

**City of Newburyport
Planning Board
October 4, 2023**

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

1. Roll Call

Planning Board Attendance: Brian Balcom, Beth DeLisle, Alden Clark, Bob Koup, Charlie Palmisano, Heather Rogers and Rick Taintor

Absent: Jen Bluestein and Jamie Pennington

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

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

a) ODNC00160_08_28_2023 Zoning Ordinance Amendment to Permit Indoor and Outdoor Recreational Uses in a Limited Portion of the Newburyport Business Park

Director Port began by speaking about the proposed amendment. He referred to a map that showed the business park area - I1 and I1B. He stated that the industrial park started out being purely industrial. The proposed amendment would change allowances in the area of the Easterly side and Parker Street section. It would allow by special permit something that isn't allowed today. The proposed amendment would allow both indoor and outdoor recreational uses. There is an interest in pickleball on New Pasture Way and Parker Street. A private pickleball operation could be beneficial to the city. Director Port stated he sees the benefits for this proposed amendment. He does not see a conflict with business park or that area. The Planning Board would permit this proposed amendment by special permit.

City Councilor James McCauley stated he is a co-sponsor of this amendment. This would bring consistency to the area. It would also bring clarity to any and all who want to invest. It could be used as a buffer to the true industrial part of the park. He stated businesses and residences don't mix well. He referred to complaints about Port Rehab. He then stated that parking requirements are consistent with what has been done in the past and outdoor should be mirrored for indoor. There will be higher requirements and not less.

Heather Shand stated she is another sponsor of the proposed amendment. The industrial park makes the most sense for pickleball. It would not be good in residential areas.

Alden Clark asked about limiting the proposed amendment to the area specified.

Director Port stated yes.

Connie Preston suggested changing to wording in footnote (k) to “and/or.”

Director Port spoke about frontage on certain streets. Why not extend down Parker Street? Extend further down? He also stated there were traffic concerns on the Westerly side from business owners.

Connie Preston stated this area is a business park and not an industrial park. It is more industrial towards the West. Henry Graf Road and Parker Street move east. It seems all of those locations should be available to this use.

Director Port did not object to the idea. He stated he would be on board.

Rick Taintor said later tonight they would talk about rezoning the industrial park. It is a big and important issue.

Connie Preston stated she researched how it is a business park and it should be broadened.

Rick Taintor stated this is an area that has evolved due to variances, special permits and 40R zoning.

Connie Preston argued that it extends to Low Street as well.

Public Comment opened.

Bill Fisher of 14 Bourbeau Terrace stated he is the cofounder of Newburyport Brewing Co. He is in support of this amendment. He stated the nice thing is it is not a fundamental zoning change. The benefit extends to Newburyport residents and the community as a whole. From a business perspective, it offers year-round opportunities to the community. It is an ideal use for this area. He applauded Newburyport in supporting businesses and thinking outside the box. He encouraged the passing of the proposed amendment.

Steve DiPietro of West Newbury stated he coaches pickleball and is a pickleball consultant. He thanked the board for the support. He is interested in an indoor and outdoor facility.

James Jones of 2 Wills Lane stated he has been involved in pickleball since 2017. He has worked hard to provide opportunities for pickleball players. He represents over 300 Newburyport residents who play pickleball. He encouraged the proposed amendment.

Public Comment closed.

Connie Preston stated she was passionate that every taxpayer should have a right to play this sport. She hears the concerns that it can be loud. She stated this sport is very up and coming. They need to find places for people to play pickleball in this city.

Rick Taintor asked if this would be considered a separate principal use?

Director Port stated yes.

Rick Taintor then asked if parking requirements would be additive.

Director Port stated yes. There could be shared parking for off peak hours. The Planning Board can look at parking requirements. There needs to be enough parking on site so people are not parking on the streets.

Rick Taintor stated this could be an accessory use and not a principal use so it would not go through special permit.

Charlie Palmisano agreed there is strong support of this proposed amendment. He stated perhaps there needs to be details for parking.

Director Port stated that sidewalks are a routine issue that is talked about. They would need to try to take into account sidewalks and bike racks. Pickleball courts need to be not only automobile accessible, they need to be walkable. This can be addressed by the Planning Board's review of application.

Rick Taintor stated his proposed amendments in footnote (k). He suggested separate the two uses, with outdoor not included on New Pasture Road. Second, it would not end at Route 1, but at the commuter rail station and rail trail. Third, add a new footnote for indoor, footnote (l) would include New Pasture Road. Next, they would change the minimum lot size from 20,000 to 100,000. For indoors, increase height to 40 feet and lot coverage allowance to 40 percent. In regards to parking, delete the section and treat parking the same as for all special permits, for which the Planning Board may increase parking requirements. Lastly, setback for courts, insert a new section VI-P requiring that any outdoor recreational facility be set back half of the required yard of adjoining property or twenty five feet, whichever is greater. That would protect the adjoining use.

Charlie Palmisano asked if they would be excluding New Pasture Road from outdoor pickleball courts.

Rick Taintor replied yes.

Bob Koup asked if Rick knew the size of those parcels.

Rick Taintor stated they have less acres.

Connie Preston argued that at least one of those parcels could be an indoor court with an outdoor court at the same time. Have court in existing building and have outdoor access as well.

Rick Taintor stated they have not done that analysis. He did not think it would fit.

Connie Preston referred to the Racquet Club. She doesn't want to exclude that use.

Director Port stated to have allowance with indoor use. They might have some spaces for outdoor courts.

Rick Taintor stated he was concerned about making New Pasture Road a destination. They already have issues with school arrivals on some of those streets in the area.

Charlie Palmisano suggested establishing setbacks and parking restrictions and include New Pasture Road. Some of the limitations would not allow them to do it.

Mark Wright asked if they had a vacant lot, how big of an indoor facility could be built on that?

Rick Taintor stated that would depend on the size of the lot. They could be constrained by setbacks.

Director Port stated there are a lot of wetlands over there.

Mark Wright stated he was thinking if that is even feasible with current restrictions.

Rick Taintor stated that repurposing a building or demolishing and combining lots would not be cost effective. He stated if you look at New Pasture Road, there is nowhere for an indoor facility, so why would we include that?

Bob Koup stated indoor and outdoor facility would be principal use.

Alden Clark stated they would we need to change language.

Director Port stated he would want specific language to clarify that component.

Rick Taintor stated to leave New Pasture Road in, but it wouldn't happen for a principal use.

James McCauley stated principal use would be a business they have never seen before, indoor and outdoor. So accessory use would probably be food or drink to enhance that. "Pickleplex" is a term used for indoor and outdoor facilities.

Rick Taintor stated zoning is for outdoor and/or indoor. "Pickleplex" would be two primary uses, two special permits and two requirements.

Alden Clark made a motion to close the Planning Board's portion of the public hearing. Brian Balcom seconded the motion. All members voted in favor.

Connie Preston made a motion to close the City Council's portion of the public hearing. Mark Wright seconded the motion. All members voted in favor.

Connie Preston made a motion to recommend ordinance 160 to full council for full approval subject to the Planning Board's recommendations. Mark Wright seconded the motion. All members voted in favor.

Rick Taintor then went over the amendments. He stated he would add in New Pasture Road and 60,000 feet for a lot.

Beth DeLisle stated the street frontage is 200 feet. Is that reasonable?

Heather Rogers asked if they knew if the same person owns any adjacent properties?

Director Port stated he did not know.

Alden Clark made a motion to recommend the ordinance with those changes to the full council. Bob Koup seconded the motion. Five members voted in favor. One member voted present.

Connie Preston made motion to adjourn. Mark Wright seconded the motion. All members voted in favor.

Motion Approved.

3. General Business

a) CPC Representative

This conversation will be continued at the next meeting on October 18, 2023.

b) Approval of minutes

- *9/20/2023*

Alden Clark made a motion to approve the September 20, 2023 minutes. Charlie Palmisano seconded the motion. Four members voted in favor (three abstentions)

c) Discussion

- ***Rezoning of Business Park***

Rick Taintor stated there is a variety of non industrial uses in the area. The new zoning district would be the B-4 district. He then went through an analysis on why they would need to create a new zoning district. He identified many non conforming type of uses. There are some residential, retail, and commercial uses. The wetland area separates them. He stated it doesn't make sense anymore as a solely industrial district. He referred to a map and stated they would take the outlined area and create a new B-4 business district. It represents a lot of the existing uses; there are still industrial uses in there. Creating the B-4 district would leave a small I-1B district which would be rezoned to I-1, as there is little difference between the uses allowed in the two districts. There is potential to expand overlay.

Director Port then spoke about the 40R district.

Rick Taintor stated there would be multifamily by right with design and site plan review by the board.

Director Port stated the state wants more as of right multifamily housing near the MBTA. 25% of the units are affordable units. This would allow them to maintain safe harbor status. He suggested they think about changes they want to use to satisfy MBTA communities and local zoning. The design review component is very good to maintain.

Brian Balcom asked if all current uses still exist in B4?

Rick Taintor stated they would rezone B4 to reflect is the existing uses. The rezoning harms no one. This is a concept level right now.

Bob Koup asked if there is an aspiration it becomes a higher density district.

Rick Taintor replied yes.

Bob Koup stated the nature of this district is fundamentally different.

Rick Taintor then went over the use table. He then asked the board to start thinking about MBTA overlay district.

- ***MBTA Communities***

Rick Taintor stated that a law went into effect in early 2022. It set requirements for any community that is served by any aspect of the MBTA system or adjacent to a town that is served by the MBTA system. Each level of MBTA service has a different level of requirement. Newburyport is required to create a zoning district that allows multifamily housing by right at a density of at least fifteen units per acre.

Existing units count toward zoning capacity. They can be rezoned to be allowed as of right.

Director Port stated that the regulations require that 20% of the zoning capacity be located within a half-mile of the MBTA. It was decreased from 50%.

Charlie Palmisano stated that there didn't seem to be availability around the MBTA.

Rick Taintor stated Newburyport is required to zone to allow 1,292 units as of right. We have to provide thirty-five acres. That includes density of lots plus streets. We need to have 20% within a half mile. He stated that is only 7 acres. Could that be taken care of at Minco?

Director Port stated they need to develop zoning for Newburyport that also works for the state requirement.

Rick Taintor then went over the projects for multifamily. He stated he was not sure if all comply with density. He also stated he doesn't want to hurt the business park by replacing space with housing. He then proposed a new district for zoning that would equal one third of the requirement. He stated the easiest thing to do would be to create an overlay district. He suggested they write zoning that allows this kind of density.

- ***Planning Assistance Grant***

Director Port stated he applied for a State planning grant. They will need to rezone the Storey Ave area. There are new housing needs that would meet the state requirements. He suggested creating buildings that face the street and are three stories high. Over time they could redevelop a mixture of housing and commercial uses. They could evolve the Port Plaza area. He then spoke about the old C&J parking lot.

Rick Taintor stated there were lots of ways to do this. They could add an overlay district that allows housing to be inserted. He suggested expanding the range of opportunities available rather than being restrictive.

Charlie Palmisano asked about land near Hodgies Too.

Director Port spoke about a previous project proposal in that area.

Rick Taintor suggested changing zoning requirements to preserve the back of that site.

Director Port suggested height allowances in certain places. Have a variety of height.

Brian Balcom asked Director Port if they got this grant.

Director Port said yes. It needs to be approved by City Council and needs to be finished by June 30, 2024.

Rick Taintor then showed examples of how to take a plaza to mixed use.

Charlie Palmisano spoke about a similar location in Allston.

Director Port stated they need to have a responsible discussion about infrastructure.

Rick Taintor then went through visuals of strip plazas built up. This would comply with MBTA by right and then special permit to go beyond that.

- ***Other updates from the Chair or Planning Director***

Director Port stated short-term rental units would be discussed by the Planning and Development Committee tomorrow night.

4. Adjournment

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

Motion Approved.

Meeting adjourned at 9:04 PM

Respectfully submitted – Caitlyn Marshall