

**Planning Board  
September 6, 2017**

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

**1. Roll Call**

In attendance for the Planning Board: James Brugger, Ann Gardner, Tania Hartford, Leah McGavern, Andrew Shapiro, Bonnie Sontag, Mary Jo Verde, and Don Walters

In attendance for the Planning & Development Subcommittee and Committee of the Whole: Greg Earls, Jared Eigerman, Heather Shand, Charlie Tontar, Bruce Vogel, and Sharif Zeid

In attendance for New England Development (NED): Attorney John Twohig, NED; Ricardo Dumont, DumontJanks; Mike Duffy, project manager, NED

Also in attendance: Andrew Port, Director of Planning and Development

**2. Joint Public Meeting with the Planning Board Subcommittee and the Planning & Development Subcommittee/Committee of the Whole**

*a) New England Development (NED)  
Presentation of Development Plans for  
Waterfront West Overlay District (WWOD) area*

Chair McGavern reviewed feedback from plans presented at the August 16, 2018 joint public meeting. She referenced an index of criteria that detailed the City's objectives compared to development plan as of August 16. Regarding height, the objective was generally to maintain three to four stories. Proposed five-story buildings were not compelling because they appeared too massive without adding to variety in design and massing. Flat-roofed buildings detracted from the skyline. A view from across the river was needed to evaluate the effect on the Newburyport skyline. A view from the Rail Trail was needed in order to evaluate the effect of massing on the pedestrian experience. Regarding density, traffic mitigation remained a concern. A thorough density evaluation was pending receipt of the traffic study. Regarding public open space, the main proposed courtyard was generally appealing but a thorough evaluation of materials, amenities, and vehicular access was pending receipt of more detailed reports. Roof forms in four- and five-story buildings were not broken and diverse. The predominance of flat roofs detracted from the bridge view and views from across the river. Those characteristics were critical to approval and should be integrated into the conceptual design. Entry and architectural details would be evaluated when more details were provided. Regarding the pedestrian experience, ways to the water and building fronts should be vibrant and alive, with transparent public amenities along commercial building fronts, and public and private interaction nurtured along residential building fronts. The 10,000 feet of commercial space supported objectives, but the complete pedestrian experience could not be fully evaluated without forthcoming details. Regarding parking, an evaluation awaited a more complete presentation on residential unit count to demonstrate that the proposed on site spaces met parking demand. Regarding streets, the City was looking for a plan that showed vehicular flow through the site, hierarchical streets of appropriate widths to define building fronts and backs, and materials that contributed to clarity of

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use. Vehicular flow, sidewalks, dimensions, and materials would be evaluated when forthcoming details were received. Regarding the hotel, the waterside location was a priority. The siting agreeable but NED's commitment on including a waterfront hotel as part of the whole project build out was still forthcoming. Regarding mixed-use/commercial activity, 10,000 square feet was agreeable but more information on the Merrimac Street building and whether it had commercial space was required.

Attorney John Twohig, NED, 75 Park Plaza, Boston, summarized NED's response to the City's review process. The visual connection was opened up. Phasing components were minimized to get a hotel earlier in the process. The building count was reduced. Two five-story buildings were selectively placed while focusing predominantly on three and four-story story buildings. Lining two main circulation routes with the buildings, and the addition of a Merrimac Street courtyard created an active streetscape. This site had been intended for development for a couple of decades, but had never been developed. What could be developed without rezoning?

Ricardo Dumont, DumontJanks, 129 Kingston Street, Boston, demonstrated on three images three possible development alternatives without rezoning. The first was a waterfront mixed-use alternative with a building height of 45-50 feet. The second was an affordable residential use with a building height of 55 feet and five stories. The third was indoor boat storage and repair with a building height of 43 feet. Alternatively, NED proposed preserving and improving three historic ways to the water. He reiterated Attorney Twohig's recitation of changes made based on the City's feedback. The 2003 plan was the benchmark for what the City desired. NED met that plan's goals of providing continuous waterfront access, active ground floor public uses fronting major streets, ensured a healthy mix of uses that served the downtown community and supported a vibrant mix of activities year round, a framework of streets, walks, and squares that were clearly public, and a large plaza lined with active uses that faced the waterfront. Today's commercial and marine uses, working waterfront slips, and restaurants were maintained. The hotel was broken into three masses with a bridge connecting two structures on either end. Four and five story buildings housed 230 residential units. All active boat slips were maintained with a small travel lift to service small boats. The large travel lift was relocated upriver. Slip access along the boardwalk was improved. The redesign represented an 8% reduction in total square footage and a 5% reduction in building footprints. There was no change in the bedroom count, a 37% increase in parking, a 5% increase in open civic space, and no change in boat slips.

Mike Duffy, NED project manager, said parking for 138 marina slips was based on historical tracking at half a space per slip. The 70 marina parking spaces were reviewed with harbormaster. The 279 residential parking spaces located within the buildings, except for 12 surface parking spaces. The 1.25 spaces per unit were based on a market study of similar type of properties in nearby municipalities completed in December 2017. The hotel had 46 parking spaces that would be managed at all times. Total onsite parking was 395 spaces.

Mr. Dumont said the building height was appropriate to the site. He reviewed the regulatory conditions. The front noses of waterfront buildings were three stories, the majority of buildings were four stories, and two buildings were five stories. Horton's Yard was 69 feet high versus the 63-foot high five-story buildings proposed. He displayed an image comparing NED's four-story building heights with building heights nearby. Density was measured by a formula of acreage

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and floor space square footage to derive Floor Area Ratios (FAR). The FAR of nearby districts was compared to the FAR in the Waterfront West proposal. The districts used for comparison were Market Square, Brown Square, State Street, and Pleasant Street. The proposed density was in the ballpark with the rest of downtown.

Public comment open.

Attorney Lisa Mead, Mead, Talerman, & Costa LLC, 30 Green Street, representing Horton's Yard, was offended by NED's misstatements and scare tactics. The City needed to retake control of the process because NED was not listening to the parameters the City set forth for this development. The underlying district required an SP for multi-family housing. There was a limit to the number of units in 40B developments in addition to a cap on profit. There should be a cap on height, not just a limitation on the number of stories. There should also be a required minimum amount for open space and required lot coverage. The 2017 Master Plan specifically said to foster a downtown waterfront area that was welcoming to the community, respectful of the City's maritime heritage, and complimentary to downtown's commercial core. Creating a welcoming environment at the waterfront must go hand in hand with the preservation of the City's maritime history and respect current water-dependent uses. There should be an increase in housing diversity that accommodated households with varying housing needs and family structures. New residential development and redevelopment should be appropriate in location, size, scale, form, architecture, materials, and massing, compliment the historic character of neighborhoods, protect the City's natural and cultural resources, preserve open space corridors, and allow for safe pedestrian movement. The Board and Council should measure the NED proposal against these parameters and the existing zoning. Right now the NED proposal met none of these goals. The main issues of contention were massing, buildings too tall, and too much density. The buildings cited for comparison were not located on the waterfront. The buildings should not be higher than 35-40 feet across the entire property. NED's proposed buildings were larger and taller than they were in 2017. Waterfront dependent uses were reduced and the elements of a working marina were not apparent on the plans. Boats taken out of the water would have to go through the bridge connecting two ends of the hotel. That was just not possible. The main east-west road traveled directly through a public gathering space with a boat ramp right in the middle of it. The road was also the main access for the hotel, yet NED indicated it as space that can be programmed for pedestrian activities. Really look at the proposed mix of housing and do not create an enclave of housing that would be entirely different from the rest of the City.

Robert McClernan, Peabody, a lobster fisherman, was opposed.

Sarah Pearson was opposed.

Maria Paulsen, 32 Ashland Street, was opposed. She supported keeping Plum Island Coffee Roasters (PIRC).

Art Currier, 100 State Street, was opposed. Numbers and statistics did not address the feel and character of Newburyport.

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Bruce Vogel, Councilor At-Large, 90 Bromfield Street and NED tenant, was opposed. Speaking as a citizen, he urged the committees to get a feel for how NED operated by speaking to their tenants. The project was an uninviting, sterile, self-contained, and dense city within the community. The portal was the least inviting element. The working waterfront defined Newburyport and that would be destroyed.

Hazem Mahmoud, 52 Ferry Road, was opposed. He wanted to compare the percentage of existing buildings on their land versus the proposed buildings, and the percentage of existing parking with proposed parking. The pedestrian experience was uninviting because of sharing the ways with parked and moving cars. He was concerned about adherence to FEMA guidelines.

Rick Taintor, 10 Dexter Street, was opposed. There was a lot of misrepresentation by NED. Every feature was secondary to whether the project worked in terms of public energy. The 2003 plan had three fundamental features missing in the NED proposal, including a public street along the waterfront and a separated bicycle and pedestrian path. He would send the rest of his comments to the committee.

David Chatfield, 67 Federal Street, said wanted to know if the design parameters addressed resiliency assumptions. Would storage of chemicals and trash and the utilities be protected against flooding? Did the project meet hurricane standards and provide protected places for people during floods?

Mike Strauss, 56 Federal Street, Chair, Energy Advisory Committee (EAC), said the City had a goal of net zero energy by 2050. He described the net zero energy development approach used by local developer Dave Hall on the Hillside project. NED's development would have to be net zero energy in the near future. The EAC would work with NED to make that happen.

Noble Flannigan, Salisbury, was opposed. PIRC was a benefit to the City. The project benefited only NED without contributing to the historic value of Newburyport or housing diversity.

Ruth Allen, 60 Boardman Street, was opposed. It would be a gated community on the waterfront. The Black Cow was not iconic, but PIRC and Michael's Harborside were iconic. The City did not need more development on the waterfront.

Jane Snow, 9 Coffin Street, was opposed. No parking was presented for the commercial units. Seniors could not get to the commercial places easily unless parking was nearby. The project did not represent the flavor of the City. Newburyport stressed diversity and affordable housing. This was an exclusive place. She would not be able to buy one of NED's units for the market value of her home. The flavor and people that make up Newburyport were important.

Rich Baker, 55 Reservation Terrace, was opposed. He wanted City boards and elected officials to enforce existing zoning and not sell out to anyone.

Alicia Stevens, 29 Howard Street, was opposed. She read from the 2003 plan 'a development where children from north end could get to their friends on the south end by the waterfront.' The boardwalk was not even wide enough for a double stroller.

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Andrew Simpson, 1 Greenleaf Street, want to have a better sense of NED and their track record developing historic areas.

Blake Wilcox, 33 Market Street, was opposed. The problem was that what was special about Newburyport was not conveyed the design. He encouraged NED to spend a week here to tap into the essence of the community.

Scott Nelson, 55 Milk Street, was opposed. He did not see any community use. The developer was the only one who benefited. He recommended conveying some land back to town for public use and gave an example of a Boston park paid for by developers who built high-rise buildings.

Judy Mravic, 85 Storey Avenue, was opposed. The project was too dense. Would residents of Waterfront West recycle? The City should do its own study of what it needed on the waterfront.

Frank, 74 Pleasant Street, was opposed. The problem was emotional because the development did not fit Newburyport. He wanted independent traffic, parking, and marina safety studies.

Donna Holaday, mayor, 6 Parsons Street, was opposed. She thanked residents for coming to the meeting. After two internal meetings with NED on the project she was disappointed there were no additional changes from all the feedback. The City required more public space and less density, of around 125 units. The working waterfront should not be public space with cars going through it. Lessees ended NED leases as soon as possible because it was too difficult to work with their percentages. Stop saying why the proposed height and density would work and listen to what residents wanted. This was Newburyport's historic waterfront and its future.

Barbara Oswald, 158 State Street, was opposed. Residents were terrified. She urged maintaining the current zoning and ensuring that any development was varied and affordable.

Brett LeHavre was opposed.

Maria Noble, 38 Kent Street, was opposed. The proposal scared her. It was not Newburyport.

Mike Young, 22 Charter Street, was opposed. The project was not realistic. He suggested NED donate all of the highly valuable urban space to the City.

Ellen Kennedy, Newbury, was opposed. She said it looked like Westport, not Newburyport. Would the development withstand a storm like Hurricane Sandy?

Carolyn Johnson, 46 Monroe Street, was opposed. She supported the mayor's comments and urged care with the historic charm and beauty of the City.

Jeanette Isabella, 1 Lime Street, was opposed. Tall buildings made a person feel unsafe. The project would be a separate community from the rest of the City. It was wrong to use a church steeple for building height comparisons. If NED wanted to build here they should meet the City's needs. Councilors, the ZBA, and the Planning Board should prevent this development design.

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Lisa Mead, 13 Purchase Street, was opposed. She supported Mr. Taintor and Ms. Steven's comments about the 2003 plan. The waterfront worked today was because the waterfront was linear rather than all cut up. Waterfronts that were cut up in other towns did not work.

Tim Conners, 16 School Street, was opposed. NED could do wonderful things if they embraced what residents wanted. She supported keeping PIRC.

Yvonne Chabrier, 34 Warren Street, was opposed. She supported development that was completely on the other side of the boardwalk between Michael's Harborside and the Black Cow. The density, in terms of the number of people, was too great. The City should not have anything denser than Rivers Edge's 60-80 units. Browns Wharf was an adequate building size.

Public comment closed.

Councilor Eigerman said the next NED public meeting was not yet scheduled. Residents should send in comments. The subcommittee would come back to the public as soon as they could.

#### **4. Adjournment**

The meeting adjourned at 9:42 PM.

Respectfully submitted -- Linda Guthrie