

Ad Hoc Committee on Waterfront West
Report to the Newburyport City Council

January 28, 2019

A. Introduction:

On October 29, 2018, Newburyport City Council President Barry N. Connell announced the formation of an “*Ad Hoc* Committee on Waterfront West:”

1. To review relevant portions of the following key City documents: (i) 2003 Waterfront Strategic Plan; (ii) 2017 Master Plan; and (iii) Newburyport Zoning Ordinance, especially Section XXIV (Waterfront West Overlay District).
2. To consider the following land use issues: (i) flooding and resilience; (ii) land uses, including “facilities of public accommodation,” such as retail, restaurant, and hotel; (iii) dimensions, including residential density, building massing, building height, lot coverage, etc.; (iv) open space; (v) vehicular, pedestrian, and other access; (vi) parking and loading; (vii) inclusionary affordable housing; (viii) design standards; (ix) permitting mechanism; and (x) public benefits.
3. To confer with City staff, special legal counsel Rebecca Lee, landowner New England Development, and other key stakeholders; and
4. To report (“Report”) key findings to the full City Council at its meeting of December 10, 2018, including: (i) any recommended further studies, such of traffic or utilities impacts, photosimulation, etc.; (ii) any recommended amendments to the Newburyport Zoning Code Section XXIV (WWOD); and/or (iii) any recommended terms of a development agreement with a future project sponsor.

President Connell has since extended the deadline for the *Ad Hoc* Committee to submit its report to the City Council’s regular meeting scheduled for January 28, 2019. This is the Report.



Figure 1: Waterfront West Overlay District (WWOD) area

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B. Membership of the Ad Hoc Committee:

As directed by the President, the *Ad Hoc* Committee had the following voting and non-voting members:

Voting Members:

- Jared Eigerman (Chair), City Council, Ward 2 (Cmte. on Planning & Development, joint Zoning Advisory Committee)
- Larry Giunta, City Council, Ward 5 (Cmte. on Planning & Development)
- Heather Shand, City Council, Ward 3 (Cmte. on Planning & Development)
- Joe Devlin, City Council, At Large
- Afroz Khan, City Council, At Large (joint Zoning Advisory Committee)

Ex Officio, Non-Voting Members:

- Andy Port, Office of Planning & Development, Planning Director (joint Zoning Advisory Committee)
- Leah McGavern, Planning Board, Vice Chair

In addition, as directed by the President, all other members of the City Council were eligible to participate in the meetings of the *Ad Hoc* Committee: Barry Connell (At Large); Tom O'Brien (Ward 6); Greg Earls (At Large); Charlie Tontar (Ward 4); and Sharif Zeid (Ward 1).¹

C. Proceedings of the Ad Hoc Committee:

The *Ad Hoc* Committee met six (6) times: November 8, 2018; November 15, 2018; November 20, 2018; November 29, 2018; December 6, 2018; and December 17, 2018. In conjunction with the introductory November 8 meeting, an agenda was posted for the first five meetings. The Chair later caused notice and an agenda to be posted for the sixth and final meeting, on December 17, 2018.

The introductory meeting lasted one hour, and each subsequent meeting took 90 minutes, or longer. For some meetings of the *Ad Hoc* Committee, Planning Board members Anne Gardner or Rishi Nandi served in place of Leah McGavern. Councillor Shand could not attend the final meeting on December 17, 2018.

The Chair circulated memoranda, including to interested members of the public, before each meeting. Copies are appended to this Report at Appendix A. The memoranda normally included a recitation of the agenda for the upcoming meeting, suggested goals for the discussion that night, and relevant documents, such as written testimony from stakeholders.

Except at the introductory meeting, verbal comments from members of the public were allowed at each meeting of the *Ad Hoc* Committee. Written comments from the public were accepted throughout the life of the committee

¹ City Councillor Bruce Vogel (At Large) is recused from this matter.

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The Office of Planning & Development maintains a webpage regarding planning and zoning issues around Waterfront West at <https://www.cityofnewburyport.com/planning-board/pages/waterfront-west> . All documents distributed by the Chair of the *Ad Hoc* Committee, including written public comment, were also posted on this webpage, where they remain available to the public.

To aid deliberations by members, the Chair provided Committee members with a matrix (tabular grid) that reprinted relevant provisions from the 2003 Waterfront Strategic Plan and the current version of Newburyport Zoning Ordinance Section XXIV as to the ten (10) *key land use considerations* for the *Ad Hoc* Committee in connection with Waterfront West. A copy is appended to this Report at Appendix B.

D. Summary of Recommendations by Land Use Consideration

The various recommendations of the *Ad Hoc* Committee by land use consideration were as follows:

1. Recommendations re Flooding and Resilience

- a. Zoning Provision: Require lowest residential floors to begin two feet (2'-0") above the mapped FEMA Flood Plain, meaning 14'-0" and 13'-0" above grade in the AE (13'-0") and AE (12'-0") Flood Plain Zones as shown on FIRM Panel 25009C0136G effective July 16, 2014, and FIRM Panel 25009C0128F effective July 3, 2012, as they may be further amended by FEMA.
- b. Zoning Provision: Require WWOD-SP applications to be accompanied by a flood-mitigation study and action plan (e.g. shelter in place by residents and relocation of parked cars), to be "peer reviewed" by a City consultant at the applicant's cost.

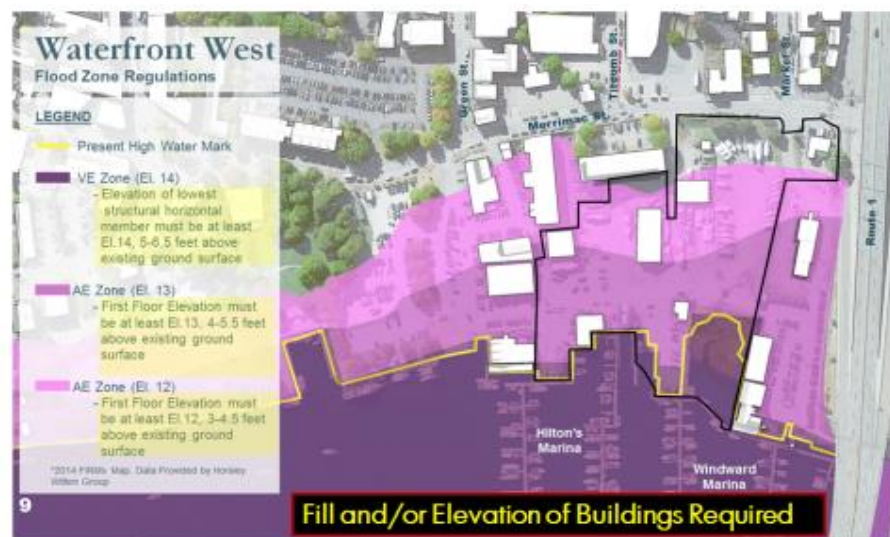


Figure 2: 2014 Revisions to Flood Zone Mapping

2. Recommendations re Land Uses

The existing Waterfront West Overlay District (WWOD) requires compliance with certain unique conditions prior to Planning Board grant of a Waterfront West Overlay District Special Permit (WWOD-SP) to construct an overall development plan. Following are the Committee's recommendations with respect to existing or proposed zoning provisions:

- a. Zoning Provision: Maintain four-acre minimum site area, as a prerequisite for Planning Board review and approval of any proposed project under the WWOD.
- b. Zoning Provision: Require hotel use.
- c. Zoning Provision: Dwellings may be short-term rentals.
- d. Zoning Provision: Permit Office uses by right.
- e. Zoning Provision: Permit Residential uses by right.
- f. Zoning Provision: Require no less than 5,000 sq. ft. and no more than 10,000 sq. ft. of retail / restaurant / services use.
- g. Zoning Provision: Set a maximum square footage for each retail / restaurant / services establishment.
- h. Zoning Provision: As in 2003 Plan, require "healthy mix of uses" that "support vibrant mix of activities year round."
- i. Zoning Provision: As in 2003 Plan, require that active ground-floor uses (*i.e.* Facilities of Public Accommodation) front main streets and anchor corners, but such uses are not required along the ground floor of secondary streets (which are typically residential).



Figure 3A: *Traditional ground-level commercial uses activate the streetscape*

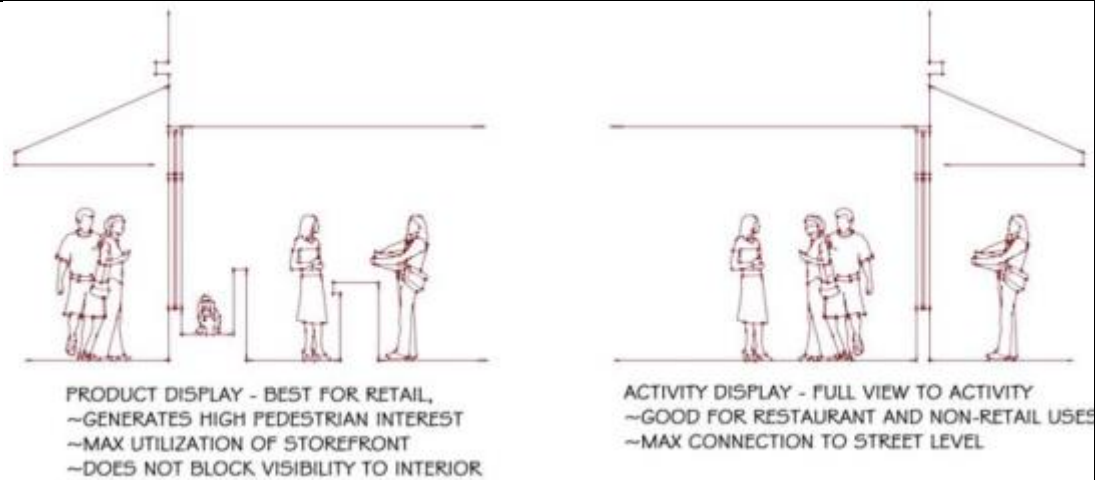


Figure 3B: Traditional ground-level commercial uses activate the streetscape (cont'd)

- j. **Zoning Provision:** As in 2003 Plan, allow residential uses and screened parking and loading at ground floor of secondary streets.
- k. **Zoning Provision:** Unlike in 2003 Plan, do not specify types of goods and services that must be offered.
- l. **Zoning Provision:** As in 2003 Plan, require public pedestrian route paralleling river, except that configuration may adapt to elevated storefronts, alignment of harborwalk extension, *etc.*
- m. **Zoning Provision:** As in 2003 Plan, require public pedestrian areas to be accessible and inviting day and night, and in every season.

3. Recommendations re Dimensions

- a. **Zoning Provision:** Unlike in 2003 Plan, new architecture need not “conform” to the Federal-style buildings along lower State Street and Market Square, but must still demonstrate compatibility with its character and quality.
- b. **Zoning Provision:** Maintain current zero-lot-line minimum front setback with up to 6’-0” maximum to allow for traffic visibility across corners and driveways and design articulations, such as protruding architectural features, provided that such front setbacks do not affect more than 40% of street walls.
- c. **Zoning Provision:** Maintain current zero-lot-line minimum side and rear setbacks, except for 20’-0” from existing residential uses above the first level outside of the WWOD-SP area.
- d. **Zoning Provision:** Require WWOD-SP applications to be accompanied by a three-dimensional computer model of building massing, to be reviewed by the Office of Planning & Development and an urban design consultant providing “peer review” services to the City at the applicant’s expense.

- e. Further Study: Need for 33% minimum open space excluding streets.
- f. Further Study: Need for minimum lot coverage given City's design goals.
- g. Further Study: Need for minimum street frontage given City's design goals.
- h. Further Study: Need for minimum lot area given required ways, open spaces, *etc.*
- i. Further Study: (i) 35'-0" maximum building height (measured to mid-point of sloped roof) northerly of Wharf Street; (ii) 55'-0" maximum building height (measured to mid-point of sloped roof) solely for buildings with frontage along Merrimac Street, with top floor to include required step-back; and (iii) 45'-0" maximum building height (measured to mid-point of sloped roof) for all other buildings, with top floor to include required step-back.

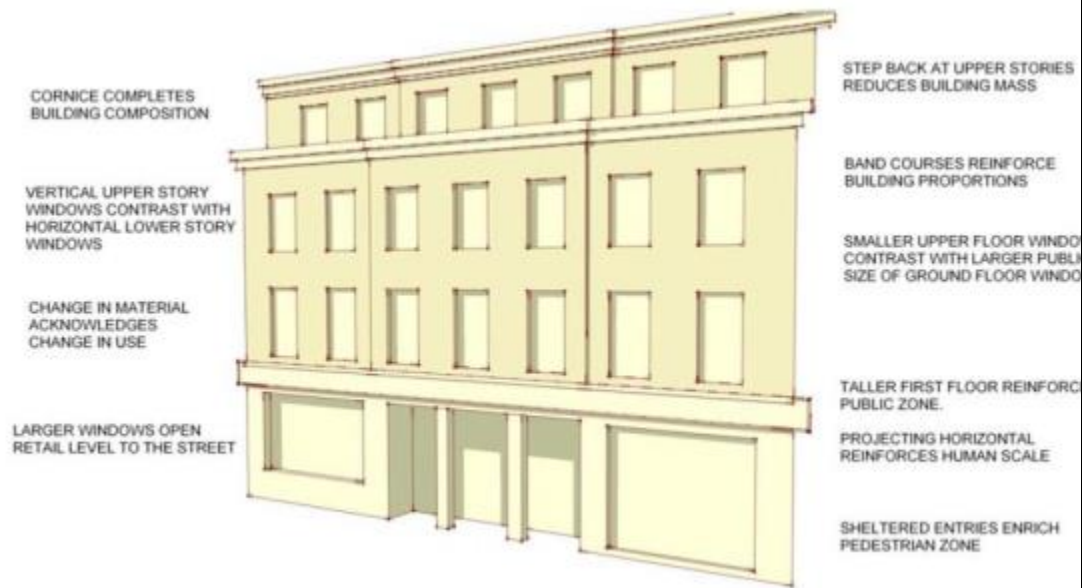
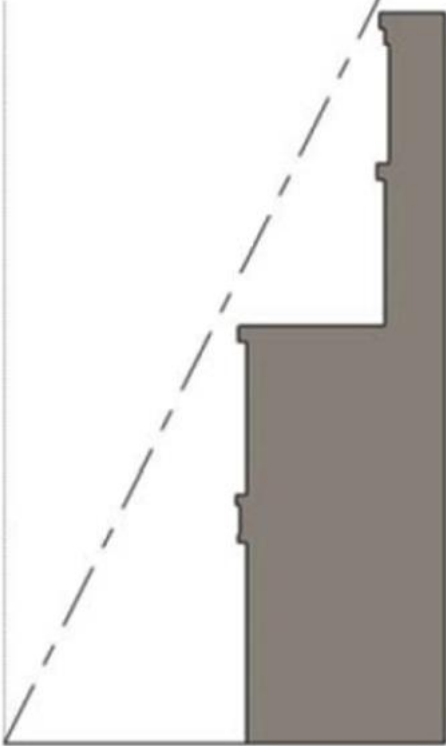


Figure 4A: Upper floors must be set back from lower level building façade to ensure that taller buildings still present a comfortable and compatible scale to pedestrians

	<p><i>Figure 4B: Upper floors must be set back from lower level building façade to ensure that taller buildings still present a comfortable and compatible scale to pedestrians (cont'd)</i></p> <p>j. <u>Further Study</u>: Requiring building setbacks above ground level that are greater than 10'-0" from the existing Hortons Yard building at 58 Merrimac Street.</p>
<p>4. Recommendations re Open Space</p> <p>a. <u>Zoning Provision</u>: As in 2003 Plan, require dedication to City of public access easements across streets, walks, and squares.</p> <p>b. <u>Zoning Provision</u>: As in 2003 Plan, require a “public [square]”² lined with publicly oriented uses (i.e. Facilities of Public Accommodation), that should be a “well designed urban space” and a “public destination.”</p>	

² In response to a public comment that the term “plaza” carried too-certain connotations, the sense of the *Ad Hoc* Committee was to substitute a new word for it.



Figure 5: Outdoor seating and pedestrian amenities ensure a vibrant public space

- c. Zoning Provision: Require the following unbuilt (i.e. open) areas: (i) “Wharf Street” + “Market Street Extension” (aka “Tournament Wharf Way”) + “McKay’s Wharf Way” + “Brown’s Wharf Way;” (ii) perimeter Harborwalk along riverfront; and
(iii) one centrally located “public [square].”
- d. Zoning Provision: As in 2003 Plan, allow exterior parking within “Wharf Street,” in this case to serve marina uses, but with surface materials, bollards, and other urban design features to emphasize the importance of pedestrians, with subordinate vehicular access available to parking spaces.



Figure 6: Changing color-coded Paver materials, landscaping, and other site amenities ensure that pedestrians know where they are safe, and advise drivers to give deference to pedestrians and bicyclists along Wharf Street, public square, and other public spaces

- e. Zoning Provision: Revise existing Section XXIV-D(C) for consistency with current MGL c. 91 requirements as to setbacks from high-water mark, Water-Dependent Use Zone (WDUZ) etc.
- f. Further Study: Consider requiring a financial contribution (mitigation fee) towards the City's adjacent Central Waterfront Park Expansion in lieu of on-site open space.
- g. Further Study: Unlike in 2003 Plan, require "public [square]" to exceed 10,000 sq. ft. in area, accounting for "Wharf Street" passing through it.

5. Recommendations re Vehicular, Pedestrian, and Other Access

- a. Zoning Provision: Require character of internal streets, especially surface materials, to indicate that vehicles are secondary in importance to pedestrians and bicyclists.
- b. Zoning Provision: As in 2003 Plan, require continuous Harborwalk through the WWOD-SP area at a width of 10 to 12 feet on average, predominately following the Merrimack River shoreline.

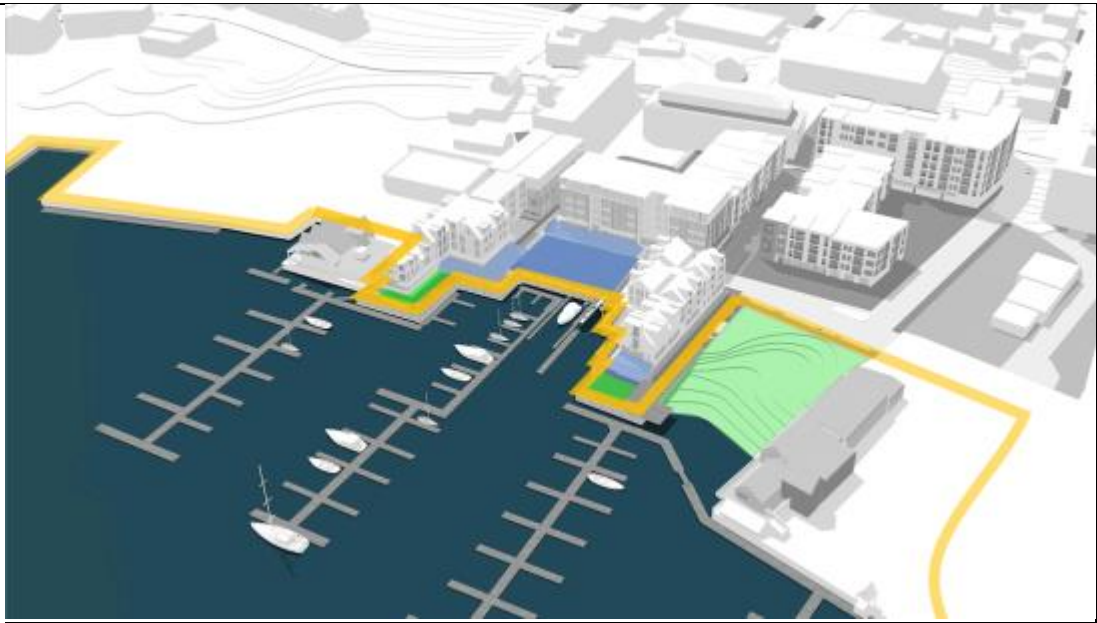


Figure 7: Public Harborwalk, public square, and interconnecting ways provide public access to and throughout Waterfront West

- c. Zoning Provision: As in 2003 Plan, “lateral” (*i.e.* north-south) public access must be provided along “Brown’s Wharf Way,” “McKay’s Wharf Way,” and “Tournament Wharf Way” (aka “Market Street Extension”).
- d. Zoning Provision: As in 2003 Plan, require dedication to City of public access easements across streets, walks, and squares.
- e. Zoning Provision: As in 2003 Plan, building should not be set back from streets, as customary in downtown Newburyport.
- f. Zoning Provision: As in 2003 Plan, continue to “encourage” mid-block alleys, but do not require them.
- g. Zoning Provision: As in 2003 Plan, “Wharf Street” should be “completely public in nature and have public parking along it for increased waterfront access;” continue to require it to be lined with public uses (*i.e.* Facilities of Public Accommodation), and require connection to, and integration with the central public square, however the conceptual design contemplated for “Wharf Street” in 2003 Plan must be revised and adapted to address current floodplain considerations.
- h. Further Study: Review, revise and optimize cross-sectional dimensions for internal streets, based on those originally included in 2003 Plan. For example, vehicular traffic lanes in 2003 Plan appear overly wide for downtown Newburyport, but sidewalks remain desirable, as well as sufficient width for a seating area (perhaps elevated) at “Wharf Street.”

6. Recommendations re Parking and Loading

- a. Zoning Provision: As in 2003 Plan, large, surface parking lots must be avoided. For example, parking should be encouraged within building ground floors to the maximum extent possible, recessed and properly screened from public view.
- b. Zoning Provision: As under current zoning, parking should be provided within or in close proximity to WWOD “without the use of municipal parking lots or structures or Newburyport Redevelopment authority parking lots or structures.”
- c. Zoning Provision: Require parking to support principal uses in the following ratios: (i) Hotel = 1.0 guestroom; (ii) Marina = 0.5 per slip; and (iii) Residential = 1.0 per studio, 1.25 per 1BR, 1.5 per 2BR, and 2.0 per 3BR+.
- d. Zoning Provision: Allow remote parking to support retail by setting a minimum number of spaces (including handicapped accessible spaces) and then allowing payment into Intermodal Transportation Improvement Fund (ITIF) per Zoning Ordinance sec. VII-A, but see Recommendation 6.b, above.
- e. Zoning Provision: As under current zoning, permit “shared” parking by WWOD special permit, but must be justified based upon an analysis and projection of summer peak demand.³
- f. Zoning Provision: Require post-occupancy parking studies for each phase of development, and allow refinement of parking requirements for subsequent phases of development.
- g. Zoning Provision: As under current zoning, allow on-street parking within the WWOD-special permit area. However, design detail must be strictly controlled to ensure pedestrian precedence over automobiles.
- h. Further Study: Consider allowing remote parking to be located 500 feet from non-residential uses, instead of merely 300 feet.

7. Recommendations re Inclusionary Affordable Housing

- a. Zoning Provision: Require the number of affordable housing units to be no fewer than 12% of the total number of residential units, rounding all fractions upward.
- b. Zoning Provision: Forbid in-lieu cash payments for required affordable housing units, and require all such units to be located within the WWOD-SP area.⁴
- c. Further Study: Consider requiring some units to be made affordable to households making no more than 50% of area median income (AMI) instead of all such units

³ City Councilor Sharif Zeid (Ward 1), a non-voting member of the *Ad Hoc* Committee, proposed that shared parking not be permitted for principal residential uses.

⁴ City Councilor Barry Connell (At Large), a non-voting member of the *Ad Hoc* Committee, proposed that required affordable housing units be allowed outside of the WWOD-special permit area\.

being made affordable to households making no more than 80% of AMI (typical). Alternatively, require the share of affordable units to be 15% instead of 12%.

8. Recommendations re Design Standards

- a. Zoning Provision: Development need not “conform” to downtown Newburyport designs, however, as in 2003 Plan, encourage “continuous street faces” and discouraging “long monotonous façades.”
- b. Zoning Provision: Require “high-quality” design.
- c. Further Study: Forbid flat roofs.
- d. Zoning Provision: Encourage varied architecture to give the appearance of multiple architects, even if undertaken by a single developer.
- e. Zoning Provision: As in 2003 Plan, require buildings to have “fronts” and “backs.”
- f. Zoning Provision: Discourage blank façades (*e.g.* garage doors).
- g. Further Study: Encouraging traditional fenestration patterns.
- h. Further Study: As in 2003 Plan, consider whether to encourage traditional materials (red brick and slate-colored roofing), except, perhaps, directly next to the riverfront where wooden siding would be encouraged.
- i. Zoning Provision: Incorporate minimum architectural and site design standards as baseline requirements considered during Planning Board review and approval, similar to those contained within Newburyport’s 40R Smart Growth District (Zoning Ordinance Section XXIX).



Figure 8: Sample architectural design standards (text) are illustrated with graphics

9. Recommendations re Permitting Mechanism

- a. Zoning Provision: Require an area-wide special permit from the Planning Board, with all details specified above. All buildings and site improvements must undergo individual architectural and site design review by the Planning Board.
- b. Zoning Provision: As under current zoning, after area-wide special permit is granted allow diverse ownership/control of individual uses and/or buildings, with land use approvals “running with the land.”
- c. Zoning Provision: Require Development Agreement between applicant and City to ensure predictable and enforceable phasing, mitigation measures, and public benefits.
- d. Zoning Provision: Require all WWOD-SP applications to include the following studies: (i) traffic impacts; (ii) (shared) parking; (iii) water/wastewater impacts [Hilton sewer lift station must be replaced by applicant]; (iv) storm water runoff [on-site oil separation]; (v) three-dimensional (3D) computer-based model of building massing; (vi) photosimulations from key publicly accessible vantage points [from either end of harborwalk, down each “lateral” public way, from Bossy Gillis Bridge, from Ring’s Island (Salisbury), from Merrimack River watershed itself, Clipper City Rail Trail I, *etc.*]; (vii) flood-mitigation [building resilience to storms, wave attenuation, shelter in place by project residents, relocation of parked vehicles]; (viii) soils; and (ix) sustainability measures [LEED, LID, energy and water conservation measures, *etc.*].



Figure 9: Stormwater from roof runoff can be collected and stored in cisterns for reuse in landscape irrigation systems



Figure 10: Attractively vegetated stormwater collection “bioretention” swales can reduce flooding and improve water quality in lieu of traditional closed-pipe drainage systems

- e. Zoning Provision: Unlike in 2003 Plan, mandate design standards as under Zoning Ordinance Section XXIX (Smart Growth District), such that area-wide special permit could not be approved without demonstrating compliance.

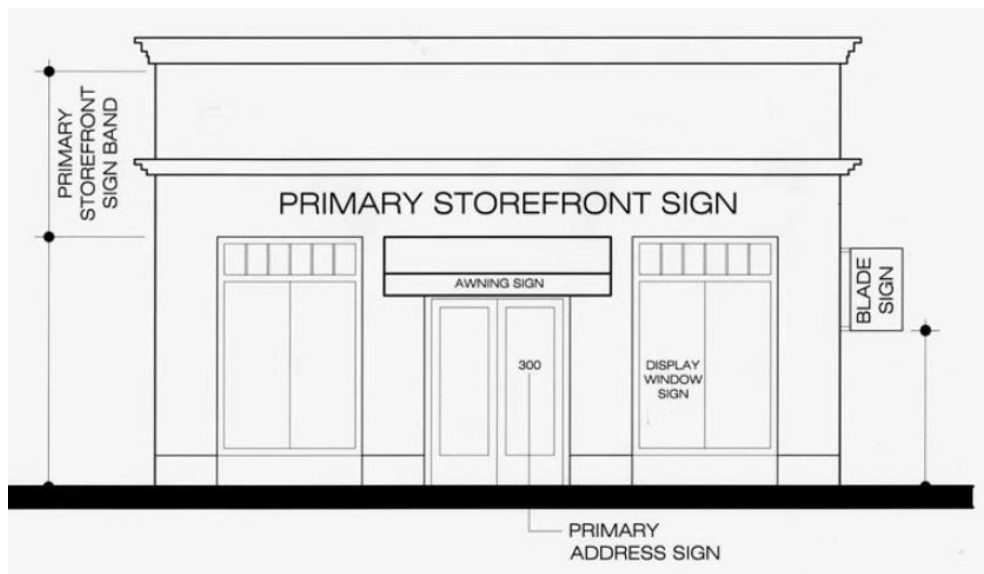


Figure 11: Sample Design Standards (graphics) from Smart Growth District

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- f. Zoning Provision: As under current zoning, each phase of development must meet key requirements in its own right (*e.g.* accessory / remote parking).
- g. Zoning Provision: As under current zoning, require WWOD special permit to be accompanied by a master common interest regime (cross-easements) to regulate relationship amongst various owners such as condominium residents, and, perhaps, the City.
- h. Zoning Provision: As under current zoning, distinguish “major changes” from “minor changes,” for the purposes of Planning Board review, but revisit calibration to ensure that street pattern, building heights, building design quality open space, and parking and circulation are as envisioned under the zoning provisions adopted by the City Council.

10. Recommendations re Public Benefits

The sense of the *Ad Hoc* Committee, both voting and non-voting members was to recommend seeking public benefits in the following rough order of priority:

- a. Cash contribution to expand Market Landing Park (Central Waterfront)
- b. Signalization of Bossy Gillis Bridge / Merrimac St. / Winter St. / Summer St.
- c. Greater inclusionary affordable housing

Additional ideas included:

- d. Subsidized artist workspace
- e. Subsidized public meeting space (doubles as hotel conference room?)\
- f. Require relocation of large boat lift upriver
- g. Cash contribution to repair / maintain Central Waterfront Bulkhead
- h. Cash contribution to repair / maintain Mayor Peter Mathews Boardwalk (Central Waterfront)
- i. Deed to entirety of Lower Custom House Way
- j. Cash contribution to repair / maintain Market Square brickwork
- k. Deed to former Lombardi Oil lot on Titcomb Street for City employee parking

E. Recommended Next Steps

Having received this Report of the *Ad Hoc* Committee, the City Council may wish to consider the following next steps:

- Evaluate three-dimensional (3D) computer-based model of 35'-0" / 45'-0" and 55'-0" building heights, consistent with the recommendations of this Report.

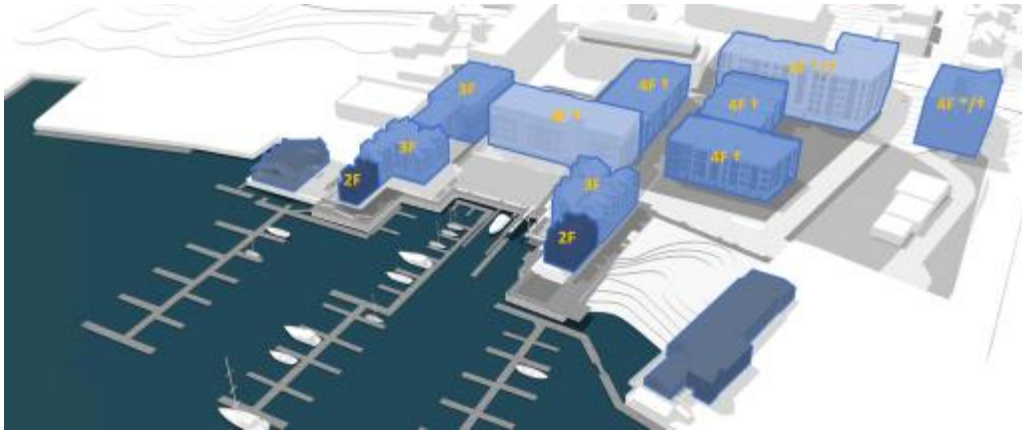


Figure 12A: 3D Massing Model for Waterfront West Development (initially submitted by New England Development (NED, subsequently debated and revised)



Figure 12B: 3D Massing Model for Waterfront West Development (initially submitted by New England Development (NED, subsequently debated and revised) (cont'd)

- Authorize Office of Planning and Development to draft proposed revision to Newburyport Zoning Ordinance Section XXIV, consistent with the recommendations of this Report.
- Authorize special legal counsel Rebecca Lee, Mintz Levin (Boston, Mass.), to draft a form of development agreement for Waterfront West, consistent with the recommendations of this Report.

EXHIBIT A

Pre-Meeting Memoranda

(inserted behind)



Jared Eigerman <jeigerman@gmail.com>

Re: Ad Hoc Committee on Waterfront West -- Nov. 8, 2018, Agenda

1 message

Jared Eigerman <jeigerman@gmail.com>

Tue, Nov 6, 2018 at 6:55 PM

To: JR Larry Giunta <larrygiunta12@gmail.com>, Joseph Devlin <jdevlinnbpt@gmail.com>, Heather Shand <heather.shand@gmail.com>, Afroz Khan <AfrozK@cityofnewburyport.com>, Andrew Port <APort@cityofnewburyport.com>, Anne Gardner <annearc@comcast.net>

Cc: Barry Connell <envirocom@comcast.net>, Gregory Earls <GEarls25@comcast.net>, Charles Tontar <tontarc@gmail.com>, Sharif <Sharif@reachsharif.com>, Leah McGavern <lmcgavern@gmail.com>, NBPT Mayor <Mayor@cityofnewburyport.com>, mcoogan@cityofnewburyport.com, Rebecca Lee <RALee@mintz.com>, Rick Taintor <rtaintor@gmail.com>

Here are the three documents we are aiming to discuss on Thursday night, picking up where we left off on October 22.:

- 2003 Waterfront Strategic Plan (especially pp. 21-28 of the .PDF)
- 2017 Master Plan (See Land Use Goals, p. 44 of the .PDF, and Action 4 at top of p. 178 of .PDF)
- Nbypt. Zoning Ord. sec. XXIV (Waterfront West Overlay District)

Please note that Anne Gardner (copied) will sit in for Leah McGavern, who will be unavailable, that night.

See you, then.

- Jared

3 attachments

Newburyport Waterfront Strategic Plan - December 2003.pdf
16363K



Nbypt Zoning Ord -- Sec XXIV (WWOD).pdf
83K



2017-master-plan-final-printed-version-w-adoption-dates.pdf
5578K



Jared Eigerman <jeigerman@gmail.com>

Ad Hoc Committee on Waterfront West -- Nov. 15

1 message

Jared Eigerman <jeigerman@gmail.com>

Wed, Nov 14, 2018 at 2:17 AM

To: JR Larry Giunta <larrygiunta12@gmail.com>, Heather Shand <heather.shand@gmail.com>, Joseph Devlin <jdevlinnbpt@gmail.com>, Afroz Khan <AKhan@cityofnewburyport.com>, Andrew Port <APort@cityofnewburyport.com>, Leah McGavern <lmcgavern@gmail.com>

Cc: NBPT Mayor <Mayor@cityofnewburyport.com>, Matthew Coogan <mcoogan@cityofnewburyport.com>, "Richard B. Jones" <rjones@cityofnewburyport.com>, Charles Tontar <tontarc@gmail.com>, Gregory Earls <GEarls25@comcast.net>, "Tom O'Brien" <thomasobrien11@aol.com>, Sharif <Sharif@reachsharif.com>, Barry Connell <envirocom@comcast.net>, Rick Taintor <rtaintor@gmail.com>

1. Topic for Our Next Meeting: For our next meeting, please recall that we are scheduled to focus on flooding and resilience issues, and segue into open space and dimensions, if there is time. (There is no new agenda to post, because it was all posted on Nov. 8. I'm attaching it again.)

2. Format for Our Next Meeting: We get a full 90 minutes, this time. I plan to start off by taking some public comment, but I will not let it dominate the session. Then City staff and committee members with expertise regarding flooding and resilience will present their thoughts about Waterfront West. Rick Taintor (copied) has been lending a hand as an unpaid, private citizen. He put together the attached graphics that I encourage you to review and bring this Thursday night. He is also figuring out for me which City staffer / committee member will speak in what order. So far, we're expecting City Engineer Jon-Eric White, someone from the Resiliency Committee (perhaps, co-Chair Michael Morris) and Conservation Commission Chair Joe Teixeira. As I mentioned last time, the property owner New England Development, not surprisingly, has a lot of information of its own about the site, and applicable floodplain regulations. I have invited them to speak after the City staffers and committee members. The rest of the meeting will be for the Committee/Committee-of-the-Whole to deliberate.

3. What's the Point of Our Next Meeting?: So, you ask, what will we deliberate about? Well, as Councillor Connell averred last week, the 2003 Waterfront Strategic Plan was not focused on flooding and resilience issues. The point of our Nov. 15 discussion is to explore how zoning regulations at Waterfront West might be revised to account for what our experts and the landowner tell us about flooding and resilience.

- 3.A. Floodplain Considerations: What legal mandates exist under the State Building Code? FEMA regulations? Other? Should buildings "retreat" from the shoreline? Should the owner be able to place fill at the site to raise its overall grade? What land uses are feasible at the first level of development (assume 12' floor-to-ceiling): retail/restaurant? accessory parking? empty space? What are the implications for overall building heights?
- 3.B. Resilience Considerations: What is the expectation for project residents in an extreme weather event: Does State Building Code already account for hurricanes? What about energy efficiency and on-site power generation? Should we require a "green building" standard? Net-zero energy usage? What are the costs?

4. Draft Minutes from Our Last Meeting: I apologize for the draft minutes being so sketchy. Please send in your corrections and additions before Thursday night, if possible. I'll try to dragoon someone from the Clerk's office into take minutes from now on, but I cannot promise that I will succeed.

5. The 10 Zoning Considerations: Naturally, each Committee / Committee-of-the-Whole member will organize his or her thoughts differently. However, some may find it helpful to take notes during our meetings in reference to the 10 zoning considerations listed during our first meeting: (i) flooding and resilience; (ii) land uses, including "facilities of public accommodation," such as retail, restaurant, and hotel; (iii) dimensions, including residential density, building massing, building height, lot coverage, etc.; (iv) open space; (v) vehicular, pedestrian, and other access; (vi) parking and loading; (vii) inclusionary affordable housing; (viii) design standards; (ix) permitting mechanism; (x) public benefits. These considerations are interrelated, but think of them as potential subsections to a new Section XXIV of the Zoning Ordinance. I'm attaching a grid that should be self-explanatory.

I am out of gas for now, so I will have to fill in the third column (current zoning) another time. The fourth column is for each of you to fill out.

-- Jared

jeigerman@gmail.com**4 attachments**

AHC on WW -- Minutes for November 8.docx
33K



Flood Zone Graphics from Rick Taintor -- 11-07-2018.pdf

1233K



Ad Hoc Cmte on WW -- Agenda for 11-08-2018.pdf

119K



10 Zoning Considerations Grid.docx

23K



Jared Eigerman <jeigerman@gmail.com>

Re: Ad Hoc Cmte. on Waterfront West -- Meeting on Tues., Nov. 20, 6:30 pm - 8:00 pm

1 message

Jared Eigerman <jeigerman@gmail.com>

Tue, Nov 20, 2018 at 2:24 PM

To: JR Larry Giunta <larrygiunta12@gmail.com>, Heather Shand <heather.shand@gmail.com>, Joseph Devlin <jdevlinnbpt@gmail.com>, Afroz Khan <afroz414@gmail.com>, Barry Connell <envirocom@comcast.net>, "Tom O'Brien" <thomasobrien11@aol.com>, Gregory Earls <GEarls25@comcast.net>, Charles Tontar <tontarc@gmail.com>, Sharif <Sharif@reachsharif.com>

Cc: Andrew Port <APort@cityofnewburyport.com>, Leah McGavern <lmcgavern@gmail.com>, Rishi Nandi <r7nandi@yahoo.com>, Rick Taintor <rtaintor@gmail.com>, Donna Holaday <dholaday@cityofnewburyport.com>, Matthew Coogan <mcoogan@cityofnewburyport.com>, "Richard B. Jones" <rjones@cityofnewburyport.com>

And, there's more:

1. DRAFT minutes from Nov. 15
2. Written testimony from Rick Taintor re viewsheds and building heights

So, there are three emails to mine for attachments: (a) mine dated Nov. 18; (b) Director Port's dated Nov. 19; and (c) this one.

See you all, soon.

On Sun, Nov 18, 2018 at 3:08 PM Jared Eigerman <jeigerman@gmail.com> wrote:

1. Topics for Nov. 20 Meeting: (A) Dimensions; (B) Land Uses; and (C) Inclusionary Affordable Housing
2. Format for Nov. 20 Meeting: 90 minutes. We'll start by taking some public comment. The rest of the meeting we'll discuss the meat of any zoning ordinance: (A) Dimensions; and (B) Land Uses. Because residential uses are likely, we will address (C) inclusion of affordable units.
3. What's the Point of Nov. 20 Meeting?:
 - 3.A. Dimensions:
 - On Nov. 8, we established that WW development need not replicate dimensions of 1811-12 commercial rows around Market Square / lower State Street, but must be consistent with same design principles.
 - On Nov. 15, we established that WW development should account for both current flood levels and expected sea-level rise to 2100 A.D., and that barring residential uses (sometimes called "habitable" space) until ca. 24"-0" [to be verified] above North American Vertical Datum of 1988 (NAV 88) matches "best practice."
 - Questions for Nov. 20: What does it *mean qualitatively* to be consistent with design principles of historic Downtown in terms of: (i) site coverage, (ii) set backs, (iii) street frontage, and (iv) building heights? Just as an example, one goal of Planning Board / City Council group was: "The existing skyline still dominates the view scape from across the river." What more *information* do we need?
 - 3.B. Land Uses:
 - On Nov. 8, we established that mixed uses would be consistent with Downtown.
 - On Nov. 15, we established that appropriate ground-level uses include facilities of public accommodation (e.g. retail, restaurant, and hotel), and parking, but *not* residential due to flood plain and sea-level rise.
 - Questions for Nov. 20: What are the right *proportions* of ground-level FPAs, upper-level residential and/or office, as well as "maritime uses such as marinas" called for in 2003 Waterfront Strategic Plan? Just as examples, goals of Planning Board / City Council group included: "There are an appropriate number of commercial/retail/ office spaces along the water between *Michaels* and the *Black Cow* to ensure a vibrant public experience," "NED has committed to the hotel," and "[Harbormaster] Paul Hogg is confident that the marina activity will not be negatively impacted."
 - 3.C. Inclusionary Affordable Housing:
 - Questions for Nov 20: Given that citywide requirement is 12% of total dwelling unit count for projects of six or more units, should we: (i) require higher percentage?; (ii) allow provision off site and/or in-lieu cash payments?; (iii) require deeper affordability? (Please see AHT letter, attached.)

4. Draft Minutes from Nov. 15 Meeting: Still pending.

5. Attachments: (A) Ten Zoning Considerations grid (see rows 2., 3., and 7., all columns); (B) Sample View of WW from Gillis Bridge; (C) Sample Photosimulation; (D) NED diagram of State law (Chapter 91) constraints; and (E) Letter from Affordable Housing Trust.

Thank you.

jeigerman@gmail.com

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jeigerman@gmail.com

2 attachments



AHC on WW -- Minutes for November 15.docx
40K



Memo 181119 height.pdf
895K



Jared Eigerman <jeigerman@gmail.com>

Re: Ad Hoc Cmte. on Waterfront West -- Meeting on Thurs., Nov. 29, 6:30 pm - 8:00 pm

1 message

Jared Eigerman <jeigerman@gmail.com>

Wed, Nov 28, 2018 at 4:46 PM

To: JR Larry Giunta <larrygiunta12@gmail.com>, Heather Shand <heather.shand@gmail.com>, Joseph Devlin <jdevlinnbpt@gmail.com>, Afroz Khan <AKhan@cityofnewburyport.com>, Barry Connell <envirocom@comcast.net>, "Tom O'Brien" <thomasobrien11@aol.com>, Gregory Earls <GEarls25@comcast.net>, Charles Tontar <tontarc@gmail.com>, Sharif <Sharif@reachsharif.com>

Cc: Andrew Port <APort@cityofnewburyport.com>, Leah McGavern <lmcgavern@gmail.com>, Surajit Nandi <r7nandi@icloud.com>, Rick Taintor <rtaintor@gmail.com>, "Richard B. Jones" <rjones@cityofnewburyport.com>, NBPT Mayor <Mayor@cityofnewburyport.com>, Matthew Coogan <mcoogan@cityofnewburyport.com>, Jim McCarthy <jimmacnbpt@comcast.net>, Clare Keller <clarekeller@comcast.net>, Linda Lambert <Lambertlindamarie@gmail.com>

Dear All:

Here is more material for tomorrow night:

- (E) further written testimony from resident Rick Taintor (Nov. 27, 2018)
- (F) written testimony from landowner NED (Nov. 28, 2018)
- (G) NED diagram re marina access (August 2018)
- (H) written testimony from abutting resident Linda Lambert (Sept. 27, 2018)
- (I) draft minutes from Nov. 20, 2018, committee meeting

Thanks.

- Jared

On Mon, Nov 26, 2018 at 6:38 PM Jared Eigerman <jeigerman@gmail.com> wrote:

1. Topics for Nov. 29 Meeting: No change from agenda posted early this month:

- (A) Access;
- (B) Parking and loading; and
- (C) Design standards pt. 1.

2. Format for Nov. 29 Meeting: 90 minutes. Public comment followed by Committee deliberation.

3. What's the Point of the Nov. 29 Meeting?:

(A) How should the zoning overlay district account for access to, from, and through WW for vehicles, bicycles, pedestrians, etc.? *For example*, should the road cross-sections in the 2003 Waterfront Strategic Plan be adjusted and/or codified? Where should the shoreline public access (MGL Chapter 91) be located, and what are desirable characteristics for it? Is there enough room for boats to go into (spring) and out of (fall) the water for use of the marina?

(B) What should the parking and loading standards be for WW? *For example*, what is the right ratio of parking spaces to dwelling units? to hotel guest rooms? to gross square footage of retail space? to boat slips? Should shared parking continue to be allowed? Should off-site parking be newly allowed?

(C) Separate from dimensional limitations, what is the City's design vision for WW? *For example*, should the overlay zoning require or encourage traditional tripartite building forms (base-middle-top), as implied from our discussion on Nov. 8? Should there be a required, forbidden, favored, and/or disfavored palette of materials (brick, steel, glass, etc.) or colors? Separate from their heights, must/should/could the various buildings differ in style?

4. Attachments:

- (A) written testimony by resident Jim McCarthy re Open Space;
- (B) written testimony by resident Rick Taintor dated 11-26-2018;
- (C) written testimony by Planning Board member Don Walters re parking + spreadsheet; and
- (D) written testimony by resident Clare Keller re urban design.

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jeigerman@gmail.com

5 attachments



Rick Taintor Memo of 11-27-2018.pdf

1000K



NED Marina Access Diagram.pdf

1697K



Lambert -- McKays Wharf Way -- 09-27-2018.pdf

3713K



AHC on WW -- Minutes for November 20 v1.docx

21K



NED_CC Subcommittee meeting #4_Parking.pdf

832K



Jared Eigerman <jeigerman@gmail.com>

Ad Hoc Cmte. on Waterfront West -- Meeting on Thurs., Dec. 7, 6:30 pm - 8:00 pm

1 message

Jared Eigerman <jeigerman@gmail.com>

Wed, Dec 5, 2018 at 5:36 PM

To: JR Larry Giunta <larrygiunta12@gmail.com>, Heather Shand <heather.shand@gmail.com>, Joseph Devlin <jdevlinnbpt@gmail.com>, Afroz Khan <AKhan@cityofnewburyport.com>, Barry Connell <envirocom@comcast.net>, "Tom O'Brien" <thomasobrien11@aol.com>, Gregory Earls <GEarls25@comcast.net>, Charles Tontar <tontarc@gmail.com>, Sharif <Sharif@reachsharif.com>

Cc: Andrew Port <APort@cityofnewburyport.com>, Leah McGavern <lmcgavern@gmail.com>, Surajit Nandi <r7nandi@icloud.com>, Rick Taintor <rtaintor@gmail.com>, "Richard B. Jones" <rjones@cityofnewburyport.com>, NBPT Mayor <Mayor@cityofnewburyport.com>, Matthew Coogan <mcoogan@cityofnewburyport.com>, Jim McCarthy <jimmacnbpt@comcast.net>, Jane Snow <jsnowcat@gmail.com>, Jack Shea <jshea@newburyportnews.com>

N.B. I will be posting a sixth (6th) committee meeting for either Dec. 11 or 12. We will need more time to wrap up. Attorney Rebecca Lee will join us for that last meeting, rather than tomorrow night.

1. Topics for Dec. 6 Meeting: No change from agenda posted Nov. 8:

- (A) Design standards pt. II;
- (B) Permitting; and
- (C) Public benefits.

2. Format for Dec. 6 Meeting: 90 minutes. Public comment followed by Committee deliberation.

3. What's the Point of the Dec. 6 Meeting?:

(A) **Design Stds. pt. II**: Separate from dimensional limitations, what is the City's design vision for WW? *For example*, should the overlay zoning require or encourage traditional tripartite building forms (base-middle-top), as implied from our discussion on Nov. 8? Should there be a required, forbidden, favored, and/or disfavored palette of materials (brick, steel, glass, etc.) or colors? Separate from their heights, must/should/could the various buildings differ in style?

(B) **Permitting**: How do should the City process applications for projects that use WW Overlay Zoning District? Do we require certain studies (e.g. traffic, parking, photosimulations)? How detailed should the ordinance be? How much discretion should be left to the Planning Board? What about project changes: "major" vs. "minor"? How does the development agreement fit in?

(C) **Public Benefits**: Any project in the WW Overlay Zoning District would be required to mitigate its impacts. "Public benefits" are different. These are contributions that the City is entitled to require in exchange for entering into a development agreement to vest the developer's rights. For example, the City might require extra affordable housing, improvements to offsite public areas (open space and/or streets and sidewalks), and/or signalization of the Gills Bridge on- and off-ramps, none of which would be needed to "mitigate" a direct impact from the project per se.

4. Attachments:

- (A) written testimony by Planning Board member Rishi Nandi dated 12-04-2018;
- (B) written testimony (two memoranda) by resident Rick Taintor dated 12-05-2018.; and
- (C) written testimony by Planning Board member Jim Brugger dated 12-05-2018.

Thank you.

Jared Eigerman

4 attachments

Nandi -- Written Testimony -- 12-04-2018.pdf
123K



Taintor -- Written Testimony pt 1 of 2 -- 12-05-2018.pdf
59K

1/15/2019

Gmail - Ad Hoc Cmte. on Waterfront West -- Meeting on Thurs., Dec. 7, 6:30 pm - 8:00 pm



Taintor -- Written Testimony pt 2 of 2 -- 12-05-2018.pdf

548K



Brugger -- Wrtn Testimony -- 12-05-2018.pdf

1156K



Jared Eigerman <jeigerman@gmail.com>

Re: Ad Hoc Cmte on Waterfront West -- Mtg. Mon., Dec. 17, 6:30 pm - 8:00 pm

1 message

Jared Eigerman <jeigerman@gmail.com>

Mon, Dec 17, 2018 at 12:31 PM

To: JR Larry Giunta <larrygiunta12@gmail.com>, Heather Shand <heather.shand@gmail.com>, Joseph Devlin <jdevlinnbpt@gmail.com>, Afroz Khan <AKhan@cityofnewburyport.com>, Barry Connell <envirocom@comcast.net>, "Tom O'Brien" <thomasobrien11@aol.com>, Gregory Earls <GEarls25@comcast.net>, Charles Tontar <tontarc@gmail.com>, Sharif <Sharif@reachsharif.com>

Cc: Andrew Port <APort@cityofnewburyport.com>, Leah McGavern <lmcgavern@gmail.com>, Surajit Nandi <r7nandi@icloud.com>, Rick Taintor <rtaintor@gmail.com>, "Richard B. Jones" <rjones@cityofnewburyport.com>, NBPT Mayor <Mayor@cityofnewburyport.com>, Matthew Coogan <mcoogan@cityofnewburyport.com>, Jim McCarthy <jimmacnbpt@comcast.net>, Jane Snow <jsnowcat@gmail.com>

I have one more attachment.

(C) Written testimony by Planning Board member Rishi Nandi, dated 12-16-2018

On Sat, Dec 15, 2018 at 5:06 PM Jared Eigerman <jeigerman@gmail.com> wrote:

Dear All:

1. Topics for Dec. 17 Meeting:

- (A) Any recommended further studies, such of traffic or utilities impacts, photosimulation, etc.;
- (B) Any recommended amendments to the Newburyport Zoning Code Section XXIV (WWOD); and/or
- (C) Any recommended terms of a development agreement with a future project sponsor.

2. Format for Dec. 17 Meeting:

- (A) 90 minutes
- (B) Public comment followed by Committee deliberation

3. What's the Point of the Dec. 17 Meeting?:

- (A) Give direction to *Ad Hoc* Committee Chair and Planning Director Andy Port for report to full City Council on January 14, 2019.
- (B) How would you fill out the *Ten Zoning Considerations Grid*? The Chair has attached his, to get the discussion going.

4. Attachments:

- (A) For Discussion -- Ten Zoning Considerations Grid, dated 12-17-2018
- (B) Written testimony by resident Rick Taintor, dated 12-14-2018

Thank you.

Jared Eigerman

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jeigerman@gmail.com**Nandi -- Written Testimony -- 12-16-2018.pdf**

3892K

EXHIBIT B

10 Key Land Use Considerations Grid

(inserted behind)

10 ZONING CONSIDERATIONS	2003 WATERFRONT STRATEGIC PLAN “The Strategic Plan focuses primarily on the task of reconnecting city and harbor by means of parks, public streets, walkways, bike trails, architecture, and a vibrant mix of community uses.” (p. 2.)	CURRENT SEC. XXIV (WWOD) “...established ... to encourage implementation of the recommendations of the ... 2003 Waterfront Strategic Plan, as amended and supplemented from time to time...”	REVISED? SEC. XXIV (WWOD)
1. Flooding and resilience	1. [Not mentioned.]	1. [Not mentioned.]	1.
2. Land [and marine] uses	2. “Reinforce and extend the historic downtown to the waterfront with a new harborside neighborhood.” (Chart)	2. Uses permitted in the WMU district by right or by special permit, and also the following by special permit from the Planning Board:	2.

	<p>“Preserve adequate room for maritime uses such as marinas in the Waterfront Mixed Use (WMU) zone while promoting a mix of non-marine dependent uses that are set back from and compatible with the working edge of the waterfront” (p. 9.)</p> <p>“Ensure a healthy mix of uses that serve the downtown community and support a vibrant mix of activities year round.” (p. 18.)</p> <p>“Ensure that active ground floor public uses front onto major streets (Merrimac, Green, and “Wharf”) and anchor the corners of blocks.” (Id.)</p> <p>“Allow residential uses on upper floors above these public uses.” (Id.)</p> <p>“Allow some ground floor residential uses along secondary streets leading to the waterfront (Market and “McKay”).” (Id.)</p> <p>“Consider ground floor uses such as a small green grocer, a hardware store, and a chandlery (nautical supplies) that will serve the residential as well as</p>	<ul style="list-style-type: none"> • Multifamily • Congregate elderly housing • Specialty shopping center (only if part of mixed use) • Health/recreation • Parking structure • Retail/service kiosk ATM • Fast food/carry out (carry out of prepared food only) • Corporate headquarters <p>(sec. XXIV-C.)</p>	
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	<p>boating community.” (Id.)</p> <p>“Create a 400-foot sidewalk extension along the south side of Wharf Street and line it with active public uses facing the harbor. This portion of the harbor walk should be accessible and inviting day and night and in every season.” (p. 23.)</p>		
3. Dimensions	<p>3. “Extend the scale and character of downtown Newburyport to the waterfront by establishing a vibrant harbor-side neighborhood.” (Chart)</p> <p>“Require all new development to conform to and reflect the historic character and quality of downtown Newburyport.” (p. 18.)</p> <p>“Require zero front yard set backs and allow zero side and back yard set backs to achieve the look and feel of the downtown. Allow 5’ front yard set backs by special permit to encourage some variety at key locations along the street.” (p. 24.)</p> <p>“Maintain height restrictions of 34 feet to the mid point of sloped roofs. This should</p>	<p>3. All uses shall comply with the following requirements as applied to the WWOD special permit area, notwithstanding any subdivision of such area into separate lots:</p> <ul style="list-style-type: none"> • <u>Min. open space</u> = 33%, excluding public streets • <u>Min. lot coverage</u> = 50% of portion of WWOD-SP area not within 100 ft. of Merrimack River • <u>Min. street frontage of each lot and bldgs. on each lot</u> = 60 ft. • <u>Front yard setbacks</u> = 0 ft. min. with up to 6-ft. max. to allow for traffic visibility across corners and driveways and design articulations such as protruding arch. Features, 	3.

	<p>result in the 2 ½ to 3 story buildings typical of the downtown. Where buildings are sited on sloping terrain allow the height measurement to be taken at the highest grade to permit greater building heights facing down slope towards the water. This will permit underground parking in these instances.” (Id.)</p>	<p>provided such front setbacks do not affect more than 40% of street wall of any block</p> <ul style="list-style-type: none"> • <u>Min. side and rear yard setbacks of bldgs. on each lot</u> = 0 ft. except for 20 ft. from existing residential uses above the first level outside the WWOD-SP area • <u>Min. lot area</u> = 5,000 sq. ft. • <u>Max. bldg.. height</u> = 35 ft. feet, except as follows: (a) 40 ft. for parking structures located directly along Route 1, but not directly along Merrimack Street; and (b) 40 ft. for buildings located on streets perpendicular to the Merrimack River between Route 1 and Titcomb St. that include design layout and floor height suitable for ground floor commercial uses or other areas of public accommodation. <p>(sec. XXIV-D(A).)</p>	
4. Open Space	<p>4. “Create a framework of streets, walks and squares that are clearly public and controlled by the City.” (p. 18.)</p> <p>“At the heart of [Waterfront West] create a public plaza for</p>	<p>4. At least 33% of WWOD-SP area shall be open space, excluding public streets. All sidewalks adjacent to a public street layout shall be dedicated by easement or deed for public access. 50% of required</p>	<p>4.</p>

	<p>public events, activities, and vendors. This plaza should be lined with public uses such as a public market, shops, a hotel, and the like. Consider locating his plaza between Market and McKay Street with an opening view of the river and embayment between McKay Wharf and Tournament Wharf. A well designed urban space such as this would provide a public destination and anchor for the west side of the downtown waterfront” (p. 23.)</p>	<p>minimum open space shall be so dedicated. All open space dedicated by easement or deed for public access shall be improved by the project applicant to quality standards and configurations suitable for their intended uses and acceptable to the planning board. (sec. XXIV-D(B).)</p> <p>“Open space” means usable areas devoted exclusively for outdoor active or passive recreation, pedestrian alleys, walkways, sidewalks (other than the existing Merrimac Street sidewalks), public parks, plazas, outdoor public markets, public restrooms, boardwalks, outdoor cafe space on private property or licensed from the city if located on a sidewalk, and suitably designed and accessible space on roofs of a parking garage with at grade public access on at least two sides and alleyway connections to the abutting streets, or other similar outdoor public open space areas. At least one public open space area within each WWOD-SP area shall be at least 10,000 sq. ft. in area excluding any adjacent parking, driveway, sidewalk or pedestrian walkways. (Id.)</p>	
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		<p>No more than 50% of required open space area shall be part of the public open space required under MGL Chapter 91 within the 100 buffer area of the Merrimack River. No building or structure including a non-water dependent/related use shall be permitted within the lesser of (i) fifty (50) feet of the high water mark of the Merrimack River, or (ii) the limits of the water dependent use zone under Chapter 91. (Id., subd. (C).)</p>	
<p>5. Vehic., ped., and other access</p>	<p>5. “Establish a system of public ways extending the historic street pattern of Newburyport to the water.” (Chart)</p> <p>“Establish a continuous harbor walk accessible to all between Joppa Park and Cashman Park.” (p. 13.)</p> <p>“Provide clearly marked lateral paths linking the harbor walk back to Merrimac and Water Streets.” (Id.)</p> <p>“Ensure that the harbor walk is sufficiently wide for multiple uses (10 to 12’ on average), handicapped accessible (5% grade or less), and safe.” (Id.)</p> <p>“Create a framework of streets,</p>	<p>5. [Not mentioned.]</p>	<p>5.</p>

	<p>walks and squares that are clearly public and controlled by the City.” (p. 18.)</p> <p>[Three street sections: Market Street extension (7’ sidewalk + 28’ roadway + 7’ sidewalk); “McKay Street” (7’ sidewalk + 16’ roadway + 7’ sidewalk); and “Wharf Street” (8’ seating + 7’ sidewalk + 18’ diagonal parking + 22’ roadway + boatyard) (pp. 20-21)</p> <p>“[L]ateral streets should be tightly framed by buildings similar to the other streets in Newburyport (i.e. Inn Street) and should frame views of the water wherever possible.” (p. 22.)</p> <p>“in addition to ... three streets, encourage a system of mid block alleys and pedestrian passageways reminiscent of those found in the downtown core” (p. 22.)</p> <p>“Wharf Street should be completely public in nature and have public parking along it for increased waterfront access. Line the south side of Wharf Street with public uses that support pedestrian activity along the waterfront. Provide a wider sidewalk to</p>		
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	<p>accommodate café tables and consider a raised angled parking zone with specialty paving that can be used for special events such as sidewalk art shows.” (pp. 22-23.)</p>		
<p>6. Parking and loading</p>	<p>6. “Ensure that there is sufficient parking for all new uses and encourage structured and underground parking to avoid large surface parking lots.” (p. 18.)</p> <p>“Remote parking should be allowed within 500’ of new buildings in order to avoid extensive surface parking lots that would interrupt the historic development pattern. Underground or structured parking should be encouraged to consolidate parking lots” (p. 25.)</p> <p>“Where parking garages front on public streets, 50% of their ground floor should be occupied by active public uses such as retail shops and the design of their facade should harmonize with abutting buildings.” (p. 25.)</p>	<p>6. All required parking within the WWOD-SP Area shall be provided by the applicant without the use of municipal parking lots or structures or Newburyport Redevelopment Authority parking lots or structures. The off-street parking requirements for (i) non-residential uses, including hotel /inns, shall be within 500 ft of the principal building, structure or use on the premises; and (ii) residential uses, excluding hotel /inns, shall be within 300 ft. of the principal building, structure or use on the premises; and (iii) parking for hotel/inns shall not be required to be on the same or contiguous lots.</p> <p>The WWOD-SP may allow "shared" reduced parking requirements for uses having different peak times of parking demand requirements, as determined based on the report of a traffic engineer engaged by the applicant and approved by</p>	<p>6.</p>

		<p>the planning board.</p> <p>Within the WWOD-SP area, parking requirements may be met by off-street parking and by proposed on-street parking within the WWOD-SP area. (sec. XXIV-E.)</p>	
7. Inclusionary afford. housing	7. [Not mentioned]	<p>7. At least 10% percent of all proposed residential dwelling units in the WWOD-SP area shall be affordable as defined under M.G.L.A. 40B s.20 and 760 CMR 45 (except that such units shall not be required to be subsidized and may be built and operated by a private entity) for a period of at least 40 years. (sec. XXIV-G(B).)</p> <p>[N.B. Superseded by sec. XXX, which requires 12%.]</p>	7.
8. Design standards	<p>8. "Require all new development to conform to and reflect the historic character and quality of downtown Newburyport." (p. 18.)</p> <p>"Encourage continuous street facades with firewalls between adjacent buildings. Discourage long monotonous facades by limiting the apparent length of buildings and changing the fenestration. Encourage the use of arched passageways to provide access to rear lots</p>	<p>8. Deeded preservation restrictions shall be provided governing the rehabilitation of any buildings located within the WWOD-SP area that are listed on the National Register of Historic Places and are contributing structures to Newburyport's National Register Historic District. Historic rehabilitation standards for these buildings shall conform to the Federal Secretary of the Interior's "Guidelines for Preserving, Rehabilitating, Restoring and</p>	8.

	<p>similar to State Street and Inn Street.” (p. 24.)</p> <p>“All buildings should front on the public streets with front doors. Service access should be provided to the rear wherever possible.” (Id.)</p> <p>“Where buildings front on sloping streets they should step down the slope and have entrances at grade. There should be no blank basement walls emerging from the slope.” (Id.)</p> <p>“A traditional pattern of framed windows and doors facing all public ways should characterize buildings.” (Id.)</p> <p>“The use of red brick and slate colored roofing should predominate, and may be supplemented with other materials for a contemporary treatment” (Id.)</p>	Reconstructing Historic Buildings" (sec. XXIV-G(C).)	
9. Permitting mechanism	<p>9. “Adopt zoning and subdivision regulations to support this strategic waterfront vision.” (p. 23.)</p> <p>“Establish general design guidelines enforced by municipal site plan review.”</p>	<p>9. The minimum land area eligible for a WWOD-SP in a single or consolidated ownership or control at the time of application is four (4) contiguous acres. Land divided by public and private streets and public and private open space shall be deemed to be</p>	<p>9.</p>

	(Id.)	<p>contiguous. (sec. XXIV-G(A).)</p> <p>Subsequent to the issuance of a WWOD-SP, applications for amendments or additions to the WWOD-SP shall not require that the land be in a single or consolidated ownership or control. (Id.)</p> <p>An amendment to the WWOD-SP to add land to the WWOD-SP area that is not in consolidated ownership or control of the original applicant(s) or its/their successor(s), may not utilize any of the open space, utilities, streets, parking or any other requirements of the WWOD-SP to meet the requirements of zoning unless authorized by the planning board and the original applicant(s) or its/their successor(s). (Id.)</p> <p>The planning board may issue a WWOD-SP for a project located within the WWOD if it determines that the project meets the requirements of section XXIV and the normal special permit criteria. (sec. XXIV-F.)</p> <p>Minimum lot area coverage, open space, affordable housing, off-street parking requirements</p>	
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		<p>and other required mitigation, shall correspond with the sequence of development implemented in the WWOD-SP Area, so that at all times such requirements shall be met as applied only to those portions of the WWOD-SP Area for which building permits have been issued; such requirements shall be met prior to the issuance of certificates of occupancy for such buildings. (sec. XXIV-D(D).)</p> <p>Prior to issuance of a building permit for any land within the WWOD-SP area, a declaration of covenants, conditions and restrictions shall be recorded by the owner(s) against all the land in the WWOD-SP area containing provisions consistent with the requirements and restrictions of the WWOD-SP. (sec. XXIV-G(D).)</p> <p>All WWOD-SP projects require site plan review (SPR) of the master plan by the planning board before any building permit is issued. (sec. XXIV-H(A).)</p> <p>Major changes are subject to the planning board's approval of (1) an amendment to the WWOD-SP and (2) an amendment to the</p>	
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		<p>initial SPR decision, administratively reviewed by the planning board as part of a "major project" review under section XV-D(c), SPR. (sec. XXIV-I(A).)</p> <p>Amendments to the WWOD-SP and the SPR decision shall be based upon the zoning provisions in effect at the time of issuance of the approved WWOD-SP unless the applicant and the planning board agree that such amendment shall be based upon the zoning provisions in effect at the time of application for such amendment. Any resulting amended plan must meet all of the applicable open space, utilities, parking and other requirements. (Id.)</p> <p>Major changes or alterations shall be defined as those that:</p> <ul style="list-style-type: none"> (a) Increase the aggregate approved amount of development by greater than 10% of the approved gross floor area in the WWOD-SP area; or (b) Increase the approved density of multi-family uses, alter the approved location and/or increase the gross floor area of all hotel uses, and/or increase the approved gross floor area of business and food 	
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		<p>service uses by greater than 20% of the aggregate approved amount of development for each such applicable use categories in the WWOD-SP area, excluding from such 20% limit the increase in any use category which is attributable to conversion of ground floor residential use to another use;</p> <p>(c) Substantially change the pattern of streets, substantially change the building design standards, or substantially alter the distribution or use of open space within the WWOD-SP area; or (d) Are based on a request by the applicant that a change or alteration be based upon the zoning provisions in effect at the time of application for the change or alteration.</p> <p>(Id.)</p>	
10. Public Benefits	10. [Not mentioned.]	10. [Not mentioned.]	10.