

**City of Newburyport
Planning Board
December 6, 2023**

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

1. Roll Call

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

Planning Board Attendance - Remote: Charlie Palmisano

Absent: Jen Bluestein

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

2. Approval Not Required

a) 17 Harrison Street/198 Water Street (ANR-23-3)

Everett Chandler, representing the applicant Mark Donovan, stated the Donovans purchased a small parcel of land from their neighbor. He then went over the plans and stated this purchase is a convenience for the Donovans to square off their property.

Charlie Palmisano recused himself.

Alden Clark made a motion to endorse the approval not required plan. Bob Koup seconded the motion. All members voted in favor.

3. Public Hearings

***a) Kim Turner, City of Newburyport
388 High Street a/k/a Merrimac Street/Lower Atkinson Common
Application completeness vote
Request for waivers
Site Plan Review (SPR-23-2)
Continued from 11/15/2023***

Alden Clark made a motion to continue the hearing to December 20, 2023 meeting. Heather Rogers seconded the motion. All members voted in favor.

***b) Eileen and Conall Ryan c/o Lisa Mead, Mead, Talerman & Costa LLC
350 High Street
VI.C Special Permit (PBSP-23-5)***

Attorney Lisa Mead represented the applicant. Aileen Graf, the architect on the project, accompanied her. Attorney Mead stated the property is located in the R2 district. They would like to convert an existing barn to a single-family home. The existing two family home would be converted into a single family home. She stated this is in conformance with section VI-C. The lot area is also conforming. The only non-conformity is the front yard setback, which is 11.5 feet. The existing two family structure is from the 1770s. Attorney Mead stated they have been to the Historic Commission and they are more than happy to hold a preservation restriction on this project and approves the proposed project. The barn is not historic; it is old and built before 2021. The current driveway is right in front of the home. They plan to close off the curb cut on High Street and have a driveway closer to the property next door, seven feet off the fence line. The existing trees will not be touched that run along existing driveway. Also, the vegetation won't be disturbed.

Aileen Graf showed plans of the existing barn and proposed barn. On the second level they will add dormers. To the left there will be a small addition for a mudroom and bathroom. The building height will remain the same. Aileen stated the form stays intact. It currently is 1,600 square feet. They will be adding 499 square feet. Materials will be high-end windows, double hung insulated glass. The siding is wood clapboard and the roof shingles are asphalt. This project will be minimal in changes.

Attorney Mead went through the VI-C special permit requirements, as well as historic preservation restriction. She stated the Ryans spoke with neighbors and no one has an issue with the proposed project. They do not want to subdivide the lot. The Ryans did not want to add to current structure. They preferred to convert the barn. She then showed what it could look like to by right make the home into a bigger two family home. The applicant also agreed to pay into the affordable housing trust.

Beth DeLisle asked how close the driveway would be to the crosswalk.

Attorney Mead stated they looked at that with the DPW. It would still be East of the crosswalk.

Aileen Graf stated the crosswalk is in front of the abutter.

Beth DeLisle asked if there is vegetation up to the sidewalk.

Attorney Mead stated no. There is a fence and small evergreens as you go towards the back of the property. That will go because that is where the driveway is going to go.

Rick Taintor stated the wording of zoning VI-C stated that the only allowed outward expansion would be dormers, porches or decks.

Attorney Mead stated it does not say “only.” She stated the zoning administrator sent them forward. In the zoning nowhere do porches or decks count as part of square footage of a building. She went back to the minutes from the February 17, 2021 Planning Board meeting. It was stated that conversion of garage or carriage house was allowed with no more than 500 feet of expansion. One of the goals of the board at that time was to make the ordinance clearer. She then stated this application is the second VI-C she has been in front of the board with where there has been a dispute of language.

Rick Taintor asked how Attorney Mead would explain the usage of porches, decks and dormers?

Attorney Mead stated it is confusing. She stated they have an addition with porches and decks under 499 square feet. She suggested the board amend the ordinance to make it clearer. You can expand a footprint by no more than 500 square feet.

Public Comment opened.

No comment.

Public Comment closed.

Bob Koups stated he is curious about the utility connections.

Attorney Mead stated they have not gotten that far. She stated she didn’t think any utilities were underground there.

Alden Clark made a motion to approve the VI-C special permit with special conditions included in the staff report. Charlie Palmisano seconded the motion. Six members voted in favor. One member voted no.

***c) Newburyport Brewing Company
4 New Pasture Road
Special Permit for Use (PBSP-23-6)***

Bill Fisher, owner of Newburyport Brewing Company, stated he was requesting a special permit for indoor pickleball usage. He stated there were no proposed changes to the existing physical structure. The tasting room would also have no changes. They would be putting in two pickleball courts and one bocce court. He then went over the square footage of the leased space. All areas are open to the public and the ground floor ADA compliant. There are fifty-four parking spaces. The capacity is for 145 people, plus five staff. He then stated that pickleball provides

a health and wellness opportunity to the community. Indoor courts allow people to play year round. There will also be no sound issues with neighbors with it being indoors. Tuesdays, Wednesdays and Thursdays from 9:00AM to 12:00PM the courts will be available for walk ins. Walk ins will be \$10 per person. On Fridays, Saturdays and Sundays pickleball courts will be reserved on a one or two hour basis. Reservations can be made online or in person. Adding indoor pickleball courts benefits the health and welfare of the community.

Bob Koup stated he was curious about parking and how much of the parking area Newburyport Brewing controls. There is another tenant in the building.

Bill Fisher stated items such as trailers, snowmobiles and dumpsters were parked on the property. Those items have been removed. He stated they have a good relationship with the landlord.

Bob Koup asked if there was any language around parking spots in their lease.

Bill Fisher stated yes, but it states they have thirty six parking spots. The landlord understands this is a project they want to get done.

Bob Koup asked if the parking spots on the right side are striped.

Bill Fisher two parking spots are not. They will need to be striped.

Director Port stated fifty parking spaces would be required on site.

Rick Taintor stated they already have fifty-four spots, so they would not need to stripe those two. He then asked if the door in the back of the building is accessible to the public.

Bill Fisher stated no. That door is locked.

Rick Taintor asked if there is another door.

Bill Fisher stated no, there is no other access.

Charlie Palmisano asked about membership opportunities.

Bill Fisher stated there are no memberships required. There will always be public access.

Brian Balcom asked about a seasonal outdoor court.

Bill Fisher stated there would not be a seasonal outdoor court, just indoor.

Public Comment opened.

No comment.

Public Comment closed.

Alden Clark made a motion to approve the special permit with special conditions in the staff report. Bob Koups seconded the motion. All members voted in favor.

d) Balmoral Development, LLC

124 High Street

DOD Special Permit (PBSP-23-7)

Special Permit for Use (PBSP-23-9)

Special Permit for Non-Conformities (PBNC-23-5)

Attorney Lisa Mead stated Chris Horan and Aileen Graf were also present. Attorney Mead then stated a special permit was needed for multifamily use, DOD special permit was needed, as well as a special permit for non-conformities. The property is a brick federal style house constructed in 1814. It was gutted by fire in 2001. The property is currently mixed use, which is not allowed in the R3 district. After the fire, inappropriate additions were put on, which include a spiral staircase. Attorney Mead then went through older assessor maps. She stated the proposal is to renovate the internal structure into 4 residential units. She stated she had to go to the ZBA for a variance. They were granted three variances. She then went over the changes to the exterior of the structure. She also stated that the lot is almost entirely paved. They intend on removing the pavement and adding grass. They also plan on removing the addition from the garage in the back.

Aileen Graf, architect, stated the changes are rather minimal. There is a small window change to a French door at ground level. They will remove clutter of structure and remove the spiral stairs and decks. They will then add in a three-tier addition. The materials will be different from the brick. They will keep the same window type.

Attorney Lisa Mead stated there are seven exterior and four interior parking spaces on the plan. They will have more parking spaces than are required. She then went over the use table. She stated they would convert a non-conforming mixed use to a multi-family. With this change traffic will be reduced. They are adding four bedrooms. There will be no impact on sewer and water. Attorney Mead finished by going over special permits and criteria.

Alden Clark asked for clarification on the existing garage and the changes that would be made to that.

Aileen Graf stated it is a wood frame structure. Materials would remain the same. The garage door would have a change in location. They would repair the windows. The little addition would be removed off the back.

Rick Taintor asked about the area on the west side, near the fence, that bulges into the landscape strip. Is that needed?

Aileen Graf stated that currently there is asphalt there. The plan is to have less asphalt and soften that entry.

Rick Taintor asked why it narrows down.

Aileen Graf stated it is a continuous flow of asphalt.

Rick Taintor stated that on the front of the house, the windows are offset from the front door. It does not appear to be a symmetrical building. Is that typical?

Aileen Graf stated there is a bearing wall on the left side of the front door.

Public Comment opened.

No comment.

Public Comment closed.

Alden Clark made a motion to approve the Special Permit for Non-Conformities, Special Permit for Multi-family Use and Downtown Overlay District Special Permit for 124 High Street with Special Condition included in the staff report. Charlie Palmisano seconded the motion. All members voted in favor.

4. General Business

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

Continued to the December 20, 2023 meeting.

b) Review draft zoning recommendation – ODNC00164_10_30_2023 Update Multifamily use definition and map change at State & High Streets

Bob Koup asked if there was any discussion about deed restriction.

Director Port stated it has been discussed with abutters and councilors. He also reached out to Global. If the ZBA were to receive a commercial use application, most likely they would decline that. He will circle back with Global about having a deed restriction that prohibits any commercial use.

Alden Clark stated the draft recommendations capture the discussion and points made.

Charlie Palmisano stated he agreed.

Alden Clark made a motion to approve the report and send it to City Council. Heather Rogers seconded the motion. One member abstained. Seven members voted in favor.

- c) Approval of minutes***
 - ***11/1/2023***

Alden Clark made a motion to approve the minutes from the November 1, 2023 meeting. Bob Koup seconded the motion. Two members abstained. Six members voted in favor.

- ***11/15/2023***

Continued to the December 20, 2023 meeting,

- d) Discussion***
 - ***Storey Avenue Rezoning***
 - ***MBTA Communities***

Director Port stated he applied for a grant for Storey Ave. He is thinking of something comparable to the 40R district, residential and mixed use as of right. This will ramp up in January 2024. He plans of bringing City Council a package by spring.

Rick Taintor stated it is difficult bringing City Council a complex zoning amendment during budget season.

Director Port stated they would give City Council as much information as they can and follow up after budget season.

Rick Taintor asked about the timeline for the City Council to address the Global rezoning proposal.

Director Port stated there is a vote on Monday. It would be received in January and have to go to committee. There would be two votes in January.

Rick Taintor stated there is a January 31, 2024 deadline.

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

Rick Taintor stated the January 3, 2024 meeting will be cancelled. That date would have been the election, so he plans on having that on the December 20, 2023 meeting. He stated he is happy to be chair again but opened it up to everyone.

5. Adjournment

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

Motion Approved.

Meeting adjourned at 8:32 PM

Respectfully submitted – Caitlyn Marshall