

Newburyport Redevelopment Authority
10/25/06

1. Attendance

Present: Nat Norton, Rick Taintor, Erford Fowler, Janet Marcus, Tim Brennan (6:38pm) and Atty. Carol Powers

2. Minutes/Housekeeping

The minutes of the August and September meetings were approved unanimously. Mr. Fowler made the motion to approve and Mr. Norton seconded.

The November meeting date was changed to Tuesday, November 21, 2006 because the normal meeting date would fall on the Wednesday before Thanksgiving.

The December meeting date was changed to Wednesday, December 20, 2006.

3. Treasurer's Report

Mr. Norton reported that balance in the checking account at the end of September was \$58,186.36. During the month, \$40,000 was put towards the mortgage principal. The interest rate on the loan also remained the same at 8.25%. The data entry bill for Angela Hassler in the amount of \$178.50 and the old survey bill for Oak Engineers in the amount of \$8,500.00 were paid during the month of September. He also reported that Standard Parking was reimbursing the NRA for the electronic transfer fees that the bank was imposing. Total parking revenue from the month of September was \$7,239.10. Over the course of the summer, Standard Parking brought in \$70,598.60 for the NRA, which was 16% more than the prior year. September's interest on the checking account earned \$224.91.

Ms. Marcus noted that the month of June had very wet weather and she was pleased that despite the weather, the parking income was high. She felt that Standard Parking did a fantastic job managing the parking lots. She said that the manager from Standard Parking had thoughts on the parking situation and was willing to share them with the NRA if interested. Ms. Marcus said she would speak with Fred Snow or Augustin Faustin to set up a time to meet with members. Mr. Norton noted that the income from Fridays over the summer were lower than expected. Ms. Marcus suggested considering allowing the parking contractor to start charging earlier on weekends.

Ms. Marcus said that the Mayor requested that the NRA meet with the Waterfront Trust to look at a common waterfront use policy. Mr. Fowler offered to speak with Rich Jones to set up a meeting. He will notify the members by email of the date of the meeting.

A bill from Joe Spaulding was received for landscaping. The Board approved to pay this invoice. Ms. Marcus suggested having additional materials put down on the ground in February or March. She said that she would get estimates from Salisbury Landscape also. Mr. Norton said that he preferred to plan ahead and wanted to put this on the agenda for the February meeting.

Mr. Fowler said that he ordered handicapped parking signs from Tony Furnari and he would check on the status of them. The DPW will install the signs. The cost would be about \$100.00.

4. Sign and awning applications

Thirsty Whale – 24 Market Square

Ms. Marcus said that a sample color of the awning was required before the NRA could approve the change in awning. Mike Connolly, property and business owner, said that the color would be the same as Boston Chowda. It was the same as the previous awning with a slight change because of the difference in dye lots. Ms. Marcus said that the proposed color was not an historic color. (Mr. Brennan arrived at 6:38pm.) Mr. Connolly also said that the awning would read “Thirsty Whale” not “Whistling Whale” as drawn in the application. Mr. Fowler proposed to approve the awning without the fabric sample as long as the color would remain the same. Ms. Marcus was concerned that there were more white stripes on the proposed awning and it would look busier. Mr. Norton and Mr. Fowler said that they didn’t have a problem if the awning had additional stripes. Mr. Norton said that the letter meets the requirements and all the owners were in favor. Mr. Brennan motioned to approve the awning and Mr. Fowler seconded. Ms. Marcus said that the awning was to be the same color and design and the lettering and fish (whale) drawing be exact duplicates of the existing. The Board voted unanimously in favor of approving the application.

Pink Hearts Blue Soles – 1 Merrimac Street

Lori Itzkowitz applied for signage for her store that was replacing Stone Ridge Properties. She said that there wasn’t a historical pink color for her sign but she did change the blue to California Robin’s Egg Blue as recommended by Ms. Marcus. She would use the existing bracket to hang the projecting sign. She said that the sign is constructed so that there is an illusion that the heart design is not connected although it is. Ms. Marcus felt that the pink color was too strong against the brick building. Mr. Brennan and Mr. Taintor were fine with the color. Mr. Taintor motioned to approve the signs using the historic blue color and Mr. Fowler seconded. It was approved unanimously.

Winfrey’s – 21 Market Square

The NRA discussed the fact that the awning that was installed was not the awning they approved. Ms. Marcus said that the applicant’s submitted a color sample that was a mustard yellow color and the awning is bright yellow. In addition, the lettering is too large. Ms. Marcus said that the NRA mistakenly assumed that the lettering would be the same as the previous, which was within the allowable size. Janet Richey, building owner, said that she would measure the amount of lettering and report back to the NRA. Ms. Marcus suggested getting the measurements of the lettering and reporting them to Mr. Calderwood for enforcement. Ms. Marcus also mentioned that most awnings have the lettering on the vertical part, not the top of the awning. She said that many businesses have expectations on aesthetics and it was the NRA’s job to maintain it. Mr.

Taintor said that the zoning ordinance conflicts with the sign application and they should be careful about overseeing what is not law.

5. Conflict of interest issues

Mr. Taintor explained that his business Taintor & Associates, Inc. has two contracts with the City. He submitted a letter notifying the group that a relationship exists. The letter detailed the nature of the relationship and all agreed that it wouldn't present a problem. Mr. Taintor said that the contract for the Little River Transit Village project should end at the end of the month and the other, which was for planning consulting services in the Planning Office, could end soon with the appointment of Nancy Colbert as Planning Director. Mr. Taintor said that none of his employees have any financial interest in the contracts.

6. Condition of the parking lots

Ms. Marcus said that the Firehouse and Not Your Average Joe's were responsible for maintaining the bumps in the aisle they use in the west lot. She said that she would talk to the Firehouse Board since the condition of the aisle has deteriorated. Mr. Norton suggested working out a policy to clarify what "maintaining" means.

7. Deed restriction

Ms. Marcus said that the Mayor has proposed no structures on the NRA lots; however the RFP references the toilets and the information center. She felt that the parking lot designer should continue to look at the buildings. George Roaf said that he has a petition with 226 senior citizens and hundreds of more calls requesting a senior center on the waterfront.

Regarding the number of parking spaces, Mr. Taintor noted that Dennis Duscik of CZM had suggested that the City consider building a parking garage at the landward end of the East Lot, toward the Firehouse. Mr. Taintor discussed this with the Mayor, who was concerned about opposition from adjacent property owners whose views would be impacted. Mr. Brennan raised the possibility of building a parking garage partly below grade with landscaping on top. He suggested that the top of the garage could be at berm level with enough openings along the sides to satisfy air circulation needs." He said that they should not dismiss the idea. Mr. Fowler agreed that the idea shouldn't be thrown out and said he was not opposed to such a structure. Mr. Norton said that so much of the perimeter of such a garage would need to remain open and wasn't sure if this idea would work. He said that if having other than surface parking was agreeable, they should add it into the RFP and have the experts look at the idea.

Mr. Fowler felt that the NRA should be cooperating with the City somehow since they all represented Newburyport. Mr. Norton felt that putting numbers in the RFP was premature at this point. He said that most of the people tend to want park but they shouldn't tie the hands of the park planner. He said that it was not useful to argue numbers at this point. Mr. Norton said that a planner would exclude the first 100' of land abutting the river and then plan the parking areas. Everything has increments in parking planning which would be where the number of spaces would be derived from.

Mr. Fowler questioned if this could be done without an EIR. Mr. Norton said that a plan must be presented in the EIR. Mr. Taintor said that after submission of the ENF, MEPA would determine whether an EIR would be required.

Mr. Brennan said that he was not in favor of imposing a deed restriction at this point since they didn't even know what was going to happen. Atty. Powers said that the condo complexes got approvals based on allowing parking on NRA property. She said that a commitment of at least 35 spaces was necessary to protect the East Row property owners. Mr. Brennan thought that the deed restriction should be done when the NRA turns over the land and they should figure out what is going to happen first. He felt it was a waste of time at this point, if the other members agreed. Mr. Fowler agreed that it was premature. Ms. Marcus thought that there were political reasons to support the deed restrictions now. She said it would confirm what the people have told the NRA that they want and it would show that they have been heard and the property would be developed in a way they chose. She said that the City is represented by several officials with differing views on the matter. She noted that the largest abutter (Karp) has never responded to the Mayor's request of weighing in on the matter and said that Anne Lagasse has been asked to submit something to the Mayor and has not.

Ms. Marcus said that if they implemented a deed restriction it would allow a group of 10 citizens to sue the City if the City did something in conflict with what they were supposed to do. Mr. Norton said that there were political reasons to do a deed restriction and he was in favor. He thought by doing this they would be making sure the wishes of the community were met and protected.

Mr. Fowler asked why they let the 40 year Urban Renewal Plan expire without making another plan. Atty. Powers said that the URP is a private land use restriction that allows one to get HUD funding. The plans ensure a public process, transparencies in the process, non-discrimination clauses, etc. She said that URPs typically expire and there would be no other reason to renew them as the HUD funding scheme has changed. Mr. Norton asked if the status of the NRA has changed because the plan expired. Atty. Powers said that the Authority exists regardless.

Mr. Taintor questioned if the NRA still had authority over exterior façade changes if the plan expired. He said that if it is not noted in the City's zoning ordinance, they would have no authority to do this. Atty. Powers said she would check on this.

Mr. Taintor said that he was uncomfortable using a specific number of parking spaces in order to regulate land use. He suggested they should restrict the first 25% of the land, as State regulations gave a physical reason for doing so. Mr. Norton added that Chapter 91 restrictions already protect this land.

Ms. Marcus said that implementing deed restrictions would allow a group of ten citizens to seek injunction if there were any violations to the deed restrictions. Mr. Brennan asked why one person could not have standing in court. Atty. Powers said that you would need to be an abutter or someone directly interested to seek an injunction.

The group discussed sign restrictions and fines. Mr. Taintor said that any violation of signage in the Urban Renewal area would be covered under the Zoning Ordinance's fine schedule and it was considered a zoning violation.

8. RFPs

Mr. Norton said that they should mark up the deed restriction while working on the RFP in order to tie them into the plans once a decision is made. He said he felt strongly that there was a need for a deed restriction. He also noted that there were several different parcels so one deed restriction wouldn't cover the whole property.

Mr. Fowler noted a discrepancy in the draft RFP. He noted that it cites the requirement for 2 preliminary plans and then elsewhere 3 preliminary plans. In #2, he also asked whether they were aware of Ferry Wharf Way.

Mr. Taintor mentioned item #10, the integration of two ways. He said that the west one is not a statutory way so they may want to keep the option to move it.

Mr. Fowler asked about the right of way to the east of the Custom House. Bill Harris said that it was a public way but Atkinson Lumber took it during the last exchange of property. He said that Land Court said that it was outside the jurisdiction of the NRA so the next owner recorded it at the Registry as their own land. He said when Karp, etc. requests a Chapter 91 license, they could ask for the way back and it would relieve the burden for a way to the water.

A workshop meeting was set up for 11/8/06 at 7pm to discuss the RFP.

Mr. Brennan said that he received many complaints on the price of parking in the NRA lots. He questioned whether more cars would park there if the price was less. Mr. Fowler also suggested discussing the possibility of senior passes. Ms. Marcus noted that parking fees are the only source of income the NRA has.

9. Comments on status of NRA

10. Misc.

Joseph Brown submitted a request for public records. He requested the response by DEP after the Chapter 91 hearing. He said that the 9/8 issue of the Current refers to DEP's counsel's return letter. Mr. Taintor said that the Authority has not received or seen the subject letter. Mr. Brown also requested a copy of the email from Ben Lynch to Ms. Marcus. In addition, he requested copies of the materials referred to in the bid specifications for a park planner. He said that Ms. Marcus previously requested members' comments on the specs at the previous meeting. Ms. Marcus said that no such comments have been received. Mr. Brown also requested a copy of the 40 year Urban Renewal Plan. Mr. Fowler said that all documents being passed through all NRA members are public documents and should all be filed in the Planning Office. He requested that all documents be cc'd to Dianne in the Planning Department in the future.

Ms. Marcus said that the NRA does not have to entertain public comment. The group discussed having a short public comment session at the beginning of future meetings.

The meeting adjourned at 9:02pm.

Sincerely,

Dianne Eppa
Note Taker