

**City of Newburyport  
Planning Board  
February 1, 2023**

The meeting was called to order at 7:00 PM.

**1. Roll Call**

Planning Board Attendance: Bob Koup, Jamie Pennington and Rick Taintor

Planning Board Attendance – Remote: Alden Clark, Heather Rogers and Richard Yeager

Absent: Beth DeLisle and Don Walters

Planning Director Andy Port and note taker Caitlyn Marshall were also present.

**2. Public Hearings**

- a) *Steven J. Lewis*  
*2-6 Market Street*  
*Special Permit Amendment (PBSP-22-12)*  
*Continued from 01/04/23*

Attorney Lisa Mead stated she was here four weeks ago seeking additional relief under the ITIF special ordinance. They believed they were only going to be able to provide six parking spaces when they needed eleven. The handicap parking space was revisited and taken off the table. Due to members' requests, the architects contacted dozens of manufacturer and installers. As a result they found a person from Connecticut with equipment who came on site, and with modifications, agreed they could install the lifts. The applicant can install 5 lifts to provide 10 spaces on site. Relief for the residential units is not needed. One additional space for the commercial space is needed from the ITIF fund.

Richard Yeager asked Attorney Lisa Mead to clarify that there is no handicap parking space.

Attorney Mead said there would not be a handicap spot.

Alden Clark asked if re-grading was needed.

Matt Langis stated there would be custom grading for each spot.

Public Comment opened.

No comment.

Public Comment closed.

Jamie Pennington made a motion to amend the special permit from six parking spaces to seven parking spaces from the ITIF fund. Bob Koup seconded the motion. All members voted in favor.

**Motion Approved.**

**b) *Kenneth Woods*  
*20 Temple Street*  
*Special Permit for Non-Conformities (PBNC-23-1)***

Ken Woods of 20 Temple Street addressed the board. He referred to the site plan to show a seven-foot by eleven-foot second story addition over a one story existing footprint. He proposed an addition to enlarge a bathroom for laundry.

Rick Taintor stated this special permit does not typically come to the Planning Board, but because it is in the downtown overlay district it comes to the Planning Board instead of the Zoning Board.

Bob Koup stated there are no materials identified on the plans. He asked Ken Woods to tell the board more about the materials.

Ken Woods gave history on the home. He stated the home and windows are wood, and cedar shakes are on the roof. He intends to match every aspect that is there now.

Public Comment opened.

No comment.

Public Comment closed.

Bob Koup made a motion to approve the special permit with the provision that the materials on the addition will match the materials on the house. Alden Clark seconded the motion. All members voted in favor.

**Motion Approved.**

*During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.*

**3. General Business**

**a) *Request for minor modification – 3 Doyle Drive (MM-22-31)***

Noel Torrissi speaking for Judy Burke, the homeowner, greeted the board. He stated he

came before the board last month. Since then they sent in plans and letters from the abutting neighbors. There is an existing deck that the homeowner would like to turn into a three-season porch. The materials will match the materials existing on the home.

Alden Clark asked if the existing footings would be used.

Noel stated the footings will remain. The ground will not be disturbed.

Richard Yeager stated the detail of the plans is a great improvement from the original sketch that was submitted.

Bob Koup made a motion to approve the minor modification request. Richard Yeager seconded the motion. All members voted in favor.

**Motion Approved.**

***b) Discussion of Zoning***

Director Port asked board members for their thoughts on two issues. One issue being the business park and how to bring more economic development. The second issue being outdoor seating, outdoor seating has increased since the pandemic. Outdoor seating has taken up some parking spaces.

- ***Outdoor seating***

Rick Taintor introduced the concern for parking requirements for outdoor seating.

Jamie Pennington stated if outdoor seating increases, parking spaces should not have to increase.

Rick Taintor said he communicated his thoughts with Director Port. He said he is for flexible parking requirements and reducing requirements in the downtown area. Zoning does not apply if it is not on your own property. He would not impose parking requirement in the downtown for outdoor seating. The difficult issue is when someone is taking space in a parking lot and putting outdoor seating on it. They are increasing capacity and taking away parking spaces. That issue goes under zoning. Rick did some research and some places say they charge for parking for all outdoor seating which is extreme, other places said they do nothing which is also extreme. He cited examples from several other cities.

He stated that Park Lunch, Giuseppe's, and Starboard Galley were examples of places that put outdoor seating in parking spots. He also stated that they would need to look at individual cases. He takes the position of not charging for parking when putting tables in parking spaces.

Bob Koup supports and encourages outdoor dining. It is a huge plus for the city of

Newburyport. He believes a case-by-case basis could address certain situations. They need to look for a creative solution. Outdoor dining has been a huge success.

Rick Taintor said a concern for taking away parking is that there has to be some procedure in zoning. A restaurant has a certain square footage that requires a certain number of parking spaces. This could be addressed by allowing a reduction in parking spaces by special permit.

Bob Koup stated outdoor dining is a temporary/seasonal use.

Director Port supports the comments. He stated there is a debate to be had if they want address this issue by special permit. He asked, do we want to have a more expedited process? A special permit may not be the best solution.

Director Port said the City of Newburyport could say no to parklets and outdoor seating. The concern is around private lots that need to be covered in zoning.

Rick Taintor asked if zoning needs to take place in private lots.

Director Port agreed with public space used needs to be documented so there is not a dispute.

Rick Taintor said the zoning spaces permitted by City Council or Parks Commission are exempt from any off street parking requirements.

Bob Koup brought up a non-parking related issue around appearance. He stated the parklets had planters as an edge. He feels that those are moving in the right direction. Do we want to say anything about outdoor dining on private property in the downtown and what it looks like?

Director Port brought up the review process. A provision would want to be in there about the process to address the appearance wherever it may be.

- ***Business Park***

Rick Taintor stated that he reviewed the Table of Uses for the I-1 and I-1B districts and went through the different uses. He presented a map of the area and pointed out a number of businesses that are there today that are not typical industrial uses. He stated that the 2004 Strategic Plan called for the same kind of change in allowed uses that we are talking about today. The Industrial Park zoning currently requires a special permit for medical office and professional services. These public oriented kinds of uses may not need to require a special permit. A concern is having too much traffic. The different character of the northerly portion of the I-1 district suggests that we might want to create a transitional district.

Director Port stated why I-1 and I-1B are different. He stated that there were some

neighbor concerns. He will need to look into the origins of that.

Rick Taintor questioned if they are creating a transitional district in the North side, can we merge I-1 and I-1B?

Director Port agreed with Rick Taintor. He stated there is a need for distinction in true industrial needs.

Heather Rogers asked when they are talking about creating a transitional district is that just in the red dotted line on the map? Would they expand it from the red dotted line or limit the footprint?

Director Port stated Rick was highlighting what is there already. The transitional district would go down Graf Road and the 40R district. They would want the transitional district to be continuous and not just these two blocks.

Rick Taintor said without looking very carefully at the uses there they would be hesitant to expand the district and take the lumber yard and put that in there. There are uses in there that are on the margins of public oriented and just wholesale uses. He wants to look at it. There are areas have already changed – let's zone it for what is there. He stated a study would be needed to look at that.

Heather Rogers stated the business in these locations have established organically. Her thought is if they create this district that they would need to be prepared at some point for other businesses to cluster in other places in the park. She asked if they would be expanding this transitional area? She stated the park may change as needs change.

Director Port stated the City would benefit from this transition. He is unsure of what the long-term looks like. There could be more pressure to consider things further in the park. He stated that near term it might not be that pressing to expand there. He stated they are not close to that right now. Right now it is more towards the Northern and Eastern part of the park.

Bob Koup asked when Director Port says “transition” in the park is he talking about use? Is this more of a customer focused use? Are you talking about adding different uses?

Rick Taintor stated that making sure the uses that have been established overtime, however they have been established, they are working and let's recognize them in the table of uses. He said they should look at parking requirements. He also stated that they are going to want sidewalks and bike lanes.

Bob Koup stated that they are looking for more flexibility in terms of use. They will be encouraging a pedestrian environment. He thinks it is a really good idea.

Director Port stated he appreciated the feedback.

Heather Rogers asked if the public bus goes there currently.

Director Port said they do not right now. He hopes they would evolve over time.

Rick Taintor said it would make sense if they are serving the train station and the hospital they should link.

Director Port stated they are looking for a mixed-use district with the train station and the business park rather than completely isolated with old school zoning.

Bob Koup asked if residential would be added to the district. Pedestrians and bikes would work with people living there. He thinks multi-family housing makes sense.

Director Port said it is not on his radar right now. He stated they could look at guidelines and 40R district and modifying that. He stated this is an area they could look to.

Rick Taintor said he can see the Elks wanting to move out in the future. With the elderly housing across the street he says there may be a lot of pressure to build multi-family residence. He then stated that early planning around the train station, the industrial park was against housing. Now we have housing there and should start thinking about more.

Director Port stated when the 1 Boston Way project was being done an abutter had an issue, which led to one story less, therefore less units. There was a little tension and it may need to be a phased approach over time to not make drastic changes. The business park may have some concerns.

Bob Koup said what they are talking about is a higher density in these transitional areas. Within the dotted lines are under-utilized parcels. He thinks higher density mixed uses there would make a lot of sense.

Rick Taintor stated there is a lot of recent new investment in Opportunity Way and there hasn't been much in the Northern area of the park. He said this could be because of wetlands and lot configurations. He noticed the last building on the map has no business type uses such as a health facility.

Director Port said he is not sure of that one off the top of his head. He stated there has been an evolution over time.

Rick Taintor stated he thinks it would be important to come up with a conceptual draft first and then get business owners feedback.

Director Port wants to bring the business park association together to have a unified voice. He would like to reestablish that relationship.

***c) Approval of Minutes***

- ***01/18/23***

Bob Koup made a motion to approve the minutes. Heather Rogers seconded the motion. All members voted in favor.

***d) Other updates from the Chair or Planning Director***

Director Port provided an update on the MBTA DHCD guidelines which require the City to adopt zoning that allows up to 1,292 multifamily units. They have more flexibility in looking at Route 1 or Storey Avenue area. They want to meet the requirement but also make it work for Newburyport.

Director Port informed the Board that the March 1<sup>st</sup> meeting will include joint public hearings on the Planning Board membership adjustment and the amendment to the ITIF. An amendment is being put together to take out residential, but keep commercial.

**5. Adjournment**

Jamie Pennington made a motion to adjourn. Alden Clark seconded the motion, and all members voted in favor.

**Motion Approved.**

Meeting adjourned at 7:57 PM

Respectfully submitted – Caitlyn Marshall