

**City of Newburyport
Planning Board
April 3, 2024**

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

1. Roll Call

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

Planning Board – Remote: Brian Balcom

Absent:

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

2. General Business

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

Director Port stated he discussed the minor modification with the applicant. The applicant requests a minor adjustment in grading on site and storm water wetland area. The Conservation Commission reviewed this change and approved it. Director Port stated the change was reasonable to make.

Rick Taintor asked for clarification. Are there only changes between parking and wetland?

Director Port stated yes, parking changes outside of curbed area.

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

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

Steven Moll addressed the board. He stated he was previously here requesting to put a shed in his backyard. After reviewing what it would look like six feet from the property line, it placed the shed in the middle of his backyard. He is now requesting to put the shed three feet from the property line. He gathered letters of approval from the abutter and the HOA.

Director Port stated the letters said there were no objections.

Alden Clark Made a motion to consider this request minor and approve minor modification. Heather Rogers seconded the motion. All members voted in favor.

c) Request for minor modification – 21 Malcolm Hoyt Drive (MM-24-11)

Mike Gray greeted the board. He stated the site came approved with civil and elevation plans. He stated he was proposing a prefab Morton building that comes with metal siding. He was looking to make a minor change to board and batten siding with a 3-foot overhang over the front.

Rick Taintor clarified there were no change to the site plan.

Mike Gray stated there are no changes to the site plan. He stated the footprint is the same. He stated there was a minor pitch change.

Rick Taintor asked if there was no architectural design review for this area.

Director Port stated that Rick Taintor was correct. The side of the building facing the residential area would look more residential. The Planning and Development Office has no objection to proposed change.

Alden Clark asked if the siding would go all the way around.

Mike Gray stated yes.

Alden Clark Made a motion to consider this request minor and approve minor modification. Charlie Palmasano seconded the motion. All members voted in favor.

d) Approval of Minutes

- ***3/6/2024***

Alden Clark made a motion to approve the minutes with amendments from the March 6, 2024 meeting. Bob Koup seconded the motion. Five members voted in favor. Two members abstained.

e) Discussion

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

Director Port asked the question - Where do we want to create multi-family housing as of right to satisfy the MBTA Communities requirements? He stated there are three areas eligible for qualification. Newburyport is ahead of the game because of the 40R District. They haven't seen the full district built out. Housing needs to be close to transit. Currently they have 930 units capacity covered in the 40R District. He asked if the Storey Ave. area should be included to create the rest of the required unit capacity or just the train station area. They need 1,292 units total. They could eliminate Storey Ave. area and focus on the 40R Smart Growth District. The Storey Ave. area can be separate from MBTA Communities. Director Port stated they have options.

Bob Koup asked how many units are either built now or approved now.

Director Port stated 250 units have been approved.

Bob Koup stated there are 1200 plus units required and 250 have been approved.

Director Port stated yes, it's not about how many units are built. Zoning maps units per acre. Director Port then stated that housing and affordable housing is a need. They have an opportunity to transform areas. They also have an opportunity to make Storey Ave. less dependent on the automobile.

Bob Koup asked if the triangle parcel was for sale.

Charlie Palmisano asked if that was Enpro.

Director Port stated no. They looked at the Enpro site and they can have a smaller district established up there. That would be a good location for multifamily housing. It would not be good for commercial. It would be less units per acre.

Charlie Palmisano asked if they say they like this site and pick. Are you leading us towards a site?

Director Port stated they are ranking alternatives.

Charlie Palmisano asked for clarification. A property owner that has property that they may or may not sell, we could consider that as an area to rezone for multifamily and it would count towards the units even though they may never develop it?

Director Port stated yes. It's trying to do a good thing, which is create more housing and put it near transit. He stated he is looking for feedback on locations.

Jamie Pennington asked, did they do this to rule out other options?

Director Port stated they did talk about some of that. They will look at criteria and rank. They could expand the district along Parker Street and verify where it makes the most sense.

Jen Bluestein asked, are you considering what percentage of them are already developed?

Director Port stated there are two different levels. One level is the math. The second is, is it consistent with the environment? Environment and context is important. Any thoughts you have will be helpful.

Bob Koup stated that he sent Director Port and Rick Taintor a sketch of lightly developed sites along the rail trail.

Director Port then went over the map. He stated one option is to run up along Route One. Keep in mind that for compliance, parcels would need to be connected.

Bob Koup asked if parcels have to be continuous.

Director Port stated the zoning district needs to be continuous. They want us to use a whole parcel.

Jamie Pennington asked, can't that be considered continuous if it's across the street?

Director Port discussed issues with that. He stated they have plenty of options. Where are we comfortable with multifamily housing in the future?

Beth DeLisle asked about keeping 25% affordable housing.

Director Port stated yes. The 40R district was grandfathered and would allow 25% affordable housing in that district. If there is a new district that is not contiguous with the 40R district, you can't do 25% affordable. It would go back to MBTA Communities guidelines.

Alden Clark suggested looking to take advantage of expanding the 40R District instead of an overlay district. If they expand they can take advantage of higher affordability.

Director Port stated it is unfortunate the state has set the max for affordable housing at 20%. It does make sense to expand the 40R District rather than creating a new district.

Heather Rogers asked, this could only grow parcel by parcel in continuous form?

Director Port stated no, it's about City Council zoning to establish. This is not about individual property owners choosing to develop or not.

Heather Rogers asked if the zoning passes, could multifamily be peppered in?

Director Port stated yes, developments could be peppered in.

Heather Rogers asked if the zoning passes, would every parcel owner be notified in detail?

Director Port stated no. We do try to advertise in the newspaper and online, as well as have a hearing process.

Heather Rogers asked if the state offers incentives to parcel owners who would comply.

Director Port stated no.

Alden Clark asked if they should have a cushion amount for the 1,292 units since it varies?

Director Port stated there are data errors in the system. He recommends having a buffer.

Rick Taintor went over the schedule of meetings for the planning process. He stated they have an extra year for the Storey Ave. zoning. We can get most unit capacity target under MBTA in the 40R District. There is some freeing up in the schedule for the Storey Ave. rezoning project, but the MBTA Communities rezoning has to be presented to the City Council by June 24, 2024. Although the deadline for adopting the zoning is December 31, 2024, there is a ninety-day proposal review by the State before the adoption process begins.

Charlie Palmisano asked if City Council has to approve it.

Rick Taintor stated they need to get to City Council so they can agree to it. December 16, 2024 is last City Council meeting of the year. It is really tight. It is a step-by-step process.

Director Port stated they could do these two things separately. There is less of an issue with the 40R District because it is grandfathered.

Rick Taintor stated that the second ZAG meeting was last week. At the ZAG meeting tomorrow they will try to finalize the districts. He stated they looked at the existing 40R smart growth district map. He stated in terms of area and location we are doing well. It's the details of how we add to the district. 40 Parker Street is a vibrant building. If we zone for multifamily housing there we are saying we want to get rid of it and replace with multifamily housing. He stated he was uncomfortable with that. He then showed a chart with capacity calculations. They need to make up roughly 362 units.

Charlie Palmisano asked if this has been pre-approved.

Director Port stated no. They have consultants to do the analysis. The 40R District already has standards. This is a projection based on that. He stated these are the options.

Rick Taintor stated the state's goal is to create housing. The City's goals are to create housing, maximize affordable housing and subsidized housing and make sure sites are feasible. For non-housing goals they want to preserve industrial space.

Beth DeLisle brought up the lumberyard. If we did this zoning and someone bought the Elks and wanted to put housing next to Jackson Lumber, do we have to approve?

Rick Taintor stated yes.

Director Port stated yes, we don't control if people come with multiple parcels together.

Rick Taintor stated the same thing happened in the 40R District.

Jen Bluestein asked if they would expand the 40R District and create this separate district to meet the numbers.

Director Port stated yes

Rick Taintor stated if we don't get it here we are back to Storey Ave.

Charlie Palmisano asked what is trepidation on Parker Street?

Rick Taintor stated that there is a concern about losing economic development and jobs to housingdevelopment.

Bob Koup brought up the South side of Parker Street. Those parcels are contiguous with Boston Way residential.

Rick Taintor stated they don't know about wetlands that go through properties. They will have numbers for tomorrow. He stated what they do we have is they are expanding 40R. If they expand they may get a hotel.

Director Port stated if they are concerned about that they can say that use would not be allowed in the new area.

Rick Taintor stated the existing smart growth district has sub districts A and B. One of the key differences is density. There is a minimum of 20 units per acre. MBTA Communities requires 15 units per acre. The maximum is 40 units per acre in sub district A. There is a 30 unit maximum in sub district B. They could make more sub districts out if this. The key thing is building height and size of the building. .

Director Port stated the state wanted 40R to be a stand-alone ordinance in itself. Here there is no issue. Enpro may be an issue.

Rick Taintor stated that we have to make sure there is nothing in the ordinance that would require a special permit for multifamily housing development. We can require site plan review but under site plan review the City can only deny a project if it does not meet the standards in the ordinance.

Director Port asked if there were anymore thoughts on this.

Rick Taintor stated the fact they may be able to do this without Storey Ave. makes Storey Ave. easier in the future.

f) Other updates from the Chair or Planning Director

Rick Taintor stated there is legislation in legislature on associate members. The bill will allow associate members to act on anything and not just special permits. This is something to look forward to. There is also something that is going to formalize site plan review. There will be new rules for site plan review.

5. Adjournment

Alden Clark made a motion to adjourn. Heather Rogers seconded the motion. All members voted in favor.

Motion Approved.

Meeting adjourned at 8:18 PM

Respectfully submitted – Caitlyn Marshall