

**City of Newburyport
Planning Board
March 6, 2024**

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

1. Roll Call

Planning Board Attendance: Jen Bluestein, Alden Clark, Bob Koup, Charlie Palmisano, Jamie Pennington and Rick Taintor

Planning Board Attendance – Remote: Brian Balcom

Absent: Beth DeLisle and Heather Rogers

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

2. Public Hearings

a) 2 Marshview Way and 502 Merrimac Street (ANR-24-1)

Preston Brown stated he was representing his clients. He stated 2 Marshview Way would be conveying parcel A to 502 Merrimac Street, so this is deemed a conveyance.

Director Port stated the purpose of this is to address the shed over the lot line.

Alden Clark stated he did not have an issue with this. He was curious about the side and front set backs on the lot of 2 Marshview Way as shown on the diagram, where the front and side setback numbers were noted on the same lot line.

Preston Brown stated the map was marked up from someone in the Zoning Department.

Director Port stated the Office of Planning and Development was helping with set backs.

Rick Taintor stated it was drawn in a strange way, referring to the front lot line and then the side lot line. He then stated the right of way must be a private subdivision road. Is the right of way adjacent lot to the West?

Director Port stated yes.

Charlie Palmisano asked if the frontage of the rear parcel was sufficient.

Director Port stated if the frontage is not enough the office circles back with the applicant to resolve the issue. The office recommends the endorsement.

Charlie Palmisano made a motion to endorse the approval not required plan. Alden Clark seconded the motion. All members voted in favor.

3. General Business

a) Request for minor modification – 26 Duffy Drive (MM-24-6)

Steven and Paula Mollov stated they had been at 26 Duffy Drive for four years. Steven stated they would like to out a shed up in their backyard. The shed will be 8 X 14 ft. They have received letters from abutters in support of the shed.

Rick Taintor stated the Planning Department said this is within limitations for special permit for open space residential development. The shed will be raised above ground so water will flow through. There are no zoning issues. He then asked if there were any special permit issues.

Director Port stated that was correct. They have not exceeded the threshold for the lot.

Steven Mollov asked if it was necessary that the back of the shed be six feet from the lot line.

Director Port stated yes.

Alden Clark made a motion to determine the modification minor and approve the minor modification. Charlie Palmisano seconded the motion. All members voted in favor.

b) Request for minor modification – 3 Boston Way (MM-24-7)

Director Port stated he did not expect the applicant to be present. There is a minor change to grading that was already approved by the Conservation Commission. Phil Christiansen, consultant for storm water management, had a couple of questions about soil. Director Port then stated this did not have a substantial impact. They will move this to the next agenda so Phil Christiansen's questions could be answered.

c) Approval of Minutes

- ***2/7/2024***

Alden Clark made a motion to approve the minutes from the February 7, 2024 meeting with amendments. Bob Koup seconded the motion. Four members voted in favor. Three members abstained.

d) Discussion

- ***Storey Avenue Rezoning***
- ***MBTA Communities***

Director Port briefly went over some of the slides he presented at City Council. He stated the goal is to get as much feedback as possible from City Council, Planning Board, and the general public. He would like to have an informational session this month for general public. He stated he applied to the state for a grant last year and was approved to look at rezoning Storey Ave area with consultants. He would like to see more mixed use and hide parking. He then spoke about state legislation and requirements about multifamily housing as of right. The state is looking for a variety of housing. Affordable housing is encouraged. The state has set a threshold of 10% affordable housing. Director Port then spoke about Safe Harbor status. He also stated that in the Smart Growth district, 40R went from 20% to 25% affordable housing for two reasons. The first reason being there would be more affordable units. The second reason being they received credit on city subsidized housing authority. Other units count as affordable even though they are rented. They would be able to keep the grandfathered district.

Charlie Palmisano asked if that count was static. Can we use it going forward?

Director Port stated it is a moving target to a degree, unless we can maintain being above threshold. He then stated the smart growth district has been good for the city. MBTA Communities stated they could only go up to 20% maximum. The state is allowing us to grandfather district. We will not be able to meet state requirement if we did 25% affordability in that area under that program.

Rick Taintor stated that how capacity is calculated, some parcels within 40R have no capacity because they are substantially developed. Would they have to be moved out of 40R?

Director Port stated they could take credit for areas that are already developed. Where do we need to make up more credit outside of 40R? Why not take credit for smart growth district? What areas of the city do we give up local control?

Rick Taintor stated that he thought it would be important to get a sign off from the Executive Office of Housing and Livable Communities (EOHLC) that they agree there are one hundred and something units there.

Director Port stated that the State agency is overwhelmed. We are going to try to get feedback from their staff. Director Port stated he will make every effort until they have done a full review.

Rick Taintor asked if something is not countable under 40R, can it be countable under MBTA Communities?

Director Port asked if they wanted to modify and tweak off that district or take credit of other areas, or do both. They could take credit for certain areas that are already dense. They would still get credit even though it is substantially developed.

Alden Clark asked about zoning.

Director Port stated they would use certain areas for credit and relinquishing local control over to the state. It would meet requirements on paper, but gives the state control and gives up local control.

Alden Clark asked if the overlay that includes the smart growth district would satisfy the minimum requirement.

Director Port stated they are not able to do that entirely right now. There are multiple requirements that need to be met. The smart growth district is sizable to meet that requirement, but there are also other requirements.

Alden Clark stated they need to create the possibility in zoning and not what is physically there.

Director Port stated that based on what we have in that district we aren't going to get to 1292 units.

Alden Clark stated they have the acreage to satisfy the twenty percent requirement being within one half mile of the MBTA station.

Rick Taintor stated they don't count all of the land. The 40R district is forty units per acre on the lot. Gross acreage includes streets.

Director Port stated MBTA Communities doesn't consider wetland and roadways since they are not going to be used.

Rick Taintor stated the zoning in one sub district is 40 units per acre. For MBTA Communities they are not using 40 units per acre.

Director Port then went over the calculations and area. He stated area is not an issue. The issue is unit count and where that comes from. There is a hard stop at 20% of units be affordable housing. We already demonstrated it could be done in 40R district.

Jamie Pennington stated he was fascinated by the grandfather provision and he was trying to understand it.

Director Port stated it could be interpreted in two ways.

Jamie Pennington suggested they protect the 40R district and not tinker with it. They could get credit for the area that complies with MBT Communities, but not 40R. He stated it is a gray area and it worries him.

Alden Clark suggested leaving the 40R district as it is, but add to it for MBTA Communities. Could MBTA be an overlay?

Rick Taintor stated the 40R district would satisfy. They would not make MBTA over 40R.

Director Port stated they talked about where to do this.

Alden Clark suggested adding to the 40R district. Would we need to add parcels that are empty?

Director Port stated they could get credit for acreage per whatever density we allow. They could credit and satisfy the state. There are different ways to modify to get credit.

Rick Taintor brought up four important points:

1. Get close to or over the 10% hump and make sure we stay over that to protect ourselves
2. Maximize our housing development capacity
3. Producing housing
4. What is good planning

Director Port stated he was not suggesting to just do a paper exercise.

Alden Clark stated that it would be beneficial to get over the hurdle.

Charlie Palmisano asked when the deadline is.

Rick Taintor stated December 31, 2024.

Director Port asked where they want the map to be. Where are we going to take that credit? He then stated that besides MBTA, there are other benefits to rezoning Storey Ave.

Charlie Palmisano asked if it was reasonable to think Storey Ave. is achievable between now and December.

Director Port stated first they would be discussing the overlay. In a couple weeks we say here is a schematic map. This is what the state should give us for credit for 40R without any changes. Here is the Storey Ave. area and some options for that.

They will not need all of Storey Ave. to meet MBTA Communities. They would change zoning for other beneficial reasons.

Charlie Palmisano stated if there is resistance, now they are going down a road where the board needs to make a decision.

Director Port asked Charlie Palmisano if he meant folks not being in support of Storey Ave.

Charlie Palmisano stated yes. He stated he was concerned about the timeline.

Director Port stated there are different opinions for what people are comfortable with.

Rick Taintor stated they are required to have a minimum of 15 units per acre. Assuming we don't get any more out of the 40R district, we need 25 acres. I would like us to move forward with looking at West Shops as something we agree to move forward with regardless. We give City Council a menu in regards to 40R. He stated he doesn't want to get into a tight deadline.

Director Port stated collectively they do a couple of variations of this.

Charlie Palmisano asked if there would be public hearings for this.

Rick Taintor stated yes.

Director Port stated he would like to do one or two public information sessions. We have to decide what we feel comfortable with. In regards to mapping questions, where do we want to do this multi family housing as of right? Is it 40 units per acre?

Charlie Palmisano brought up concern about units being affordable.

Director Port stated he doesn't think competition will create affordable housing. If affordable housing is the goal, is this really creating affordable housing?

Rick Taintor brought up extending 40R district. He stated they have 40 units per acre and 30 units per acre, but it allows 20 unit per acre.

Director Port stated they can extend if it is over 15 units per acre. We could do still 25% at 20 units per acre.

Jamie Pennington asked what are the resources the city has to explore chunks of the city in terms of density? Are you going to have to go back to a consult? Turn around in a few days?

Director Port stated they would be able to generically look at acreage calculated.

Rick Taintor asked if the Merrimac Valley Planning Commission is looking at that.

Director Port stated that was correct. They need to provide feedback to Merrimac Valley Planning Commission.

Jamie Pennington suggested to think of doing larger parcels since it will be less hard. Doing a lot more small parcels will be a lot. He asked if MVPC is helping.

Rick Taintor stated yes. He then stated they use to 40 units per acre. Near the train station they need to do 15 units per acre. They will need to end up somewhere in between. They can set zoning to 15 units per acre. There are density bonuses for affordable or mixed use.

Bob Koup stated he was struggling with numbers and ratios. He suggested they start with good planning. What is the good planning solution for Storey Ave. and Parker Street? He suggested they do that first and then apply the math to it. Start with what is the right planning solution for the city.

Director Port stated he agreed.

Jamie Pennington asked if Director port was successful in getting graduate school students to help.

Director Port stated 3D models or renders would be great options. Illustrations would be helpful.

Charlie Palmisano stated they need some sort of timelines for when they should be meeting and goals they are trying to get to in order to meet these timelines. We need to be very clear on what benchmarks we need to meet.

Rick Taintor stated they need to be done by June 30, 2024.

Director Port stated there is a lot to do here.

e) Other updates from the Chair or Planning Director

There were no other updates from the Chair or Planning Director.

5. Adjournment

Alden Clark made a motion to adjourn. Charlie Palmisano seconded the motion. All members voted in favor.

Motion Approved.

Meeting adjourned at 8:33 PM

Respectfully submitted – Caitlyn Marshall