

**City of Newburyport
Planning Board
November 1, 2023**

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

1. Roll Call

Planning Board Attendance: Alden Clark, Bob Koup, Charlie Palmisano, Jamie Pennington and Rick Taintor

Absent: Brian Balcom, Jen Bluestein, Beth DeLisle, and Heather Rogers

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

2. General Business

a) Request for final release of security – The Reserve at Bashaw Farm (2019-DEF-01)

Alden Clark made a motion to continue the hearing to the November 15, 2023 meeting. Bob Koup seconded the motion. All members voted in favor.

b) Request for minor modification – Donahue Court (2015-SP-02 and 2015-DEF-01)

Scott Brown of 48 Market Street greeted the board. He had John Gorham with him who is the property owner, builder, and developer of 26 Toppans. Scott stated there has been a long history of nothing happening at this property. The owners and architects have changed a couple times. He stated he went before the board in 2018. He then went over the proposed site plan. The house and garage would be 1,000 square feet smaller than the proposed plan in 2018. In 2018 they proposed a detached garage, and now they are no longer planning on doing that. There is frontage on Donahue Court as well as Toppans Lane. The circular driveway will stay the same. Access to the garage is from the back. The style of the house has changed a bit. The home is a little taller than the 2018 plan, but it is only by less than a foot. It also will no longer have an in-law apartment.

Alden Clark asked if there would be change in materials on the outside of the building.

Scott Brown stated the materials would remain the same. There will be cedar sidewall shingles that will be painted or prefinished.

Charlie Palmisano asked about neighbor input.

John Gorham talked to both abutters, and neither one had any concerns.

Rick Taintor asked if Donahue Court is a private street.

Director Port stated yes.

Bob Koup asked if there is any change to the site or site grading.

John Gorham stated the site is higher in the back than the front. He stated they are constrained by those grades. There is a two to three foot drop near the entrance of the garage.

Charlie Palmisano asked if there would be significant drainage requirements.

Scott Brown stated that in 2018 he hired Steve Sawyer to do a drainage plan. They plan to incorporate key aspects of his design.

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

c) Request for final release of security - 21-27 Hancock Street/Leavitt Court (2021-DEF-01)

Jay Caswell described the property to the board. He stated there were two pieces of property that he joined as one. There are two town houses with a total of four units. All the work is done and is all landscaped out.

Rick Taintor stated he was concerned about cross easement for drainage in the back.

Charlie Palmisano stated he had to recuse himself.

Alden Clark also stated he had to recuse himself.

Jamie Pennington made a motion to grant the final release for security of \$100,000. Bob Koup seconded the motion. Three members voted in favor.

d) CPC Representative

This conversation will be continued at the November 15, 2023 meeting.

e) Correspondence

- ***Public comment re: STRU ordinance (DiPiro 10/5/2023)***
- ***Public comment re: STRU ordinance (French 10/5/2023)***
- ***Public comment re: STRU ordinance (Cross 10/5/2023)***
- ***Public comment re: STRU ordinance (DiPiro 10/9/2023)***

- **Public comment re: STRU ordinance (Suggs 10/10/2023)**

Rick Taintor stated the City Council did pass first reading of the modified version. There will be a three-year cycle and annual registration for STRU. The Council will vote on second reading of the ordinance at their next meeting.

e) Approval of minutes

- **10/4/2023**

Alden Clark made a motion to accept the October 4, 2023 minutes. Bob Koup seconded the motion. Four members voted in favor.

f) Discussion

- **Planning Assistance Grant**
- **MBTA Communities**
- **Rezoning of Business Park**

Director Port spoke about interest on Low Street with a one hundred unit project. He also spoke about a development in the Port Plaza area. They would like to develop new zoning in that area. These buildings would be mostly mixed use. This new district could satisfy MBTA guidelines. MBTA Communities has a new guideline in regards to affordable housing. There will be further discussion about that.

Charlie Palmisano asked about project deadlines.

Rick Taintor stated the Storey Ave deadline is June 30, 2024. He then stated the MBTA Communities deadline is December 31, 2024. City Council will have to vote on zoning. Before that they will need to get sign off from the state.

Director Port stated they do not need to get approval, but rather they need to get a pre-application review.

Rick Taintor stated the MBTA Communities deadline is effectively almost the same as Storey Avenue. He stated the board should plan for an additional meeting in January.

Charlie Palmisano asked if they should share images or ideas of what they would like to see.

Rick Taintor stated he would volunteer to put together a shared folder. He then stated they have the ability to review project design. For MBTA guidelines they have to allow as of right use.

Charlie Palmisano asked if Minco was thinking of going where Hodgies is and then use the back area.

Director Port stated that the building would go on the front portion of the parcel where Hodgies is and then use the backland preserved as open space.

Charlie Palmisano asked if the project would be retail along with apartments.

Director Port stated Minco has not specified any retail component. They would like to see a combination of those things. They don't want every building and site in the district to become residential.

Charlie Palmisano stated they are going to need some retail units with the residential units. There will be a lot of people in that area.

Director Port stated the easier path to the money is to do residential.

Charlie Palmisano spoke about traffic and using this area as a feeder to downtown.

Director Port stated this allows us to direct growth in other locations.

Charlie Palmisano stated there is so much discussion about lack of hotels and talk about STRU. He then asked if they throw in the possibility to put in hotels in the zoning amendment. Then they would not need to revisit the issue.

Director Port stated Attorney Lisa Mead suggested starting with the 40R district. Allow a hotel to happen in that district.

Charlie Palmisano asked about the old C&J lot.

Director Port stated that lot is owned by MassDOT. He then stated that maybe C&J would be interested in coming back. They want that lot to maintain transit.

Rick Taintor stated the state disposed of transportation land at the MBTA station which allowed the Minco residential developments to go in. He also stated the B1 district allows hotels by special permit.

g) Other updates from the Chair or Planning Director

Proposed rezoning of Global site on High Street

Director Port stated there is a joint public hearing for a zoning amendment on November 15, 2023. The Global site on High Street is going to change to residential. No basements would be allowed. There will be four units, two separate structures, one being primary and a second that is a carriage house. A development agreement will be put in place first. The zoning change will make it consistent with the other three corners and allow permitting to happen.

Charlie Palmisano asked if they would vote on the project that night.

Rick Taintor stated yes. He then stated they Planning Board would not be the permitting entity for this. He stated he would like visuals for this presentation.

Director Port asked if they would like to see development agreement, parameters, style of building and height.

Rick Taintor stated he would like to see as much as he could give the board.

Jamie Pennington asked if this would fall under Zoning Board of Appeals.

Director Port stated yes. This would be special permit multi-family.

Charlie Palmisano asked for clarification on if Global had to get an agreement with Exxon.

Director Port stated that Exxon put a restriction on no residential ever. They had to undo this by doing testing and put in restriction on no basements to avoid liability.

Rick Taintor stated this is not a site plan review being sent to Planning Board.

Director Port stated that was correct. This is a multi-family allowed by special permit. They don't get approval until they address concerns. It is a discretionary review.

Rick Taintor stated that ZBA looks at this project because it is on the South side of High Street.

Bartlett Mall update

Bob Koup stated he had a meeting that day about the pump house. It was an informal discussion. They are pulling together another bid package. A couple things are going to change. They will change the roof from slate to a flat seam copper roof because of the complexity. He then stated he is fine with that change. He then stated they talked about acoustics. They will apply insulated plenums to the backside of the louvers to improve sound isolation. They are trying to push the building back ten to twenty feet. It will be tucked slightly into hillside, which will make the view better. The last change is to simplify the door detail. He stated that perhaps the doors could be a more traditional style door and be made of steel.

Rick Taintor stated they need to have a consultation with members of the Planning Board to approve these changes.

Bob Koup stated they want the package ready in a week.

Rick Taintor stated Bob Koup and Jamie Pennington would look at revised plans.

Jamie Pennington asked if the building was still delegated design.

Bob Koup responded no.

Director Port stated he did not know if Kim Turner would be submitting an updated drawing or a letter with it all spelled out.

4. Adjournment

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

Motion Approved.

Meeting adjourned at 8:04 PM

Respectfully submitted – Caitlyn Marshall