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Sent: Sunday, February 11, 2024 9:26 PM

To: Heather Shand [Council] <HShand@CityofNewburyport.com>; *City Council* <CityCouncil@CityofNewburyport.com>

Cc: Novak Niketic <nn@airkiosk.com>; NBPT Mayor <Mayor@CityofNewburyport.com>; Richard Jones <RJones@CityofNewburyport.com>; Andrew Port <APort@CityofNewburyport.com>

Subject: Ordinance 164 Public Comment for 2-12 Council Meeting

Newburyport City Council Planning & Development Committee

Newburyport City Council of the Whole

Re: ODNC 164 - Rezoning of Global Property and Redefinition of Multifamily Uses

Dear Committee Chair Shand, Committee Members, and all City Councillors,

It is troubling that the one committee meeting to discuss and hear this important ordinance was posted as Hybrid (online), but the public was not allowed online. The public wasn't, but Councillors were (Donahue, Granas, Harman, Khan).

I have since listened to the recording and thank Councillors who participated in the debate. The P&D Committee had 90 days, from November 14, to discuss this ordinance with all councillors and hear from the public. (Last November, then-P&D Chair Cameron said there would be at least two such committee meetings.) Tuesday's single, and not fully public, meeting brought things down to the wire because of the statutory requirement for at least one full Council vote by February 13.

I have a question and two comments for your consideration tomorrow.

1. Question. City Administration's February 6 "Deed Restriction" Agreement with Global. Clearly, this agreement is tied to your approval of ODNC 164. Then it says, "Global agrees to restrict the future development of the Subject Property to residential uses only by incorporating a restriction within the first deed for the Subject Property conveyed out to another party." I understand you will have a city solicitor available at your meeting. Could you please ask, what does this mean? Does it mean that, if you approve ODNC 164, Global will put in place a deed restriction? Is it enforceable? Will the City enforce it?

2. Comment. "Appropriate Zoning Designation for the Subject Parcels." Planning Director Port has sent you a lengthy memo (COMM 536) in which he questions "whether this lot should have originally been included with the High Street Residential District." Two HSR districts were created in 2017, but not just to "protect larger estate size lots along High Street from further subdivision or development." As a resident I was involved in and supported the HSR zoning (my property is in it). **This zoning was also to a) preserve "the ridge," a geologic feature of Newburyport cited in the City's 2017 Master Plan, and b) to preserve and, as possible, restore the residential character of High Street.**

The gas station on the corner was never permitted. In 1928 then-mayor Bossy Gillis spent time in jail for installing it without permits. But his gas station survived and became a "grandfathered use" in a residential district. That "grandfathering" is over, since Global Oil closed the station in 2018 and legally abandoned the use in 2020. Now, finally, the restoration of the residential character of that corner is possible. **The 2017 HSR district contemplated this and this parcel's inclusion was intentional.**

3. Comment. Economics of the Proposed Development. The developer's economic need was a feature of your February 6 meeting. With the pressure on you to "get it done" for the developer. This was also a consideration in the Planning Board's recommendation: "Given the economic need to create at least four dwelling units on the site..."

To get to the right place for the City, I can understand that conversation. But please keep in mind that, under Massachusetts law, the City is not obligated to guarantee profits to a developer, never mind a property seller. The economics here are, Global listed the property for \$1.2 million. I don't know if the developer was able to negotiate below this, but obviously wouldn't be paying more. What I know, as other abutters do, is that the developer hopes to get \$2.5 million for each of the four units, a total of \$10M. The plan, the Development Agreement, is for luxury, high-priced units. To hear, during the February 6 meeting, that the Councillors sponsoring this ordinance (Donahue, Cameron, Shand) seem to be unaware of this is disconcerting.

Once again, my husband and I are in favor of the residential redevelopment of this lot. An historic moment for the city! We just want it to be done right. We are trusting the City Council to ensure this.

Thank you,

Stephanie Niketic, 93 High Street

P.S. Any councillor interesting in photographs, old news articles, documenting the history of this corner, please let me know. I have this stuff, and it is really interesting.