
From: Sharif Zeid
Sent: Wednesday, November 15, 2023 1:42 PM
To: heatherkulikrogers@gmail.com; awcbos@yahoo.com; Rick Taintor; robert koup (rmkoup@gmail.com); elisabeth.m.delisle@gmail.com; James Pennington; Charlie@LibertyLawMA.com; Jen Blue; Brian Balcom; Ed Cameron; Connie Preston; Mark Wright
Cc: Sean Reardon; Jennifer Blanchet; Richard Jones; Andrew Port
Subject: Re: Update Regarding Global Site & Related 11/15 Joint Zoning Hearing

Chair Cameron, Members of the Committee on Planning and Development, Chair Taintor, and members of the Planning Board,

Regretfully I cannot attend tonight's joint hearing. Apologies. As such, I would like to offer written comment on the propose zoning ordinance. I am concerned about this amendment from a variety of angles.

1. **Unintended consequences** - While the genesis of this amendment seems to be assist with the redevelopment of a specific site, the amendment actually seeks to redefine R3. This redefinition would have impacts far beyond this site and far beyond this individual project. The concept of multiple structure on the same site is controversial and can be troubling - particularly in a zone that has no maximum number of units
2. **Tie in with development agreement** - There is evidently a development agreement that was executed on 11/14. To the best of my knowledge, this agreement hasn't been presented to the neighborhood, the broader public, or to the City Council. As it is executed, it seems that the Council may not be viewed as being needed to be included on that aspect. I do understand that the DA is contingent upon the rezoning but I don't think it's clear that approving the zoning would green light the development agreement. From my years, it has been widely accepted that a DA would need Council approval (e.g. Waterfront West).
3. **Conflicting with "6c"** - 6c projects that created a process to allow multiple structures on 1 property have long been controversial. Recent amendments were made to this section. More broadly that just 6c projects individually, the entire concept behind section 6c is that multiple structures on one lot is inherently controversial. This is not to say that there aren't times when individually it can make sense but this amendment proposes to make it the default in R3. The specific site/project can be debated but this zoning ordinance makes it difficult to separate the two.
4. **Performance** - Again, the conflation between a project, a zoning change, and a development agreement muddy the waters. Rezoning the entirety of R3 as a forward looking action in the context of a specific project is very difficult. The development agreement says that they will develop in general accordance with the plan but it's not clear if the signer actually holds the lands yet or can make good on that.
5. **Timing** - It isn't the responsibility of the City to rezone on any specific timeline to address a specific project. Our responsibility is to follow the prescribed process and to ensure that sufficient input is received. This was proposed extremely late in the session and that isn't the fault of the Council or,

more importantly, residents. A substantive change such as upzoning needs its own consideration let alone the specifics of the Global parcel and its proposal.

6. **Dilution of HSR A/B** - HSR A and B were zoning amendments that were debated heavily in their time. The primary argument for them was the import of the "ridge" and protecting the parcels from over development and the destruction of historic corridor. This proposal seeks to pluck out one parcel from this zone and move it back to R3. This action, itself, is troubling.

The City has long sought after the redevelopment of this site given the importance of its location. I respectfully suggest that a method be sought to facilitate the redevelopment of the property fairly and reasonably without the need to have a much more fundamental conversation about upzoning R3 in this way that could create a lot of unnecessary hassles. After many years, it has felt like we have found a measure of peaceful development balancing very difficult opposing forces. We should not undo that work and find our collective selves back in the midst of unnecessary infill debates.

Respectfully Submitted,
Sharif

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Sharif Zeid
Newburyport Ward 1 City Councillor
Information & Updates: <http://www.ReachSharif.com>

From: Andrew Port
Sent: Tuesday, November 14, 2023 2:50 PM
To: *City Council*; heatherkulikrogers@gmail.com; awcbos@yahoo.com; Rick Taintor; robert koup (rmkoup@gmail.com); elisabeth.m.delisle@gmail.com; James Pennington; Charlie@LibertyLawMA.com; Jen Blue; Brian Balcom
Cc: Sean Reardon; Andrew Levine; Kimberly Turner; Jennifer Blanchet; Katelyn E. Sullivan; caitlyn.marie.marshall@gmail.com; Richard Jones; Kathleen Sullivan
Subject: Update Regarding Global Site & Related 11/15 Joint Zoning Hearing

Members of the City Council and Planning Board –

As a reminder, there is a **7:00 pm** Joint Public Hearing of the City Council (*P&D, COTW*) and Planning Board tomorrow night (**Weds, 11/15**) at the **Senior Community Center**. The purpose of the hearing is to consider a proposed zoning amendment which would most notably facilitate long-awaited residential redevelopment of the former “Global” Gas Station at the intersection of State & High Street.

I will make a brief presentation tomorrow evening to summarize the relevant background so everyone is up to speed, including an overview of the attached/related Development Agreement (DA). This DA was just finalized and executed with input from Attorney Karis North from MHTL. The primary purpose of this DA is to establish key parameters for the overall development scheme to be permitted at this site through the Zoning Board of Appeals (ZBA) after the proposed zoning change is adopted. While such details are usually left entirely to the permitting process after zoning is already in place, here – given both the prominent location of this site, and concerns or requests expressed by abutters – it seemed appropriate to memorialize the outside “envelope” for this development, to ensure that whatever is later presented to the ZBA (*outside of direct Mayor/Council control*) is consistent with basic terms established in this DA. The schematic site plan incorporated by reference within Exhibit A, a few written details regarding project design and scope, and a

maximum limit of four (4) residential units, are all memorialized in the DA as a kind of contract between the local “developer” and the City (*provided the proposed zoning change is ultimately adopted*).

Please also note that the DA includes as Exhibit B a slightly revised version of the proposed zoning amendment. We’ve made a few minor tweaks to the originally proposed definition of Multifamily housing to address finer grain concerns raised during consultation with the Planning Board Chair. We ask that this most recent version of the amendment be utilized moving forward, and that this version be recommended for adoption by the full Council before year end “as amended in committee.” With timely passage of the proposed zoning amendment, ZBA permitting could be undertaken during the winter, making demolition of the old gas station and start of residential construction feasible beginning in Spring 2024.

Attorney Lisa Mead and Architect Scott Brown, representatives for the local “developer” will also be at the hearing tomorrow evening to answer any further questions you may have regarding the proposed residential development for this site.

Thank you. And see you tomorrow evening.

Best –
Andy



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Director of Planning & Development

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