



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
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MEMORANDUM

TO: **Honorable members of the City Council**

FROM: **Andrew Port, Director of Planning & Development**

CC: **Donna D. Holaday, Mayor**
Jennifer Blanchet, Zoning Administrator

RE: **95/107 High Street – Global Gas Station Property – Blighted Conditions**

DATE: **September 28th, 2021**

I have reviewed the Council's docket and recent meeting packets relative to concerns raised about the above property. The following comments are offered for your consideration in relation to the upcoming hearing to be held under M.G.L. Chapter 139 §1.

As you know, the prior gas station use on the subject property has been abandoned for over two years. Current zoning along this section of High Street effectively precludes the re-establishment of incompatible traffic generating commercial uses at this location. Following review of the initial letter and complaint from abutters submitted to the Council (COMM338_08_09_2021), Mayor Holaday reached out directly to Global to discuss the identified concerns, and Global's timeline for cleanup and redevelopment of the site. During this conversation, and through related email, I made it clear that **Global should expedite removal of the current deed restriction on record which precludes residential use of the property.** As noted to Global, such use (*residential, in scale and character with surrounding homes*) would likely be the **only appropriate and viable use at this location under local zoning.** Global representatives agreed to circle back on this following review with their legal department and were responsive to other short term requests for cleanup of the property and its "blighted" appearance at this prominent location along Historic High Street. Jersey barriers were installed to prevent vehicles from bypassing the signalized intersection, and some vegetation has since been trimmed. Other items still require further follow-up from Global (*e.g. removal of the free-standing gas station sign/frame, removal of gas pumps and related canopy/island equipment, status of soil conditions and underground storage tank removal, etc.*)

While we defer to public safety officials relative to determinations of dangerousness, the blighted and neglected appearance of this property (*notably out of character with the surrounding neighborhood*) would appear to be a "nuisance to the neighborhood" pursuant to M.G.L. Chapter 139 §1. In laymen's terms, a public nuisance is when someone's use of his or her land affects the public in a manner that results in an unacceptable detriment to the public's welfare. The appearance of this property, even aside from its future or current (*abandoned for several years*) use, would seem to have a detrimental impact on the market values of

adjacent properties, and upon the important historic character of High Street and the surrounding neighborhood. Additionally, given its prominent location, this blighted property adversely impacts a key gateway into and out of both Downtown Newburyport and the larger National Register Historic District.

I plan to attend your upcoming hearing relative to the above property and nuisance, along with Zoning Administrator Jennifer Blanchet. However, while zoning regulations play a role in ensuring appropriate **redevelopment** of this abandoned property, we have no funding or authority to compel such redevelopment by private property owners along a specific (*i.e. expedited*) timeline. We defer to the Council and public safety officials (*e.g. police, fire, health and building*) on the determination of further nuisance or dangerousness pursuant to M.G.L. Chapter 139 §1 and what further action(s) the City wishes to take in response thereto. Pending removal of the conflicting residential deed restriction, we can work with the Council, City permitting boards and others to ensure Global's property is expedited for appropriate **residential** redevelopment.