

CITY OF NEWBURYPORT



PLANNING BOARD

60 PLEASANT STREET • P.O. BOX 550 • NEWBURYPORT, MA 01950 • (978) 465-4400

SMART GROWTH DISTRICT PLAN APPROVAL

DECISION DATE: 5/18/2016

APPLICATION DATE: 12/23/2015 (deemed complete with waivers on 1/6/2016)

FILE NO: 2016-SGD-01

APPLICANT: One Boston Way, LLC

MAILING ADDRESS: 231 Sutton Street, Suite 1B, Andover, MA 01845

PROPERTY ADDRESS: 1 Boston Way, Newburyport, MA 01950

MAP/PARCEL(S): Primary: 78-1-J / Secondary: 78-1-E

PROPERTY OWNER: Massachusetts Bay Transit Authority (MBTA)
Ten Park Plaza, Boston, MA 02116

BOOK/PAGE: 12045-541

ZONING DISTRICT: Smart Growth District (SGD)

BRIEF DESCRIPTION: Allow 84 multi-family rental units including first floor live/work units and affordable housing units, on-site parking, site improvements & related infrastructure (hereinafter, the "Project")

NOTICE: Notices were published on January 19, 2016 and January 26, 2016 in the Newburyport Daily News.

PUBLIC HEARING: A public hearing was held on the above application on 2/3/2016 at Newburyport City Hall and continued to 3/2/16, 3/16/16, 4/6/16, 4/20/16 and 5/18/16.

DECISION: After the close of the public hearing, upon a motion made by member Bonnie Sontag and seconded by Don Walters, the Planning Board voted to approve the Smart Growth Plan pursuant to the Newburyport Zoning Ordinance (NZO), Smart Growth District (SGD) Section XXIX-H(3)(d).

The motion having received a majority vote of all the members of the Planning Board, acting as Plan Approval Authority (PAA), in accordance with Section XXIX-H of the Newburyport Zoning Ordinance, the application for Smart Growth Plan Approval was therefore **approved**.

RECORD OF VOTE: The following members of the Planning Board voted as follows with respect to the petition for Smart Growth Plan Approval subject to the agreed-upon terms and conditions stated below:

Jim McCarthy	<i>(Absent / Abstain)</i>	Bonnie Sontag	YES	Don Walters	YES
Susan Grolnic	YES	Doug Locy	<i>(Absent/ Abstain)</i>	James Brugger	YES
Andrew Shapiro	YES	Leah McGavern	<i>(Absent/ Abstain)</i>		

PROCEDURAL HISTORY, PLANS & RELATED DOCUMENTS

1. 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 (with authorization from the property owner) and filed with the Planning Board on 12/23/2015. The Board deemed the application complete on 1/6/2016.
2. A public hearing on the Smart Growth Plan was held on 2/3/2016.
3. This application is approved subject to the following plans, drawings, and documents:
 - (a) A 26-sheet Site Plan set entitled “1 Boston Way, Submittal to Planning Board Under SGD Section XXIX, Newburyport Smart Growth District”, submitted by 1 Boston Way, LLC, 231 Sutton Street, North Andover, MA 01845. Sheets included in this plan set are according to the follow list of sheet number, title, original date, and most recent revised date:

Sheet No.	Sheet Title	Original Date	Revised Date
A1.0	Cover Sheet	12/16/15	N/A
A1.1	Site Plan and Parking Garage	12/16/15	3/31/16
A1.2	Site Plan at Entrance Level	12/16/15	3/31/16
A1.3	Floor Plans with Unit Mix & Affordable Unit Locations	12/16/15	3/31/16
A1.4	Typical Ground Level/Live Work Unit Floor Plan	12/16/15	3/31/16
A1.5	Typical Residential Floor Plan	12/16/15	3/31/16
A1.6	Typical Unit Type Layouts	12/16/15	3/31/16
A1.7	Roof Plan	12/16/15	3/31/16
A2.1	Section	12/16/15	3/31/16
A3.1	North and East Elevations	12/16/15	3/31/16
A3.2	South and West Elevations	12/16/15	3/31/16
A3.3	Balcony and Signage Details	3/31/16	N/A
A3.4	Mean Grade Calculation	3/31/16	N/A
C-1	Zoning Analysis Plan	12/16/15	3/31/16
C-2	Overall Existing Conditions Plan	12/16/15	3/31/16

C-3	Existing Conditions Plan	12/16/15	3/02/16
C-4	Site Layout Plan	12/16/15	3/31/16
C-5	Grading & Drainage Plan	12/16/15	3/31/16
C-6	Utility Plan	12/16/15	3/31/16
D-1	Details I	12/16/15	3/31/16
D-2	Details II	12/16/15	3/31/16
D-3	Details III	12/16/15	3/31/16
D-4	Details IV	12/16/15	3/31/16
L1.0	Site Design + Lighting Plan	4/6/16	N/A
L1.1	Lighting Photometric	4/6/16	N/A
L2.0	Planting Plan	4/6/16	N/A
L3.0	Landscape Materials and Site Furnishing Precedent Images	4/6/16	N/A
--	One Boston Way – Newburyport †	--	--

† Color rendering depicting pedestrian crossings, signal adjustments and other site amenities at Parker Street near the Project driveway, adjacent Rail Trail and MBTA Commuter Rail Station.

(b) A “Drainage Report” for the Smart Growth Development at 1 Boston Way, Newburyport, MA, prepared by The Morin Cameron Group, Inc., originally dated March 2nd, 2016 and further revised to March 31st, 2016. Included in this report are the following:

- a. Drainage design plans
- b. Drainage design calculations
- c. Stormwater Best Management Practices Long-Term Pollution Prevention Plan
(post-construction system maintenance)
- d. Stormwater Pollution Prevention Plan
(during construction)
- e. MassDEP Stormwater Management Checklist
- f. Supplemental Stormwater Management Documentation

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 comments were received from various City Departments on the draft plans which were subsequently revised to address outstanding issues satisfactorily. A full copy of this documentation is on file with the Newburyport Office of Planning & Development, 60 Pleasant Street, Newburyport, MA 01950.

(c) A draft Marketing and Outreach Plan, Lottery Plan, Lottery Application, and Affordable Housing Deed Restriction for the proposed affordable housing units within the Project.

- (d) 3D Color Renderings of the proposed Project (*building, site and landscaping*) on file with the Newburyport Planning Board and Office of Planning & Development and incorporated herewith as Exhibit B.

Throughout its deliberations the Planning Board has been mindful of the statements of the Applicant and its representatives, other boards and Departments of the City and the comments of the general public, all as made at the public hearing or submitted in writing.

FINDINGS

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:

Transit-Oriented Development

The Project is located on a parcel directly adjacent to both the MBTA Commuter Rail line and the City of Newburyport multi-use Clipper City Rail Trail. The single, multi-family structure is within steps of the commuter rail that can take residents through the North Shore and into Boston. 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 84-unit residential structure will feature four (4) live/work units on the first floor that are designed to allow for commercial activity and, if the economy allows, transition from living space to pure commercial space. The ceiling height on the first floor will allow for future commercial development with construction techniques that will enable an efficient transition from residential space to commercial. Additionally, there will be approximately 2,500 square feet of first floor common Commercial/Office space, comprised of both a shared office work space and additional amenities for the residents.

Housing Diversity

This Project will increase housing diversity in several ways: (1) by providing the City with 84 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 21 deed-restricted affordable units for individuals and families that make 80% or less of the Area Median Income.

Revitalize Area Surrounding MBTA Commuter Rail Station

This Project's architecture and building articulation, signage, landscaping, lighting and pedestrian-oriented spaces have been designed to create a 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 a reconfiguration of the rail trail crossing signal to increase safety of the trail users, new sidewalks and a multi-use path around the Project site and extending easterly toward Route 1, and the repaving of a portion of Boston Way.

High Quality Development Standards

The Project is consistent with the SGD Design Standards, Section XXIX-I, and thusly respects the patterns of New England construction that have and continue to define historical Newburyport while embracing modern architectural trends. The building itself, while standing five 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, adjacent to the MBTA Commuter Rail Station in accordance with the Newburyport SGD Ordinance.

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, XXIX-I. The Project meets the dimensional and parking regulations, and design standards contained within the SGD Ordinance.

The applicant has complied with Section XXIX-F(1) entitled “Residential Density Requirements” by including in the Project a portion of Newburyport Assessors Lot 78-1-E (4 Boston Way) consisting of 3,828 square feet of land as shown on the plan within the applicable calculation for density. As such this portion of the lot may not be used for the purposes of calculating density or buildout allowances on future development projects within the SGD.

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 the Project plans comply with Section XXIX-G(4) of the SGD Ordinance with respect to the size and distribution of affordable housing units.

Relevance of Private Covenants

The Board has been made aware of certain private development restrictions on record for the subject property which, if enforced against the subject property, might have further restricted height, use and other aspects of the proposed Project more narrowly than those permitted within the SGD. After careful review of the documentation provided by the Applicant and others, and in consultation with legal counsel, the Planning Board has determined that these covenants are likely not enforceable on the subject property and in either case that they are beyond the jurisdiction of this Board to enforce or consider for the purposes of Smart Growth Plan Approval pursuant to M.G.L. Chapter 40R, 760 CMR 59.00 and the Newburyport SGD Ordinance. It is the opinion of this Board that the Applicant has fully complied with the requirements of Newburyport’s SGD Ordinance.

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

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.

DECISION

In view of the foregoing Findings, the Planning Board hereby grants Smart Growth Plan Approval in accordance with the terms and conditions stated below.

GENERAL CONDITIONS

1. **Recording of Decision:** The applicant shall file this Smart Growth Plan Approval 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 initial application for a Building Permit for this Project. The final site/construction plans issued to contractors constructing the Project shall also make reference to the decision date and conditions of approval contained herein in order to ensure compliance therewith.
2. **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 plans submitted with the application for a 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 and approved drawings.
3. **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.
4. **Minor Modificaitons to Project Plans:** Pursuant to Section XXIX-H(4)(a), the Applicant may request minor modifications to the above referenced and approved Plan Set and this decision without a Public Hearing. This 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 descretion determine them to be ‘major’ and schedule a public hearing in accordance with Section XXIX-H(4)(b).

5. 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 “SketchUp” or similar format approved by the Director of Planning & Development.
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 final site and building construction is consistent with 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. 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.
8. 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, product cut sheets for pipes, valves, fire hydrants, tapping sleeves and related specifications as well as any applicable construction drawings.
9. 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 existing sewer system without written authorization and field oversight by the Newburyport DPS Sewer Division.
10. 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 Planning Board on the basis of reasonable seasonal constraints.
11. 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.
12. 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)

13. Pre-Construction Meeting: The Applicant shall schedule a Pre-Construction meeting with the Project team, the Building Commissioner, the Planning Director 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.
14. 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.

SPECIAL CONDITIONS

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 taken at the public hearing wherein the applicant provided physical samples of the proposed exterior treatment, detailing and materials such as brick, masonry, and EIFS paneling.
2. Approval of Additional Tenant and Directional Signage: Details for the directional signs within the site and signs for the live/work spaces, if any, shall be provided to the Office of Planning & Development for review and sign off by the Director of Planning. Subsequent changes in directional signage and/or live/work signage (e.g. change of use/tenant) shall also be submitted to the Office of Planning & Development for review and sign off by the Director of Planning for conformance with the SGD Ordinance and consistency with adjacent signage.
3. Landscaping & Site Improvements Proposed on MBTA Property: The Applicant proposes to install landscaping and pedestrian amenities on the adjacent property (right-of-way) owned by the Massachusetts Bay Transit Authority (MBTA), as depicted on the above referenced and approved drawings. Prior to any site disturbance for the Project the applicant shall request written approval from the MBTA for the installation of these improvements and provide such approval to the Newburyport Director of Planning & Development. Such request and approval shall include permission and obligation for the applicant to regularly maintain the proposed landscaping and site improvements after installation. The Director of Planning & Development has agreed to assist with obtaining final MBTA approval for these site improvements. If, however, the MBTA fails to approve the installation of proposed improvements the applicant may return to the Planning Board for the purposes of requesting a modification to this Plan Approval wherein the proposed site improvements may be modified to meet MBTA requirements or removed from the Project plans, upon confirmation from the Director of Planning & Development that all reasonable attempts have first been made to secure MBTA approval.

The Applicant and the City, through the Office of Planning & Development, shall work together to request final MBTA approval of all proposed site improvements, including but

not limited to, the relocation of the existing brown shed, permanent removal of the existing plastic shed, trimming of vegetation and upgrading the node where the rail trail intersects with the Project walkway and MBTA walkway.

Prior to issuance of the initial Occupancy Permit the applicant shall request MBTA approval to trim underbrush and tree branches in the MBTA ROW (as depicted on the above referenced and approved drawings) and shall reseed the area in the rail trail right-of-way between the end of the train tracks and Parker Street. After initial installation the applicant shall be responsible for yearly maintenance and upkeep of the improvements, conditioned upon MBTA approval.

4. Pedestrian & Bike Path Improvements Adjacent to Project Site: Pursuant to Section XXIX-I(8)(a) of the SGD Ordinance the applicant is hereby required to install sidewalks along Boston Way on the Project site as well as a ten (10) foot wide multi-use path along Parker Street (as shown on the above referenced and approved plans), said multi-use path extending easterly 250' from the Project site toward the intersection of Parker Street and Hill Street. Construction of the multi-use path shall be consistent with specifications used by the City of Newburyport during design and construction of the adjacent Clipper City Rail Trail. The City has agreed to further extend this multi-use path easterly (beyond 250') to the intersection of Parker Street and Route One pursuant to a MassWorks Grant award from the Commonwealth of Massachusetts. The applicant has further agreed to make various improvements in the public way to the pedestrian and bike crossing of Parker Street between the MBTA Commuter Rail Station and Clipper City Rail Trail (bike path) for the benefit of new residents within the Project. All of these improvements by the applicant shall be completed prior to the issuance of any Occupancy Permit within the Project.
5. Upgrade to Pedestrian Crossing Signals: Pursuant to the above referenced and approved plans the applicant shall install new rectangular rapid flashing signals on the existing crosswalk signals at the Parker Street to the Clipper City Rail Trail. Said signals shall be configured to flash and notify vehicles and pedestrians (in all directions) that the pedestrian crossing signal has been activated. The applicant shall also install a new manual push-button signal activation for each of the existing crosswalk signals.
6. Care & Maintenance of Proposed Site Improvements: The applicant shall be responsible for routine care and maintenance of all on-site improvements proposed within the Project plans, including sidewalks and landscaping, including those in the private rights of way.
7. Development Restriction on Remaining MBTA Land: The applicant has agreed to place a Development Restriction (DR) on the three remaining parcels it will acquire from the MBTA located on the westerly side of Boston Way and depicted as Newburyport Assessors Lots 78-1-E (4 Boston Way), 78-1-F (6 Boston Way), and 78-1-G (8 Boston Way). The final version of said DR shall be substantively similar to the sample form submitted to the Planning Board and Director of Planning & Development on March 30, 2016 and shall restrict construction of any buildings on said Lots, with the exception of:
 - (a) the maintenance, operation or upgrade of existing stormwater management systems;
 - (b) installation of new stormwater management systems (subject to Planning Board approval);
 - (c) floodplain management;

- (d) parking or pedestrian access only along the edge of Boston Way; and
- (e) the creation of open space and passive recreation (pedestrian trails and related site amenities) which shall be permitted for residents of the Project or the general public, consistent with the purposes of the DR.

Prior to the issuance of an Occupancy Permit for the Project the applicant shall provide proof of recording of this DR to the Director of Planning & Development. The applicant shall be responsible for regular maintenance and upkeep of these properties, including the removal of any trash or debris thereon. Prior to issuance of an initial Certificate of Occupancy, the Applicant shall clear any trash and debris from the adjacent properties 4, 6 and 8 Boston Way.

- 8. Open Configuration of Live-Work Units: Pursuant to Section XXIX-I(7)(b)(x) the applicant shall construct all four (4) first floor Live-Work units according to the "Future Open Configuration" (detail 2) depicted on Plan Sheet A1.4 entitled "Typical Ground Level/Live Work Unit Floor Plan, including the installation of supporting columns during initial construction and prior to the issuance of an Occupancy Permit within the Project.
- 9. 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 and in compliance with the Massachusetts Building Code.
- 10. DHCD Approval of Affordable Housing Units & Eligibility for Subsidized Housing Inventory: The applicant has provided to the Board a draft Affordable Housing Deed Restriction, Marketing and Outreach Plan, Lottery Plan, and Lottery Application for the proposed affordable housing units within the Project.

Prior to issuance of a Building 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.

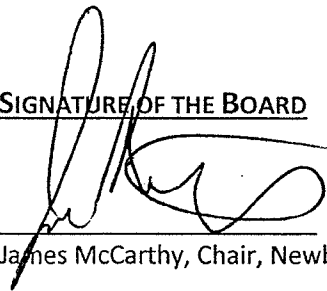
The applicant's Project consists of 100% rental housing units, 25% of which will be affordable, in accordance with the Newburyport SGD Ordinance, thereby qualifying such units for inclusion on the City's Subsidized Housing Inventory (SHI). The applicant shall assist the City's Office of Planning & Development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

- 11. 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.

12. Paving of Boston Way: The applicant shall pave the full width of Boston Way from Parker Street to a point ten (10) feet past the southern property line of the Project.
13. Recognition of Adjacent Business & Industrial Uses: Prior to obtaining a Certificate of Occupancy, and in order to ensure the compatibility of a mix of uses within and adjacent to this Project, 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.
14. Completion of Sewer Lift Station Upgrades Prior to Certificates of Occupancy: The City of Newburyport Department of Public Services (DPS) has determined that there is adequate water and sewer capacity for the proposed Project at the City's respective water and sewer treatment plants. DPS is currently finalizing plans for upgrades to the Graf Road Sewer Lift (pump) Station (the "Lift Station") which will provide additional sewer pumping capacity to this area of the City. DPS Anticipates completion of Lift Station upgrades prior to the applicant's request for Certificates of Occupancy within the Project. In order to allow sufficient time for the completion of the Lift Station, Certificates of Occupancy within the Project shall not issue until the earlier of: (i) eighteen (18) months from the date of this decision; or (ii) earlier verification from DPS that the Lift Station upgrades are substantially complete.

SIGNATURE OF THE BOARD



James McCarthy, Chair, Newburyport Planning Board

Date: 5/18/2016

DATE OF FILING OF DECISION

Filed with the Newburyport City Clerk on May 19, 2016.

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.

CITY CLERK CERTIFICATION OF APPEAL PERIOD EXPIRATION

I, _____, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A Section 17, that the Smart Growth Plan Approval decision for the property known as 1 Boston Way was filed in the Office of the City Clerk on May 19, 2016.

Pursuant to M.G.L. Chapter 40A Section 11, this decision was also filed in the Office of Planning and Development on May 19, 2016 and twenty (20) days have elapsed after the decision was filed and NO APPEAL has been filed. 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.

Newburyport City Clerk

Date