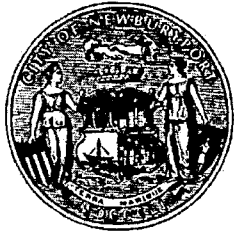


56
14

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2022 MAR -3 PM 4: 02

SO, ESSEX #159 Bk:40815 Pg:27
03/25/2022 10:43 APVL Pg 1/14



CITY OF NEWBURYPORT
PLANNING BOARD
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400
WWW.CITYOFNEWBURYPORT.COM

**RECORD OF PROCEEDINGS AND
SMART GROWTH DISTRICT PLAN APPROVAL DECISION**

APPLICANT(S): Turnpike Redevelopment, LLC & Haleys Redevelopment, LLC
231 Sutton Street, Suite 1B
North Andover, MA 01845

PROPERTY OWNER: Turnpike Redevelopment, LLC and Haleys Redevelopment, LLC

FILE NO.: 2021-SGD-01

PROPERTY ADDRESS: **166-168 Route 1**

DECISION DATE: 3/2/2022

MAP/PARCEL(S): 36-8 and 36-10

BOOK/PAGE: 24923-69 and 37264-66

ZONING DISTRICT: I1B/SGOD

PROCEDURAL HISTORY:

An application for a Smart Growth District Plan Approval pursuant to Section XXIX Smart Growth District of the City of Newburyport's Zoning Ordinance was made by the above-referenced owner and filed with the Planning Board on 10/6/2021 for the following request, as modified during the process of review:

A mixed-use residential and commercial project including 92 studio, 1, 2, and 3 bedroom units, of which 25% will be affordable and some of which will function as live-work units.

Notice of the public hearing was published on 10/18/2021 and 10/25/2021 in the Newburyport Daily News. The public hearing was held on 11/3/2021 and continued to 12/15/21, 1/5/22, 1/19/22, 2/2/22 3/2/22.

At the close of the public hearing, upon a motion to approve made by Don Walters and seconded by Alden Clark, the Planning Board voted as follows:

Bonnie Sontag, Chair	<u>Yes</u>	Don Walters	<u>Yes</u>	Rick Taintor	<u>Yes</u>
Elisabeth DeLisle	<u>Yes</u>	Alden Clark	<u>Yes</u>	Robert Koup	<u>No</u>
Heather Rogers	<u>Yes</u>				

Having received the necessary majority vote of the Planning Board, the petition was therefore **APPROVED.**

PLANS AND DOCUMENTS:

This Smart Growth District Plan Approval application was accompanied and augmented by the following plans, drawings, documents, and submittals, which are hereby incorporated into this decision:

- Application for Smart Growth Plan Approval pursuant to Section XXIX of the City of Newburyport's Zoning Ordinance was made by the above-referenced applicant and filed with the Planning Board on 10/6/21 along with a Concept Plan set dated 10/5/21.
- Site Plan set entitled "Smart Growth District Permit Plan, Newburyport Crossing at Parker Street, 166-168 Newburyport Turnpike, Newburyport, MA 01950", submitted by Turnpike Redevelopment, LLC and Haley's Redevelopment, LLC, 231 Sutton Street, Suite 1B, North Andover, MA 01845. Sheets included in this plan set are according to the following sheet number, title, original date, and most recent revised date:

Sheet No.	Sheet Title	Original Date	Revised Date
A1.10	Regional Context	10/27/21	
A1.11	Neighborhood Context	10/27/21	
A1.12	Site Context	10/27/21	
A1.13	Existing Conditions Photos	10/27/21	
A1.14	Site Plan Diagram- Newburyport Crossing	10/27/21	2/23/22
A1.15	Concept First Floor Plan/Site Plan	10/27/21	2/23/22
C2.1	Existing Conditions	10/27/21	2/23/22
C2.2	Site Preparation and Demolition Plan	10/27/21	2/23/22
C3.1	Site Plan	10/27/21	2/23/22
C3.2	Grading and Drainage Plan	10/27/21	2/23/22
C3.3	Utility Plan	12/08/21	2/23/22
C4.1	Construction Details I	10/27/21	2/23/22
C4.2	Construction Details II	10/27/21	2/23/22
C4.3	Construction Details III	10/27/21	2/23/22
C4.4	Construction Details IV	10/27/21	2/23/22
L1.01	Landscape Plan	10/27/21	2/23/22
L1.02	Illustrative Plan	10/27/21	2/23/22
L1.03	Landscape Materials and Site Furnishing Precedent Images and Planting Details	10/27/21	2/23/22
I1.01	Site Lighting Plan	10/27/21	2/23/22
A1.20	Building Organization Diagram	10/27/21	1/26/22
A1.21	Building Organization Diagram	10/27/21	1/26/22
A2.00	Concept Floor Plans- Underground Parking 1 st , 2 nd , 3 rd , 4 th	10/27/21	1/26/22
A2.10	Concept Floor Plans- Underground Parking	10/27/21	1/26/22
A2.11	Concept Floor Plans- First Floor	10/27/21	2/23/22
A2.12	Concept Floor Plans- Second Floor	10/27/21	2/23/22
A2.13	Concept Floor Plans- Third Floor	10/27/21	2/23/22
A2.14	Concept Floor Plans- Fourth Floor	10/27/21	2/23/22
A2.15	Concept Floor Plans- Roof	10/27/21	2/23/22
A2.30	Building Massing- Precedent and Inspiration	10/27/21	
A2.31	Building Materials- Images	10/27/21	
A2.32	Building Materials- Images	10/27/21	
A2.33	Axonometric View- Clipper City Rail Trail	10/27/21	1/26/22
A2.34	Axonometric View- Route 1	10/27/21	1/26/22

A3.00	Building Elevations- West & East	10/27/21	1/26/22
A3.01	Building Elevations- North & South	10/27/21	1/26/22
A4.00	Building Section	10/27/21	12/8/21
A5.00	Perspective View	10/27/21	1/26/22
A5.01	Perspective View	10/27/21	1/26/22
A5.02	Perspective View	10/27/21	1/26/22
A5.03	Perspective View	10/27/21	1/26/22
A5.04	Perspective View	10/27/21	1/26/22
A5.05	Perspective View	10/27/21	2/23/22
A5.06	Perspective View	10/27/21	1/26/22

- A “Drainage Report for the Multi-Family Residential Development Located at 166-168 Route 1, Newburyport, Massachusetts” prepared by the Morin-Cameron Group, Inc. originally dated November 2, 2021 and revised on December 23, 2021.
- “Swept Path Analysis, Newburyport Crossing at Parker Street, 166-168 Newburyport Turnpike, Newburyport, MA 01950”, submitted by Turnpike Redevelopment, LLC and Haley’s Redevelopment, LLC, 231 Sutton Street, Suite 1B, North Andover, MA 01845 dated October 27, 2021 and revised on December 23, 2021.
- A “Transportation Impact Assessment for the Proposed Mixed-Use Development at 166-168 Route 1, Newburyport, Massachusetts” prepared by Vanasse & Associates, Inc. and dated December 2021.
- Response Letter from Vanasse & Associates, Inc. to Andrew Port, Planning Director dated December 29, 2021.
- Transportation Summary from Vanasse & Associates, Inc. submitted on January, 5, 2022.
- Model Affirmative Fair Market Housing Plan
- Model of Affordable Housing Restriction
- List of Requested Submission Waivers to Planning Board Chair Bonnie Sontag dated October 6, 2021 and revised on October 26, 2021 and revised again on January 5, 2022.
- Conceptual Improvement Plan- Right Turn Lane prepared by Vanasse & Associates, Inc. dated (01/05/2022).
- Figure 5: Conceptual Improvement Plan – Parker Street at Hill Street – Raised Islands – Revised Option 2 prepared by Vanasse & Associates, Inc.
- Figure 6: Conceptual Improvement Plan- Route One at Hill Street – 4’ Sidewalk prepared by Vanasse & Associates, Inc.
- Figure 7: Conceptual Improvement Plan- Route One at Hill Street – 8’ Sidewalk prepared by Vanasse & Associates, Inc.
- Exhibit A: Photographs taken of building materials samples

The above plans and submission materials were reviewed by the Planning Board, and a peer review of engineering and Stormwater design was conducted by Christiansen & Sergi, Inc., on behalf of the Planning Board. Additional City Department comments were received on the draft plans which were subsequently revised to address outstanding issues. A full copy of this documentation is on file with the City of Newburyport Office of Planning & Development, 60 Pleasant Street, Newburyport, MA 01950.

3D Color Renderings of the proposed Project (building, site and landscaping), as noted above, are on file with the Newburyport Planning Board and the Office of Planning & Development, as are photographs of the proposed building materials selection samples provided by the applicant, to be referenced herein as Exhibit A: Building & Materials Selection/Samples.

Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, as made at the public hearing.

FINDINGS:

In order to grant Smart Growth Plan Approval, this Board must first determine that the applicant's project meets certain specific criteria, as provided in Section XXIX-H of the NZO. These criteria and the Board's project specific findings for each are enumerated here:

Consistency with Purposes of Smart Growth District

Pursuant to SGD Section XXIX-H(3)(a), the Planning Board hereby determines that the application and proposed Project is consistent with the purpose and intent of Section XXIX as more fully set forth in Section XXIX-A and with the dimensional, parking, design standards and other requirements applicable to the SGD.

Transit- Oriented Development

The Project is located on a parcel directly adjacent to the City of Newburyport Multi-use Clipper City Rail Trail and nearby the MBTA Commuter Rail line. The parking, site layout and landscaping are configured in such a way as to encourage pedestrian activity, promote connectivity and allow for transportation choice.

Sustainable Mixed-Use Development

The 92-unit residential structure will feature live/work units on the first floor that allow for commercial activity and, if the economy allows, transition from living space to pure commercial space. Additionally, there will be commercial space in a separate structure on the site.

Housing Diversity

This Project will increase housing diversity in several ways: (1) by providing the City with 92 rental units at a time when housing trends indicate a loss of rentals in the city; (2) by providing an assortment of bedroom types to meet a variety of family types; and (3) by providing 23 deed-restricted affordable units for individuals and families that make 80% or less of Area Median Income.

Revitalize Area Surrounding the MBTA Commuter Rail Station

This Project's architecture and building articulation, signage, landscaping, lighting and pedestrian-oriented spaces have been designed to add to this livable and vibrant new center in Newburyport. The Project, once complete, will greatly enhance the character of this underutilized area. The Project also includes several improvements to the nearby public amenities including new connections to the Clipper City Rail Trail and new multi-use pathways and sidewalks around the Project site.

High Quality Development Standards

The Project, as reviewed and approved by the Board, is consistent with the SGD Design Standards, Section XXIX-I. The building itself, while standing four stories tall, creates a pedestrian-friendly environment by including awnings, signage, and window features that are pedestrian-scale. The mass and bulk of the proposed building is appropriate for this site.

Compliance with Development & Performance Standards of Smart Growth District

In addition, the Planning Board has determined that the Project complies with the development and performance standards set forth in SGD Sections XXIX-F, XXIX-G and XXIX-I. The Project meets the dimensional and parking regulations, and design standards contained within the SGD Ordinance or applicable waivers have been granted thereto by the Planning Board in accordance with said Section XXIX.

Mitigation of Any Potential Impacts of the Project

Further, the Board has determined that any potential impacts of the Project on adjacent and nearby properties have been adequately mitigated.

Affordable Housing Distribution

The Board has determined that as conditioned, the Project, upon approval of the forthcoming and required Affirmative Fair Housing Marketing Plan, Affordable Housing Unit Plan, and Affordable Housing Restriction, complies with Section XXIX-G (4) of the SGD Ordinance with respect to the size and distribution of affordable housing units.

Authority from the Owner

The Applicant has submitted documentation evidencing permission of the property owner to submit this Project for Smart Growth Plan Approval pursuant to the Newburyport SGD Ordinance.

Review of Project Plans by City Boards & Departments

In accordance with the Newburyport SGD Ordinance, Section XXIX-H (2)(b), the Planning Board (acting as Plan Approval Authority) provided copies of the Project application materials to various City boards and Departments for their subsequent review and comment. Any comments or concerns received from other boards or departments have been considered and/or addressed by the applicant to the satisfaction of this Board.

WAIVERS REQUESTED & APPROVED:

- **Design & Dimensional Waivers:** Pursuant to the Newburyport SGD Ordinance, Sections XXIX-H (3)(c) and XXIX-H(d)(iii), the Board hereby grants waivers of the Newburyport Smart Growth District (SGD) Dimensional and Parking Requirements (XXIX-F) and Design Standards (XXIX-I) in as much as the above referenced and approved final plans may require, having found “consistency of such variations with the overall purpose and objectives of the SGD” and that “such waivers will allow the Project to achieve the density, affordability, mix of uses, and/or physical character preferred” under the Newburyport SGD Ordinance. Said waivers include, but are not limited to, the following:
 - Section XXIX-F.2.a(iv): Maximum Front Yard Setback is 10 feet. A waiver is requested to increase this to 15 feet in order to accommodate an existing slope easement and to maintain a consistent building line along Route One.
 - Section XXIX-F.4: Maximum Building Footprint Area is 22,000 sq.ft. A waiver is requested to increase this footprint size to 28,500 sq.ft. due to the difficulty of constructing the proposed/typical 40R District unit density on the subject property which is both narrow and unusually shaped.
 - Section XXIX-I-7a(i): 60% of the Front Building Façade must be at the front lot line; maximum setbacks may be permitted if the setback area is used for pedestrian access. A waiver is requested to allow no proposed facades at the front lot line along Route One due to the existing slope easement and lot geometry. A new pedestrian sidewalk will be constructed along Route One for pedestrian use.
- **Submission of Affordable Housing Documents:** The Planning Board also grants waivers from the requirements to submit an Affirmative Fair Housing Marketing Plan, an Affordable Housing Unit Plan and an Affordable Housing Restriction at this time or prior to issuance of building permits for the project. Pursuant to Special Condition # 9 below, the Board grants said waiver with the limitations and caveats contained therein.

- **Submission of Signage Plan & Details:** The Planning Board grants a waiver from the requirement to submit a signage plan and details at the time of initial permitting. Pursuant to Special Condition # 2 below, the Board grants said waiver with the limitations and caveats contained therein.

STANDARD CONDITIONS:

In view of the foregoing findings, the Planning Board hereby grants a Smart Growth District Plan Approval pursuant to Section XXIX Smart Growth District subject to the terms and conditions stated below:

1. **Recording of Decision and Approved Plans:** The applicant shall file this decision with the Southern Essex County Registry of Deeds (or Land Court if registered land) and a copy of the decision stamped with the recording information (Book/Page or Land Court document number) shall be included with the application for any related Building Permits. To ensure compliance with this decision, site/construction plans issued to any contractors shall make clear reference to this written decision and conditions of approval contained herein.
2. **Term of Approval:** This Smart Growth Plan Approval is valid for two (2) years from the date from filing with the City Clerk, shall run with the land and may be further extended by the Director of Planning and Development in writing upon written request of the applicant based upon reasonable justification for delay in initiating the Project. Such timeline shall be stayed during the period of any appeal of this Project’s Plan Approval.
3. **All Construction to Match Approved Plans:** Prior to the granting of a Building Permit, the applicant shall submit the written certification of a registered Architect or Civil Engineer to the Building Commissioner that the Project will be constructed in accordance with the approved plans and conditions and that the plans submitted with the application for Building Permit are in compliance with this approval and the above referenced plans. It shall be the responsibility of the applicant to ensure that all construction of the project is in full compliance with the above referenced plans.
4. **Consistency with Approved Plans:** Any proposed material change to the use, size, configuration, footprint or height of the existing or proposed buildings shall require an amendment of this permit, this approval having been based on a review of the buildings and site design as presented to the Board on the above referenced drawings.
5. **Minor Modification to the Project Plans:** Pursuant to Section XXIX-H(4)(a), the Applicant may request a minor modification to the above referenced and approved Plan Set and this decision without a Public Hearing. The written request must include a list of all proposed modifications as well as plan(s) illustrating the proposed modifications. Upon review of the proposed modifications, the Planning Board may at its discretion determine them to be “major” and schedule Public Hearing in accordance with Section XXIX-H (4)(6).
6. **As-Built Plans:** One hard copy and one digital (Adobe .pdf) copy of as-built plans stamped by a professional engineer shall be submitted to the Office of Planning and Development at the completion of the Project. Said plans shall contain a certification, made by a registered architect or civil engineer, that the final site and building construction is consistent with the approved plans and conditions set forth by the Planning Board as part of this Smart Growth Plan Approval. The applicant shall, prior to the start of construction, deposit \$5,000 into the Planning Board’s 53G peer review account for the purposes of hiring a third-party engineering firm to verify the accuracy of construction/installation and the final as-built plan. Any unused funds shall be returned to the applicant at the time of initial occupancy.

7. **Digital Copy of Approved Plans:** Prior to any construction, the applicant shall provide the Newburyport Director of Planning & Development with one (1) copy of the entire approved plan set in both CAD and .pdf formats as well as a 3D model of the approved Project in “Sketch Up” or similar format approved by the Director of Planning & Development.
8. **Foundation As-Built Plans:** One hard copy and one .pdf copy of foundation as-built plan shall be provided to the Office of Planning and Development and Building Department upon foundation completion. One hard copy and one .pdf copy of as-built site plan stamped by a professional engineer shall be submitted to the Office of Planning and Development at the completion of the construction. Certification shall be provided to the Office of Planning and Development that the as-built plans match approved plans.
9. **Project Review Fees:** Per Section 4 of the Planning Board’s Regulations Governing Fees and Fee Schedules, Project Review Fees shall be paid in full prior to the start of work or issuance of Building Permits.
10. **Term of Approval:** This Smart Growth Plan Approval is valid for two (2) years from the date from filing with the City Clerk, shall run with the land, and may be further extended upon written request of the applicant based upon reasonable justification for delay in initiating the Project. Such timeline shall be stayed during the period of any appeal of this Project’s Plan Approval.
11. **Provision of Construction Documents:** The applicant shall provide documentation to the Building Commissioner and Zoning Administrator with the application for any related Building Permits illustrating that the proposed work has been reviewed and approved by the Water, Sewer, and Engineering Divisions of the City’s Department of Public Services (DPS).
12. **Installation of Utilities:** No Building Permit shall be issued unless connections to all public utilities have been reviewed and approved by the respective City departments, and no Certificate of Occupancy shall be granted unless the proposed utilities are installed in accordance with the above referenced and approved plans. All utility work shall be done in compliance with regulations and instructions issued by the Newburyport Department of Public Services (DPS), including (but not limited to) the installation of curbing, pavement, sidewalks, pavement markings, and other infrastructure.
13. **Water Service Connections:** The design and construction of all water utilities must meet Federal, State and local standards and the latest version of Newburyport Water Works Construction Guidelines and Construction Policies. Contractors are prohibited from operating or connecting to any part of the existing water system without written authorization and field oversight by the Newburyport Department of Public Services (DPS) Water Division. Prior to construction, the applicant shall provide to DPS and the City’s Water Division, for their review and approval, project cut sheets for pipes, valves, fire hydrants, tapping sleeves, and related specifications as well as any applicable construction drawings.
14. **Sewer Service Connections:** The design and construction of all sewer utilities must meet Federal, State and local standards and the latest version of Newburyport Sewer Department Construction Guidelines and Construction Policies. Contractors are prohibited from operating or connecting to any part of the sewer system without written authorization and field oversight by the Newburyport DPS Sewer Division.
15. **Curb Cuts:** Any new driveway curb cuts that have egress to the public right of way must be approved by the Director of Public Services or Designee and/or MassDOT, as applicable, in advance of construction.

16. **Fire Department Review and Approval:** The applicant, owner, successors, or assigns shall be responsible for designing the utilities to meet City standards and ensuring compliance with fire codes prior to commencing work under this approval. The applicant shall provide documentation to the Building Commissioner and Zoning Administrator with the application for any related Building Permits illustrating that the proposed work has been reviewed and approved by the Newburyport Fire Department (NFD).
17. **Stormwater Management Permit:** If the project involves more than 10,000 square feet of land disturbance, the applicant, owner, his successors or assigns, shall obtain a Stormwater Management Permit under the City of Newburyport Stormwater Management Ordinance (Code of Ordinances, Chapter XVII) from the Department of Public Services prior to beginning any site work, including tree clearing and/or regrading.
18. **Site Lighting:** All lighting fixtures, including but not limited to, signage, building, parking lot, site, decorative, and security, shall feature cut off fixtures so that the lights are pointed downward reducing light pollution and glare onto abutting properties.
19. **Hours of Construction:** The developer shall take reasonable care not to disturb surrounding properties and property owners during construction. Construction work shall be limited to the hours between 7 a.m. and 5 p.m. Monday through Friday and 8 a.m. and 4 p.m. on Saturday.
20. **Permit Compliance Contact Form:** No site work or construction related to this permit shall begin until a Permit Compliance Contact Form is completed and submitted to the Office of Planning and Development.
21. **Completion of Landscaping:** Pursuant to Section XXIX-I(g)(ix) all landscaping shall be installed prior to the issuance of an Occupancy Permit for the Project, unless this timeline is waived or modified by the Director of Planning & Development and/or Zoning Administrator on the basis of reasonable seasonal constraints.
22. **Erosion & Pollution Controls During Construction:** During construction the applicant shall comply with all provisions contained within the above referenced and approved Stormwater Pollution Prevention Plan.
23. **Maintenance of Stormwater Management System:** After construction the applicant shall be responsible for compliance with the above referenced and approved Stormwater Best Management Practices Long-Term Pollution Prevention Plan (post-construction system maintenance).
24. **Pre-Construction Meeting:** The applicant shall schedule a Pre-Construction meeting with the Project team, the Building Commissioner, the Planning Director, the Zoning Administrator and other representatives from the City as appropriate to review all construction drawings and conditions. At this meeting, the Applicant shall provide a (1) construction schedule and (2) contact sheet for the project manager and any other project team members to whom the City may reach out to should an issue arise.
25. **Construction Review:** The proposed construction may require occasional inspection by the Planning Board's consultant engineer as well as the Department of Public Services (DPS). Such inspections are necessary to ensure that the proposed project is constructed in accordance with the approved plans, and to immediately address any issues that may arise during the construction of the project, particularly with respect to stormwater management. The cost of such review and inspections shall be borne by the applicant. To cover the cost of these services the applicant shall replenish and maintain a Project Review Fee of \$5,000. Such funds shall be held by the Planning Board in an escrow account. Whenever notified that the funds in said escrow account have

depleted to less than twenty-five (25) percent of the initial Project Review Fee, the applicant shall immediately thereupon deposit sufficient funds to return the account to the initial balance. The balance of said peer review account shall be replenished to the initial Project Review Fee prior to any construction on site. Upon completion of the project, any remaining funds shall be returned to the applicant.

26. **Construction Schedule:** No site work or construction related to this permit shall begin until an estimated Construction Schedule is completed and submitted to the Office of Planning and Development.

27. **DHCD Approval of Affordable Housing Units & Eligibility for Subsidized Housing Inventory:**

Prior to issuance of any Occupancy Permit, and before marketing of any unit within this Project, the applicant shall provide to the City's Director of Planning & Development the final, DHCD-approved Affordable Housing Deed Restriction and Affirmative Fair Housing Marketing Plan for all units within the Project designated as affordable. Said Restriction and Plan shall comply with the Newburyport SGD Ordinance Section XXIX-G and the most recent Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines issued by the Department of Housing & Community Development (DHCD):

The Affordable Housing Restriction must be approved by DHCD's 40R program staff prior to execution and recording in order to verify that these documents are compliant with the associated 40R requirements under 760 CMR 56.00. Such Plan must describe the resident selection process for the affordable units and must set forth a plan for affirmative marketing that provides maximum opportunity to low- or moderate-income households, including minority households.

The applicant's Project consists of 100% rental housing units, 25% of which will be affordable, in accordance with the Newburyport SGD Ordinance, thereby qualifying such units for inclusion on the City's Subsidized Housing Inventory (SHI). The applicant shall assist the City's Office of Planning & Development by completing any documentation required by DHCD for the inclusion of all rental units within this Project on the City's SHI.

28. **Rental Rates to be Published:** The Applicant shall publish rental rates for all affordable units within the Project. This information may be published on printed material and/or online. A copy of the initial affordable rental rates shall be provided to the Director of Planning & Development at the time of initial occupancy.

SPECIAL CONDITIONS

In addition to the foregoing standard conditions, the Planning Board hereby grants approval subject to the special conditions stated below:

1. **Exterior Facade Detailing & Materials Selection:** The Board has approved the applicant's proposed exterior architectural treatment and detailing (as shown on the above referenced and approved drawings) and hereby incorporates Exhibit A within this decision as representative examples of the materials selection. Exhibit A consists of photographs of the building materials samples provided by the applicant during permitting in order to illustrate the proposed exterior treatment, detailing and materials such as brick, masonry, and wall paneling.

2. **Approval of Signage & Fencing:** A signage plan and details for the directional signs within the site, signs for residential building, commercial space and live/work spaces, if any, shall be provided to the Director of Planning & Development for review and written approval prior to installation, with said installation initially required prior to the grant of any occupancy permit. Subsequent changes, additions or alterations to such signage (*i.e. design changes, excluding routine name changes*) shall also be submitted to the Director of Planning and Development for written approval prior to such changes, additions or alterations. If the applicant wishes to install entrance signage along Route 1 and/or Parker Street, such signage shall also be subject to review and written approval by the Director of Planning and Development. Similarly, design specifications for proposed ornamental fencing depicted on the above referenced plans (e.g. between the commercial plaza and the live-work units) shall be subject to final written approval of the Director of Planning & Development prior to installation. No such signage and/or fencing shall be installed prior to said written approval(s), as applicable.

3. **Maintenance of Landscaping & Site Improvements:** The Applicant proposes to install landscaping and pedestrian amenities on the adjacent property (Clipper City Rail Trail right-of-way) under care and custody of the City of Newburyport, as depicted on the above referenced and approved drawings. Prior to any construction, the applicant shall obtain Parks Department/Commission approval for the installation of these improvements.

The applicant shall be responsible for the ongoing care and maintenance of all new walkways, plazas, site amenities and plantings (e.g. trees, shrubs and groundcover) installed as part of this project, in accordance with the final approved landscape plan(s) referenced above, and for care and maintenance of the two small planting beds straddling the existing arched gateway ("Existing CCRT Wood Entry Arch" on drawing sheet L1.01) along the adjacent Clipper City Rail Trail where it intersects with Parker Street. This, and any other landscape maintenance work desired by the applicant within the adjacent Clipper City Rail Trail Right-of-Way (e.g. more frequent mowing of grassed areas normally maintained by the Newburyport Parks Department) shall be subject to further coordination with the Newburyport Parks Department/Commission.

4. **Clearing of Snow from Pedestrian Walkways:** To ensure adequate pedestrian access for the public on, to, from and across the site, the applicant shall be responsible for timely clearing of snow from all walkways, plazas and pedestrian connections during the winter season. Said clearing of snow shall be for the full designed width of any proposed walkways (e.g. 8') to the greatest extent feasible.

5. **Relocation of Telephone Pole at Parker Street Entrance:** The applicant's plans depict an existing telephone pole in the location of the newly proposed driveway entrance along Parker Street. A final location for this pole is pending further review by National Grid. In order to ensure adequate sight lines at the time of relocation/installation, the applicant shall submit, prior to relocation of said pole, a detail plan clarifying the final proposed location for this pole in relation to other plan elements, along with a delineation of applicable sight lines for vehicles leaving the project site onto Parker Street. The applicant shall obtain written approval from the Director of Planning & Development for the proposed pole location prior to relocation of said pole.

6. **Open Configuration of First Floor Units/Space:** Pursuant to the Newburyport Smart Growth District Zoning, Section XXIX-I(7)(b)(xi), the applicant shall construct all first floor residential units and live-work units with structural framing and/or supporting columns, as depicted on drawing sheet A2.11, to accommodate modification of residential units to commercial space with relative ease in the event that such uses are substituted therefore in future years.
7. **Operable Windows:** All windows in residential units shall be fully operable unless otherwise approved by the Director of Planning & Development on a case-by-case basis or as required for compliance with the Massachusetts Building Code.
8. **Commercial Space Marketing Plan:** The applicant shall provide the City's Director of Planning & Development proof of adequate marketing for the separate commercial space proposed on the site, as well as the proposed live/work units, prior to the issuance of the first Certificate of Occupancy.
9. **Recognition of Adjacent Business & Industrial Uses:** The Applicant shall include in residential lease agreements within the project language that clearly discloses the adjacency of lawful preexisting business and industry park uses and proximity to the MBTA Commuter Rail Station.
10. **Hill Street/Parker Street Intersection Modifications:** The applicant shall complete the proposed Hill and Parker Street intersection improvements generally as shown on the Vanasse & Associates, Inc. drawing entitled "Figure 5: Conceptual Improvement Plan – Parker Street at Hill Street – Raised Islands – Revised Option 2." Said work includes new pavement striping, 3" curbing and a raised stamped concrete area with textual pavement markings and related improvements. The applicant shall obtain written approval from the City Engineer for the final detailed design and construction plans for such improvements, and any required adjustments to stormwater management within in this area of the R.O.W., prior to the start of construction. Said work shall be completed prior to grant of the first occupancy permit.
11. **Route One/Hill Street Sidewalk Connection:** To ensure the adequacy of pedestrian connections to adjacent sidewalks, crosswalks, and other shared use paths within the Newburyport Smart Growth District, in particular the need for widening of that section of sidewalk proposed between the project site and the intersection of Route One and Hill Street, as depicted on drawing sheet C3.1, the applicant shall provide the City with a check in the amount of \$30,000, such funds to be held in escrow. The purpose of these funds, in recognition of the delineation of private property lines adjacent to the applicant's site and in close proximity to Route One, is to provide for the cost of municipal land acquisition and/or construction necessary to widen the proposed sidewalk from four (4) feet to eight (8) feet along this short stretch. If the applicant is able to secure rights for the construction of a wider sidewalk at this location said funds may be returned to the applicant upon completion of acquisition and construction in accordance with the above referenced Vanasse & Associates, Inc. drawing entitled "Figure 7: Conceptual Improvement Plan – Route One at Hill Street – 8' Sidewalk." If the applicant is unable to do so in a timely manner (*i.e. acquisition prior to the issuance of any Building Permit for the project, and construction prior to any Occupancy Permit*), the City may at its discretion, utilize said funds to complete the same. Any unused funds shall be returned to the applicant upon completion of such work. The applicant shall

coordinate this work with the Director of Planning, Department of Public Services (DPS) and MassDOT, as necessary to accomplish this objective. In no event shall the applicant be responsible for completing less than those minimal improvements depicted on the above referenced Vanasse & Associates, Inc. drawing entitled "Figure 6: Conceptual Improvement Plan – Route One at Hill Street – 4' Sidewalk." All such work shall be coordinated with the Office of Planning & Development and Department of Public Services, in addition to MassDOT, in order to ensure full and safe accessibility compliance.

12. **Proposed Deceleration Lane on Route One:** As shown on the above referenced drawing sheet C3.1, and the related drawing provided by Vanasse & Associates, Inc., entitled "Conceptual Improvement Plan – Right Turn Lane (01/05/2022)" the applicant has proposed to construct a new deceleration lane for safe access into the site from Route One. Said work is subject to final approval by the Massachusetts Department of Transportation (MassDOT) which the applicant shall request with support from the City, through the Office of Planning & Development. If for any reason MassDOT does not approve the addition and installation of this deceleration lane the applicant shall return to the Board for further review and/or modification of the northern most parking lot configuration, in order to ensure vehicular safety. At such time the Board may require, among other things, the reduction of parking spaces in this area to ensure adequate vehicular safety. All such work shall be completed, in accordance with Planning Board approval, prior to the grant of any Occupancy Permit.
13. **Parker Street Drainage:** Any connections to the Parker Street drainage system and/or reconstruction of the drainage lines along the frontage of 28 Parker Street (required at the proposed driveway entrance), as shown on drawing sheet C3.2, shall be reviewed and approved in writing by the City Engineer prior to construction and/or the issuance of a Building Permit for this project. All such work shall be physically completed prior to issuance of any Occupancy Permit for the project.
14. **Solar installation:** The applicant shall coordinate with MEP consultants and provide to the Director of Planning & Development details and square footage for the roof area upon which solar arrays will be installed and available to be interconnected by the electrical utility (if feasible), as proposed in schematic form on the above referenced plans prior to grant of a Building Permit. The installation of rooftop solar equipment and any associated electrical connections shall be "solar ready" consistent therewith prior to grant of any first Occupancy Permit. The applicant may provide written certification to the Zoning Administrator as verification of compliance with this condition.
15. **EV charging stations:** The applicant shall install conduits for EV charging supply to no less than 50% of the proposed parking spaces. No less than six (6) spaces within the proposed garage shall have full EV Charging equipment and support installed prior to grant of the first Occupancy Permit.
16. **Compact Parking Spaces in Northern Parking Lot:** Assigned spaces in the northern parking lot shall be restricted to compact vehicles only, in locations (one row/bay) as noted on the applicant's plans.

17. **Parker Street Stop Sign Indicator:** Prior to the grant of any Occupancy Permit the applicant shall install a flashing stop sign at the vehicular exit onto Parker Street which shall be connected to the adjacent Rail Trail crossing signal/control system at Parker Street so as to warn exiting vehicles when trail users may be crossing.
18. **Noise Attenuation for HVAC & Similar Equipment:** Prior to grant of the first Occupancy Permit, the applicant shall submit documentation evidencing, to the satisfaction of the Zoning Administrator, that the proposed HVAC, and similar rooftop equipment, will be in compliance with applicable City Ordinances relative to noise.
19. **Plan & Rendering Consistency:** Where any discrepancy exists between the above referenced and approved plans and the associated illustrative renderings provided by the applicant, those improvements depicted on the detailed site plan and landscape plan shall prevail.

CONCLUSION AND DECISION:

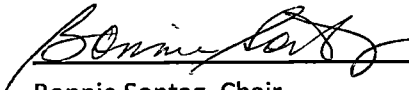
For all of the reasons stated herein, the petition for a Smart Growth District Plan Approval is therefore **APPROVED.**

NOTICE OF APPELLATE RIGHTS

In accordance with M.G.L. Chapter 40R Section 11, an appeal of any decision made by the Planning Board, acting as Plan Approval Authority (PAA) under the Newburyport SGD Ordinance may be made by any aggrieved party to any court authorized to hear appeals under M.G.L. Chapter 40A Section 17. Such appeal may be brought within twenty (20) days after the decision has been filed in the office of the City Clerk. Notice of the appeal, with a copy of the complaint shall be given to the City Clerk so as to be received within such 20 days. Such appeals shall be governed by the applicable provisions of M.G.L. Chapter 40R.

SIGNATURE OF THE BOARD:

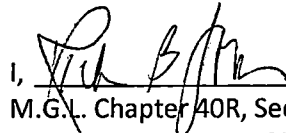
Electronic signatures appearing on this decision are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.



Bonnie Sontag, Chair

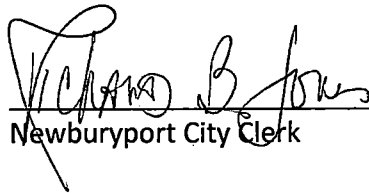
3/3/2022
Date

CITY CLERK CERTIFICATION OF APPEAL PERIOD EXPIRATION

I, , City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40R, Section 11, that the Smart Growth Plan Approval decision for the property known as 166-168 Route 1 was filed in the Office of the City Clerk on March 3, 2022 and that all plans referred to in the decision are on file with the approving authority. This decision was also filed in the Office of Planning and Development on March 3, 2022.

Appeals shall be made pursuant to M.G.L. Chapter 40A Section 17 and made within twenty (20) days after the date of filing of this decision in the Office of the City Clerk.

In accordance with M.G.L. Chapter 40R, Section 11, I hereby certify that twenty (20) days have elapsed after this decision was filed in the office of the Newburyport City Clerk, and that no appeal has been filed, or if such appeal has been filed, that it has been dismissed or denied.


Newburyport City Clerk

3/24/2022
Date