

CITY OF NEWBURYPORT



IN CITY COUNCIL

October 30, 2023

ORDERED:

A ZONING ORDINANCE AMENDMENT TO REZONE LAND AT THE INTERSECTION OF HIGH STREET AND STATE STREET, AND TO UPDATE THE DEFINITION OF MULTI-FAMILY RESIDENTIAL USE TO PERMIT REDUCED MASSING THROUGH THE USE OF MULTIPLE STRUCTURES

Be it ordained by the City Council of the City of Newburyport as follows:

WHEREAS, the Newburyport City Council has previously initiated proceedings relative to continued “blight” on land which contains an abandoned gas station at the intersection of State Street and High Street; and

WHEREAS, the City wishes to facilitate a viable redevelopment project for this land which is both residential in nature, and more consistent with the surrounding intersection and neighborhood; and

WHEREAS, the definition of Multifamily use within the Newburyport Zoning Ordinance currently, and inadvertently, precludes the use of multiple structures in developments of three or more residential units, for the otherwise beneficial purposes of reducing apparent building volumes,

THEREFORE, LET IT BE ORDAINED THAT the definition for use number 103 within Section V-E of the Newburyport Zoning Ordinance (List of allowable uses) be amended and revised, pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~stricken through and bold~~ and additions double underlined and in bold as follows:

Section V-E – List of allowable uses

USE	NUM	
Multifamily	103	<u>One or more A building(s)</u> or structure(s) that <u>together</u> contain(s) three (3) or more dwelling units on the same lot, and, <u>where there is more than one unit in a building</u> , either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.

AND FURTHER, THAT the Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport,” referenced in Section III-C (entitled Zoning Map) is hereby amended pursuant to Section III-D “Changes to Zoning Map” by changing the zoning designation of the following parcels of land, in their entirety, from HSR-A (High Street Residential A) to R-3 (Residential Three):

- 107 State Street (Assessors Map/Lot 33-43)
- 95 High Street (Assessors Map/Lot 33-42)

Councillor Jennie L. Donahue

Councillor Edward C. Cameron Jr.

Councillor Heather L. Shand



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

MEMORANDUM

TO: Members of Planning Board and City Council

FROM: Andrew R. Port, Director of Planning & Development

CC: Sean R. Reardon, MAYOR

RE: Late File: Proposed Zoning Amendment – R3 Rezoning at State & High Street, Definition of Multifamily

DATE: October 30, 2023

The purpose of this memorandum is to provide a brief summary of the above zoning amendment, which is to be received as a “late file” at your meeting this evening, along with this communication, for referral to the Planning & Development (P&D) Committee in order to hold a Joint Public Hearing with the Planning Board. Given the Council’s remaining meeting dates scheduled for 2023, referral to committee this evening would make it feasible to approve the proposed zoning amendment before the end of this calendar year and Council session.

The proposed zoning amendment would help to facilitate residential redevelopment of the Global Gas Station property at the intersection of State Street and High Street. Global is in a Purchase and Sale Agreement with an interested buyer who is developing plans which now appear generally consistent with the surrounding neighborhood and would address many of the concerns that might otherwise be raised with a more intensive (i.e. dense) development scheme. A related Development Agreement (DA) with schematic plan for the residential development on this lot is forthcoming, and is intended to memorialize certain substantive aspects of the redevelopment project prior to approval of the zoning change itself. While there would still be a discretionary Special Permit review of the proposed development plans by the board after adoption of the proposed zoning, these initial parameters will establish an outside “envelope” within which the new residential development must comply, in advance of that time. Given the prominent location of this property, and the importance of compatibility with the High Street corridor generally, the DA will provide a greater level of specificity and protection than the typical permitting process, which typically takes place after applicable zoning is already in place. Here, what is submitted to the board for approval after adoption of the zoning change would need to conform to the parameters outlined in the DA and plan incorporated by reference therein.

As the related DA itself is still under review by legal counsel at MHTL, for approval “as to form,” I would recommend that this communication also be received this evening and referred to committee with the proposed zoning change, where it can be supplemented by the executed DA and site plan referred to therein. This office, and the development team, will be able to address any questions or concerns you may have with respect to the proposed zoning, schematic site plan and/or DA, during the typical committee review, and prior to adoption of the proposed zoning amendment.