

**City of Newburyport
Planning Board
August 19, 2015
Minutes**

The meeting was called to order at 7:04 PM.

1. Roll Call

In attendance: James Brugger, Sue Grolnic, Doug Locy, Noah Luskin, Jim McCarthy, Bonnie Sontag, and Don Walters

Absent: Leah McGavern and Andrew Shapiro

2. General Business

- a) The minutes of 8/5/2015 were approved as amended. Doug Locy made a motion to approve the minutes. Don Walters seconded the motion and six members voted in favor. Noah Luskin abstained.

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
83 Merrimac Street and 90 Pleasant Street
Definitive Subdivision (2014-DEF-02)
Continued from 7/15/15***

Scott Kelley, Vice President of Development, New England Development (NED), 75 Park Plaza, Boston, filed in October 2014 while contemplating a retail project. Soon after filing, NED began coordinating with the City on a parking garage. Continuances have allowed NED to move forward in collaborating on an intermodal facility with the City, but not on the whole plan because the garage would significantly change the project. He requested an additional continuance to October 19th while City secured additional funding for the garage.

Chairman McCarthy said asked if materials submitted on the subdivision included a stormwater report? Kristofer Machado, attorney, Goulston & Storrs, 400 Atlantic Avenue, Boston, said the report was filed with subdivision plan. Statutory rights were preserved through the continuance process. A member asked what course would be taken if the board did not grant a continuance and the applicant had to come back anew. Attorney Machado said an objection would be in order to preserve the zoning for the project and garage. A denied continuance would lift the zoning

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freeze and NED would need to determine what zoning approvals the project required and pursue special permits. The City would also need those approvals. There was more benefit to continue to avoid material changes and delay the project. Mr. Kelley said the focus had been on accommodating the City and the parking garage.

Chairman McCarthy asked if more information was needed to substantiate the subdivision plan in order to approve a continuance? CSI comments were in hand and the board was ready to address them when the whole project moved forward. A member said the current issue was with the City acquiring sufficient funds for garage construction. Taking issue with another continuance was not in the City's best interest. How were negotiations proceeding?

Attorney Machado said the mayor had gone to Washington, D.C. to seek federal funding. NED was negotiating an agreement for the City to acquire the land in exchange for some parking spaces. Terms had not been formally submitted to the City. He hoped that would happen shortly. Mr. Kelley said the parking spaces reserved for NED were in accordance with what would fit on the space naturally. A member asked if parking would be for a hotel? Mr. Kelley said plans were not advanced enough to offer those specifics.

Member comments. Chairman McCarthy said the team included the head of the MVRTA and a project manager. The board had a certain materials, but had not asked NED to proceed with legitimizing the subdivision. A member said the parking garage was not a subdivision. If the subdivision went away, how would that affect the parking garage? Chairman McCarthy said the subdivision plan was meant only to hold zoning. A member asked what the benefit to the City was? Another member suggested continuing until the board received an update from the City. A member agreed to continue. Another member said the fact that the City needed a garage had delayed the subdivision process. Chairman McCarthy asked what features of the zoning that was locked in would be objectionable? Both the zoning the City had now and the zoning NED was freezing would not create the vision of the Strategic Master Plan. NED was protecting its interests for a worst case scenario.

Don Walters made a motion to continue the Definitive Subdivision to October 19th. James Brugger seconded and all members voted in favor.

Motion Approved.

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5. Planning Office/Subcommittees/Discussion

a) Updates

Updates on the parking garage, Waterfront West, and the Back Bay meeting were discussed.

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Members would attend the August 26th Planning & Development subcommittee meeting and the September 15th City Council meeting for the first reading of the on Smart Growth ordinance.

6. Adjournment

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

The meeting adjourned at 7:32 PM.

Respectfully submitted -- Linda Guthrie