

**City of Newburyport
Planning Board
July 6, 2022
Minutes**

The online meeting was called to order at 7:02 PM.

1. Roll Call

Planning Board Attendance: Alden Clark, Beth DeLisle, Bob Koup, Jamie Pennington, Heather Rogers, Bonnie Sontag, Rick Taintor, and Don Walters

Absent: Richard Yeager

Planning Director Andy Port, Attorney Tom Lane, KP Law, and note taker Linda Guthrie were also present.

Director Port talked about needing better equipment for using this room, using microphones, and making public participation easier.

3. Public Hearings

- a) *Brad Kutcher
344 Merrimac Street
VI-C Special Permit (PBSP-22-4)
Continued from 6/15/22*

Bonnie Sontag said tonight's draft decision is updated in three places to include the date of June 23 for the Newburyport Historical Commission's acceptance of the preservation restriction.

Rick Taintor made a motion to approve the VI-C Special Permit application for 344 Merrimac Street. Alden Clark seconded the motion, and all members present 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.

- b) *Institution for Savings in Newburyport c/o Lisa Mead, Mead, Talerman, & Costa LLC
93 State Street and 12 Prospect Street
PBSP-22-5 and SPR-22-1
Continued from 6/22/22*

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Attorney Adam Costa, Mead, Talerman and Costa, 30 Green Street, said the June 13th letter lays out 3 concerns discussed at length during the June 1 meeting. He proposed solutions and conditions, beginning with the type of glass utilized in the first floor windows to ensure neighboring residential properties are not impacted by light or glare. The solution was Spandrel glass but with further concerns about the Prospect St. façade, the applicant proposes addressing the impact of light, shadow, and acoustical emission by designing and installing a shadow-box window on Prospect St. and Otis Place to reduce the impact of opaqueness created by the Spandrel glass. The rear side facing Garden St. will be Spandrel glass. A condition to that effect is proposed.

Bob Koup asked for a brief description of the shadow box design detail for including in the condition.

Architect Chris Angelakis said the painted metal surface 3 inches behind fully transparent glass is a better detail for the lower floors.

Bob Koup confirmed that color choices for the metal panel would be well considered. Mr. Angelakis said it would likely be a darker color.

Bonnie Sontag confirmed the applicant's proposed condition mentions the shadow box windows for the lower floors on Prospect St. and Otis Place? Attorney Costa said yes.

Director Port said the Office didn't include that in the condition because they needed Board input first. Bob Koup said the applicant's proposed language is good.

Bob Koup made a motion to incorporate the condition for shadow boxes with the details as proposed this evening into the final decision. Jamie Pennington seconded the motion, and all members present voted in favor.

Motion approved.

Attorney Adam Costa said a second concern about vehicle queuing is because of the potential traffic interference on Prospect St. The traffic study looked at vehicle trips as a result of the addition and it shows a negligible impact. He demonstrated on a graphic how a queuing lane and an extra lane around the circle maintains traffic flow and vehicle queuing on site sufficiently. Employees work in staggered shifts that arrive between 7-9 AM and depart between 4-6 PM. All employees would use key fobs for quick access. No additional bank services are offered in the addition beyond what is already provided. There should be no fluctuation in traffic.

Attorney Adam Costa said the third, aesthetic concern is about specific materials that will be used on the addition. At this stage of design, not everything is known. He prepared a classification list of materials to be used that includes curbing, baseboards, mortar joints, windows, cornices, roof valley flashings, ridge capping, connector facia, mechanical louvres, and garage doors in some detail. A condition for both the special permit and site plan approval acknowledges that finer design will occur as the process unfolds and offers the option to present detailed design information at the staff level who could then decide to bring it to the Board.

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Bonnie Sontag asked about a “To Be Determined” list in the plans and documents includes the cornice, fascia, connector, and copper panel option number. Director Port said the Board did not determine the preferable option at the last meeting. He displayed options 1, 2, 3 and 4.

Bonnie Sontag said standing seam, or a different decision at the time of the mock-up, is the language in Attorney Costa’s June 15th memo.

Jamie Pennington recommended, option #4, the standing seam copper cornice. The Board agreed.

Bonnie Sontag reiterated that the fifth special condition, as put forth by Attorney Costa, is to review the materials at a later date within the planning department.

Bob Koup commented on the aluminum clad wood windows with snap in mullion ribs. Snap ins seem to be the lowest common denominator of window quality.

Chris Angelakis would look at simulated divided light double pane windows.

Bob Koup made a motion to add a condition for aluminum clad, double pane, wood windows with simulated divided lights to the decision. Jamie Pennington seconded the motion, and all members present voted in favor.

Motion approved.

Attorney Adam Costa asked if there were further questions from the Board or public comment which needs a response.

Attorney Tom Lane commented on the mediation process so far. The court strongly suggested at the initial Land Court conference that the parties pursue all efforts to mediate a resolution before moving forward. They intended to move on the legality of the Downtown Overlay District before considering the merits of the application once in court. The City Council authorized the possibility of mediation for moving forward. The mediation committee included himself, the Mayor, City Council President Shand, Planning Board Chair Bonnie Sontag, Planning Board member MJ Verde, City Clerk Richard Jones, and Planning Director Andy Port.

The applicant was unwilling to move from the mass of the project. We decided it was more important to discuss other matters. Eight hours of mediation was followed by 7 more hours of mediation. The result is 5 changes as proposed in the mediation agreement by Attorney Costa.

The mediation agreement, signed by all parties, was sent to the City Council who was to consider whether the amended remand proposal could be remanded back to the Planning Board for a decision. The City Council voted it down even though a remand order had been issued. The Land Court judge strongly criticized both parties, saying the City should have allowed this to go directly to the Planning Board as the zoning authority in the City, and not to politically elected officials. In the new year, Attorney Lane spoke to City Council President Shand. In executive

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sessions with the Planning Board and then with the City Council to talk about Judge Speicher's order, it was decided to allow a remand of the amended application, as the judge requested. The City Council, by approving the remand, was not commenting on approval or denial, only that the matter was remanded to the Planning Board to exercise their discretion.

Bonnie Sontag said there is a concern about the existence of pre-conditions going into settlement agreement.

Attorney Lane said letters were exchanged as part of a negotiation that is part of the mediation process. The IFS presented their demands. Letters were exchanged, and documentation requested from engineers for why certain things could not be done, such as lowering the building grade. The applicant's engineer provided an explanation as to why the building grade could not be lowered. The City Engineer reviewed the documentation provided and agreed that it was not possible to lower the grade and that this was the best alternative to meet all conditions.

Public comment open.

Bonnie Sontag read written statements from the following City Councilors.

Council President Heather Shand asked the City Clerk to write that the City Council voted 7-4 to return the mediation results between the City and the Institution for Savings to the Planning Boards to allow the Board to have the final judgement on the IFS application, regardless of the outcome, as the City Council is not the expert in land use.

Councilor Jennie Donahue wrote about the Ward 2 residents' concerns with which she agrees. The public did not get to participate in the June 1 hearing at the Senior Center via Zoom, although 2 Planning Board members did. She voted no on the remand because she was concerned that a yes vote indicated City Council support for the project's mass and scale when in fact the majority of the Council does not favor the project nor the impact on the neighborhood and future relationships with the bank. She feels constituents' trust in their City government will be eroded. Residents believe the new vote by the Planning Board would regard only the specific items in the proposed settlement if they changed the reasons for the March 2021 rejection. The reasons for the rejection have not changed: size, scale, and mass; not subordinate to the historic structure, and incompatibility with the historic neighborhood, The settlement should be sent back to Land Court for a decision, which either side could appeal. During the 6/1/22 hearing, the IFS attorney stated that prior to the Settlement Conversations and as a requirement for Settlement conversations, the City of Newburyport agreed that IFS didn't have to reduce the square footage of the structure and that the Historic Commission review not be mandatory for the decision. Who approved this pre settlement concession? Is there a document regarding pre-settlement concessions? Were City Councilors aware of this prior to voting in November and April? Finally, the Land Court didn't deliver the Proposed Settlement request to the Planning Board until sometime in May and hearings were held June 1 and 22. Neither the Planning Board's new members nor the public had sufficient time to do research, understand the issues, meet, comment, deliberate, and decide. A request to the Land Court for a reasonable extension of time is needed for due diligence.

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Councilor Connie Preston writes that she voted to remand the amended application to the Planning Board on the advice from KP Law, but her vote was not an expectation for the Planning Board to accept the settlement. She hoped members felt unencumbered in their decision.

Tom Kolterjahn, 64 Federal St, co-president, Newburyport Preservation Trust (NPT), said the Trust is still opposed. This project should have been a collaboration with the neighborhood from the beginning. It was not. It is still detrimental to the neighborhood. It is still not in harmony with the intent of the DOD. Minor changes don't make the project more acceptable. Please vote no.

Pete Mackin, 13 Prospect St., a direct abutter, is opposed. A building 24 ft high and 122 ft wide will be outside his front door. The Board's vote must be based on facts and the DOD requirements. The Planning Board rejected this proposal in March 2021. It was too big. The NHC ruled against it also. In 11/2021 the City Council rejected this same settlement proposal. We would not be here if the bank had not threatened to abolish the DOD in their pursuit of this project. It's up to the Board now to reject the proposal and send it back to Land Court for a legal decision.

Steve McGuire, 4 Otis Place, is opposed. The process leading up to tonight is bewildering. The NHC is opposed to this project. The Planning Board denied it. The City Council rejected it. Yet here we are. This is a defining moment in the character and identity of Newburyport. Many brave Newburyport residents fought hard for historic preservation in the 1970s. It shaped our identity. When we look back at this Board, will we be proud or sad? Send the project back to Land Court.

Claire Papanastasiou, 3 Orange St, is opposed. The proposal contains an expansion plan the same size as the one rejected. We see this as a pre-concession because the main issue of size was taken off the table before the mediation began.

Richard Mallozzi, 16 Prospect St., is opposed. You can't plop a large commercial building in the middle of a residential neighborhood and expect it not to disrupt the essential form and integrity of the neighborhood. The DOD states that the special permit granting authority, "shall adhere to any relevant provisions the U.S. Secretary of the Interior Standards has for the treatment of historic properties. With respect to size the standard states, "... it is not recommended constructing a new building on a historic property or on an adjacent site that is much larger than the historic building." At twice the size of the original historic building, this building is certainly much larger than the historic building and therefore in direct contradiction with the Secretary of the Interior standards. The City should conclude that this is not compatible with the DOD, and it should be rejected.

Carol Piper, 12 Otis Place, is opposed. She agrees with others. It was too big in March 2021 and is too big now. She asked for a no vote.

Peter McNamee, 9 Otis Place, is opposed. Many hours of deliberation from Planning Board and NHC members resulted in "no" votes. Here you are disregarding the previous Board's advice. At no point did the IFS engage with the neighbors as requested by the previous Board. The closest we've come has been through an IFS quote in the paper that everything they do isn't good enough, they just can't satisfy the neighbors. That gives the impression they interacted with us

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which they did not do. Please consider your predecessor's requirement that the IFS engage with their neighbors.

Ann Clausen, 3 Otis Place, is opposed. She agrees with others. The previous Board and the NHC have voted against this proposal. Please vote no to return the matter to Land Court for a decision.

Aaron Clausen, 3 Otis Place, is opposed. This process stands in stark contrast to the previous Planning Board process in terms of the deep analysis they performed with the help of the NHC. It's concerning that a project already denied by the Board is before the Board again with exactly the same problem. The remand process does not follow DOD regulations. That handcuffs this Board.

Sean Sullivan, 9 Prospect St., is opposed. He agrees with Mr. Clausen. He urged newer Planning Board members to take responsibility for supporting the DOD and the previous Board's latest findings on the two area the IFS application does not meet the DOD regulations – failure to comply with the U.S. Secretary of Interior standards and lack of compatibility to the adjacent historic properties due to size, scale, and mass. Please vote against this again.

Bruce Vogel, Councilor-at-Large, 5 Bromfield Court, is opposed. He agreed with previous statements and urged members to go back to the decision previously agreed upon. The Land Court judge in this case does not like our City and we are here. Please vote no because it's too massive for this historic area, does not comply, nor does it speak well of the IFS.

Jack Santos, 3 Spring St., is opposed. He distributed copies of his concerns about the precedent that's going to fundamentally change the neighborhood by allowing the commercial streetscape go back 300 ft into a neighborhood that has never been commercial. The open parking lot on State Street has been taken off the table perhaps because the IFS doesn't want to lose the iconic view of the historic bank building coming up State Street. That's not the job of this Board.

Gary Karelis, San Diego, owner of 15-17 and 19-21 Garden Street as well as other Newburyport properties, is opposed. The proposed settlement is the same one rejected for its size and concerns about preserving the historical neighborhood in 2021. Nothing has changed. The neighbors' issues have not been addressed. The impact to the neighborhood is too great as residents have spelled out in meetings. A no vote will send it back to Land Court, where it belongs. Planning Board member Rick Taintor said the IFS building is out of context with its surroundings. Please think about all of those who have said no to the existing plans, and how many people have said yes.

Judy Mouradian, 5 Beck St., is opposed. She agreed with everything said by others. Increasingly citizens have less and less voice because of money and power. In Newburyport, she always thought citizens had a voice and money and power wouldn't win out over our voices. She urged the Board to support the vote of the previous Board and let the IFS take us to court again. What they want to do is wrong.

Stephanie Niketic, 93 High St, is opposed. She agrees with everyone who opposes this project. She has written letters. This is not a concern for direct abutters only. As many letters attest it is a

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concern to many Newburyport residents because it's about money against people. She hopes the Planning Board will support residents by letting the Land Court decide.

Public comment closed.

Attorney Adam Costa said the comments are similar to what he heard on June 1. The applicant doesn't believe that the project is vehemently and widely objected to as portrayed by a select group of neighbors. The Board has heard from many supporters. Mediation was a voluntary process with the belief that some common ground could be achieved. The applicant tried to define the parameters of the mediation before and during the process. We still believe this is an improved design, but there is much opposition tonight. At the last meeting there was a mixed bag and more people spoke in favor of the project. Do some Board members still support the project as they once did?

Bonnie Sontag read a statement summarizing the March 2021 vote to focus everyone's attention on the Board's mandate to determine if the application eliminates or mitigates aspects of the proposed project that were denied at that time. "Based on a review of its application and on the historical reports submitted by the NHC, the Planning Board was unable to find that the proposed project complies with the aforementioned standards and criteria. Specifically...scale would not be subordinate to the historic structure and disrupt the essential form and integrity of its site in the DOD and would be incompatible with the size, scale, and character of its setting within the DOD." Therefore, the special permit could not be granted. Our job tonight is to determine if the remanded application mitigates or eliminates those issues.

Deliberation

Rick Taintor said the March 2021 decision was about size, scale and character within the DOD and within the neighborhood. The settlement agreement points do not relate to size and scale, and maybe a limited extent to character. Attorney Costa may wonder if the Board agrees with the improvements, but the changes don't have anything to do with the issues that form the basis of the denial. He does not support anything in the settlement agreement because it addresses cosmetic issues only. Nothing of substance relating to last year's decision has changed. He does not support the draft decision.

Don Walters said he voted to support the project last year. Only 3 voting members of that Planning Board remain. The banks changes are de minimis and disingenuous. If he had voted against this project, he would still be voting against it today.

Beth DeLisle agrees with Mr. Taintor. She voted no originally. The changes are an aesthetic improvement, but do not address the size, scale, mass, and height nor the impact of those factors on the historic building. She knows that the DOD ordinance is part of the litigation which is an unfortunate position. She doesn't relish denying a project. If the applicant had listened to the main concerns, the project could have proceeded. The changes proposed do not address any of the issues that concerned the previous Board.

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Jamie Pennington said he probably would have approved the project last year. He does not endorse the dysfunctional process that unfolded. He supports the application, is glad to approve it, and is satisfied.

Alden Clark said he missed a couple of meetings last year making him ineligible to vote. He agrees with Mr. Walters. The changes are de minimis. The design and materials are compatible with the neighborhood and the position on the lot makes the proposal subordinate to the historic building. He has some concerns with the building, but the height is similar to other buildings on the street and is not the highest. Houses co-mingled with brick buildings can be seen at the far end of the street. The addition reinforces the bank's use in the district, where there are many large brick buildings. The design is consistent with a lot of the DOD. Attempts to break up the surface and reduce the appearance of massing do help. He leans toward approving because this is a commercial district with houses adjacent.

Bob Koup did not participate in the process leading up to this hearing. Height and scale were discussed at length at the last meeting. It's hard to criticize the scale of the building at 2 stories. He can't agree that it's too massive. Gestures have been made to break down the overall massing. He agrees with Mr. Clark, that being at the other end of the lot from the historic building mitigates the comparison about the addition being subordinate. This is a primary commercial corridor in the City. It's inevitable that commercialism will reach back into the neighborhood. He gave an example of what happens in bordering neighborhoods with competing uses. Given what could have happened here, relative to what was allowable by zoning, efforts to do a better job have worked.

Heather Rogers did not participate in the process leading up to this hearing. Property owners have a right to develop their land within the regulations. Residents who buy homes near businesses with developable land should understand that there will be change. The front of the property landscapes the entire project well. She supports the project.

Bonnie Sontag said when the hearing opened on June 1, she made a mistake in stating her position. When she signed the settlement agreement, she thought it was only to support bringing it back to the Board. But when she re-read the agreement, she found that she had also signed her support for the changes in the project as proposed. She is therefore legally bound to support the project.

Beth DeLisle read the special permit application draft decision and findings.

Don Walters suggested that the word 'improved' be stricken, and the word 'modified' used instead. Otherwise, he would not be able to approve the special permit.

Rick Taintor asked if #4 should reflect the changes as discussed tonight regarding the use of spandrel glass. Chair Sontag said yes, this is the placeholder for that information.

Rick Taintor suggested the language, "Spandrel glass as proposed by the applicant..." to indicate it would not be spandrel glass everywhere.

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Alden Clark agreed with Mr. Walters and the Board agreed the word “modified” would replace the word “improved” in all places throughout.

Don Walters proposed changing paragraph #1 by deleting “...above 5 proposed design changes visually mitigate height and massing of the addition in relationship to the existing historic structure on the property and to the nearby residential structures; therefore the...” The sentence should then read, “The addition does not detract from the historic character of the district and appears to be subordinate to the existing historic structure.” Otherwise, it’s disingenuous. In paragraph #2, the words “lessened the perception of the building mass” introduces subjectivity into the decision.

Rick Taintor suggested not repeating all 5 changes in paragraph #2 because they don’t all deal with subordination. Reducing the cornice height and replacing the spandrel glass at the first floor are the only changes that impact subordination. Mr. Walters agreed. Director Port deleted “...utilization of different brick color variations...comprehensive planting plan along prospect Street and Otis Place.”

Beth DeLisle suggested replacing “lessened” with, “The Planning Board found that the addition appears subordinate to the historic building.”

Don Walters agreed and suggested deleting the sentence, “The above five (5) proposed design changes...” in paragraphs #2 and #3 as was done in paragraph #1, as well as change “improved” to “modified” and change “improvements” to “modifications” in paragraphs #2, #3, #4, change “improvements” to “revisions” in paragraph #5, and change “improved” to “modified” in paragraph #7. In paragraph #6, he suggested the language, “... primary concerns with earlier plans, now meets the SOI standards...”

Beth DeLisle read the general special permit findings. Director Port changed “improved” to “modified” in #6.

Bonnie Sontag suggested changing standard condition #3. Director Port said it’s not atypical for projects to need tweaks after the approval, particularly here given the nature of this project. He called attention to the language, “Minor changes may be approved in writing by the Director of Planning & Development without further review by the Planning Board.”

Rick Taintor said every inch counts on this tight site. He submitted draft language today recommending adding language at the end that says, “Notwithstanding the previous statements, the placement of any exterior equipment that is not shown on the approved site plan (including but not limited to transformers, generators, HVAC equipment, and similar equipment and whether mounted on the ground or on the building) shall constitute a major modification requiring prior approval by the Planning Board.”

Don Walters asked if the Board would decide if a modification is major or minor?

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Rick Taintor said residents would want to be involved on anything that involves equipment or landscaping. He suggested changing special conditions #1 and #2 to be consistent with the above.

Beth DeLisle read the findings.

Attorney Adam Costa said Mr. Taintor's suggested language on utility connections in standard condition #3 should be added to special condition #1. Where #4 refers to wood windows with snap in grids, those will be replaced by simulated divided light windows and windows with shadow boxes.

Bonnie Sontag said the Board approved those as a separate condition, one for the simulated divided light and one for the shadow box design according to the conditions you submitted. That concludes the special conditions submitted.

Attorney Adam Costa suggested condition language for the Board's choice of option #4 for the copper panels. Director Port agreed with the language.

Don Walters made a motion to approve the DOD Special Permit application for 93 State Street decision as discussed and amended tonight. Alden Clark seconded the motion, and 6 members present voted in favor. Beth DeLisle and Rick Taintor voted against.

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.

Beth DeLisle read the Site Plan Review decision and findings.

Don Walters suggested replacing the word "improved" with "modified" in four more places.

Beth DeLisle proposed the rephrasing "6" above grade."

Attorney Adam Costa suggested, with the references to spandrel glass throughout, that language should say "except as otherwise provided in the list of materials," given that we are adjusting the first-floor windows to utilize a shadow box design.

Rick Taintor suggested the same change on standard condition #3 that the Board previously made to the Site Plan and Special Permit standard condition and special condition.

Don Walters made a motion to approve the DOD Site Plan Review applications submitted for 93 State Street as discussed and amended this evening. Alden Clark seconded the motion, and 6 members present voted in favor. Beth DeLisle and Rick Taintor voted against.

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.

4. General Business

a) Short Term Rentals review of Planning Board Recommendations

April 6 recommendations are revisited see if the latest amendment inspires changes.

Bonnie Sontag said 5 members supported allowing existing investor-owned STRUs to continue if authorized by a new special permit and a condition that the use is registered by whatever date this version of the amendment is submitted to City Council. Director Port said it's also the date of the most recent advertisement for the hearing. Chair Sontag said in the current language the use must be registered by August 20, 2021. That should change. She referenced the Salem ordinance in choosing the date the amendment is submitted to City Council. The use must strictly comply with all requirements of the ordinance including the off street parking regulations. The special permit shall apply to current property owners only and shall not be transferred to, or renewed for, any future owner. There is no special permit in the current proposal and the license can't be transferred to a future owner.

Rick Taintor said the Board was recommending a new special permit. The word 'special permit' still makes sense. He doesn't see a need to change it.

Don Walters said moving the date lets more people register for STRUs. The ZBA might be concerned about going from 79 to 89 applications if it's a special permit.

Rick Taintor said there would not be many more than 10 or so out of the 55 that exist today that meet the parking requirements .

Beth DeLisle asked if the High Street special permit was still in the draft ordinance.

Chair Sontag said the current City Council has put High Street back in.

Bonnie Sontag questioned the purpose of the special permit if no new non-owner occupied licenses will be issued?

Rick Taintor said a that there needs to be some way to document that an absentee-owned STRU is legal. If you do not want a special permit with a public hearing, then you need some alternative process to get the permission on the books, like a special zoning certificate from the zoning administrator.

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Bob Koup is concerned about not taking more seriously what an explosive growth in the number of units could mean for neighborhoods. He's not comfortable without understanding how many units this language applies to.

Bonnie Sontag said few of the 59 STRUs out of 88 total that zoning administrator Jennifer Blanchet reported will meet the parking requirements. We won't know how many until they come forward. Five members supported the recommendation. There were two minority opinions: one would permit STRUs anywhere in the City and the other opposed the special permit option to allow existing investor-owned STRUs to continue if the number of such units is significantly above the estimated 10-15 units.

Rick Taintor asked if a zoning compliance certificate could be restricted to only the current owner? That could require a special permit. Director Port said a special permit is consistent with how he's seen things. But it's possible to make a condition that it is effective only for the current owner to whom the certificate is issued.

Bob Koup said one criterion for approval is to meet parking requirements. If a resident doesn't meet the parking requirement, won't their parking be grandfathered in? The parking requirement of 2 spaces per unit needs to be referenced or defined here.

Rick Taintor explained that if you have no parking for yourself, you're vested. But if you want to rent out a room in your house, that's a separate use and you have to provide a parking space for that rented bedroom. He would add to the phrase, "with no provision for vesting for non-conformities."

Bonnie Sontag wanted to add that investor-owned units need to apply for a special permit within 60 days of acceptance of the ordinance which limits the timeframe for investor-owned units only. The Salem ordinance requires exiting STRU owners to petition or apply within 60 days of the date of the ordinance, even though they must be registered by the date of the advertisement. She was not willing to put everything on the line for a special permit, but they should have to apply for it within 60 days of the ordinance adoption.

Heather Rogers said all existing STRU owners have to apply within 60 days, not just special permits, or investor-owned units.

Bonnie Sontag said if these operators don't apply within 60 days, they will get a letter that they're in violation.

Beth DeLisle said this describes the timeframe after which enforcement actions are initiated.

Bonnie Sontag said Salem's ordinance says a non-owner occupied unit may only be used as a STRU if the operator was engaged in the short term rental of the property as of the date the ordinance was filed with the City Council, and provided the operator obtains a special permit from the ZBA. She read the 5/2/22 draft STRU version on parking. Owner adjacent requires only one additional off street parking space for the STRU use, in addition to what's required for the underlying use.

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Beth DeLisle said if they are grandfathered for parking for the underlying use, but then create a driveway or one parking spot, does the City allocate the new parking spot to the STRU or the underlying use?

Bonnie Sontag said the City Council needs to think about that.

Bob Koups opposes loosening up the parking standards or stepping back from the Board's position last fall.

Don Walters said what the Board proposes for parking doesn't seem to have any changes. Chair Sontag said the adjustments are around vesting and owner-adjacent units.

Rick Taintor said do we want to say something like, "this continuation of vesting does not apply to investor-owned rentals?"

Bonnie Sontag agreed. Members would review the STRU recommendations by email and email their comments to the Chair. She would send the report to the City Council.

Alden Clark said his concern about removing the duplicative language from zoning and licensing is that it doesn't help give people proper notice about all the requirements.

Rick Taintor made a motion to send the STRU recommendations to the City Council. Heather Rogers seconded the motion, and all members present voted in favor.

Motion approved.

b) Correspondence

- *Letter re: Public Access (Costello)*

Director Port handled this matter offline. Bonnie Sontag said we are stuck with space that has challenges for public access and need to improve our equipment to make things work better.

c) Approval of Minutes

Beth DeLisle made a motion to approve the minutes of 5/18/22 as amended. Alden Clark seconded the motion, and all members present voted in favor.

Motion Approved.

d) Other updates from the Chair or Planning Director

Bonnie Sontag said the first meeting in August is cancelled. A committee to work on design scenarios and zoning for Waterfront West is forming. Bob Koups and Rick Taintor would meet 3 times between now and August 16 to look at zoning and report to the Board by 8/17. Beth DeLisle and Heather Rogers would join them.

5. Adjournment

Alden Clark made a motion to adjourn. Beth DeLisle seconded the motion, and all members present voted in favor.

Motion Approved.

Meeting adjourned at 10:48 PM

Respectfully submitted -- Linda Guthrie