

**City of Newburyport
Planning Board
March 15, 2023**

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

1. Roll Call

Planning Board Attendance: Alden Clark, Beth DeLisle, Jamie Pennington and Rick Taintor

Planning Board Attendance – Remote: Bob Koup and Richard Yeager

Absent: Heather Rogers and Don Walters

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

2. Public Hearings

- a) *Hale Business Park, LLC, c/o Lisa Mead, Mead, Talerman & Costa, LLC
21 Malcolm Hoyt Road
Site Plan Review (Spr-23-1)
Continued from 3/1/2023*

Alden Clark made a motion to continue the hearing to April 5, 2023. Jamie Pennington 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) *Review and discuss zoning recommendations from 3/1 hearing re: ITF*

Director Port stated he sent out additional information to board members, in light of comments made previously about adverse impacts.

Alden Clark thanked the Planning Department for the analysis and information they shared. He stated has gone back and forth on this issue to exclude housing developments from paying into the ITIF fund. He stated it takes away the ability for the Planning Board to grant Special Permits. He felt as though residential developments in the downtown

should provide parking. He clarified that the ITIF is just a payment into the fund and does not guarantee a parking spot. He stated he could go either way on the issue, he doesn't necessarily see a need for a change. The Planning Board will look with close scrutiny before granting special permits.

Director Port stated there is no overnight parking in the lots. He stated there would be conflict if they were granting off street parking by special permit. He shared that parking overnight could lead to a capacity issue.

Jamie Pennington stated that the memo showed the situation was not as dire as Attorney Mead described at the previous meeting. He stated he is still not in favor. The 300-foot rule is fairly common. He then referenced Cambridge, MA having no parking regulation. He felt that progressive zoning would combine residential and commercial. He questioned there is no parking overnight. He restated he is still opposed to removing residential from paying into the ITIF fund. This is not the fix that he would support.

Robert Koup stated that mixed use makes sense. He stated concerns about how to control the residential parking so there are non-capacity issues during the day for commercial parking. He shared that some kind of structure that limits the use of those lots for residential purposes would be helpful. He stated he supports Councillor McCauley's proposal. He referenced 2-6 Market Street as a solution that can work on small sites. He felt as though future residential development needs to provide parking on site. He stated that Boston, MA and Cambridge, MA are environments with other transportation options. Newburyport is an automobile dependent environment.

Rick Taintor stated there is an artificially created parking shortage because there is no overnight parking. He stated the lots could be used. He then referenced Pure Bliss – an underutilized lot. He stated it could be re-developed for a more intensive use, like 2-6 Market Street. He then shared the Planning Board will be seeing a plan to convert the old gas station lot into a mixed use development with parking on site. He stated the City Council's policy of no overnight parking has created an artificial parking shortage. He could go either way on the issue. He is in favor of more flexible parking requirements. He thinks municipal lots should be used as much as possible and not left vacant for a chunk of the day. He said that the proposed ordinance only addresses half of the issue.

Robert Koup stated there needs to be a way to make this work, residential development in the downtown is a benefit to the city. He stated he is worried about where those residential cars go if they are not on development sites. He stated this is difficult to control. He feels that residential parking should be dealt with by individual developers on their sites.

Rick Taintor referred to Councillor Cameron's statement about the new Black Cow restaurant and asked how the required parking for that project was addressed within the

downtown zoning.

Director Port stated that the DOD allowance to credit municipal parking within 300 feet was on the books, but did not have an ITIF fund payment. The Zoning Board allowed up to 400 seats and parking that went with that. The ordinance was in effect and they were able to use the nearby municipal parking lots to satisfy the restaurant's parking requirement. There was no payment requirement.

Rick Taintor noted that the zoning map indicates that the Black Cow is in the Waterfront West Overlay District where the ITIF does not apply, and he was confused because Councilor Cameron referenced that situation in relation to give as the example as why we do this.

Director Port stated he would go back and check.

Rick Taintor stated the Planning Board needed to have a report with recommendation for City Council.

Alden Clark suggested they give them a mixed report back. He stated City Council needs to address the overnight parking issue.

Rick Taintor asked what the timeline is for the report.

Director Port stated City Council is looking to incorporate feedback before they meet with full council on March 23, 2023.

Beth DeLisle asked what overnight parking would look like. She gave a scenario of residents parking until 7:00 or 8:00 AM and then needing to find a place to park on the street. That would still cause an issue. She asked for clarification on the Black Cow situation.

Director Port stated an ITIF payment was not required at the time.

Beth DeLisle asked if there could be more discretion to allow in some cases and not in others. She asked how big of a problem parking is, but also to keep in mind they want development downtown.

Jennifer Blanchet stated the potential residential units upstairs of commercial spaces would not be required to add any parking spaces. Utilization of existing parking lots could help this issue. She also stated one and two family residences are not allowed in the downtown. Technology has changed greatly in order to make overnight parking more feasible, compared to when this policy was started and did not allow overnight parking. She referred to scanning of license plates. She stated she thinks there are methods different communities utilize to allow parking overnight and vacate during the day.

Bob Koup stated the uses like the Black Cow concern him. He asked the board to think about the need for parking in the evening for the restaurant, but that is also a time residents would want to park in the lots. He stated it is problematic and difficult to control.

Rick Taintor stated that with Special Permit the board has maximum flexibility. He suggested that they might want standards added to it. He asked what problems will come if we don't change or if we do change? He then asked if there are there many single and two families in the area?

Jennifer Blanchet stated there are some in R3 above the library. There are also some on the western part of the downtown in the block beyond Titcomb Street.

Rick Taintor stated that they would be prohibiting that type of development if someone wanted to change a two unit to a three unit, or a single unit to a two unit.

Jennifer Blanchet stated that is prohibited anyway.

Rick Taintor stated a variance would be needed.

Jennifer Blanchet stated they do not allow that right now. Single and two units are prohibited. She stated they do allow multi-family that could be further subdivided or units increased. A number of those examples that are south of the library that have large parking lots. She stated they could look to expand.

Rick Taintor asked if a two to four family would be a change of use.

Jennifer Blanchet stated straight residential is not allowed. Potential growth could happen.

Jamie Pennington stated he made an assumption but may be false, when he first read this, this would create more nonconforming uses to structures.

Jennifer Blanchet stated this prevents new or converted structures from tapping into the ITIF for residential use.

Jamie Pennington stated that since they are grandfathered they are non-conforming. If an ordinance change makes things non-conforming that is not a good way an ordinance should go.

Rick Taintor brought up a good point Jennifer Blanchet made at last meeting; this does not affect a commercial space changing to a residential space because it has a higher parking requirement per square foot. He then stated that everything in the downtown is non-conforming.

Jamie Pennington stated that the memo helped highlight the city's underutilized parking spaces. Mixed parking between residential and commercial in the city's lots needs more exploration.

Rick Taintor stated the issue of shared use of municipal lots is something that the board should be thinking about whichever way they decide to go on this issue. It doesn't seem approving this amendment would make much of a difference. He suggested encouraging City Council to more efficiently use lots downtown.

Alden Clark stated if they do approve this it takes away the flexibility to approve something or not.

Rick Taintor asked if anyone could think of a development that would be adversely affected by this.

Director Port stated he does not feel it's problematic. He stated he does not disagree. He doesn't feel it will be adversely impacted.

Rick Taintor stated that the upper floors could be converted to residential and it legally would have an impact, but the parking would go into the neighborhoods.

Jamie Pennington stated there are expansions of existing structures that they haven't covered.

Rick Taintor asked if the board was not ready and would like to continue to think about it.

Director Port stated they could continue at the meeting on April 5, 2023.

Rick Taintor stated he would list the issues the board brought up. He said he would look at an existing parcel map and see where those issues would be. He suggested they continue the discussion on April 5, 2023.

b) Approval of Minutes

- ***02/01/23***

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

c) Other updates from the Chair or Planning Director

Director Port referenced the MBTA Communities guidelines and expansion. He brought up the concern about water and sewer since they support two other communities.

Rick Taintor stated that the Merrimack Valley Planning Commission has received an extra amount of funding for Direct Local Technical Assistance. He stated they could tap

into some of that money to hire consulting help.

Director Port stated that would be great to get the best end result.

4. Adjournment

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

Motion Approved.

Meeting adjourned at 7:50 PM

Respectfully submitted – Caitlyn Marshall