

**City of Newburyport  
Planning Board  
February 7, 2024**

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

**1. Roll Call**

Planning Board Attendance: Alden Clark, Bob Koup, Jamie Pennington, Heather Rogers

Planning Board – Remote: Beth DeLisle and Rick Taintor

Absent: Brian Balcom, Jen Bluestein, and Charlie Palmisano

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

**2. Public Hearings**

***a) Douglas Deschenes***

***4 Otis Place***

*Special Permit for Non-Conformities (PBNC-23-6)*

*DOD Special Permit (PBSP-23-6)*

Douglas Deschenes from Finneran and Nicholson addressed the board. He stated he was representing his clients from 4 Otis Place. He provided the board with hard copies of the plans, as well as letters from neighbors. Eileen Gaff was also present. Douglas Deschenes went over the project summary and plans. His clients want to build a first floor and second floor addition, as well as replace windows in their home. They also went to the Historic Commission for an advisory review. The existing structure is 1,288 square feet in size. It is located in the B2 and downtown overlay district. The lot and structure are preexisting nonconforming. He then went over the preexisting non-conformities. Some of the changes include changing the set back by two feet, the lot coverage changes from 46% to 48.8%, and provide 161 additional square footage of living space which increases the overall footprint by 33 square feet in total. Douglas Deschenes then went over the historic information of the lot, as well as images of the structure. He stated there would be no change to the front of the home. Everything that is being proposed is off the back of the structure. He then stated that they received feedback from the Historic Commission. They plan to incorporate a small little roof over the new backdoor. It is similar to the front overhang. They will also eliminate dormers. On the first floor there will be a small office area and half bath. On the second floor they will be adding more area to the master bedroom and walk in closet. He also stated the clients have preserved and maintained the home and want to keep its historic nature. The clients have support from many of their neighbors.

Alden Clark asked about replacing several of the windows.

Douglas Deschenes stated they would be replacing the windows from the 1970s and 1980s. The new windows will have the same design and shape as what was believed to be the original windows. He also stated the Historic Commission supports this decision.

Public Comment opened.

No comment.

Public Comment closed.

Rick Taintor asked if the board needed conditions for approval.

Director Port stated yes, they would include standard conditions per usual.

Jamie Pennington made a motion to approve both special permits with the special conditions. Alden Clark seconded the motion. All members voted in favor.

### **3. General Business**

#### ***a) Request for extension – 166-168 Route 1 (2021-SGD-01)***

Director Port stated there was some confusion with this. This extension was done on the staff level and the board doesn't need to be bothered. It was not picked up immediately. He stated he plans on extending the permit. They plan on proceeding later this year. Director Port recommended that the extension grant the extension.

Bob Koup stated he was curious where they are with the final drawings. Are they finished with contract documents?

Director Port stated those are prepared and ready to go. The package is also ready to go. They are closing the loop on the financing side. He then brought up the issue of the affordable housing percentage. The 40R district requires 25% affordable housing. With the new guidelines under MBTA Communities legislation there is a cap at 10%. Since they can't go higher than 20% with that program, they can modify maps. Director Port stated they will need to make some policy decision where they will draw line. He stated he is in support of affordable housing.

Alden Clark asked if they are asking for a change in percent of affordable housing.

Director Port stated it was brought up as a concern. This would be a discussion with the Planning Board and City Council. He stated he has reached out to state about grandfathering the 40R district.

Jamie Pennington asked if they were to downgrade affordable housing from 25% to 10% would that result in a new permit.

Director Port stated it would have to go to City Council and Planning Board. He expressed his concerns about not having local control anymore.

***b) Approval of Minutes***

- ***1/17/2024***

Alden Clark made a motion to approve the minutes from January 17, 2024. Jamie Pennington seconded the motion. Four members voted in favor. Two members abstained.

***c) Discussion***

- ***Storey Avenue Rezoning***
- ***MBTA Communities***
- ***Business Park***
- ***Housekeeping***

Director Port stated he plans on reaching out to the group tomorrow. They are coordinating on water/sewer build out analysis of this. They will also need to do an economic feasibility analysis. They are finalizing scopes for contracts and working out tweaks to zoning. They are working with the Harvard Kennedy School. Forty students came up last Friday to do a walking tour. They looked at visuals and an economic feasibility analysis.

Alden Clark asked if they would be including that as part of MBTA?

Director Port stated they want to change the area to allow housing. They want to satisfy the state and make sure it makes sense in context. They can take credit for what they are doing at Storey Ave. or take credit for Route 1. They want to get to a result that satisfies the state.

Alden Clark stated he is more familiar with the original MBTA information put out. What has changed?

Director Port stated there is a town line issue. There is more flexibility for other areas being concentrated around the train area. The 40R looks for that and MBTA looks for that.

Alden Clark stated the number was 1200 units. Did that change?

Director Port stated he did not recall. The number may have stayed around the same. The current requirement is to have a capacity of 1,292 units. There are different overlapping provisions, fifteen units per acre. How wide of an area do we want to affect?

Alden Clark stated in regards to Storey Ave, are we working towards creating a new ordinance similar to smart growth area?

Director Port stated they are looking for a similar structure. They would like multi-family as of right. They are looking to update and improve. Do we expand bicycle requirements or EV charging stations? He then brought up possible projects for the future.

Alden Clark stated given current zoning, is there a surplus? Are they providing more parking than what is required in zoning?

Director Port stated he was not sure. There is a sea of extra parking at Port Plaza that is not being used. Do we allow shared parking to reduce ratios? Do we hide it behind or under? Do we reduce parking or hide it aesthetically?

Rick Taintor stated the City Council was unable to look at the proposed STRU zoning last spring because of the budget. He would like to impress on them they have to hold public hearings to get through zoning by the grant deadline.

Director Port stated they should get feedback early. The meeting is posted as committee as a whole. He stated he asked all councillors to attend. He would like to get as much feedback as possible.

Rick Taintor stated the Global rezoning discussion didn't get very far last night.

Director Port stated that right now there is a landowner, Global, and developer. The Council has to take action. The deed restriction stated there are no commercial uses. This took a long time to get resolved. The clock is now tight. All members voted to adopted recommended option. The council didn't technically receive the report. They have everything in front of them now. The development agreement and deed restriction is based off zoning. The Council has to do two votes. They have to vote for zoning in one night. Everything is in place at this point. A few abutters have some concerns. No one has raised concern about the plan, just a few details they want modified. Some councillors raised concerns about spot zoning.

Bob Koup brought up the concern about the change of definition for multifamily.

Director Port stated yes there are issues of unintended consequences. The change would allow two structures rather than one.

Bob Koup stated that in some cases two structures are artificially joined to meet the zoning requirements for two units on a lot. This change is an improvement. Give the option for multiple buildings.

Director Port stated this is a good thing, it breaks up massing. He suggested the board decide if they are comfortable with it. He then stated Councillor Zeid asked why they didn't suggest an overlay district. Do we have to advertise another hearing? Suggested the idea of having a multi-family definition in R3 district.

Rick Taintor brought up the timeline. He stated the City Council will need to do first and second meeting on Monday night.

Director Port stated they will have to decide if they are going to do that. This does require a waiver of the rules, having two votes in one night.

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

Rick Taintor stated the Planning Board may not need a meeting on February 21, 2024.

Director Port stated that was correct.

**5. Adjournment**

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

**Motion Approved.**

Meeting adjourned at 8:30 PM

Respectfully submitted – Caitlyn Marshall