

**City of Newburyport  
Planning Board  
August 17, 2022  
Minutes**

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

**1. Roll Call**

Planning Board Attendance in-person: Alden Clark, Bob Koup, Jamie Pennington, Rick Taintor, Heather Rogers

Planning Board Attendance remote: none

Planning Board Absent: Bonnie Sontag, Beth DeLisle, Richard Yeager, and Don Walters

Planning & Development Committee Attendance in person: Ed Cameron, Connie Preston, Christine Wallace, Heather Shand, and Jim McCauley

Planning & Development Committee remote: none

Council President Heather Shand, Councilor Jim McCauley, Planning Director Andy Port, and note taker Linda Guthrie were also present.

**2. Joint Public Hearing with the Planning and Development Committee and Committee of the Whole**

- a) (ODNC00122\_07\_11\_2022): Amend the dimensional requirements (e.g., lot size and setbacks) as they apply to municipal fire stations.*

Councilor Ed Cameron opened the Planning & Development Committee meeting.

Director Port said the lot is small for the fire station. The architect's plans showed it might be reasonable to reconsider the dimensional requirements by reducing the setbacks and dimensional requirements slightly to ensure no variance is required. Extensive fencing and landscaping will benefit the abutters. Proposed dimensional table changes are as follows:

- 40,000 sf lot area would become 15,000 sf,
- 30% lot coverage would become 40%,
- 20 ft front setback would become 0 ft,
- 20 ft side setback would become 15 ft, and
- 20 ft rear setback would become 15 ft.

Public comment open.

Public comment closed.

Rick Taintor closed the public hearing.

Alden Clark made a motion to recommend the zoning change to the City Council. Bob Koup seconded the motion and all members voted in favor.

**Motion Approved.**

Councilor Connie Preston made a motion to recommend the zoning change to the full City Council for approval. Christine Wallace seconded the motion and 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.*

Councilor Connie Preston made a motion to adjourn the Planning & Development Committee meeting. Christine Wallace seconded the motion and all members voted in favor.

**Motion Approved.**

**2. Public Hearings**

- a) *Market Landing Park Expansion & Restroom/Visitor Facility  
Newburyport Office of Planning & Development  
24 Merrimac Street  
Application Completeness Vote  
SPR-22-2  
PBSP-22-6 (Request to continue Special Permit application to 9/21/22)*

Director Port, project manager, said the City Council designated funds for the Central Waterfront Park expansion and established an ad hoc committee that's been reviewing conceptual designs since last year. Shovel ready plans will go out to bid over the winter and construction will begin in the spring. Planning Board Site Plan approval is needed before presenting final plans to the City Council. The board is interested in a building more in keeping with the Market Landing area. Tonight's presentation highlights items related to circulation and resiliency rather than building design.

Merin Braco, Sasaki, 64 Pleasant St., Watertown, received considerable input from community engagement efforts with the City Council's ad hoc committee. The goal is an active and inclusive year round destination. The project is broken into 3 phases on a timeline. She demonstrated a schematic of the park with hatched areas indicating Waterfront Trust property to integrate into the plan. The shared use path through the park features moments of activation in different plazas. Ferry Wharf Way and Central Wharf Way are both expanded. Major areas of study were

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parking, that resulted in a balance on both east and west sides, integrating green space, and different alignments of the shared use path through the park. Other topics studied are dock storage, moving the dock ramp further east to minimize the crane and dock storage impact on the park, and raising the grade behind the berms to provide more space for views to the water. One activation area on the east side of Ferry Wharf Plaza has public seating and a trellis structure with a bench swing for phase 1. Images of views across the park showed pedestrian circulation and bicycle parking. The shared use path is the largest path, after which are primary and secondary park pathways with activation nodes and some short-term, everyday parking for cars. She demonstrated the one-way vehicle circulation into and out of the east and west parking lots, delivery/service parking, short term parking, and access to the harbormaster that was developed working with the parking clerk, the harbormaster, and the fire department. Both lots feature ADA spots. The west lot features 2 EV parking spaces.

Merin Braco described the landscaping elements as a mix of evergreen and deciduous trees with a particularly heavy shaded area by harbormaster access and buffer plantings for the dumpster enclosure. The existing open space is 61%. Proposed open space will be 80%. Lighting matches current lighting for vehicles and pedestrians. Seating includes companion seating, café seating and picnic tables, all with spaces for wheelchairs. Hammocks and picnic tables are located by the harbormaster entry drive. The tree to parking ratio is 5:10.

Director Port demonstrated where docks are normally stored compared to the new location that removes the docks out of the primary park space. Stone steps comprise the social seating. A new meditative and contemplative space called Indigenous Peoples Plaza has sculptural elements, stone paving, and seating. A dumpster enclosure and delivery area are on the east side to accommodate the Firehouse and restaurants. The culvert for Market Square will have a larger pipe between the buildings buried under the brick walkway to address flooding.

Merin Braco said the visitor center and restroom building will be on the west side. Director Port said the finished floor elevation is 15.33 so that the building can withstand flooding. The building design, which has moved closer to Merrimac St., will be reviewed separately. This plan shows the footprint. The doors will face the back sides and the area closest to the building will be landscaped.

Merin Braco showed rendered graphics of the visitor center from Merrimac St., a sloped planting area on the west side of the building, an architectural screen (trellis structure) and landscaped screening for the restrooms facing the plaza where there is café seating next to the visitor center.

Rick Taintor confirmed the visitor center design will be discussed at the 9/21/22 meeting.

Merin Braco said the visitor center building moved outside the flood zone and can be raised in the future. The resiliency strategy uses an elevation of 15.33 ft for full protection. Within the 3-phased development, Phase 1 is the waterfront park, the connections, and the ways. Phase 2 is parking lots. Phase 3 is the visitor center.

Director Port said the phasing correlates to the budget approved by the City Council. There will be a new pedestrian walkway across from Unicorn St.

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Alden Clark confirmed the temporary visitor booth shed and bathrooms were removed from phase 1. Director Port said the current building will be replaced with temporary buildings.

Alden Clark asked about raising the berm. Director Port said the grade of the large grassy areas will be brought up to the same level as the berm along the boardwalk. The sides of the grassy areas slope down to the shared use path, which is lower. The City doesn't own the adjacent properties so there's a limit to what we can do with the grading. On either side of the central embayment will be a higher wall and the green spaces will have a gentle slope.

Alden Clark asked if it would be a steep ramp effect to the embayment area? Director Port said no. The intent is not to block any views from the shared use path.

Alden Clark said most bike racks are on the west side. He'd like to see more bike racks on the east side. The one bike rack on the east side is far away from the shared use path and it should be closer. He asked about ADA parking. Director Port said it would be the same number of parking spaces in a slightly different configuration from today.

Alden Clark suggested more EV parking spots. The circulation on the west lot looks like it circles back going the wrong way. Director Port said they are not looking to change the current circulation.

Alden Clark asked how many trees would be removed? Director Port said only two areas will have trees removed.

Alden Clark asked if the large electrical box would be relocated? Director Port said yes.

Bob Koup asked about the end of the shared use path by the Tuscan Grill where it seems you are delivered onto the sidewalk with pedestrians headed into the restaurant. Can that be made easier for bicycles? Director Port said they are considering angling the path as it enters that area to direct bikes to a safer route.

Bob Koup echoed Alden's comments about the west side parking lot. The circulation looks very complicated for a lot of this size. It could be simplified with more thought about how to make choices about where you're going. Director Port said the City doesn't directly control the Waterfront Trust lot.

Bob Koup said the images of the visitor center that we've seen so far feel like a missed opportunity. The building looks deliberately quiet and could be more of a Newburyport statement, architecturally.

Rick Taintor said at the last meeting someone from the consulting team talked about 50 inches sea level rise by 2050. He'd like to know at some point why only 40 inches of sea level rise was taken into consideration instead of the 50 inches discussed.

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Rick Taintor noted that the bike racks shown in the slide presentation on east side are not in the 75% plans. What will happen in the parking areas in Phase 1? He also noted that the slide of the pedestrian circulation and bicycle parking plan showed a continuous shared use path, but the actual site plans do not include a continuous shared use path. People will be walking their bikes through the park, and at some point, you will have to address that.

Rick Taintor said that in the black and white materials plan, there is vehicular pavement adjacent to the shared use path on the west side and then pedestrian pavement further away from the path. Is there an intent to use the shared use path for vehicles? Director Port said there are some expectations about fire department access and pier use vehicles. The designs include the ability to hold some of those heavier vehicles.

Merin Braco said the shared use path will be the fire truck access. It's 10 ft wide with an extra 2 ft of stone pavers as reviewed with the fire department in March.

Rick Taintor said the very western end of the shared use path looks wider. Can someone access the kayak ramp with a vehicle? Merin Braco said there is extra vehicular pavement on either side.

Alden Clark made a motion to postpone the Market Landing Park Expansion & Restroom/Visitor Facility, Newburyport Office of Planning & Development, 24 Merrimac St., Special Permit application to the 9/21/22 meeting, Heather Rogers seconded the motion, and all members present voted in favor.

**Motion Approved.**

Rick Taintor said the waivers are for the environmental & community impact analysis, traffic impact reports, and the report on soils, surface, and groundwater pollution.

Jamie Pennington asked about the stormwater management plan. Director Port said the stormwater plans are posted on the website. The City engineer is heavily involved and peer reviewing Sasaki's work. A licensed soil professional will be on site, in accordance with state guidelines.

Rick Taintor confirmed the stormwater report is still being worked on.

Alden Clark made a motion to grant the requested waivers of the submittal requirements found in Section XV-E as requested by the applicant, Market Landing Park Expansion & Restroom/Visitor Facility, Newburyport Office of Planning & Development, 24 Merrimac St. Heather Rogers seconded the motion, and all members present voted in favor.

**Motion Approved.**

Alden Clark made a motion to determine the application for Minor Site Plan Review for Market Landing Park Expansion & Restroom/Visitor Facility , 24 Merrimac St., complete, including

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waivers of the aforementioned submittal requirements. Heather Rogers seconded the motion, and all members present voted in favor.

Public comment open.

Donna Dubois, 1 Merrimac St., said the park is her back yard. People always move the Adirondack chairs to be in the shade. Ogunquit Beach has a great canopy that's very secure. Could the berm area be shaded?

Leslie Eckholt, Warren St., wishes the swing area had a covered canopy where people could sit in the shade and also to get out of the rain, making it more multipurpose. You could have a book sale or a flower sale there as well.

Public comment closed.

Alden Clark said the seating area should be moved to where the food trucks are, along Merrimac St. rather than spread out. One concern is that the shared use path is not continuous. That does not maximize convenience and safety for bicycles and pedestrians. He is concerned about the elevation of the path relative to raising the park's grassy areas. It would be better at all the same level, even if it required a longer ramp down.

Merin Braco said the shared use path will be vehicular grade asphalt. The ways to the water are brick. Combined use paths have a concrete sub-base. Pedestrian only ways are brick. Plazas are granite pavers. The curbing will be granite.

Rick said there are 20 bike racks that accommodate 40 bikes. This is a good starting number, but there should be more bike parking on the west end of the east lot. Maybe a wider path will provide for additional bike racks, but his initial thought is to eliminate 4 parking spaces. The first 2 removed would accommodate 6 bike racks, providing parking for 12 bikes. The second two parking spaces could accommodate bikes with 3<sup>rd</sup> wheels and trailers that families use. The depth of a parking space will accommodate these. Also, there are adult tricycles, cargo bikes that adults use that also require depth. Director Port asked if he could address those concerns without removing parking spaces.

Rick Taintor said that if sufficient bike parking is not provided, people will continue to chain their bikes to trees, which is not good for the trees. He noted that converting vehicle parking spaces to bike parking is not "removing parking" but is actually increasing the amount of parking provided, because space for two cars can accommodate 12 bikes. He wondered why the triangular bike rack is specified rather than the standard bike rack used downtown. Merin Braco would follow up on that.

Rick Taintor asked about several spaces designated as short term parking. Director Port said the harbormaster and Waterfront Trust need short term access because this is a key vantage point for them. It's sort of a double use.

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Rick Taintor asked if those 2 spaces would be assigned for 15 minutes and not be ticketed? Director Port said yes.

Rick Taintor suggested more short term spaces may be needed for visitors around the visitor center. Director Port agreed and said the team will largely defer to the parking clerk who has a better understanding of what would work and what is needed.

Rick Taintor said a 116-space lot should have at least 12 EV parking spaces (10%) to start, and should be provided with the infrastructure to support additional EV spaces in the future. Director Port would look at that.

Rick Taintor said the site plan assumes 40 inches of sea level rise. It was 50 inches by 2070 at the last meeting, which would be a higher elevation for the building. Merin Braco said she would provide the resiliency memo from the ad hoc committee. There are different models for different time horizons. VHC is looking at glacial melt which has a bigger impact. Director Port would provide the rationale and sourcing of the models at the next meeting.

Alden Clark said the east side bike racks should be near the picnic area by the harbormaster turnaround. Director Port would look at that.

Heather Rogers asked about the grade difference in front of the east lot where the concrete seating is, compared to the berm. People would want to see the boats instead of just lawn area. Director Port would provide a cross section of the grading for the next meeting. He did not think the 3-4 ft difference would impact any views.

Jamie Pennington asked to see a plan were showing the park fully active, with a tent, food trucks, and a crowd. Where would a food truck go? Director Port said a lot of those decisions are made by people doing the programming. He demonstrated the area for heavier vehicles that could mount the curb.

Jamie Pennington hopes the design provides ultimate flexibility. He would like to see something that shows how that flexibility would be utilized.

Rick Taintor itemized the items members asked for by the next meeting:

- Additional bike parking on east end of park with flexible spaces for larger bikes that don't fit in a normal bike rack;
- a plan for additional EV spaces whether or not they get built but the conduit goes in for them;
- a cross section view through the plaza area showing views to the water;
- what's going to happen in the parking lots during phase 1;
- changing the bike rack styles;
- a graphical exhibit showing a fully programmed site with a lot of people;
- a response to the public comments about needing shaded areas and a place to retreat from sun and rain, like maybe replacing the pergola structure with shaded areas because they're closer to the road and would not block views; and

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- redesigning the western terminus of the shared use path to get it out of the sidewalk.

Alden Clark is still concerned about the location of the shared use path by the embayment and thinks it would be better to locate it by the Ferry Wharf Plaza. Director Port said he would need redirection from the City Council on that because it's something that's set. He'll discuss it with the chair of the ad hoc committee.

Rick Taintor said because it's come up numerous times, it's obviously a defect in the plan. He suggested going to the City Council president. Director Port would also have to talk to the Waterfront Trust because they own that space.

Jamie Pennington asked if there would be a "no biking" zone through the park. Director Port said yes, that's the current official Waterfront Trust policy. You have to dismount and walk your bike through.

Rick Taintor noted that a person walking a bike takes up twice as much space as someone riding a bike. He is concerned about funneling all users into the most popular and crowded part of the park at the head of the embayment where multiple paths converge. He pointed out that the end of the shared use path on the east side of the embayment doesn't have any room to pull off to get off your bike to walk it. At a minimum it should be made wider there or it will be a hazard.

Jamie Pennington witnessed that recently. A queue of 3-4 people on bikes all stopping at once to get off creates a hazard.

Bob Koup said the exit from the parking lot on the west side doesn't comfortably deliver you to the right place. If the orientation was more parallel to the shared use path you end up in the right place to get to the parking lot.

Merin Braco thinks they could still be prepared for 9/7/22 meeting based on touching base with Director tomorrow morning.

Bob Koup made a motion to continue the minor site plan application for Market Landing Park Expansion & Restroom/Visitor Facility, Newburyport Office of Planning & Development, 24 Merrimac St., to 9/7/22. 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.*

**3. General Business**

***a) Request for minor modification – 13 Doyle Drive (2019-DEF-01 and 2019-SP-08)***

Vinnie Forzese, 13 Doyle Dr, said that he went before the Conservation Commission and they were okay with the placement of the shed and the fencing. The drawing shows a 13 x 7 ft plunge pool with some fencing and a catwalk around it, set back 6 ft from neighbor's lot line. He demonstrated everything on photographs. There is an 8 ft fence on the sides and 4 ft stockade on the back to maintain the view.

Alden Clark confirmed that the applicant mentioned pavers around the punch pool to Conservation Commission.

Alden Clark made a motion to consider the request for the modification minor and to approve said minor modification request and waiver request for 13 Doyle Drive (2019-DEF-01 and 2019-SP-08), pursuant to the Newburyport Zoning Ordinance Section XIV-J.a.ii.2. Heather Rogers 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) Approval of minutes***

Bob Koup made a motion to approve the minutes of 5/4/22. Alden Clark seconded the motion, and all members present voted in favor.

Alden Clark made a motion to approve the minutes of 7/20/22 as amended. Bob Koup seconded the motion, and all members present voted in favor.

**Motions approved.**

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

Director Port is bringing forward more zoning language clean up in the site plan review process. The TSAC subcommittee meeting raised the issue of when the Planning Board and the ZBA review applications, there might be traffic improvement needs and suggested putting language in the ordinance to run projects through that group as part of the standard process, as we did for sidewalks and trees. This would require applicants to go before the TSAC if necessary. Even though an applicant's team or developer says things are good, there may be questions and so we may want to make sure we hear from the professionals (for example, a pedestrian crossing may need a ramp).

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Rick Taintor said maybe you present to TSAC but get the actual report back from the City Engineer. We might want to look at having language about sidewalk connectivity.

Rick Taintor asked about the changes to VI-C that Lisa Mead is asking for. Director Port said this section was recently amended to downscale multiple structures on one lot. Her concerns might be covered better in some other section of the ordinance. She is thinking about multi-family.

The next Waterfront West ad hoc committee meeting is scheduled for Aug 31.

We just got the final guidelines on the MBTA Community Zoning. We have to have an action plan to comply with the standards through changed zoning. It's more flexible and we will share responsibility with Newbury because it is on the town line.

### **5. Adjournment**

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

**Motion Approved.**

Meeting adjourned at 9:33 PM

Respectfully submitted -- Linda Guthrie