

PORT CITY REALTY, LLC  
75 PARKER STREET  
NEWBURYPORT, MA 01950  
(978) 465-3791

City of Newburyport Planning Board  
Attn: Bonnie Sontag, Chair  
60 Pleasant Street  
Newburyport, Ma 01950

June 28, 2021

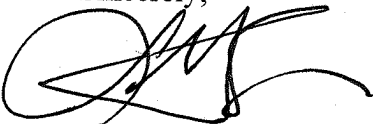
RE: File No 2018-SPR-03

Dear Board Members,

On behalf of Port City Realty, I am herein requesting a two year extension of the above referenced site plan approval decision. As a result of the recent Covid crisis and the Massachusetts State of Emergency we have been unable to proceed with construction of the expansion in the time frame that we had anticipated. Our building contractor has also been impacted by the covid crisis and due to lack of materials, availability, staffing shortages and project backlog, he cannot guarantee commencement of the project within the stipulated time frame. Our contractor has recommended we request a two year extension of the above referenced permit. We have consulted the City of Newburyport Zoning Administrator and based on the Tolling Provisions during the recently lifted State of Emergency we believe that the project is eligible for this extension.

Your favorable consideration of this request is appreciated. If you have any questions please do not hesitate to contact me at 978-465-3791 or through email at [lisagallagher@hawtanleathers.com](mailto:lisagallagher@hawtanleathers.com). Thank you.

Sincerely,



Lisa C Gallagher  
Owner  
Port City Realty, LLC

CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2018 AUG 22 PM 12:49



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

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## SITE PLAN APPROVAL DECISION

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**APPLICANT:** Port City Realty, LLC  
75 Parker Street  
Newburyport, MA 01950

**FILE NO:** 2018-SPR-03

**PROPERTY ADDRESS:** 75 Parker Street

**DECISION DATE:** 8/15/2018

**MAP/PARCEL(S):** 78-1-A

**BOOK/PAGE:** 33957-0375

**ZONING DISTRICT:** I1B

**DESCRIPTION:** major site plan review for the construction of building expansion, associated parking, driveways, utilities, and stormwater

### PROCEDURAL HISTORY:

1. Application for Site Plan review pursuant to Section XV of the City of Newburyport's Zoning Ordinance was made by the above-referenced owner and filed with the Planning Board on 4/4/2018. The Board deemed the application complete on 4/18/2018.
2. Notice of the public hearing was published on April 17, 2018 and April 24, 2018 in the Newburyport Daily News.
3. A public hearing on the Site Plan application was held at Newburyport City Hall on 5/2/2018 and continued to 6/6/18, 6/20/18, 7/18/18, 8/15/18.
4. After the close of the public hearing on 8/15/2018, upon a motion made by member Anne Gardner and seconded by Leah McGavern, the Planning Board voted to approve the Site Plan. The motion having received a majority vote of all the members of the Planning Board, in accordance with Section XV-I of the Newburyport Zoning Ordinance, the application for Site Plan review was therefore **approved**.

The following members of the Planning Board voted as follows with respect to the petition for Site Plan approval subject to the agreed-upon terms and conditions:

Bonnie Sontag, Chair	<u>Yes</u>	James Brugger	<u>Yes</u>	M.J. Verde	<u>Yes</u>
Don Walters	<u>Absent</u>	Anne Gardner	<u>Yes</u>	Rishi Nandi	<u>Not Voting</u>
Leah McGavern	<u>Yes</u>	Andrew Shapiro	<u>Not Voting</u>	Tania Hartford	<u>Yes</u>

## PLANS AND DOCUMENTS

1. This site plan application is approved subject to the following plans, drawings, and documents:
  - Plan Set titled, 'Proposed Building Addition, 75 Parker Street', prepared by Cornerstone, 9F Presidential Way, Woburn, Massachusetts, 01801, unless otherwise indicated, containing the following sheets:
    - Plan of Land, 75 Parker Street, prepared by Williams & Sparages, 189 North Main Street, Suite 101, Middleton, MA 01949, dated November 15, 2016;
    - Existing Conditions Plan, C-2, dated March 30, 2018;
    - Erosion and Sedimentation Control Plan, C-3, dated March 30, 2018;
    - Site Layout Plan, C-4, revised to July 23, 2018;
    - Site Grading and Utility Plan, C-5, revised to July 23, 2018;
    - Details Sheet, C-6, revised to July 9, 2018;
    - Details Sheet, C-7, revised to May 22, 2018;
    - Details Sheet, C-8, revised to July 9, 2018;
    - Vehicle Sweep Path Plan 1, C-9, revised to July 23, 2018;
    - Landscape Plan, L-1, revised to July 23, 2018; and
    - Proposed Elevations, A-101 and A-102, prepared by Hudson Design Group, 1600 Osgood Street, Building 20 North, Suite 3090, North Andover, MA 01845, revised to May 7, 2018.
  - Report to Accompany Application for Site Plan Review - Proposed Building Expansion, 75 Parker Street, Newburyport, Massachusetts, prepared by Cornerstone, 9F Presidential Way, Woburn, MA, 01801, dated March 30, 2018.
2. The plans and submission material were reviewed by the Planning Board, in addition to the following peer reviews:
  - City of Newburyport Comments: Crispin Miller, Tree Commission, dated April 5, 2018 and June 7, 2018; Steve Bradbury, Deputy, Fire Department, dated April 6, 2018 and April 25, 2018; Dan Lynch, Distribution System Manager, dated April 23, 2018; Frank Giacalone, Director of Public Health, dated April 24, 2018; Jon-Eric White, City Engineer, dated July 13, 2018 and July 24, 2018; Wayne Amaral, Deputy Director, Department of Public Services, dated June 11, 2018 and July 20, 2018; and Julia Godtfredsen, Conservation Agent, dated April 24, 2018 and July 31, 2018.
  - Peer Review Comments from Christiansen & Sergi, Inc., 160 Summer Street, Haverhill, MA 01830 dated April 26, 2018 (two documents), June 4, 2018; July 16, 2018, and August 15, 2018.
3. 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

Section XV-G states that the Planning Board, in making a final determination regarding Site Plan approval, shall require that the Site Plan promote the objectives of community character; traffic,

parking, and public access; health; public services and utilities; land use planning; and open space and environmental protection as more fully set forth in Section XV-G subsections a-f and development and performance standards as set forth in Section XV-H. In accordance with these sections, the Board makes the following findings:

*General:* The project consists of the construction of an approximately 8,300 square foot addition to the structure at 75 Parker Street to allow for additional commercial/industrial space. There will be new loading docks to accommodate deliveries. The project involves the construction of additional parking spaces, wheelchair accessible ramps, concrete sidewalks, and curbing to allow for access to the new and existing building entryways.

*Community Character:* The property is located in the industrial park and the proposed addition is consistent in architectural style and appearance as the existing structure. The project is appropriate with regard to the size of the lot and in relation to the area in which the property is located.

*Traffic, Parking and Public Access:* The driveway aisles will be expanded for two-way traffic at the east driveway opening and single lane, exit-only traffic at the west opening. The proposed driveway configuration allows delivery trucks to provide pull-through service by entering through the east and exiting through the west driveway entrances. The Board considered requiring the applicant to either install a new sidewalk along the frontage of the property or alternatively providing funding to be held in escrow for the City to construct said sidewalk at a future date. While the City intends to construct a sidewalk in this location at some point, the Board found that there is insufficient information as to the intended timeline and associated costs for this work and determined that requiring the applicant to comply with such a requirement would be onerous and financially exorbitant at this point in time.

*Health:* The project will have no negative effect on public health or safety. The project will not involve any substantial noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features. The lighting has been appropriately designed to facilitate the safe use of the property with minimal glare and spill-over onto abutting lots.

*Public Services and Utilities:* There will be no negative impact to municipal infrastructure - public services or utilities.

*Land Use Planning:* This project is consistent with local land use planning goals since it is allowing appropriate expansion of existing industrial uses in the business park.

*Open Space and Environmental Protection:* The project is designed so as to minimize negative impacts to the surrounding wetlands through the construction of a stormwater system that can handle the additional impervious surface upon project completion. The applicant has also directed as much stormwater flow toward the site's pervious areas as allowable given the constraints of the site and the building.

## **WAIVERS**

The Board reviewed and granted the following waivers as requested in the applicant's submission:

- Landscaping, Section XV-E.4: Waiver from the requirement to have a registered landscape architect prepare the landscape plan is granted.

- Signage, Section XV-E.a.3: Waiver from the requirement to provide signage details is granted since there is no proposed change or alteration to the existing signage.

## CONDITIONS

This Planning Board approval represents a schematic approval for the project. This approval does not represent a final approval of the utility design and details or fire safety measures. 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.

In view of the foregoing Findings, the Planning Board hereby decides to grant Site Plan approval in accordance with Section XV-L and the terms and conditions stated below, all as agreed to by the applicant.

1. Recording of Decision and Approved Plans: The applicant shall file this Site 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. Engineer Certification: 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. Digital Plans: 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. 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. Provision of Construction Documents: Prior to applying for a permit to conduct site work and/or a Building Permit, the applicant, owner, his successors or assigns, shall submit to DPS construction documents showing water, sewer, and drain utilities, including plan/profiles, details, and technical specifications at a minimum of a 90% design phase for their review and approval. DPS will not approve the design until they are satisfied it complies with applicable federal, state, and local standards and regulations. The applicant shall provide documentation to the Building Commissioner with the application for a Building Permit illustrating that the project, as designed, has been reviewed and approved by the Water, Sewer, and Engineering Divisions.
5. Curb Cuts: Any new driveway curb cuts that has egress to the public right of way, must be approved in advance of the building permit by the Director of Public Services or Designee.
6. Fire Department Review and Approval: Prior to applying for a permit to conduct site work and/or a Building Permit, the applicant, owner, his successors or assigns, shall submit to the Fire Department construction documents showing compliance with fire safety codes and regulations at a minimum of a 90% design phase for review and approval. The Fire Department will not approve the design until it is satisfied it complies with applicable

federal, state, and local standards and regulations. The applicant shall provide documentation to the Building Commissioner with the application for a Building Permit illustrating that the project, as designed, has been reviewed and approved by the Newburyport Fire Department.

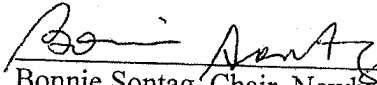
7. Stormwater Management Permit: If the project involves more than 10,000 square feet of land disturbance, the applicant, owner, his successors or assigns, shall obtain a Stormwater Management Permit under the City of Newburyport Stormwater Management Ordinance (Code of Ordinances, Chapter XVII) from the Department of Public Services prior to beginning any site work, including tree clearing, and/or construction. The applicant shall provide a copy of said permit to the Building Commissioner with the application for a Building Permit.
8. Modifications to Approved Plans: The applicant, property owner, and their successors or assigns, shall adhere to the approved plans which are incorporated herein by reference. Should the applicant and/or property owner determine that a plan(s) needs to be modified, they shall notify the Board of the proposed modifications in writing and obtain approval from the Planning Board for such modifications prior to making any changes 'in the field'. The Board shall then determine whether such modifications are minor or major in nature and shall subsequently schedule a public meeting or hearing, respectively, to review the proposed changes.
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 endorsement of the plan. When the balance in an applicant's project review account falls below twenty-five percent (25%) of the initial project review fee, the applicant shall replenish said account to the initial amount of the project review fee.
10. 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 on abutting properties and glare.
11. 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, unless a specific waiver is requested. The Planning Board and the City Marshal shall approve such waiver.
12. Submission of As-Built Plans: 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 Site Plan approval.
13. Validity of Approval: This site plan review is valid for two years. The approval shall no longer be valid if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause, within this two-year period. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.

14. 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.
15. Preservation of Existing Landscaping: The applicant shall make every effort to safely remove and store the existing plantings and trees that are located within the proposed limit of work to be replanted in the locations indicated on the Landscape Plan, Sheet L01, dated 5/22/18. Should these plantings and trees not survive and are not viable up to two years from the date of the Occupancy Permit for the new addition(s) the applicant, owner, successors, or assigns, shall replant the same species in the same locations as indicated on said plan.

#### **DATE OF FILING OF DECISION**

This decision was filed with the Newburyport City Clerk on August 22, 2018.

#### **SIGNATURE OF THE BOARD**

  
\_\_\_\_\_  
Bonnie Sontag, Chair, Newburyport Planning Board

#### **NOTICE OF APPELLATE RIGHTS**

Appeals shall be made within twenty (20) days after the date of filing of this decision in the Office of the City Clerk directly to a court of competent jurisdiction in accordance with the provision of M.G.L. Chapter 40A Section 17.

#### **CITY CLERK CERTIFICATION**

I, Richard Jones, 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 75 Parker Street was filed in the Office of the City Clerk on August 22, 2018. Twenty (20) days have elapsed since the decision was filed and NO APPEAL has been filed.

\_\_\_\_\_  
Newburyport City Clerk

\_\_\_\_\_  
Date