motion to adjourn. Henry Coe seconded and all members voted in favor. The meeting adjourned at 7:57 PM.

Respectfully submitted,

Linda Guthrie, Note Taker