

## **NEWBURYPORT REDEVELOPMENT AUTHORITY**

### **Minutes of Meeting**

August 23, 2006

In attendance: members Jan Marcus, Tim Brennan, Rick Taintor, Erford Fowler, Nat Norton and Carol Powers.

The meeting was called to order at 6:09 p.m.

#### **Minutes**

The minutes of the June and July meeting were reviewed, and both sets of minutes were approved unanimously.

#### **Treasurer's Report**

Nat Norton reported that \$500 had been approved previously by members for data entry. He said that he had already paid \$492 and noted that he still owed \$178. The board unanimously approved payment of the additional \$178 for the data entry process.

Nat reported that the property survey done by Oak Engineering had been completed. The board unanimously approved payment of Oak Engineering's \$8,500 invoice.

Tim Brennan recommended that paying off some of the NRA's debt should be added to the September agenda. He made a motion to empower Nat to decide to make a payment by August 31, 2006. The board unanimously approved authorizing the treasurer to pay up to \$50,000 of additional principal.

#### **Sign Reviews**

Jan Marcus reported that the size of the Chase and Lunt sign (presented at the previous meeting) had been reduced and the sign will also be hung higher. A motion was made and seconded to approve their application for signage.

Rick Taintor noted that many sign applications come before the board with problems ranging from insufficient information to noncompliance with the regulations. He suggested that procedures be revised in order to minimize delays and cut down on unnecessary discussion at meetings. Specifically, he suggested that an NRA member (a) screen applications for completeness prior to sending them to Andy Sidford for design review, and (b) review the completed applications prior to the NRA meeting at which they would be discussed, preparing a summary and recommendations for action. He volunteered to take on this role. Members unanimously supported this proposal. Rick will draft an outline of the procedure and circulate it to members by email.

#### **Property Use Requests**

Anna Jaques Hospital requested to use the property behind the Custom House for a wine tasting. A motion was made and seconded to accept their application, although additional information for the fundraiser will be requested. Jan also noted that there had been several window violations and that should be a matter of discussion at a future meeting.

### **Mayor's Waterfront Task Force**

Jan noted that the Mayor's Waterfront Task Force would be meeting on September 13, 2006, at 6:00 p.m. She suggested that two members of the NRA should attend this meeting. Both she and Rick Taintor had conflicts that would prevent them from attending. Nat Norton and Tim Brennan indicated that they planned to attend.

### **Waterfront Questionnaire**

It was decided that a special additional meeting should be held to decide on the content and format of the summary report on the waterfront questionnaires. This meeting was scheduled for Wednesday, September 6, 2006, at 6:30 pm. A discussion took place about whether copies of the disks should be submitted to the public library. Tim Brennan questioned whether it was fair or appropriate to submit the questionnaires with names on them.

### **Open Meeting Law**

Erford Fowler passed out pamphlets on the Open Meeting Law to the committee members. He pointed out that discussions about a matter being voted upon were prohibited, although if the matter was not being voted upon it was an appropriate topic of discussion. He also noted that emails are acceptable, so long as they are not responded to.

### **Record Storage**

Storage of records in the third floor of the Custom House was discussed. Due to the weight of the records, they were to be looked over and some were to be thrown away since some were up to 20 years old. Hiring a high school age student to sort through the records along with Carol Powers was suggested. A motion was made and seconded to pay the student \$7.50 an hour for up to a 2-3 month period.

### **Chapter 91 Information Session**

The remainder of the meeting was devoted to a discussion of Chapter 91 issues with Ben Lynch (Waterways Regulation, Massachusetts Department of Environmental Protection) and Dennis Duscik (Tidelands Policy Manager, Massachusetts Coastal Zone Management Program). The following points were discussed:

- When fill is under the control of a political subdivision, it is subject to Commonwealth Tidelands regulations.
- Key Chapter 91 thresholds:
  - No more than 50 percent of the area of the fill, at ground level, can be devoted to vehicular purposes, i.e., parking, internal driveways, etc.
  - The seaward 25% of the property between the high water line and the landward property line, up to a maximum of 100 feet, should be in a park-like use, and this area may not be used for parking. The determination of the 25% limit is based on the weighted average depth of the property.
- For purposes of Chapter 91, the "project site" is the area owned and controlled by the applicant, and is not necessarily limited to contiguous sites.

- Dennis Duscik encouraged the NRA and the City to think creatively about ways to provide the parking that is needed in the downtown while respecting the purpose and requirements of Chapter 91. As an example, he suggested that the City might consider developing a parking structure at the landward end of the NRA's East Lot. He estimated that a 20,000-30,000 square foot structure could free up two-thirds of the parking spaces in the East Lot. He suggested one scenario: a structure located between Ferry Wharf Way and the Waterfront Park, set back at least 100 feet from the water, and approximately 150 feet by 75-85 feet with four levels of parking.
- The question of "water-dependent" vs. "non-water-dependent" uses does not need to be addressed if less than 50% of the site is used for parking.
- Encourage consultation with DEP and CZM in pre-application/planning mode.
- The NRA lots may not be subject to a water-dependent use zone because the Waterfront Trust owns the first 35 feet next to the water. However, because the subdivision took place after 1984 (the effective date of the Chapter 91 regulations), the Waterfront Trust and NRA land might be considered as a unit.
- In Salem, an underground parking garage was permitted to be built within the water-dependent use area: DEP found that the "at ground level" standard for open space uses was met because the parking structure was designed with a public plaza above. However, DEP was just sued for a finding of this sort in Somerville, so it is not clear whether this approach would still be feasible.
- The existence of a harbor management plan has no impact on or relevance to Chapter 91 review and licensing.
- DEP would not consider the NRA parking lots to be serving (i.e., accessory to) water-dependent uses (such as boating, fishing, whale watching, etc.) unless the parking spaces were restricted to those water-dependent uses. DEP would also have serious problems with considering the lots to be accessory to water-dependent uses even if portions of the public lot were restricted to customers of the Whale Watch, private boaters, etc. Because of the difficulty in managing such restrictions, it is highly unlikely that any public lot would ever be considered to be accessory to a water-dependent use.

### **Adjournment**

The meeting was adjourned after 8:00 p.m. (actual time not recorded).

Submitted by Rick Taintor