

Meeting Minutes Committee on Planning and Development

April 2, 2024

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Meeting Recording: https://us02web.zoom.us/rec/share/irL5BG0DT_nmZlPhzeAU-FupjZm3iRi3Wzcg-APWwhOzmQ11DEKkVwtzPeyJcXe3.LY2lq7AjKZqmiZpz

Members

Cllr. Heather Shand, Chair - Present
Cllr. Connie Preston (At-Large) – zoom
Cllr. Mark Wright (At-Large) - present

Other Participants

Cllr. Afroz Khan (At-Large) - zoom
Cllr. Ben Harmon (Ward 4) - zoom
Cllr. Jennie Donahue (Ward 2) - zoom

Agenda:

- Public Hearing - APPT00482 Barbara Riley, Conservation Commission
- ODNC00166 Amend Ch5-65 Specialized Energy Code (COTW)
- COMM530 Update regarding Zoning studies and Amendments Related to MBTA communities and Storey Ave (COTW)
- COMM00535 Development Agreement Documents re: Zoning Amendments Documents re: Zoning Amendment Global R3 Multi-Family

Meeting called to order at 6:00

APPT00482, Barbara Riley, Conservation Commission

Ms. Riley spoke of her experience working at General Electric in Lynn as the head of the facilities EHS. Spoke to her workings with local, state and federal level conservation commissions and environmental protection organizations. Having retired and wanting to give back to the community, she wanted to use her experience and join the conservation commission.

No public comment. MW moved to approve, CP second. Committee voted 3-0 to recommend approval of Ms. Riley's appointment to the conservation commission.

ODNC00166 Amend Ch5-65 Specialized Energy Code (COTW)

The committee continued the conversation on the Specialized Code. Don Waters (Energy Advisory Committee) and Molly Ettenborough spoke on behalf of the ordinance change.

Devan Patel from the state answered questions from the committee.

Local builders and developers (Jeff Caswell, Blake Wilcox and David Hall) spoke to issues and concerns with the supply chain regarding 400 amp transfer switches. Devan Patel said the state was aware of the supply chain issue and noted many cities were postponing implementation until 2025.

Committee agreed postponing the start of the Specialized Energy Code to July 1, 2025 made sense given supply chain issues. Postponement of implementation does not affect the city's ability to continue to pursue the next level of climate champion. Devan confirmed that position.

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Cllr. Shand made the motion to approve the specialized code implementation for July 1, 2025. Cllr. Wright was the second. Committee voted 3-0 to recommend approval of ODMC 00166

COMM530 – MBTA communities

Director Port updated the committee on the ZAG efforts. Showed the latest numbers from the state where the current 40R zoning currently has over 900 units that go toward the 1292 number mandated by the state. Also stated the Low Street/Storey Ave zoning does not need to be included in the MBTA communities' effort. The grant the city has from the state to support the Storey Ave zoning has been extended to June of 2025 instead of 2024. This gives the planning department more time to focus on the MBTA communities zoning in 2024.

Cllr. Shand did not support pushing residential along Parker Street all the way to Graf Road. Concerns with residential extension into the business park. Cllr. Wright and Preston were pleased to hear the removal of Low Street and Storey Ave from the MBTA communities effort and were also glad the 900 plus units were already applicable to the state mandate.

Director Port stated he'd provide an updated communication to the council that could be utilized for updates to the full council at the next meeting.

Committee agreed to keep COMM530 in committee for follow on conversations.

No public comment.

COMM00535 Development Agreement Documents re: Zoning Amendments Documents re: Zoning Amendment Global R3 Multi-Family

Communication was left over from the global zoning discussion. MW moved to R&F. CP second. Committee voted 3-0 to receive and file.

Meeting adjourned at 8:07.

Below is written public comments from Jared Eigerman regarding COMM00545 MBTA Communities zoning that is an on-going discussion in the Planning and Development

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**RE: Cmte on P&D - March 19 meeting -- Written Public Comment --
COMM00545_03_11_2024**

JE

Jared Eigerman <jeigerman@reubenlaw.com>

To: Heather Shand [Council]
Cc: Afroz Khan [Council]; Andrew Port

Sat 3/30/2024 2:02 PM

Hi, Heather,

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Andrea and I will be away all next week for our 20th wedding anniversary, so I will have to miss your April 2 committee meeting. Thanks again for acknowledging my previous testimony. Afroz (copied) was the other councillor who responded, and she very kindly offered to bring my testimony to the Z.A.G., upon which she sits. I'm grateful.

I saw that Andy Port (also copied) recently learned from the Commonwealth that our Chapter 40R zoning district in its existing form counts for 930 units out of our developable-by-right target of 1,292 multifamily units. That leaves about 330 units to go.

A. It seems odd not to expand the 40R by adding the following three sites, even if there were no state mandate to do so:

1. The **"Hines Way"** development (Parcel 34-8-A, with subparcels) – Sadly, this was approved by use variances instead of under 40R, so its appearance and public benefits fall short.
2. **"161 through 165 Route 1"** (Parcel 36-11, with subparcels)—This was also built with variances, I believe.
3. **"Hillside Living"** along Cottage Court (Parcel 35-10, 35-120, 35-121, and 35-122A/B) – This site was actually slated for a downzoning ca. 2015 before David Hall had taken title to all the land. We kept the site out of the downzoning to keep his project alive.)

B. Although it is on the Route 1 Bypass, personally, I disfavor closing city-owned Highland Cemetery (Parcel 35-105) and/or redeveloping it with anything.

1. I doubt the City Council wants to rezone areas just to "make the numbers work."
2. I do realize, however, the city's need under state regulations to make the by-right zoning district contiguous if it is to count toward our MBTA Communities obligation.
3. To achieve that, you might study rezoning just the unused strip of the cemetery (no tombs there) right along the Route 1 Bypass. (It looks as if MassDOT owns that next stretch of unbuilt land, too, as part of the Rte 1 Bypass. They don't need it.)

C. To make up the other 330 units, and even go beyond yet, the Council might consider:

1. The **"Mark Richey f/k/a Owens-Illinois"** site at 40 Parker Street (Parcel 81-13) – Although I don't know anything about Mr. Richey's plans.
2. Going **westerly down Parker Street**, to Graf Road – The point to focus development on the train station, not the traffic light at Parker and Graf Road, so I think going all the way to Graf Road would be a mistake. Also, we have been fighting hard to preserve viable industrial land, which Newburyport is lucky to have. A logical stopping point across might be 77 Parker Street (Parcel 78-2).
3. The **"ENPRO"** site on Carey Avenue (Parcel 35-130) – This is more than 0.5 miles from the train station, admittedly.

