

August 6, 2019

**VIA HAND DELIVERY**

Newburyport City Council  
City Hall, City Council Chambers  
60 Pleasant Street  
Newburyport, MA 01950

**Re: Master Development Plan and Supporting Materials  
Submission under Amended Section XXIV**

Dear President Connell and Councillors Zeid, Eigerman, Shand, Tontar, Giunta, Jr., O'Brien, Devlin, Earls, Khan and Vogel:

On behalf of Newburyport Manager LLC, an affiliate of New England Development (“NED”), and in keeping with our recent discussions, we hereby petition the City Council of the City of Newburyport to review and approve the Master Development Plan (“MDP”) and supporting materials enclosed herewith simultaneous with the Council’s review and adoption of amended Section XXIV of the Newburyport Zoning Ordinance (the “Ordinance”), which was submitted by President Barry N. Connell to the Council on July 10, 2019.

Amended Section XXIV was guided in large part by the diligent review and comprehensive final report produced by the City’s *Ad Hoc* Committee on Waterfront West. As detailed below and consistent with amended Section XXIV, the enclosed MDP and supporting materials are aligned with the City’s expressed vision and planning goals for Waterfront West.

We are making this petition in connection with NED’s proposed redevelopment of the Waterfront West parcels located along Merrimac Street between the Michael’s Harborside and Black Cow restaurants, which parcels comprise approximately 5.7 contiguous acres in satisfaction of the minimum land area under amended Section XXIV-F(1). As a result of months of coordination with our consultants and the City, we have enclosed a link to photosimulations that demonstrate how the proposed redevelopment (described below) will look and feel from central view corridors throughout the City. As you will see, the proposed redevelopment will complement surrounding uses and buildings, as well as animate the existing waterfront, while at the same time being consistent with the “fabric” and “scale” of Newburyport.

In satisfaction of amended XXIV-F(2)(c), this letter shall serve as a written statement by the owner of the property subject to the MDP authorizing submittal of the enclosed application materials.

In addition to the enclosed application fee check in the amount of Five Thousand Dollars (\$5,000) required under amended Section XXIV-F(2)(a) and the advertisement fee check in the amount of Five Hundred Dollars (\$500), the enclosed materials are being submitted for formal review and approval by the City Council.

The following materials are enclosed for review and approval:

1. **Completed application form** (2 copies) (in satisfaction of amended Section XXIV-F(2)(b));
2. **Master Development Plan Set** (2 11x17 copies), prepared by RJ O'Connell & Associates Inc. and Dumont Janks (in satisfaction of amended Section XXIV-F(2)(d)-(e), (g)-(h) and (j)-(k)), including:
  - a. Cover Sheet;
  - b. Master Development Plan;
    - i. NED proposes to revitalize the existing underutilized waterfront space, the existing conditions of which are detailed in the Master Development Plan Set, through construction of an approximately 275,000 square foot mixed-use project with residential, hotel and commercial (including retail and restaurant) components, in addition to accessory parking and existing marina uses (the "Project") (in satisfaction of amended Section XXIV-F(2)(f))
  - c. Existing Conditions Plan (Prepared by Feldman) (1 of 2);
  - d. Existing Conditions Plan (Prepared by Feldman) (2 of 2);
  - e. Conceptual Site Plan;
  - f. Grading and Drainage Plan;
  - g. Utility Plan;
  - h. Pedestrian/Bicycle Circulation Plan;
  - i. Fire Truck Turning Plan;
  - j. Marine Truck Turning Plan;
  - k. Conceptual Phasing Plan;
  - l. Amenities and Site Features Plan;
  - m. Public Open Space Plan;
  - n. Height Diagram; and
  - o. General Notes.
  - p. We will submit elevations and a proposed, conceptual comprehensive sign in satisfaction of amended Sections XXIV-F(2)(h) and (i) prior to any public hearing

to be held regarding amended Section XXIV and/or this associated MDP and supporting materials submission.

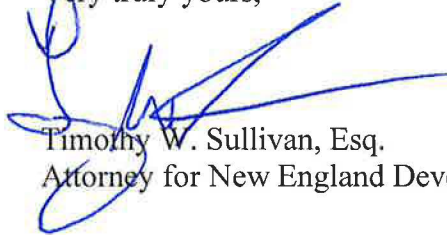
3. **Transportation Impact Assessment Update** (2 copies), including a parking study with analysis of any proposed shared parking, prepared by Vanasse & Associates, Inc. (in satisfaction of amended Section XXIV-F(2)(l)-(m))
  - a. *Finds that the proposed Project can be accommodated within the confines of the existing transportation infrastructure in a safe and efficient manner with implementation of certain recommendations.*
  - b. *Finds that the proposed Project will be adequately served by proposed parking.*
4. **Utilities Memorandum** (2 copies), prepared by RJ O'Connell & Associates Inc. (in satisfaction of amended Section XXIV-F(2)(n)-(o))
  - a. *Analyzes existing infrastructure and concludes that the proposed Project includes appropriate infrastructure improvements and will be adequately served by water, sewer, gas, and electric infrastructure capacity.*
5. **Sustainability Low Impact Development (LID) Measures Memorandum** (2 copies), prepared by RJ O'Connell & Associates Inc. (in satisfaction of amended Section XXIV-F(2)(r))
  - a. *Details proposed sustainability measures to be incorporated into the Project including Low Impact Development (LID) measures, energy efficiency measures, use of solar arrays, green roofs, low-flow plumbing fixtures, and similar techniques.*
6. **Flood Mitigation Study and Action Plan Memorandum** (2 copies), prepared by RJ O'Connell & Associates Inc. (in satisfaction of amended Section XXIV-F(2)(q))
  - a. *Details flood mitigation Best Management Practices (BMPs) to be implemented and an action plan for potential shelter in place by residents and relocation of parked cars during heavy flooding and/or storm surge events.*
7. **Fiscal Impact Analysis** (2 copies), prepared by Fougere Planning & Development, Inc.
  - a. *Finds that the proposed Project will result in a net annual positive fiscal impact and, at full build-out, will generate approximately \$1.3 million in revenues; is well-supported by adequate school capacity; and will generate positive economic benefits, both construction-stage and permanent.*
8. **Photosimulations** (electronic copies included on the USB flash drive), prepared by Neoscape (in satisfaction of amended Section XXIV-F(2)(p)) based on a three-dimensional (3D) computer model of building massing from key publicly accessible vantage points, including but not limited to: views along "Tournament Wharf Way" and "McKay's Wharf Way"; certain public open space(s); the nearby Clipper City Rail Trail; and east and west views along the proposed WWOd harborwalk extension (parallel to the Merrimack River).

9. **One USB Flash Drive** containing electronic copies of items 1 through 8.

We look forward to continuing to work with the City on the amended Section XXIV zoning petition and related significant waterfront redevelopment opportunity detailed in the enclosed materials. In the meantime, please do not hesitate to contact us should you have any questions or require additional information.

Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Timothy W. Sullivan', is written over the typed name and title.

Timothy W. Sullivan, Esq.  
Attorney for New England Development

cc: Mr. John E. Twohig  
Mr. Michael Duffy