

CITY OF NEWBURYPORT
 PLANNING BOARD
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SMART GROWTH PLAN APPROVAL

DECISION DATE: 6/21/2017
APPLICATION DATE: 5/11/2017
FILE NO: 2016-SGD-01a
APPLICANT: One Boston Way, LLC
MAILING ADDRESS: 231 Sutton Street, Suite 1B, Andover, MA 01845
PROPERTY ADDRESS: 1 Boston Way
MAP/PARCEL(S): 78-1-J
BOOK/PAGE: 12045-541
ZONING DISTRICT: B1/SGOD
BRIEF DESCRIPTION: modification of approved Smart Growth Plan
NOTICE: Notices were published on June 6, 2017 and June 13, 2017 in the Newburyport Daily News.
PUBLIC HEARING: A public hearing was held on the above application on 6/21/2017 at Newburyport City Hall.
DECISION: After the close of the public hearing, upon a motion made by member Anne Gardner and seconded by James Brugger, the Planning Board voted to approve the Smart Growth Plan amendments as described and conditioned in this decision.

The motion having received a majority vote of all the members of the Planning Board, in accordance with Section XXIX-H of the Newburyport Zoning Ordinance, the application for an amendment to the 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	Absent	Bonnie Sontag	<u>Yes</u>	Don Walters	<u>Yes</u>
Anne Gardner	<u>Yes</u>	James Brugger	<u>Yes</u>	Andrew Shapiro	<u>Yes</u>
Leah McGavern	<u>Absent</u>	MJ Verde	<u>Yes</u>	Joe Lamb	<u>Yes</u>

PROCEDURAL HISTORY

1. Application for an amendment to the Smart Growth Plan Approval pursuant to Section XXIX of the City of Newburyport's Zoning Ordinance was made by the above-referenced owner and filed with the Planning Board on 5/11/2017.
2. A public hearing on the proposed amendments was held on 6/21/2017.
3. This application is approved subject to the following plans, drawings, and documents:
 - Illustrative Site Plan, Halvorson Design Partnership, 25 Kingston Street, 5th Floor, Boston, MA, 02111, June 2017.
 - Floor Plans with Unit Mix and Affordable Unit Locations, Sheet A1.3, GSD Associates, LLC, 146 Main Street, North Andover, MA 01845, 6/21/2017.
 - North and East Elevations, Sheet A3.1, GSD Associates, LLC, 146 Main Street, North Andover, MA 01845, 5/10/2017.
 - South and West Elevations, Sheet A3.2, GSD Associates, LLC, 146 Main Street, North Andover, MA 01845, 5/10/2017.
 - 3D colored renderings of proposed project site (building, site, and landscaping), provided by GSD Associates, LLC, 146 Main Street, North Andover, MA 01845, 6/21/2017.
 - Communication from One Boston Way, LLC, dated June 21, 2017, regarding further modifications to the originally submitted request for modification with accompanying plans.
4. The plans and submission material were reviewed by the Planning Board.
5. 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, all as made at the public hearing.

FINDINGS

This amendment to the original grant of Smart Growth District Plan Approval includes the following modifications to the originally-approved plans. All of these modifications are described and illustrated in the original application for amendment submitted to the Planning Board on May 11, 2017 and subsequently amended by a second submission to the Planning Board on June 21, 2017.

- Increase in Live/Work Units: The Project will now include six Live/Work Units on the first floor, increased from the originally-approved four Live/Work Units.
- Reconfigured Common Space: The Project will include common space for use by the residents on both the first floor and the second floor. The first floor will feature a lobby with work stations, the second floor will feature a gym. The originally-approved Project featured common space on the first floor, which was to be used for shared work/professional space.
- Reduction in Building Height: The height of the building has been reduced from 60' to 52', thus resulting in a reduction in the number of floors from five to four.
- Reduction in Residential Units: Due to the decrease in building height and number of floors, the unit count has been reduced to 76 units from 84 units. The new breakdown for number of bedrooms is as follows: 16 studio apartments, 19 one-bedroom apartments, 33 two-bedroom apartments, and 8 three bedroom apartments. The applicant will continue to provide 25% of the units, 19 units, as affordable to individuals and families making 80% Area Median Income. The applicant will continue to meet the provisions of Section XXIX-G(4) of the

SGD Ordinance with respect to the size and distribution of affordable housing units.

- Increase in Height of Building Slab: The building slab has been increased to 15.5' from 14.5'. This does not mean that there will be 15.5' of exposed concrete.
- Parker Street Setback: The building will be 22' from Parker Street, which is an increase from the originally-approved 10' setback from same.

General Findings

Section XXIX-H states that the Planning Board, in making a final determination regarding Smart Growth Plan Approval, shall require that the Smart Growth Plan be consistent with the purpose and intent of Section XXIX as more fully set forth in Section XXIX-A.

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 amendments to the Project are consistent with the purpose and intent of Section XXIX as more fully set forth in Section XXIX-A.

Transit-Oriented Development: The amendments to the Project remain consistent with the tenants of transit-oriented development in that 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 Project will now feature 76 residential units in a multi-story structure. Six units will be live/work residences 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 remain such that future commercial development of these spaces is feasible with construction techniques that will enable an efficient transition from residential space to commercial. Additionally, there will be common space on the first and second floors with Wi-Fi access, small work areas, and a gym.

Housing Diversity: This Project, consisting of 76 residential units, will continue to increase housing diversity by: (1) providing the City with rental units at a time when housing trends indicate a loss of rentals in the City; (2) providing an assortment of bedrooms types to meet a variety of families; and (3) by providing nineteen (19) 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: The Project's architecture and building articulation, signage, landscaping, lighting, and pedestrian-orientated spaces have been designed to create a livable and vibrant new center in Newburyport. The Project continues to include several improvements to the nearby public amenities including a reconfiguration of the rail trail crossing signal, new sidewalks, a multi-use path around the Project site and extending easterly toward Route 1, and the repaving of Boston Way.

High Quality Development Standards: The Project remains 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 four-story building creates a pedestrian-friendly environment through the inclusion of awnings, signage, and window features at a pedestrian-scale. The reduced mass and bulk of the building is appropriate for the site and in accordance with the Newburyport SGD Ordinance.

Compliance with Development & Performance Standards of Smart Growth District

In addition to the findings, the Board has determined that the project continues to comply 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.

DECISION

In view of the foregoing Findings, the Planning Board hereby decides to grant Smart Growth Plan Approval in accordance with the terms and conditions stated below, all as agreed to by the applicant.

1. 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 application for a Building Permit. The final site/construction plans shall also make reference to the decision date and conditions of approval.
2. 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.
3. Prior to any construction, the applicant shall provide the Office 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 project in SketchUp format or similar. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83, units of U.S. survey feet and a vertical datum of NAVD 88.
4. No building permit shall be issued unless all public utilities have been reviewed and approved by the respective utility departments and that the proposed utilities will be installed in accordance with plans submitted with the application. All utility work shall be done in compliance with regulations and instructions issued by the Department of Public Services, including (but not limited to) the installation of curbing, pavement, sidewalks, pavement markings, and other infrastructure.
5. Prior to the issuance of a building permit, Project Review Fees shall be paid in full subject to MGL c44 Sec. 53G.
6. All 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 Department of Public Services Water Division.
7. All 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 Department of Public Services Sewer Division.
8. One hard copy and one .pdf copy of as-built plans stamped by a professional engineer showing new construction, renovation, or expansion 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 what was constructed is consistent with approved plans and conditions set forth by the Planning Board as part of this Smart Growth Plan Approval.
9. 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.
10. This Smart Growth Plan Approval is valid for two years from the date from filing with the City Clerk.

Special Conditions

1. Prior to any construction the applicant shall submit revised site plan drawings to the Director of Planning and Development for review and approval for the purpose of rectifying the discrepancy between landscaping and other site improvements shown and proposed on adjacent land owned by the Massachusetts Bay Transit Authority (MBTA) in:
 - a. This modification request; and
 - b. Those plans referenced in the original Smart Growth Plan Approval for this Project.

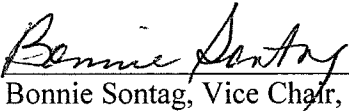
In lieu of those improvements shown on the above referenced plans (*filed as part of this modification to Smart Growth Plan Approval*), the revised plan(s) shall include all landscaping improvements and site amenities proposed by the applicant, and referenced on related plans, under the original Smart Growth District Plan Approval granted by the Board and filed with the City Clerk on May 19, 2016. No construction may begin until such plan(s) are reviewed and approved in writing by the Director. Upon written approval by the Director said plan(s) shall become the record drawings approved for construction, with all improvements thereon to be installed in accordance therewith.

2. All other conditions and requirements as listed in the previously-approved Smart Growth District Plan Approval filed with the Newburyport Office of the City Clerk on May 19, 2016 shall remain in full force and effect.

DATE OF FILING OF DECISION

Filed with the Newburyport City Clerk on 07/06/17.

SIGNATURE OF THE BOARD



Bonnie Sontag, Vice Chair, Newburyport Planning Board

07/06/17
Date

NOTICE OF APPELLATE RIGHTS

Appeals shall be made directly to a court of competent jurisdiction in accordance with the provision of M.G.L. Chapter 40A Section 17.

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 07/06/17.

Pursuant to M.G.L. Chapter 40A Section 11, this decision was also filed in the Office of Planning and Development on and twenty 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