

**CITY COUNCIL MEETING AGENDA - VERSION 1**

**March 31, 2014**

**7:30PM**

(Sound Check)

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS**
5. **PUBLIC COMMENT**
6. **MAYOR'S COMMENT**

**CONSENT AGENDA**

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

**7. APPROVAL OF MINUTES**

March 17, 2014

(Approve)

**8. TRANSFERS**

1. Free Cash \$40,300 to Veterans Benefits \$40,300

(B&F)

**9. COMMUNICATIONS**

1. Letter from Newburyport Preservation Trust
2. Port Tavern Outdoor Seating Renewal
3. Seacoast Taxi Vehicles for Hire Application Renewal  
*subject to vehicle inspections (Police Dept.)*
4. Intermunicipal Agreement for Veteran's Services
5. Moveable Sign Grand Trunk
6. Mayor Capital Improvement Program

(Planning & Development)

(Approve)

(Approve)

(General Government)

(License & Permits)

(Budget & Finance)

**10. APPOINTMENTS-First Reading**

**Appointment**

- |                         |                             |   |                  |
|-------------------------|-----------------------------|---|------------------|
| 1. Matthew Simons       | 62 Munroe St., Haverhill    | Sergeant, Newburyport Police Department |                  |
| 2. Charles Eaton        | 20 Main St., S. Hampton, NH | Sergeant, Newburyport Police Department |                  |
| 3. Daniel J. Koen       | 16 Boyd Drive               | Community Preservation Act Com.         | February 1, 2017 |
| 4. Richard A. Eaton     | 4 Horton Street             | Newburyport Trust Fund                  | March 1, 2017    |
| 5. Susanne F. Gallagher | 3 Garnet Street             | Board of Registrars                     | March 31, 2017   |

**Re-Appointment**

- |                 |                |                                      |                  |
|-----------------|----------------|--------------------------------------|------------------|
| 6. Judy Tymon   | 39 Lime Street | Newburyport Affordable Housing Trust | April 1, 2016    |
| 7. Duncan LaBay | 4 Ferry Road   | Zoning Board of Appeals              | February 1, 2015 |

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**11. COMMUNICATIONS**

7. TABLED Letter regarding Water & Sewer payment plans
8. TABLED Response Water & Sewer payment plans
9. Letter Planning Director re proposed Zoning Amendments

**12. APPOINTMENTS – Confirmatory**

- |                    |                |                                   |               |
|--------------------|----------------|-----------------------------------|---------------|
| 8. William K. Todd | 8 Foster Court | Alternate – Historical Commission | March 1, 2017 |
|--------------------|----------------|-----------------------------------|---------------|

**13. APPOINTMENTS-Second Reading**

**Appointment**

- |                               |                |                            |                |
|-------------------------------|----------------|----------------------------|----------------|
| 9. Peter J. Finnegan          | 3 Noble Street | Special Police Officer     |                |
| 10. Christopher Michael Carey | 25 Temple St   | Commission on Disabilities | March 31, 2017 |

**Re-Appointment**

- |                 |                  |                                  |               |
|-----------------|------------------|----------------------------------|---------------|
| 11. Jane Healey | 38 Winter Street | Community Preservation Committee | March 1, 2017 |
|-----------------|------------------|----------------------------------|---------------|

#### 14. ORDERS

1. Preservation Restriction Congregation Ahavas Achim

#### 15. ORDINANCES

1. Amend Ord.13-136 Stop Intersections add Pond St. and Green St.
2. Amend Ord.13-180 Resident Parking Ashland St

#### 16. COMMITTEE ITEMS

##### Budget & Finance

###### *In Committee:*

1. Mayor Gen Fd Free Cash \$409,676.48 to Sidewalk repairs \$105,562.48; Hazard Tree Removal \$9000; Storage Area Network Device \$20,150; Color Copier/Scanner \$4800; Mowers \$7500; Landscape Trailers \$9500; Oil Pump System \$15,000; City Hall Carpet Replacement \$18,196; Defibrillators \$9800; Emma Andrews Ramp \$10,755; Library Roof Repairs \$1500; Twin fire engines \$115,000; Bus. & Ind. Park Signage \$11,810; Brown School Re-use Feasibility Study \$40,000; Parks Equip. Repair/upgrade \$17,525; Atkinson Common Improvements \$13,578 \*03/17/2014
2. Mayor letter regarding Order for Revolving Fund Expenses \*03/17/2014
3. Order Amend Revolving Fund expenses \*03/17/2014
4. Order Community Preservation Committee \$356,765.98 balance to open space \*03/17/2014
5. Order Authorizing Acquisition of property on Curzon Mill Rd (P&D) \*03/17/2014

##### General Government

##### Joint Education

##### License & Permits

###### *In Committee:*

1. Movable Sign Application Newburyport Brewing Company \*02/10/2014
2. Newburyport Lions Club Eyeglass Box \*02/24/2014
3. Block Party Cherry Hill Soccer Field Parking Lot, May 31, 2014 \*03/17/2014
4. Amend Ch.6.5, Article III Plastic Bags (NCS & COW) \*03/17/2014

##### Neighborhoods and City Services

###### *In Committee*

1. Amend Ch.6.5, Article III Plastic Bags (L&P, COW) \*03/17/2014

##### Planning & Development

###### *In Committee:*

1. Off-Street Parking Regulations – Zoning (and Committee of the Whole-COW) \*01/27/2014
2. Interim Demolition Control Overlay District – Zoning (COW) \*02/24/2014
3. Interim Downtown Overlay District – (IDOD) (COW) \*01/27/2014
4. Order Authorizing Acquisition of property on Curzon Mill Rd (B&F) \*03/17/2014

##### Public Safety

###### *In Committee:*

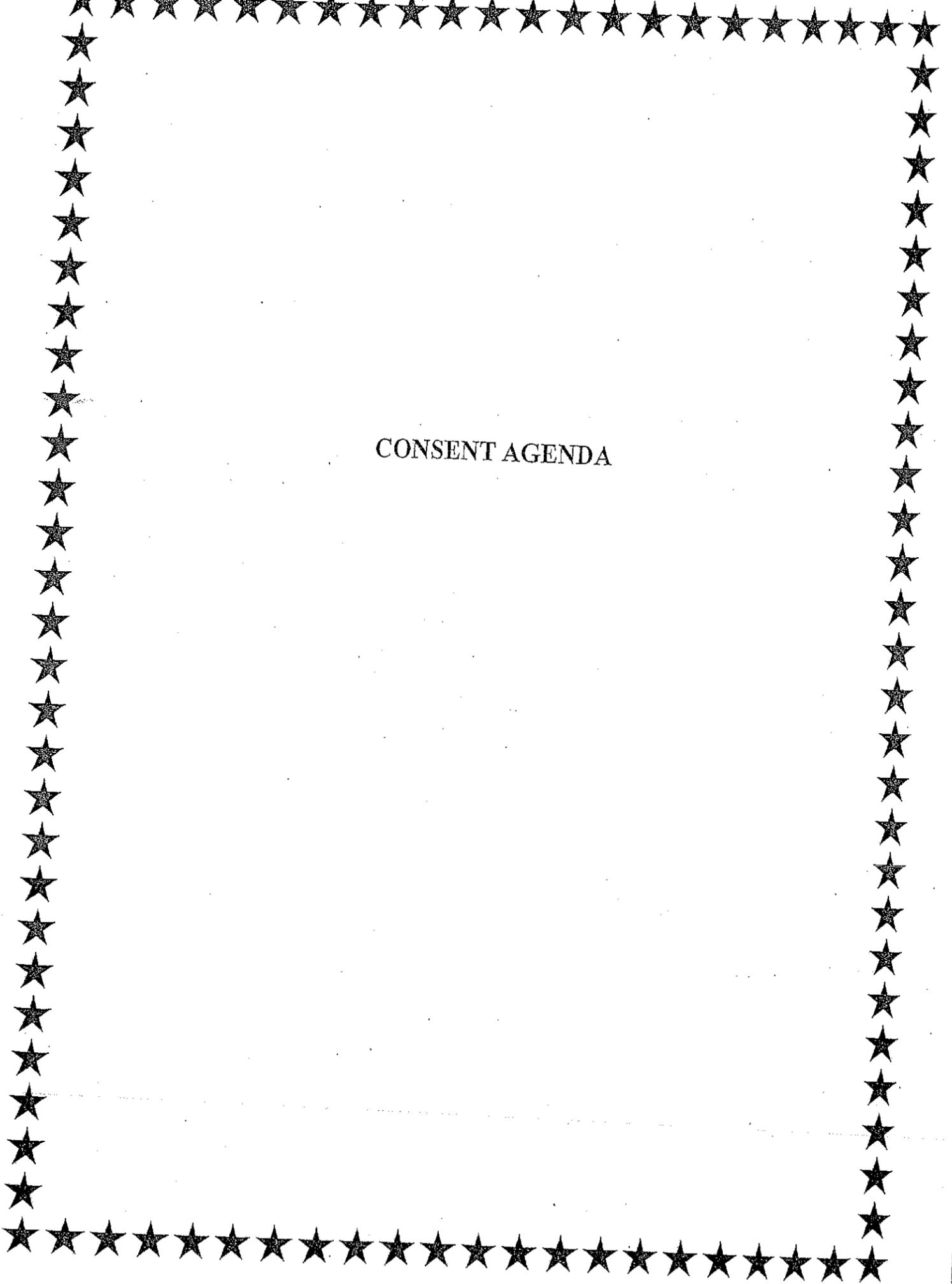
1. Storey Avenue Sign De-Clutter letter request \*03/17/2014
2. Amend Ch.4, Article II, Div. 4, Subdiv A 4-72 Definitions add paddleboards \*03/17/2014
3. Amend Ch.4, Article II, Div. 4, Subdiv B 4-80 Windsurfing add paddleboards \*03/17/2014
4. Amend Ch.13 Sec. 13-179.1 \*03/17/2014

##### Public Utilities Committee

##### Rules Committee

#### 17. GOOD OF THE ORDER

#### 18. ADJOURNMENT



CONSENT AGENDA

# CITY COUNCIL MEETING MINUTES - VERSION 1

March 17, 2014

7:30PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Giunta, Heartquist, Herzog, Kinsey, Vogel, Cameron, Connell, Cronin, Eigerman and O'Brien. 10 present, 1 absent (Tontar).

## **1. LATE FILES – Communications #15, 16, 17,18; Order #5; Ordinance #7**

**Motion to waive the rules and allow late files by Councillor Cronin, seconded by Councillor Cameron. So voted.**

## **2. PUBLIC COMMENT**

1) Ray Nippes	16 Essex Street	Signage in Business Park
2) Sarah Robinson	2 Boyd Drive	Plastic Bags
3) Janine B Looker	261 Merrimac Street	Plastic Bags
4) Lauren Healey	12 Drew Street	Plastic Bags
5) Caroline Link	13 Walnut Street	Plastic Bags
6) Cameron Dunn	52 Boardman Street	Plastic Bags
7) Julia Tiernan	8 Marquand Lane	Plastic Bags
8) Clara Brandt	13 Longbrook Road	Plastic Bags
9) Sydney Todd	43 Hanover Street	Plastic Bags
10) Ann Ormond	38R Merrimac Street	Support Your Hometown Team
11) Everett Chandler	34 Winter Street	Energy Aggregation
12) Elizabeth Valeriani	29 Oak Street	Handicap ramp Emma Andrews Library
13) Donna Conway	27 Marlboro Street	Handicap ramp Emma Andrews Library
14) Susanne Gallagher	3 Garnet Street	Temp. Board of Registrar
15) Michael Dissette	44 Jefferson Street	CPC Rec Curzon Mill Rd & Transfer
16) Jennie Donahue	18 Cherry Street	Transfers & Plastic Bags
17) Lea Petty	Tyng Street	Plastic Bags
18) John Giordano	7 N. Atkinson Street	Plastic Bags
19) Hill	29 Federal Street	Plastic Bags
20) Abby Morse	10 Riverview Drive	Plastic Bags

## **3. MAYOR'S COMMENT**

**The Mayor provided an update highlighting several points from Communication #18.**

## **CONSENT AGENDA**

## **4. APPROVAL OF MINUTES**

February 24, 2014

(Approved)

## **5. COMMUNICATIONS**

1. Great Bay Autobody –Marine Second Hand MV License renewal (Approved)
2. Newburyport representative to Whittier Vocational Tech School Com (R&F)
3. Central Congregational Church 11<sup>th</sup> Annual Chocolate Tour May 17, 2014 (Public Safety)

**Councillor Cronin changed to Approved.**

4. Merrimack Valley Planning Commission Newburyport share (B&F)

**Councillor Cronin changed to Approved.**

5. Block Party Cherry Hill Soccer Field Parking Lot, May 31, 2014 (License & Permits)
6. Storey Avenue Sign De-Clutter letter request (Public Safety)
7. Retirement Board Cost of Living Adjustment Meeting April 24, 2014 (R&F)
8. DEP Written Determination Merrimac Ale House, 40 Merrimac St. (R&F)

**Removed by Councillor Cronin.**

9. Coastal Trails Coalition Slow Bike Race July 30, 2014 (Public Safety)

**Councillor Cronin changed to Approved.**

10. Renewal of Outdoor Seating, Purple Onion, Inn Street (Approved)
11. Chamber of Commerce Support Your Home Town Team (R&F)

## 6. APPOINTMENTS-First Reading

		Appointment	
1.	Peter J. Finnegan	3 Noble Street	Special Police Officer
2.	Christopher Michael Carey	25 Temple St	Commission on Disabilities
		March 31, 2017	
		Re-Appointment	
3.	Jane Healey	38 Winter Street	Community Preservation Committee
4.	Linda Smiley	7 Atwood Street	Community Preservation Act Committee
5.	Dr. Robin Blair	18 Market Street	Board of Health
		March 1, 2017	
		April 1, 2017	
		March 31, 2017	

## END OF CONSENT AGENDA

Motion to approve the Consent Agenda as amended by Councillor Herzog, seconded by Councillor Vogel. So voted.

## REGULAR AGENDA

### 7. TRANSFERS

1. Mayor Gen Fd Free Cash \$409,676.48 to Sidewalk repairs \$105,562.48; Hazard Tree Removal \$9000; Storage Area Network Device \$20,150; Color Copier/Scanner \$4800; Mowers \$7500; Landscape Trailers \$9500; Oil Pump System \$15,000; City Hall Carpet Replacement \$18,196; Defibrillators \$9800; Emma Andrews Ramp \$10,755; Library Roof Repairs \$1500; Twin fire engines \$115,000; Bus. & Ind. Park Signage \$11,810; Brown School Re-use Feasibility Study \$40,000; Parks Equip. Repair/upgrade \$17,525; Atkinson Common Improvements \$13,578

Motion to refer to Budget & Finance by Councillor Cameron, seconded by Councillor Connell. So voted.

### 8. COMMUNICATIONS

8. DEP Written Determination Merrimac Ale House, 40 Merrimac St

Motion to receive and file by Councillor Cronin, seconded by Councillor Cameron. So voted.

12. DCR Purchase Announcement

Motion to refer to Planning & Development by Councillor Herzog, seconded by Councillor Connell. Motion withdrawn. Motion to approve both announcement and waiver by Councillor Cameron, seconded by Councillor Connell. So voted.

13. Letter regarding Water & Sewer payment plans

14. Response Water & Sewer payment plans

Motion to table both Communication #13 and #14 concurrently by Councillor Cronin, seconded by Councillor Herzog. So voted.

15. LATE FILE Agave Mexican Bistro Outdoor Seating Renewal

Motion to approve by Councillor Heartquist, seconded by Councillor Connell. So voted.

16. LATE FILE Mayor letter regarding Order for Revolving Fund Expenses

Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Cameron. So voted.

17. LATE FILE Letter opposing Plastic Bag Ordinance from Massachusetts Food Association

Motion to receive and file by Councillor Connell, seconded by Councillor Kinsey. So voted.

18. LATE FILE Mayor's Update

Motion to receive and file by Councillor Cronin, seconded by Councillor Connell. So voted.

## 9. APPOINTMENTS-First Reading

		Appointment	
6.	Susanne F. Gallagher	3 Garnet St	Board of Registrar

Motion to waive the rules and approve in one reading by Councillor Cronin, seconded by Councillor Connell. Councillor Heartquist recused herself and left the room. Roll call vote, 9 yes, 1 recused (Heartquist), 1 absent (Tontar). So voted.

## 10. APPOINTMENTS-Second Reading

		Appointment	
7.	Katherine D. Preftes	6 H Street	Commission on Diversity & Tolerance
		Feb. 1, 2017	

8. William K. Todd  
9. Patricia M. Spalding

8 Foster Court  
5 Bricher Street

#### Re-Appointment

Historical Commission  
Highland Cemetery Commission

January 1, 2017  
Feb. 1, 2017

**Motion to approve second reading collectively by Councillor Cameron, seconded by Councillor Herzog. Roll call vote, 10 present, 1 absent (Tontar). So voted.**

#### 11. ORDERS

1. Amend Revolving Fund expenses

**Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Giunta. So voted.**

2. Resolution Public Service Recognition Week May 4 – 10, 2014

**Motion to approve by Councillor Herzog, seconded by Councillor Giunta. So voted.**

3. Community Preservation Committee \$356,765.98 balance to open space

**Motion to refer to Budget & Finance by Councillor Cameron, seconded by Councillor Herzog. 9 yes, 1 no (Vogel), 1 absent (Tontar). So voted.**

4. Resolution Earth Hour

**Motion to approve by Councillor Cameron, seconded by Councillor Kinsey. So voted.**

5. LATE FILE Authorizing Acquisition of property on Curzon Mill Rd

**Motion to refer to Budget & Finance and Planning & Development by Councillor Herzog, seconded by Councillor Cronin. So voted.**

#### 12. ORDINANCES

1. 2<sup>nd</sup> Reading Amend Ord. 13-168 Franklin St., no parking

**Motion to approve 2<sup>nd</sup> reading by Councillor Heartquist, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Tontar). So voted.**

2. 180 Parking Resident Fair St Temple St

**Motion to approve 2<sup>nd</sup> reading by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Tontar). So voted.**

3. 2<sup>nd</sup> Reading Amend Ord. 13-180 Fair Street, Resident Parking between Water & Liberty

**Motion to approve 2<sup>nd</sup> reading by Councillor Eigerman, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Tontar). So voted.**

4. Amend Ch.4, Article II, Div. 4, Subdiv A 4-72 Definitions add paddleboards

**Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted.**

5. Amend Ch.4, Article II, Div. 4, Subdiv B 4-80 Windsurfing add paddleboards

**Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted.**

6. Amend Ch.6.5, Article III Plastic Bags

**Motion to refer to Neighborhoods & City Services and License & Permits by Councillor Connell, seconded by Councillor Heartquist. Motion withdrawn. Motion to refer to NCS and License & Permits and Committee of the Whole by Councillor Connell, seconded by Councillor Heartquist. So voted.**

7. LATE FILE Amend Ch.13 Sec. 13-179.1

**Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Cameron. So voted.**

#### 13. COMMITTEE ITEMS

##### Budget & Finance

##### *In Committee:*

1. City Clerk Contract

\*02/10/2014

**Motion to remove by Councillor Cameron, seconded by Councillor Cronin. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Cronin. So voted.**

##### General Government

##### Joint Education

*Councillor Kinsey gave spoke on the school calendar, that the projects are on-time and a general update.*

## **License & Permits**

### ***In Committee:***

1. Second Hand Motor Vehicle License Renewal – Chanard Limousine Sales, Inc \*01/13/2014

**Motion to remove by Councillor Heartquist, seconded by Councillor Connell. So voted. Motion to approve by Councillor Heartquist, seconded by Councillor Connell. So voted.**

2. Movable Sign Application Newburyport Brewing Company \*02/10/2014
3. Newburyport Lions Club Eyeglass Box \*02/24/2014

## **Neighborhoods and City Services**

### **Planning & Development**

#### ***In Committee:***

1. Off-Street Parking Regulations – Zoning (and Committee of the Whole) \*01/27/2014
2. Interim Demolition Control Overlay District – Zoning (and Committee of the Whole) \*02/24/2014
3. Interim Downtown Overlay District – (IDOD) (and Committee of the Whole) \*01/27/2014

### **Public Safety**

*Councillor Cronin gave an update from the Traffic Safety Committee on Turkey Hill Road, Low Street, stoplights, and possible winter parking bans.*

#### ***In Committee:***

1. Patriots for American Veterans, Inc. Spring Walk for Troops April 27, 2014 \*02/24/2014

**Motion to remove by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.**

### **Public Utilities Committee**

#### ***In Committee:***

1. G.L. c. 164 s. 134 Electrical Aggregator Resolution (and COW) \*02/10/2014

**Motion to remove by Councillor Herzog, seconded by Councillor Vogel. So voted. The Committee voted 3-0 in favor. Motion to approve by Councillor Herzog, seconded by Councillor Vogel. So voted.**

### **Rules Committee**

## **14. GOOD OF THE ORDER**

## **15. ADJOURNMENT**

**Motion to adjourn at 9:27pm by Councillor Cameron, seconded by Councillor Connell. So voted.**

## TRANSFERS



Transfer #1  
March 31, 2014

**City of Newburyport**  
**FY 2014**  
**BUDGET TRANSFER REQUEST**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2014 MAR 25 P 3:07

**Department:** Veterans

**Submitted by:** Kevin Hunt, Agent

**Date Submitted:** 3/25/2014

**Transfer From:**

Account Name	Free Cash	YTD Bal:	\$ 2,124,654.46
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$40,300.00	Trans Out:	\$ 367,454.54
Why are Funds Available:	<i>Free Cash is surplus funds from the prior fiscal that can be used for any legal purpose with the approval of the Mayor and a majority vote of the City Council. In addition to the balance stated above, a transfer request of \$409,676.48, for a capital improvements, is currently in the Budget and Finance Committee waiting further action.</i>		

**Transfer To:**

Account Name	Veterans Benefits	YTD Bal:	\$15,817.05
Account Number:	01543007-57700	Trans In:	\$ -
Amount:	\$40,300.00	Trans Out:	\$ -
Why are Funds Required:	<i>Benefit payments to veterans have exceeded original estimates. These payments vary depending on the number of veterans receiving benefits and the level of benefits received during the current fiscal year. The City is reimbursed by the State at the rate of 75% for funds the City spends in this category. Reimbursement comes through the Cherry Sheet in the succeeding fiscal year. Based on current spending levels, this transfer will provided adequate funding through the end of this fiscal year.</i>		

**Transfer To:**

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

**Transfer To:**

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Donna Holaday, Mayor  
William B. Squillace, Auditor  
City Council Approval: (Stamp)

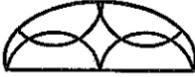
*Donna Holaday*  
*William B. Squillace*

Date:

Date:

*3/28/14*  
*3/28/2014*

# COMMUNICATIONS



**NEWBURYPORT  
PRESERVATION TRUST**  
LINKING THE PAST WITH THE PRESENT AND FUTURE

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 24 P 12:13

Mr. Edward C. Cameron, Chairman, City Council Planning and Development Subcommittee  
Mr. Larry G. Guinta, jr., Ward 5 City Councilor  
Mr. Robert J. Cronin, Ward 3 City Councilor  
Mr. Jared J. Elgerman, Ward 2 City Councilor  
60 Pleasant Street  
Newburyport, MA 01950

RE: "Historic Buildings and Structures" Within Proposed DOD and DCOD

March 24, 2014

Dear Chairman Cameron and City Councilors:

Following the request of Councilors Guinta and Cronin for review of the Newburyport Historic District Data Sheets, the Newburyport Preservation Trust (NPT) was asked by Councilors Guinta and Elgerman to review the DOD and DCOD maps prepared by the Office of Planning and Development (OPD) as of March 13.

For our review, we travelled by foot or car the complete boundaries of both the DCOD and DOD. We compared OPD's March 13 maps with the "Verbal Boundary Description & Justification" and the original map (encompassing both the DOD and DCOD) that was included with the National Register of Historic Places Inventory Nomination Form, dated August 2, 1984. At the very edges of the DCOD, we also checked listings for individual buildings on both the original District Data Sheets from 1984, and then the Massachusetts Cultural Resource Information System ("MACRIS").

We have separately reported to OPD those small corrections needed to their March 13 maps. This letter is about the "historic buildings or structures" that are located within and just beyond the boundaries of the proposed DCOD. Under the proposed rezoning an historic building or structure is defined as:

A building or structure that is: (a) listed individually on the State and National Registers of Historic Places, as it may be amended from time to time; or (b) that was listed as "Contributory" to the Newburyport Historic District as of August 2, 1984.

Historic Buildings on District Data Sheets and Map. We found that all the buildings listed in the District Data Sheets of 1984 are located within the boundaries of the DCOD (when corrected at Ashland Street as reported to the OPD).

Excluded Historic Buildings. We identified at least 17 buildings that according to past inventories appear to be historically significant, but that are both located just *outside* the boundaries of the DOCOD and *not listed* on the District Data Sheets of 1984. These 17 buildings are, however, listed in MACRIS and in the City of Newburyport Architectural Survey and Report. They are located on streets – Jefferson, Merrimac, Oak and Water Streets – all of which were partially included on the original National Register map of 1984. The MACRIS results for these buildings are enclosed as Appendix I.

We sought the advice of the Massachusetts Historical Commission regarding the status of these 17 buildings. MHC confirmed these buildings are neither located within the Newburyport Historic District nor do they meet the definition of being “listed individually” on the State Register.<sup>1</sup> Therefore, be advised that under the proposed zoning amendment, all 17 would be excluded from DCOD protection.

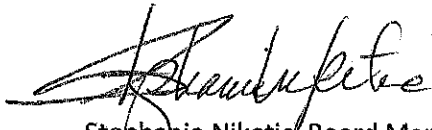
Respectfully submitted,



Linda Miller, Co- President  
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20 Ship Street  
Newburyport, MA 01950  
978-462-9079  
lamiller20@comcast.net



Thomas Kolterjahn, Co-President  
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64 Federal Street  
Newburyport, MA 01950  
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tkolt@comcast.net



Stephanie Niketic, Board Member  
Newburyport Preservation Trust  
93 High Street  
Newburyport, MA 01950  
978-462-0593  
niketic@airkiosk.com

Attachments:





“Verbal Boundary Description & Justification,” National Register of Historic Places Inventory Nomination Form

Newburyport Historic District Map, National Register of Historic Places Inventory Nomination Form





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<sup>1</sup> We realize now from our recent conversation with the MHC that in our March 4 letter we erroneously included 24, 26 and 29 Jefferson Street as “Contributors” to the Newburyport Historic District listed in 1984. In fact, none of these three were so listed in 1984. Ironically, two of these houses (24 and 29) pre-date the only two *listed* structures on Jefferson Street.





**APPENDIX I – BUILDINGS JUST OUTSIDE  
THE NEWBURYPORT NATIONAL REGISTER DISTRICT BOUNDARIES**

Inv. No.	Property Name	Street	Year	
<u>NWB.246</u>	McQuillan, J. P. H. House	24 Jefferson St	1780	
<u>NWB.247</u>	Coffin, William B. House	26 Jefferson St	1860	
<u>NWB.248</u>	Coffin, Joseph House	29 Jefferson St	1750	
<u>NWB.464</u>	Hawkes, Horace A. House	420 Merrimac St	1880	





**APPENDIX I – BUILDINGS JUST OUTSIDE  
THE NEWBURYPORT NATIONAL REGISTER DISTRICT BOUNDARIES**

<u>NWB.465</u>	Church, Admilia House	428 Merrimac St	1750	
<u>NWB.275</u>	Merrill, Thomas House	433 Merrimac St	1840	
<u>NWB.276</u>	Delano, Otis House	437 Merrimac St	1830	
<u>NWB.277</u>	Dunning, Francis L. House	441 Merrimac St	1850	

**APPENDIX I – BUILDINGS JUST OUTSIDE  
THE NEWBURYPORT NATIONAL REGISTER DISTRICT BOUNDARIES**

<u>NWB.466</u>	Pettigrew, Albert S. House	470 Merrimac St	1830	
<u>NWB.467</u>	Piper House	474 Merrimac St	1750	
<u>NWB.468</u>	Hatch, Willard House	508 Merrimac St	1898	
<u>NWB.2740</u>		510-512 Merrimac St	1898	
<u>NWB.2741</u>		514-516 Merrimac St	1898	

**APPENDIX I – BUILDINGS JUST OUTSIDE  
THE NEWBURYPORT NATIONAL REGISTER DISTRICT BOUNDARIES**

<u>NWB.2742</u>		518-520 Merrimac St	1898	
<u>NWB.2743</u>		522-524 Merrimac St	1898	
<u>NWB.202</u>	Winder, Nathaniel R. House	29 Oak St	1810	
<u>NWB.194</u>	Walsh, Walter J. House	284 Water St.	1775	

**United States Department of the Interior  
National Park Service**

**National Register of Historic Places  
Inventory—Nomination Form**



Continuation sheet

49

Item number

10

Page

1

VERBAL BOUNDARY DESCRIPTION & JUSTIFICATION

The Newburyport Historic District stands on the south side of the Merrimack River, approximately one mile inland of its mouth. Boundaries of the district have been selected to include those densely built sections of the city that were developed in the eighteenth and nineteenth centuries and which still retain their pre-1930 character. On the north, the district is bounded for the most part by the Merrimack River which was the site of numerous shipyards and wharves from the seventeenth to the early twentieth centuries. Exceptions to this boundary exist between #146 Merrimac Street on the west and #177 Water Street on the east; this area corresponds approximately to the commercial district of the city. In this area, the north boundary is an irregular line drawn selectively along the north side of Merrimac and Water Streets to exclude contemporary commercial and industrial development that has severely altered the waterfront and to include historically and architecturally significant commercial buildings and houses that face onto Merrimac and Water Streets.

The east boundary of the district is formed by an irregular line that extends from the junction of Water and Union Streets southwestward to High Street and the Newbury town line. This boundary has been selected to include all of Marlboro Street, an historically significant street dating from the seventeenth century as well as several side streets (Oak, Pine & Lincoln) which retain simple cottages of the eighteenth and nineteenth centuries. Areas east of this boundary contain contemporary residential development and open fields.

The south boundary corresponds approximately to the rear lot lines of house lots on the south side of High Street; in general, it is drawn slightly south of the crest of the ridge on which many of High Street's mansions stand. Exceptions to this boundary exist between State Street and Auburn Street, where the former Newburyport Turnpike (State Street) drew residential development southward beyond the crest of the ridge during the early nineteenth century. In addition, the boundary is made irregular in this vicinity by the inclusion of an eighteenth-century burial ground (Old Hill Burial Ground, Pond Street), a nineteenth-century landscaped cemetery (Oak Hill Cemetery, State Street) and an early nineteenth-century park around a pond (the Bartlett Mall, High Street) all of which possess artistic and historical associations with the development of the city. Northwestward from Auburn Street, the boundary is made irregular by the inclusion of several eighteenth and nineteenth-century courts that extend south of High Street, the largest of these are Toppan's Lane and North Atkinson Street, both of which are eighteenth-century thoroughfares to neighboring communities and to farmland behind the

**United States Department of the Interior  
National Park Service**

**National Register of Historic Places  
Inventory—Nomination Form**



Continuation sheet

50

Item number

10

Page

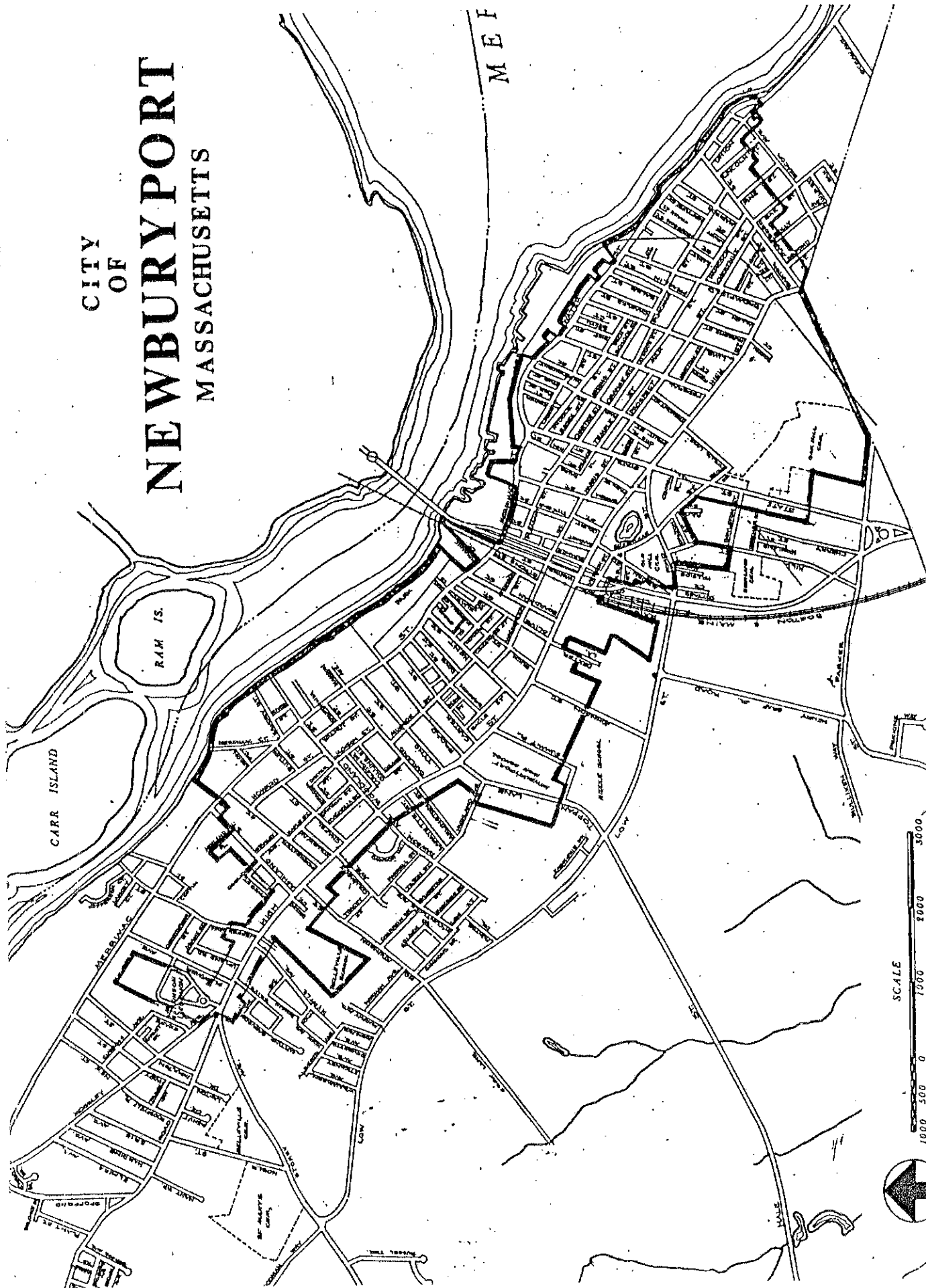
2

city.

The west boundary reflects the district's development linear along High Street; it consists of an irregular line that extends out to a point by the Atkinson Common. Between Ashland Street and the Atkinson Common, this boundary includes only the buildings that front onto High Street with the exception of two pre-1870 houses on Jefferson Street; beyond these boundaries residential development dates from the mid-twentieth century. At Ashland Street, the west boundary becomes the western (rear) lot lines of properties on the west side of Ashland Street and Ashland Court, down to Merrimac Street and the Merrimac River which is the north boundary of the district.

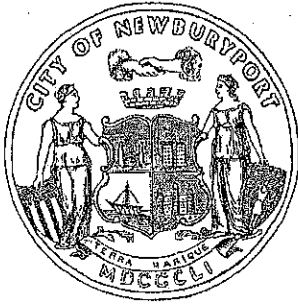
Please also refer to the attached map.

CITY  
OF  
**NEWBURYPORT**  
MASSACHUSETTS



SCALE  
1000 200 0 1000 2000 3000





RECEIVED  
CITY CLERK'S OFFICE  
City of Newburyport

NEW FILING  
RENEW ☒

2014 MAR 25 A 11:13  
Application

Food Establishment Outdoor Seating on Public Property

Date: 3/22/14

Name of Business Owner: Dermot Bolger

Name of Property Owner: Dermot Bolger

Business Name: The Port Tavern

Business Address: 84 State St. Business Telephone: 978-465-1006

Number of Tables Requested: 6 Dimensions: 30" x 30" Material: metal

Number of Chairs Requested: 18 Dimensions: 2 x 3 Material: metal

- ☐ Applicant requests approval of outdoor seating for the sole purpose of food consumption.
- ☒ Applicant requests approval of outdoor seating for food *and* alcohol consumption.

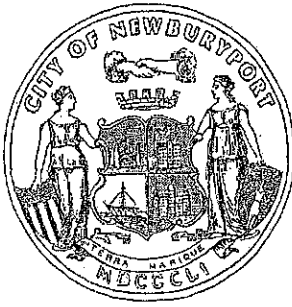
### Application Requirements

Please submit the following documents with the completed application to:

City Clerk's Office  
Newburyport City Hall  
PO Box 550  
60 Pleasant Street  
Newburyport, MA 01950

✓ 1) Applicants must provide evidence of liability insurance to the City Clerk with minimum coverage in the amount of one million dollars, naming the City of Newburyport as co-insured. This insurance coverage must be in force for the duration of the approved period.

✓ 2) 8 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs  
b) total width of sidewalk and c) distance between proposed seating and sidewalk



## Application

### Food Establishment Outdoor Seating on Public Property (continued)

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- ✓ 3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
  - ✓ a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
  - ✓ b) 8 ½ x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

#### RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.

Signature of Business Owner

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>Malcolm &amp; Parsons Ins. Agcy. Inc.</b> <b>6 Freeman St.</b> <b>P.O. Box 527</b> <b>Stoughton, MA 02072</b>		<b>CONTACT NAME:</b> <b>PHONE (A/C, No, Ext): 781.344.3200</b> <b>FAX (A/C, No): 781.344.1425</b> <b>E-MAIL ADDRESS:</b>	
<b>INSURED</b> <b>Bolwyn Corp. &amp; Prince Place LLC</b> <b>DBA: The Port Tavern</b> <b>84 State Street</b> <b>Newburyport, MA 01950</b>		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A: Freedom Specialty Insurance Co</b> <b>INSURER B: Safety Property &amp; Casualty Ins</b> <b>INSURER C: Torus National Ins Co</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

## COVERAGES

CERTIFICATE NUMBER: Master 3/24/14

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			RRFB000209-14	02/10/2014	02/10/2015	EACH OCCURRENCE \$ <b>1,000,000</b>
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>100,000</b> MED EXP (Any one person) \$ <b>5,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COM/OP AGG \$ <b>1,000,000</b>
B	AUTOMOBILE LIABILITY			6215886	12/01/2013	12/01/2014	COMBINED SINGLE LIMIT (Ea accident) \$ <b>1,000,000</b>
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	UMBRELLA LIAB			71276F141ALI-14	02/10/2014	02/10/2015	EACH OCCURRENCE \$ <b>1,000,000</b>
	<input checked="" type="checkbox"/> EXCESS LIAB DED <input type="checkbox"/> RETENTION \$						AGGREGATE \$ <b>1,000,000</b>
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability			RRFB000209-14	02/10/2014	02/10/2015	<b>\$1,000,000 Per Occurrence</b> <b>\$2,000,000 Aggregate</b>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

**Neighborhood Tavern**

**Liability policies provide coverage for outdoor patio seating.**

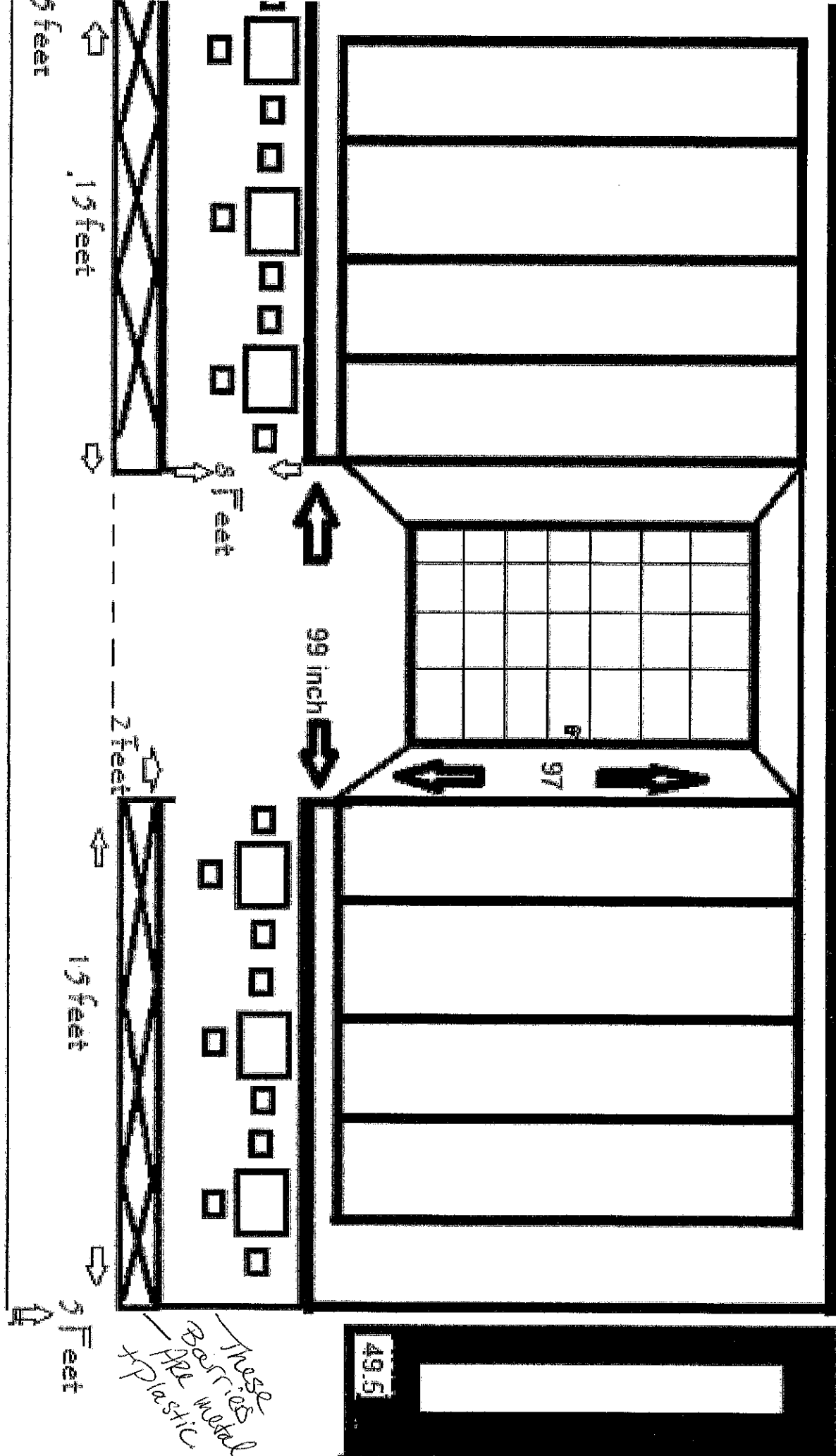
**The City of Newburyport is Additional Insured with respect to General Liability.**

## CERTIFICATE HOLDER

## CANCELLATION

<b>City of Newburyport</b> <b>60 Pleasant Street</b> <b>Newburyport, MA 01950</b>	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE <b>Anne Parsons</b> <i>Anne Parsons</i>
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# THE PORTTAVERN





RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

CITY OF NEWBURYPORT  
VEHICLES FOR HIRE  
BUSINESS OWNERS'S APPLICATION

2014 MAR 25 P 12:22

Please Type or Print Clearly

**APPLICANT INFORMATION:**

Name of Applicant: Last: Hawlett First: Richard Middle Initial: Ø  
Address: PO Box 1004 City: SEABROOK State: NH Zip: 03874  
Phone Number: 978-417-9974 Message or work phone: 978-912-2265  
Driver's License Number: 09HTR51161 State: NH Expiration Date: 9/16/2014

**BUSINESS INFORMATION:**

Business Name: SEA COAST TAXI Business Phone Number: 978-912-2265  
Business Address: PO Box 1004 City: SEABROOK State: NH Zip: 41004  
Business Mailing Address: 37 Elmira Dr. City: Newburyport State: MA Zip: 01950  
Number of vehicles to be operated under this permit: \_\_\_\_\_

**FOR EACH VEHICLE, PLEASE LIST**

Reg. # TA19361 Expires: November Year: 2014 Make: Merc Model: MARQUI  
Reg. # TA20080 Expires: November Year: 2014 Make: Merc Model: MARQUI  
Reg. # \_\_\_\_\_ Expires: \_\_\_\_\_ Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_  
Reg. # \_\_\_\_\_ Expires: \_\_\_\_\_ Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_  
Reg. # \_\_\_\_\_ Expires: \_\_\_\_\_ Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_  
Reg. # \_\_\_\_\_ Expires: \_\_\_\_\_ Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

**VEHICLE REGISTRATION INFORMATION:**

Proof of evidence of legal and registered ownership of the vehicle(s) to be used by the applicant must be provided. Attach one (1) copy of each to this application.

**INSURANCE INFORMATION:**

Must provide proof of personal injury and property damage liability insurance coverage for each permitted taxi for the full time period of the permit. The personal injury coverage shall no be less than one hundred thousand dollars (\$100,000) for injury to one person with a total coverage of not less than three hundred thousand dollars (\$300,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence. Attach one (1) copy to this application.

I, the undersigned, hereby declare that I have carefully read the Ordinance relating to this business; that I understand it thoroughly and will carry out every provision thereof; that to the best of my knowledge, I have complied with the regulations as outlined. I further state that the statements and answers contained in this application are true to the best of my knowledge and belief, knowing that false statement will be sufficient cause for denial or revocation of said license.

Richard Hewlett  
(Signature of Applicant)

Date: 3/24/2014

**Official Use Only**

**Office of the City Clerk**

Initial Application Fee \$ \_\_\_\_\_ Date Received \_\_\_\_\_ By \_\_\_\_\_

Date sent to Police Department \_\_\_\_\_ New ☐ Renewal ☐

**Police Department Use Only**

**Inspection Recommendation for each Vehicle**

Cab # \_\_\_\_\_ License Plate#: \_\_\_\_\_ VIN# \_\_\_\_\_ ☐ Approved ☐ Denied

Comments: \_\_\_\_\_

Cab # \_\_\_\_\_ License Plate#: \_\_\_\_\_ VIN# \_\_\_\_\_ ☐ Approved ☐ Denied

Comments: \_\_\_\_\_

Cab# \_\_\_\_\_ License Plate#: \_\_\_\_\_ VIN# \_\_\_\_\_ ☐ Approved ☐ Denied

Comments: \_\_\_\_\_

Cab# \_\_\_\_\_ License Plate#: \_\_\_\_\_ VIN# \_\_\_\_\_ ☐ Approved ☐ Denied

Comments: \_\_\_\_\_

Cab # \_\_\_\_\_ License Plate#: \_\_\_\_\_ VIN# \_\_\_\_\_ ☐ Approved ☐ Denied

Comments: \_\_\_\_\_

Transaction Type: RENEWAL  
Transaction Effective Date: 11/20/2013  
Process Date: 10/02/2013



For Claims Reporting call 617-956-6100

ISSUING COMPANY:  
Pilgrim Insurance Company

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

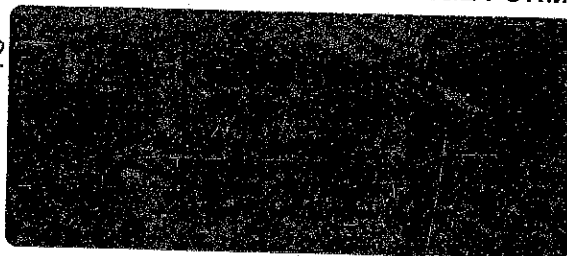
DECLARATIONS MASSACHUSETTS  
BUSINESS AUTO COVERAGE FORM

Policy Number: TXC00001001901

2014 MAR 25 P 12: 2

ITEM ONE -- Named Insured and Address

RICHARD HEWLETT  
PO BOX 1004  
SEABROOK, NH 03874



POLICY PERIOD:

Policy Covers FROM 11/20/2013 TO 11/20/2014 12:01 AM EST at the Named Insured's address stated above

NAMED INSURED'S BUSINESS:

FORM OF BUSINESS: INDIVIDUAL

In return for the payment of premium, and subject to all terms of this policy

ITEM TWO: SCHEDULE OF COVERAGES AND COVERED AUTO

This policy only provides only those coverages where a charge is shown in the premium column below. Each of these coverages will apply only to those "Autos" shown as covered "Autos". "Autos" are shown as covered "Autos" for a particular coverage by the entry of one or more of the symbols from the COVERED AUTOS section of the Business Auto Coverage Form next to the name of the coverage.

LIABILITY INSURANCE

COVERAGES	COVERED AUTOS (Entry of one or more of the symbols from the Covered Autos section of the Business Auto Coverage Form show which autos are covered autos)	LIMIT The most we will pay for any one accident or loss	PREMIUM
Compulsory Bodily Injury	7	\$20,000 Each Person \$40,000 Each Accident	5,116
Personal Injury Protection	7	\$8,000 Each Person	1,350
Optional Bodily Injury	7	\$100,000 Each Person \$300,000 Each Accident	3,636
Property Damage	7	\$50,000 Each Accident	2,396
Combined Single Limit		\$ Each Accident	
Medical Payments		\$ Each Person	
Uninsured Motorist	7	\$100,000 Each Person \$300,000 Each Accident	118
Underinsured Motorist	7	\$100,000 Each Person \$300,000 Each Accident	68

PHYSICAL DAMAGE INSURANCE

Actual Cash Value or cost of repair, whichever is less, minus the deductible for each Covered Auto

Comprehensive Coverage	SEE SCHEDULE	Deductible	
Specified Perils		Deductible	
Collision	SEE SCHEDULE	Deductible	
Limited Collision		Deductible	
Rental Reimbursement			
Towing and Labor			
PREMIUM FOR ENDORSEMENTS			0
ESTIMATED TOTAL PREMIUM			12,684

Countersigned by:

*William D. Hartman*

President

*Bay Tran*

Assistant Secretary



# CERTIFICATE OF REGISTRATION

M.G.L. Chapter 90 Section 24B makes it a crime to alter this certificate

RMV Division

PLATE TYPE <b>TAN</b>	REGISTRATION NUMBER <b>TA20080</b>	REGISTRATION TYPE <b>TAXI</b>	EFFECTIVE DATE <b>12/31/13</b>	EXPIRES LAST DAY OF → <b>11 14</b>	MONTH <b>11</b>	YEAR <b>14</b>	TRANSACTION NUMBER <b>02336570210109</b>										
MFRS MODEL YEAR <b>2004</b>	MAKE <b>MERC</b>	MODEL <b>MARQUI</b>	BODY STYLE/TYPE <b>SEDAN</b>	COLOR <b>GRAY</b>	Not valid without official signature of Registrar		IF VEHICLE CARRYING PASSENGERS FOR HIRE: MAXIMUM NUMBER OF PASSENGERS THAT CAN BE SEATED.										
VEHICLE IDENTIFICATION NUMBER <b>2MEFM74W54X604073</b>		INSURANCE COMPANY <b>PILGRIM INSURANCE</b>		TITLE NUMBER <b>BL812117</b>		REGISTRAR <i>Rachel Kaprielian</i>											
RESIDENTIAL ADDRESS (IF DIFFERENT) <b>37 ELMIRA DRIVE NEWBURYPORT, MA 01950-1759</b>																	
NAME(S) OF OWNER(S) AND MAILING ADDRESS <b>HEWLETT, RICHARD BX 1004 SEABROOK, NH 03874</b>					FEES <table><tr><td>REGISTRATION</td><td>60.00</td></tr><tr><td>TITLE</td><td>0.00</td></tr><tr><td>SPECIAL PLATES</td><td>0.00</td></tr><tr><td>SALES TAX</td><td>0.00</td></tr><tr><td><b>TOTAL</b></td><td><b>60.00</b></td></tr></table>			REGISTRATION	60.00	TITLE	0.00	SPECIAL PLATES	0.00	SALES TAX	0.00	<b>TOTAL</b>	<b>60.00</b>
REGISTRATION	60.00																
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SALES TAX	0.00																
<b>TOTAL</b>	<b>60.00</b>																
<b>MASSACHUSETTS DEPARTMENT OF TRANSPORTATION REGISTRY OF MOTOR VEHICLES DIVISION</b> The records of the RMV database constitute the official status of the vehicle registration.																	

SPECIAL MESSAGE <b>IF THIS VEHICLE IS NEWLY ACQUIRED, IT MUST BE INSPECTED WITHIN SEVEN (7) DAYS OF REGISTRATION.</b>	CHANGE OF ADDRESS STREET ADDRESS  CITY, STATE, ZIP CODE
--	--

## Important Information for Vehicle Owners

- Every person operating a motor vehicle shall have the Certificate of Registration for the motor vehicle and for the trailer, if any, and his/her license to operate, upon his/her person or in the vehicle, in some easily accessible place.
- By law, you must report any change of address to the RMV within 30 days in writing. Address changes can be made on the RMV website: [www.massrmv.com](http://www.massrmv.com) or by mail to: RMV, P.O. Box 55889, Boston, MA 02205-5889. Once you have reported the address change to the RMV, please write corrected address in box provided above.

- Return the registration plates to the RMV immediately if:
  - The vehicle has been sold or junked and the registration is not going to be transferred to another vehicle. Keep a copy of the *Bill of Sale*, *Title*, and completed *Reassignment of Title* for your records to document the transfer.
  - You move to another state and you register the vehicle in that state.
  - The insurance policy is not renewed or is cancelled and there is no plan to obtain a new policy.

**Transferring Your Plates:** Massachusetts law (M.G.L. Chapter 90, Section 2) allows you to transfer **valid registration plates from this vehicle to a newly acquired new or used motor vehicle or trailer** while you obtain insurance and a new registration. **All** of the following must be met: **1.** You are at least 18 years of age and you own the motor vehicle or trailer identified on this *Registration Certificate*; **2.** You transfer ownership of this vehicle to another person or permanently lose possession of it (such as through repossession, etc.); **3.** The newly acquired vehicle is of the **same vehicle type** (passenger vehicle to passenger vehicle, trailer to trailer, etc.); the **same registration type** (passenger to passenger, commercial to commercial); and has the **same number of wheels**; and, **4.** The **seller and buyer** properly complete the Assignment of the Certificate of Title (for the newly acquired "used" vehicle) or Certificate of Origin (if a "new" vehicle). If **all** of the above are met, you may operate the newly acquired vehicle with the transferred plates **up to 5:00 pm of the 7th calendar day** following the date of transfer (or loss of possession). The day of transfer or loss is day #1. During those 7 days, you **must** carry the *Bill of Sale* (or the dealer's *Purchase Contract*) for the newly acquired vehicle **and** this *Registration Certificate* when operating the vehicle. See *FAQs About the Seven-Day Registration Transfer Law* on the RMV's website at [www.massrmv.com](http://www.massrmv.com).

**No Insurance Card Required:** Massachusetts's law does **not** require an insurance card. The law, M.G.L. Chapter 90, Section 34A and Chapter 175, Section 113A requires the vehicle's owner to maintain a compulsory motor vehicle liability insurance policy or bond for bodily injury coverage and property damage insurance. If an Insurer is identified on the face of this *Registration Certificate*, it is required by law to electronically notify the RMV (Registry of Motor Vehicles) if coverage lapses. The vehicle owner is then notified by the RMV to obtain new insurance within 10 days or the registration will be revoked. Bonds are filed with the State Treasurer's office.

## Be first in line by going online at [www.massrmv.com](http://www.massrmv.com)

- |                                 |                                  |
|---------------------------------|----------------------------------|
| Schedule a Road Test            | Request a Duplicate Title        |
| Renew Your Driver's License     | Request a Duplicate Registration |
| Renew Your Registration         | Change Your Address              |
| Pay Citations/Court Hearing Fee | Cancel My Plate/Registration     |
| Replace Your Driver's License   | Order a Special Plate            |

**NEED TO VISIT AN RMV OFFICE?**  
**SAVE TIME**  
**Complete Your**  
**Application Online!**

**VISIT OUR WEBSITE FOR A FULL LIST OF AVAILABLE TRANSACTIONS**



# CERTIFICATE OF REGISTRATION

M.G.L. Chapter 90 Section 24B makes it a crime to alter this Certificate

RMV Division

PLATE TYPE <b>TAN</b>	REGISTRATION NUMBER <b>TA19361</b>	REGISTRATION TYPE <b>TAXI</b>	EFFECTIVE DATE <b>12/01/13</b>	EXPIRES LAST DAY OF → <b>11</b> <b>14</b>	MONTH <b>11</b>	YEAR <b>14</b>	TRANSACTION NUMBER <b>02333070220108</b>										
MFYS MODEL YEAR <b>2004</b>	MAKE <b>MERC</b>	MODEL <b>MARQUI</b>	BODY STYLE TYPE <b>SEDAN</b>	COLOR <b>BLUE</b>	Not valid without official signature of Registrar		IF VEHICLE CARRYING PASSENGERS FOR HIRE: MAXIMUM NUMBER OF PASSENGERS THAT CAN BE SEATED.										
VEHICLE IDENTIFICATION NUMBER <b>2MEFM74W64X630911</b>		INSURANCE COMPANY <b>PILGRIM INSURANCE</b>		TITLE NUMBER <b>EXAM</b>		REGISTRAR <i>Rachel Kaprielian</i>											
RESIDENTIAL ADDRESS (IF DIFFERENT) <b>37 ELMIRA DRIVE NEWBURYPORT, MA 01950-1759</b>																	
NAME(S) OF OWNER(S) AND MAILING ADDRESS <b>HEWLETT, RICHARD BX 1004 SEABROOK, NH 03874</b>				FEES <table border="0"><tr><td>REGISTRATION</td><td>60.00</td></tr><tr><td>TITLE</td><td>0.00</td></tr><tr><td>SPECIAL PLATES</td><td>0.00</td></tr><tr><td>SALES TAX</td><td>0.00</td></tr><tr><td><b>TOTAL</b></td><td><b>60.00</b></td></tr></table>				REGISTRATION	60.00	TITLE	0.00	SPECIAL PLATES	0.00	SALES TAX	0.00	<b>TOTAL</b>	<b>60.00</b>
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SPECIAL MESSAGE <b>IF THIS VEHICLE IS NEWLY ACQUIRED, IT MUST BE INSPECTED WITHIN SEVEN (7) DAYS OF REGISTRATION.</b>	CHANGE OF ADDRESS STREET ADDRESS CITY, STATE, ZIP CODE
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  - You move to another state and you register the vehicle in that state.
  - The insurance policy is not renewed or is cancelled and there is no plan to obtain a new policy.

**Transferring Your Plates:** Massachusetts law (M.G.L. Chapter 90, Section 2) allows you to transfer **valid registration plates from this vehicle to a newly acquired new or used motor vehicle or trailer** while you obtain insurance and a new registration. **All** of the following must be met: 1. You are at least 18 years of age and you own the motor vehicle or trailer identified on this *Registration Certificate*; 2. You transfer ownership of this vehicle to another person or permanently lose possession of it (such as through repossession, etc.); 3. The newly acquired vehicle is of the **same vehicle type** (passenger vehicle to passenger vehicle, trailer to trailer, etc.); and the **same registration type** (passenger to passenger, commercial to commercial); and has the **same number of wheels**; and, 4. The **seller and buyer** properly complete the Assignment of the Certificate of Title (for the newly acquired "used" vehicle) or Certificate of Origin (if a "new" vehicle). If **all** of the above are met, you may operate the newly acquired vehicle with the transferred plates **up to 5:00 pm of the 7th calendar day** following the date of transfer (or loss of possession). The day of transfer or loss is day #1. During those 7 days, you **must** carry the *Bill of Sale* (or the dealer's *Purchase Contract*) for the newly acquired vehicle **and this Registration Certificate** when operating the vehicle. See *FAQs About the Seven-Day Registration Transfer Law* on the RMV's website at [www.massrmv.com](http://www.massrmv.com).

**No Insurance Card Required:** Massachusetts's law does **not** require an insurance card. The law, M.G.L. Chapter 90, Section 34A and Chapter 175, Section 113A requires the vehicle's owner to maintain a compulsory motor vehicle liability insurance policy or bond for bodily injury coverage and property damage insurance. If an insurer is identified on the face of this *Registration Certificate*, It is required by law to electronically notify the RMV (Registry of Motor Vehicles) if coverage lapses. The vehicle owner is then notified by the RMV to obtain new insurance within 10 days or the registration will be revoked. Bonds are filed with the State Treasurer's office.

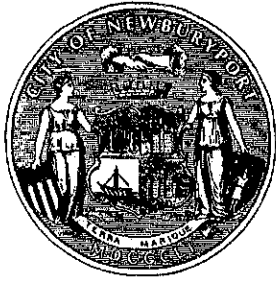
## Be first in line by going online at [www.massrmv.com](http://www.massrmv.com)

Schedule a Road Test  
Renew Your Driver's License  
Renew Your Registration  
Pay Citations/Court Hearing Fee  
Replace Your Driver's License

Request a Duplicate Title  
Request a Duplicate Registration  
Change Your Address  
Cancel My Plate/Registration  
Order a Special Plate

**NEED TO VISIT AN RMV OFFICE?**  
**SAVE TIME**  
**Complete Your**  
**Application Online!**

**VISIT OUR WEBSITE FOR A FULL LIST OF AVAILABLE TRANSACTIONS**



# CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. Box 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 25 P 12:22

## APPLICATION FOR TAXI DRIVER LICENSE

NAME Richard Hewlett

ADDRESS PO Box 1004

CITY Seabrook STATE N.H. ZIP 038741004

\*SOCIAL SECURITY # 020-42-6106 \*DATE BIRTH 9/16/1951 \*\* (REQUIRED)

LICENSE# AND EXPIRATION DATE 09HTR51161 9/16/14

COMPANY EMPLOYED BY SEA COAST TAXI

HAVE YOU EVER BEEN CONVICTED OF PROCURING ALCOHOLIC BEVERAGES FOR A MINOR?

YES ( ) NO ☒ IF SO, WHEN? \_\_\_\_\_

HAVE YOU EVER BEEN ISSUED A CITATION AND OR CONVICTED OF A MOTOR VEHICLE VIOLATION?

YES ☒ NO ☒ IF SO, WHEN? \_\_\_\_\_

HAVE YOU EVER BEEN CONVICTED OF A CRIME? (IE. FELONY / MISDEMEANOR)

YES ☒ NO ( ) IF SO, WHEN? \_\_\_\_\_

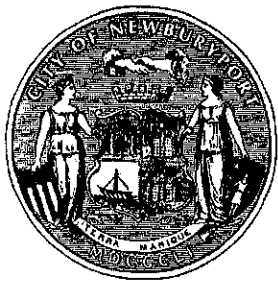
SIGNATURE Richard Hewlett DATE 3/24/2014

Do not write below this line

DATE APPROVED \_\_\_\_\_ LICENSE# \_\_\_\_\_

FEE PAID \_\_\_\_\_ DATE ISSUED \_\_\_\_\_

CITY CLERK/ ASST. CITY CLERK



# CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 25 P 12:22

## APPLICATION FOR TAXI DRIVER LICENSE

NAME William E Perreault

ADDRESS 25 LaFayette rd

CITY Salisbury STATE MA ZIP 01952

\*SOCIAL SECURITY # 031-56-5114 \*DATE BIRTH 10/27/68 \*\* (REQUIRED)

LICENSE# AND EXPIRATION DATE 552189221 10-27-18

COMPANY EMPLOYED BY Seacoast Taxi

HAVE YOU EVER BEEN CONVICTED OF PROCURING ALCOHOLIC BEVERAGES FOR A MINOR?

YES ( ) NO ( ☒ ) IF SO, WHEN? \_\_\_\_\_

HAVE YOU EVER BEEN ISSUED A CITATION AND OR CONVICTED OF A MOTOR VEHICLE VIOLATION?

YES ( ☒ ) NO ( ) IF SO, WHEN? 1998 ? or in that time frame Ins Sticker violation

HAVE YOU EVER BEEN CONVICTED OF A CRIME? (IE. FELONY / MISDEMEANOR)

YES ( ) NO ( ☒ ) IF SO, WHEN? \_\_\_\_\_

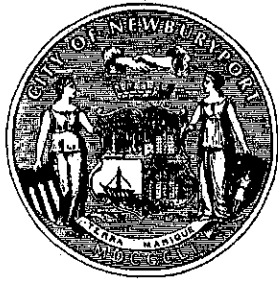
SIGNATURE William E Perreault DATE 3/24/2014

Do not write below this line

DATE APPROVED \_\_\_\_\_ LICENSE# \_\_\_\_\_

FEE PAID \_\_\_\_\_ DATE ISSUED \_\_\_\_\_

CITY CLERK/ ASST. CITY CLERK



CITY OF NEWBURYPORT  
MASSACHUSETTS  
CITY CLERK'S OFFICE  
NEWBURYPORT CITY HALL  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
TEL: 978-465-4407 • FAX: 978-462-7936

APPLICATION FOR TAXI DRIVER LICENSE

NAME Deborah A. Baker

ADDRESS 46 Beach Rd

CITY Salisbury STATE Mass ZIP 01952

\*SOCIAL SECURITY # 010-54-4694 DATE BIRTH 6/13/57 \*\* (REQUIRED)

LICENSE# AND EXPIRATION DATE \_\_\_\_\_

COMPANY EMPLOYED BY Seacoast Taxi

HAVE YOU EVER BEEN CONVICTED OF PROCURING ALCOHOLIC BEVERAGES FOR A MINOR?

YES ( ) NO ☒ IF SO, WHEN? \_\_\_\_\_

HAVE YOU EVER BEEN ISSUED A CITATION AND OR CONVICTED OF A MOTOR VEHICLE VIOLATION?

YES ( ) NO ☒ IF SO, WHEN? \_\_\_\_\_

HAVE YOU EVER BEEN CONVICTED OF A CRIME? (IE. FELONY / MISDEMEANOR)

YES ( ) NO ☒ IF SO, WHEN? \_\_\_\_\_

SIGNATURE Deborah A. Baker DATE 3/25/14

Do not write below this line

DATE APPROVED \_\_\_\_\_ LICENSE# \_\_\_\_\_

FEE PAID \_\_\_\_\_ DATE ISSUED \_\_\_\_\_

CITY CLERK/ ASST. CITY CLERK



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the City Council

From: Peter Lombardi, Director of Policy and Administration

Date: March 25, 2014

Subject: Intermunicipal Agreement for Veterans' Services

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Attached is an intermunicipal agreement (IMA) for the regional delivery of veterans' services under Massachusetts General Law Chapter 40 Section 4A. After meeting with officials from several neighboring communities for more than a year, we have reached consensus on implementing this regional approach with Amesbury and Merrimac for FY15. Some of you may remember approving a slightly different version of this agreement last year which had then included Newbury and Salisbury as well. Those communities have since decided not to be involved at this time.

Newburyport will be the lead community under this IMA, with Kevin Hunt fulfilling all duties as the Veterans Service Officer. Once this IMA is approved by the respective legislative bodies, each community will pay an apportionment based on the population of the municipality as of the 2010 federal census. For FY15, the annual expense (exempting Chapter 115 veterans' benefits) for Newburyport to participate in this regional agreement will be \$38,208.86. By way of comparison, the City Council appropriated \$52,523.80 in the FY14 Operating Budget for the veterans' service line items that will be covered under this regional agreement (it is set to increase to at least \$53,238.16 in FY15 should the proposed IMA not be approved). Accordingly, the City is projected to save approximately \$15,000 annually by formally joining with these two other municipalities in providing these services.

It is important to note that, in many ways, the IMA reflects the formalization of a practice that has been in place and operating efficiently for some time. Mr. Hunt has been performing these services on behalf of Merrimac for several years. He has also been fulfilling these duties for Amesbury on an interim basis since their VSO resigned over a year ago. Approving this agreement will allow the City to hire a part-time position (approximately 10 hours per week) to help Mr. Hunt with much needed clerical and

administrative support. This additional personnel is required to meet minimum staffing standards established by the Commonwealth around this regionalization option. Funding for this position has been included in the assessment schedule. Mr. Hunt will split his time between Newburyport City Hall and the Costello Center in Amesbury. Under the IMA, Mr. Hunt and his administrative assistant will be City of Newburyport employees.

I look forward to discussing the details of the IMA when this item is referred to Committee.

**VETERANS' SERVICES**  
**INTERMUNICIPAL AGREEMENT**

**THIS AGREEMENT** is entered into by and between the Cities of Amesbury and Newburyport and the Town of Merrimac, Massachusetts (hereafter referred to individually as Amesbury, Newburyport, and Merrimac, respectively, and hereafter referred to collectively as the "Municipalities"), this \_\_\_\_ day of \_\_\_\_\_ 2014, pursuant to the provisions of G.L. c. 40, §4A

**WHEREAS**, the Municipalities wish to furnish such information, advice and assistance to veterans and their dependents as may be necessary to enable them to procure the benefits to which they are or may be entitled relative to employment, vocational or other educational opportunities, hospitalization, medical care, pensions and other veterans' benefits; and

**WHEREAS**, the Municipalities have determined that the joint provision of these services will best address the needs of veterans within the Municipalities; and

**WHEREAS**, the Municipalities have obtained authorization for this Agreement in accordance with the requirements of G.L. c. 40, §4A pursuant to a vote of the City of Amesbury's City Council and the approval of its Mayor on \_\_\_\_\_ 2014; a vote of the City of Newburyport's City Council and the approval of its Mayor on \_\_\_\_\_ 2014; and a vote of the Town of Merrimac's Board of Selectmen on \_\_\_\_\_ 2014.

**NOW, THEREFORE**, it is hereby agreed by and among the above-listed parties as follows:

- (1) For the purpose of implementing this Agreement, Newburyport shall act as the Lead Municipality acting for and on behalf of the Municipalities.
- (2) The Newburyport Veteran's Agent (the "Agent") shall serve as veteran's agent for each of the Municipalities pursuant to the terms of this Agreement. The Agent shall for all purposes be deemed an employee of Newburyport.
- (3) The duties of the Agent shall include, but not be limited to, the following:
  - Furnishing information, advice and assistance to veterans, and their dependents as may be necessary to enable them to procure benefits to which they are entitled relative to employment, vocational or other educational opportunities, hospitalization, medical care, pensions and other benefits; and
  - Counseling and advising veterans and dependents and survivors in:
    - finding employment;
    - obtaining an education;
    - finding alternative sources of income;
    - assisting in drug/alcohol rehabilitation;
    - obtaining medical assistance and nursing home placement;
    - assisting with burials;

- and aiding with myriad issues relating to veteran's questions and problems; and
  - Working with federal agencies established for the aid of veterans, enlist support of hospitals; and
  - Acquiring and making available copies of current booklets and other printed materials pertaining to the statutory rights of veterans provided under state and federal laws, and
  - Such other responsibilities as may be set forth in M.G.L. Chapter 115.
- (4) The office locations for provision of services under this Agreement shall be in Newburyport City Hall and at the Nicholas J. Costello Transportation Center located at 68 Elm Street in Amesbury. The Agent will endeavor to provide equal time at each location affording balanced accessibility to all veterans within the municipalities.
- (5) A notice shall be posted conspicuously and in a readily accessible format in the each office specified herein and in the main municipal building of each of the Municipalities stating the name of the Agent; and the hours of operation, address, and telephone numbers for each office provided for under this Agreement. Such information shall also be made available on each of the Municipalities' website.
- (6) The respective expenses of the Municipalities will be apportioned on the basis of the population of each of the Municipalities based on the most recent federal census. For FY15 apportionments by community based on 2010 census data, see attached Schedule A. Each of the Municipalities will continue to bear its respective M.G.L. Chapter 115 financial obligations to its own veterans.
- (7) Pursuant to the provisions of M.G.L. Chapter 40, §4A, the Agent shall provide each of the Municipalities with periodic financial statements that shall include: accurate and comprehensive records of the services performed under this agreement; the costs incurred; and the reimbursements and contributions received. Such reports shall be compiled and distributed by the Agent on a quarterly basis.
- (8) A Municipality may withdraw from this Agreement by vote of the appropriate City Council or Board of Selectmen not less than one hundred and eighty (180) days prior to the close of the then fiscal year and notice of the vote must be filed with the other Municipalities which are parties to this Agreement.
- (9) This agreement may be amended to permit the addition of adjoining municipalities. The apportionment of the expenses of such adjoining municipality and of all current district municipalities shall be accomplished in compliance with the provisions of G.L. c. 115, §11.
- (10) This agreement shall remain in effect until dissolved by unanimous vote of the Municipalities, but in no event for longer than twenty-five (25) years. A vote to dissolve the agreement in this manner must be taken not less than one hundred and eighty (180) days prior to the close of the then fiscal year.

- (11) If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
- (12) This Agreement may be amended from time to time in writing, by a vote of the Municipalities through their respective authorities as specified herein.

The City of Amesbury  
City Council

Approved:  
City of Amesbury Mayor

Approved:  
City of Newburyport Mayor

The Town of Merrimac  
Board of Selectman

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## SCHEDULE A

<u>TOWN</u>	<u>2010 POP.</u>	<u>POP. %</u>	<u>EXISTING CLIENTS</u>	<u>CLIENT %</u>
Newburyport	17,416	43.62%	35	30.17%
Amesbury	16,283	40.78%	70	60.34%
Merrimac	<u>6,230</u>	<u>15.60%</u>	<u>11</u>	<u>9.48%</u>
<b>Totals</b>	<b>39,929</b>	<b>100.00%</b>	<b>116</b>	<b>100.00%</b>

### DISTRICT COSTS:

	<u>MONTHLY</u>	<u>ANNUAL</u>	
Salary	\$ 6,150.00	\$ 73,800.00	One FT Agent \$66,000 - One PT asst @ \$7800
Materials	\$ 150.00	\$ 1,800.00	
Postage	\$ 40.00	\$ 480.00	
Mileage	\$ 300.00	\$ 3,600.00	
Cell phone	\$ 60.00	\$ 720.00	
Sbscrptns/du	\$ 25.00	\$ 300.00	
Training	\$ 60.00	\$ 720.00	
Medical	\$ 500.00	\$ 6,000.00	
Maintenance	<u>\$ 15.00</u>	<u>\$ 180.00</u>	
	<b>\$ 7,300.00</b>	<b>\$ 87,600.00</b>	

### COSTS DISTRIBUTED BY POPULATION:

	<u>Monthly</u>	<u>Annual</u>
Newburyport	\$ 3,184.07	\$ 38,208.86
Amesbury	\$ 2,976.93	\$ 35,723.18
Merrimac	<u>\$ 1,139.00</u>	<u>\$ 13,667.96</u>
	<b>\$ 7,300.00</b>	<b>\$ 87,600.00</b>



# Amesbury

Mayor C. Kenneth Gray  
City Hall, 62 Friend Street  
Amesbury, MA 01913-2884

(978) 388-8121  
Fax: (978) 388-6727  
mayor@amesburyma.gov

March 25, 2014

Mayor Donna Holaday  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

Mayor Holaday,

I support the proposed intermunicipal agreement between the City of Amesbury, the City of Newburyport, and the Town of Merrimac for the regional delivery of veterans' services.

The intermunicipal agreement will be submitted with my support to the Amesbury City Council for consideration at the regular meeting scheduled for April 8, 2014.

Sincerely,

Mayor C. Kenneth Gray

# APPLICATION FOR MOVABLE SIGNAGE ON PUBLIC PROPERTY

Communication #5  
March 31, 2014

Application Fee \$50.00

Date: 03.18.2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

FOR CITY CLERK'S OFFICE ONLY  
Date Recorded \_\_\_\_\_  
Amount Paid \_\_\_\_\_

To the City Council of the City of Newburyport:

2014 MAR 25 P 3:38

The undersigned requests that he/she may be granted permission to place one (1) movable sign on public property. This permission will only be effective for the listed location, and will be subject to all of the terms, conditions, and limitations set forth in the Newburyport Code of Ordinances, and any applicable State and Federal laws and any condition prescribed by the City Council and/or City Departments, including, but not limited to, those conditions appearing below. (ANGELA KIRKPATRICK)

Name of applicant GRAND TRUNK OLDWORLD MARKET

Street address of applicant 53 PLEASANT ST (Home 14 Woodland Street)

City, State, Zip of applicant NEWBURYPORT, MA 01950

Telephone of applicant (978) 499-4441

Name of business GRAND TRUNK OLDWORLD

Address of business 53 PLEASANT ST

Telephone of business (978) 499.4441

Description of the location and movable sign to placed on the Public Way.

Any Standard-size, A-Frame Sign made of natural wood frame and chalkboard face. Location: Top of Inn Street, next to bike rack (Pandora's Box).

## RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, discharge and hold harmless, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.

Signature of Applicant or

Duly Authorized Agent

Angela Kirkpatrick

Date 3/19/2014



Date: March 25, 2014

To: Newburyport City Council

From: Angela and Jeremy Kirkpatrick, Owners of Grand Trunk Oldworld Market

Re: Sign Permission Next to Pandora's Box (Top of Inn ST, near bike rack)

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 28 3:58 PM

Dear Committee,

The Grand Trunk has wanted to bring visitors down Pleasant Street for 10 years by posting a sign in the central area of town. After considering all locations possible, the top of Inn Street looks to be the safest for pedestrians and appropriate for any retailers who would be offended.

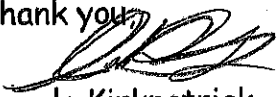
The owner of Pandora's Box was very willing to allow a sign near her store.

The sign will be a modest, classic looking, wooden-framed sign with a brief description of our oldworld market offering visitors cheese, wine, etc.

The sign can be a temporary arrangement through the 2014 season with hopes of posting a "Totem pole" style signage of many of the shops on Pleasant Street.

We would love to organize such a group to help facilitate greater foot traffic on lower Pleasant Street.

Thank you,



Angela Kirkpatrick

Grand Trunk

53 Pleasant St

NBPT

978-499-4441

**BUSINESSOWNERS DECLARATION**  
**BUSINESSOWNERS RENEWAL DECLARATIONS**

08

RENEWAL OF ODP 9130373

Policy Number	Policy Period From To	Coverage is Provided in the	Agency Code
ODP-9130373-02	06/25/2013 06/25/2014	MASSACHUSETTS BAY INSURANCE COMPANY	360712000

**Named Insured and Address**

GRAND TRUNK IMPORTS LLC  
53 PLEASANT ST  
NEWBURYPORT, MA 01950

**TURNER BARKER INSURANCE**

160 Preble Street  
Portland, Maine 04101  
207-773-8156  
800-499-8156


**SERVES YOU FIRST**
**Policy Period: Beginning and Ending at 12:01 a.m. Standard Time at the Location of the Described Premises.**
**Business Type:** LIMITED LIAB. CORPORATION

**Mortgagee/Loss Payable:**

SEE ADDITIONAL INTEREST SCHEDULE

**NOTICE!**

THIS POLICY  
DOES NOT COVER

**FLOOD  
LOSS**

F-077 (7/09)

You can get protection through  
the National Flood Insurance  
Program. Call your agent today!


**FEMA**
**Business of the Named Insured:**  
RETAILER.

In consideration of the premium, insurance is provided the Named Insured with respect to those premises described in the Schedule below and with respect to those coverages and kinds of property for which a specific Limit of Insurance is shown, subject to all of the terms of this policy including forms and endorsements made a part hereof:

**LOCATION SCHEDULE**

**Described Premises:**

NO. 1 53 PLEASANT ST, NEWBURYPORT, MA 01950

Property Coverage	Limits of Insurance					
	Loc No 001	Bldg No 001	Loc No	Bldg No	Loc No	Bldg No
Deductible Amt	\$	500	\$		\$	
Building Amount Valuation	NOT COVERED					
Bus Personal Prop Valuation	\$	62,889 RC				
Business Income	ACTUAL BUSINESS LOSS SUSTAINED NOT EXCEEDING 12 CONSECUTIVE MONTHS					
Business Income Waiting Period	Excluded / None / 24 hour / 48 hour / 72 hour 72 HOUR					
Coverage	Limits of Insurance					
	<b>Liability and Medical Payments:</b> Except for Property Damage Legal Liability, each paid claim for the following coverages reduced the Amount of Insurance we provide during the applicable annual period. Please refer to Paragraph D.4. of Section II- Liability of the Businessowners Coverage form.					
Business Liability	\$	1,000,000	Per Occurrence	\$	2,000,000	Aggregate
Medical Expenses	\$	5,000	Each Person			
Property Damage Legal Liability	\$	300,000	Any one Fire, Explosion, Lightning, Smoke or Leakage			

Form 391-1002 (6-05)

Page 1 of 2

Date Issued: 04/21/2013

ORIGINAL/INSURED

Payment Type: DIRECT BILL

**BUSINESSOWNERS DECLARATION  
BUSINESSOWNERS RENEWAL DECLARATIONS**

08

RENEWAL OF ODP 9130373

Policy Number	Policy Period From To	Coverage is Provided in the	Agency Code
ODP-9130373-02	06/25/2013 06/25/2014	MASSACHUSETTS BAY INSURANCE COMPANY	360712000

**Named Insured and Address**

GRAND TRUNK IMPORTS LLC  
53 PLEASANT ST  
NEWBURYPORT, MA 01950

**Agent**

207-773-8156  
TURNER BARKER INSURANCE  
160 PREBLE STREET  
PORTLAND, ME 04101

**Additional Property Coverages and Extensions:**

See attached Schedule for Additional Coverages provided for under this Policy.

Audit Frequency: Annual

**Additional Liability Coverages: General Liability Broadening Endorsement**

**General Liability Class:** 13673

**Description:** GROCERY STORES < 15,000 SQ. FT.

**Liability Exposure:** \$510,000 SALES

**Policy Forms, Endorsements and Optional Coverages Attached:**

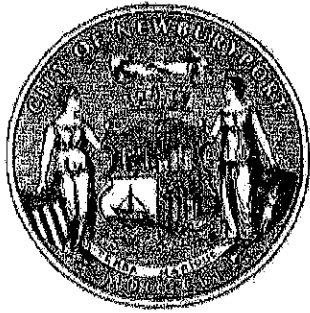
See Forms and Endorsements Schedule

<b>TOTAL BOP COVERAGE PREMIUM:</b>	<b>\$3,166.00</b>
<b>BOP TERRORISM COVG (INCLUDED IN TOTAL POLICY PREMIUM)</b>	<b>\$ 30.00</b>
<b>OTHER THAN FIRE FOLLOWING</b>	<b>\$ 12.00</b>
<b>FIRE FOLLOWING</b>	<b>\$ 18.00</b>
<b>TOTAL UMBRELLA COVERAGE PREMIUM:</b>	<b>NOT COVERED</b>
<b>UMB TERRORISM COVG (INCLUDED IN TOTAL POLICY PREMIUM)</b>	<b>NOT COVERED</b>
<b>DEPOSIT PREMIUM:</b>	<b>\$3,166</b>
<b>TOTAL POLICY PREMIUM IS:</b>	<b>\$3,166.00</b>

Countersigned this \_\_\_\_ Day of \_\_\_\_\_

\_\_\_\_\_  
Authorized Representative

This Declarations Page with the Policy Contract, Forms and Endorsements, if any,  
Complete the Policy.



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

Communication #6  
March 31, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
MAR 25 P 3:53

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: March 25, 2014  
Subject: FY2014-FY2018 Capital Improvement Program Submission

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In accordance with Section 6-5 of the revised Charter, which requires the submission of a capital improvement plan to the City Council by April 1 of each year, I am pleased to submit an updated Capital Improvement Program for Fiscal Years 2014 through 2018.

The enclosed Capital Improvement Program continues the process initiated in the FY13 budget, which included the Proposed FY 2012-FY 2017 Capital Improvement Program (CIP). This document mirrors those in that it includes an executive summary, cost estimates, supportive documentation, projected methods of financing, and long-term financial planning for a five-year window of capital investment needs. The fact that the Government Finance Officers Association has designated our annual budget document with a Distinguished Budget Presentation Award for FY13 and FY14 speaks to the level of quality and detail contained in our CIP submissions for those fiscal years.

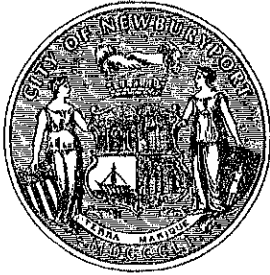
As was done previously, we have included projects that were funded in the course of the current fiscal year to demonstrate the City's ongoing commitments to investing in our infrastructure and to show the strides being made to attend to the City's ongoing capital needs. As a result, this CIP constitutes a selection of projects and equipment that either have received funding in FY14 or will require funding in the near future.

This document should be viewed as a tool to illustrate to the City Council how effective a coordinated approach to capital planning can be in the acquisition of equipment or completion of significant infrastructure improvement projects. Additionally, the fact that the revised Charter requires that this document be updated annually demonstrates the importance of this information being communicated to the City Council and the community as a whole.

I have placed significant emphasis on the importance of developing an organized and coordinated CIP for the City. Over the past few years, we have made progress in allocating funding for capital improvements into the operating budget and I am committed to continuing that trend to the greatest extent possible in FY15 and beyond.

I urge the members of the City Council to carefully review the plan, which will also be made available for public viewing on the City's website, and look forward to working with you through the public hearing and adoption process laid out in the Charter.

## APPOINTMENTS



Appointment #1  
March 31, 2014

# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

2014 MAR 20 P 1:50

To: President and Members of the City Council

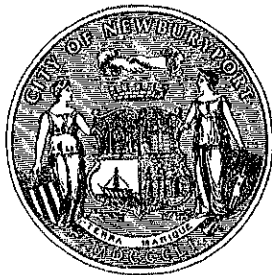
From: Donna D. Holaday, Mayor

Date: March 20, 2014

Re: Appointment

I hereby promote, subject to your approval the following named individual as Sergeant for the Newburyport Police Department.

Matthew Simons  
62 Munroe Street  
Haverhill, MA 01844



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

2014 MAR 20 P 1:50

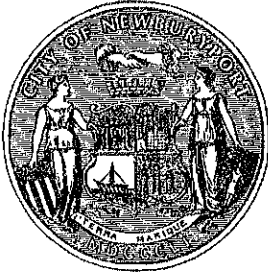
To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: March 20, 2014  
Re: Appointments

---

I hereby promote, subject to your approval, the following  
named individual as Sergeant for the Newburyport Police  
Department.

Charles Eaton  
20 Main Street  
South Hampton, NH 03827

Appointment #3  
March 31, 2014



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 18 P 3:43

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: March 18, 2014

Subject: Appointment

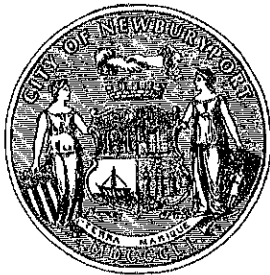
*Donna D. Holaday*

---

I hereby appoint, subject to your approval, the following  
named individual as a member of the Community  
Preservation Act Committee. This term will expire on  
February 1, 2017.

Daniel J. Koen  
16 Boyd Drive  
Newburyport, MA 01950

Appointment #4  
March 31, 2014



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR  
DONNA D. HOLADAY, Mayor

60 PLEASANT STREET - P.O. Box 524 P 2:39  
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the  
City Council

From: Mayor Donna D. Holaday, Mayor

Date: March 24, 2014

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Newburyport Trust Fund. This term will expire on March 1, 2017.

Richard A. Eaton  
4 Horton Street  
Newburyport, MA 01950

March 24, 2014

Mayor Donna M. Holaday  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Dear Mayor Holaday,

As per our recent conversation I am writing to inform you that I am interested in serving on the Trust Fund Committee. I graduated from Bentley College with a Bachelor's Degree in Accounting and worked at the Newburyport Five Cents Savings Bank for thirty-six years. I spent thirteen of those years as Treasurer and seventeen as President and CEO. During those years I was heavily involved with the investment program at the Bank.

I am also still serving on the Investment Boards of the Northern Essex Community College Foundation and Opportunity Works. I currently sit on the Finance Committee of the Immaculate Conception Parish and remain Treasurer of several organizations in the City. I have the time and interest in serving on this committee.

If you have any further questions please don't hesitate to contact me by phone at 978-462-4090 (H) or 978-973-1411 (C) or by email at [reaton630@yahoo.com](mailto:reaton630@yahoo.com).

Thank you for your consideration regarding this appointment.

Sincerely,



Richard A. Eaton  
4 Horton Street  
Newburyport, MA 01950



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. Box 550  
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

2014 MAR 24 P 2:39

To: President and Members of the  
City Council

From: Mayor Donna D. Holaday, Mayor

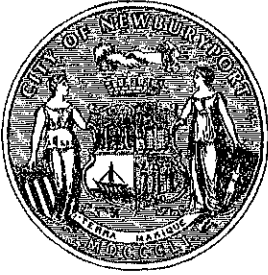
Date: March 24, 2014

Subject: Appointment

---

I hereby appoint, subject to your approval, the following named individual as a full-time Registrar for the Newburyport Board of Registrars.. This term will expire on March 31, 2017.

Susanne F. Gallagher  
3 Garnet Street  
Newburyport, MA 01950



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950

978-465-4413 PHONE  
978-465-4402 FAX

Re-Appointment #6  
March 31, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

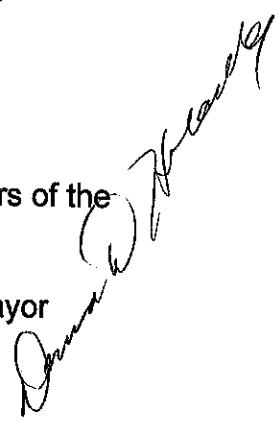
2014 MAR 18 P 3:43

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: March 18, 2014

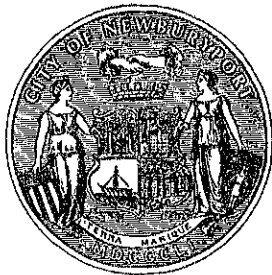
Subject: Re-Appointment



---

I hereby reappoint, subject to your approval the following  
named individual as a member of the Newburyport  
Affordable Housing Trust. This term will expire on April 1,  
2016.

Judy Tymon  
39 Lime Street  
Newburyport, MA 01950



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 19 A 10:32

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Subject: Reappointment

Date: March 18, 2014

I hereby reappoint, subject to your confirmation, the following  
named individual as a member of the Zoning Board of Appeals.  
This term will expire on February 1, 2015.

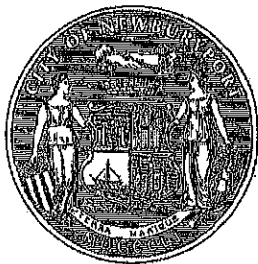
Duncan LaBay  
4 Ferry Road  
Newburyport, MA 01950



**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**

## COMMUNICATIONS



# CITY OF NEWBURYPORT

**TABLED Com. 7**  
**March 31, 2014**

## CITY COUNCIL

NEWBURYPORT CITY HALL

60 PLEASANT STREET

P.O. Box 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407

FAX: 978-462-7936

**TO:** Water Commissioners Messrs. E. Larry Kelly, Erford Fowler, Roger Jones, and John Tomasz

Sewer Commissioners Messrs. David Hanlon, Bob Cook, John Tomasz

**CC:** President O'Brien and the Newburyport City Council

**FROM:** Councillor Robert J. Cronin, Ward 3

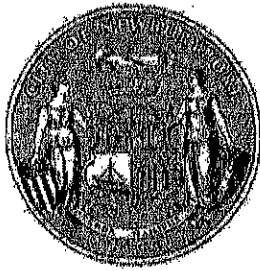
**DATE:** March 6, 2014

**RE:** Water and Sewer Payment Plan

In the recent weeks two residents have contacted me that the Water and Sewer payment plan has been eliminated. I am initially trying to confirm this as the program request form is still on the City website and no one at City Hall could offer any insight as to its status. While I am writing as an individual Councillor, I was asked to report my findings back to the full Council, so any information you provide would govern what action, if any the Council would endeavor to undertake.

If this valuable program has been suspended or eliminated, I urge you to reinstitute it immediately. This program is a safety net for some of the most vulnerable residents in our city and allows them to pay their bills in a way that is more economically feasible for them. Taxes and fees are increasing substantially as we upgrade our infrastructure; therefore this program is needed now more than ever.

Thank you for your anticipated cooperation in this matter and I look forward to your response.



CITY OF NEWBURYPORT  
OFFICE OF DPS WATER AND SEWER

60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950

(978) 465-4420 • (978) 465-9242 (FAX)

WWW.CITYOFNEWBURYPORT.COM

TABLED Com. #8  
March 31, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 11 A 9:49

**To:** Councillor Robert J. Cronin, Ward 3

**From:** Lisa Valcich, Business Manager Water and Sewer Department

**Cc:** City Councillors; Water Commissioners Messrs. E. Larry Kelly, Erford Fowler, Roger Jones, John Tomasz; Sewer Commissioners Messrs. David Hanlon, Bob Cook, John Tomasz; Anthony Furnari, Peter Lombardi

**Date:** March 11, 2014

**Re:** Water and Sewer Payment Plan

The Water and Sewer Business office is continuously working to improve our processes to better serve our customers. Parts of these improvements include improvement of our billing processes for our approximate 8500 customer accounts. Over the past year, we have instituted a quarterly billing system for our customers after receiving feedback that bi-annual billing was putting a financial burden on our customers who did not accurately budget for this expense. We were able to assign three billing cycles to our customer base and we bill on a monthly basis one of each of these billing cycles, resulting in a bill for each customer four times per year. We have received very positive feedback on this process improvement.

Another process improvement, which was approved by both the City Council and the Water and Sewer Commissions, was to move to a 14% per annum interest on all late charges. Previously, all late charges were manually tracked and assigned a demand fee for both water and sewer after the bill was 10 days past due. With the new per annum policy, our systems electronically track late payments and assign interest on a daily basis after 15 days past due. This process has improved efficiencies and cost in our office. When we instituted the 14% per annum interest policy, we also re-engineered our policy on payment plans.

Previously payment plans were available to any customer who desired to spread their payments out over the billing cycle, essentially working with our office on a budget. With the change from bi-annual to quarterly billing, we saw the number of customers using this service drop off significantly. This process was completely manual to institute and to manage. Each month, the office would need to look up each account on a payment plan to assure that on time payment was made. If it wasn't, the payment plan was null and void and demands were imposed.

To align the Water and Sewer Business Office with other billing within the City (Treasurer), we have instituted a new payment plan that assists our customers that have a financial burden or hardship. This is outlined in the Water Policy and Procedures manual as follows:

**Article VII: Collection Agreements**

*The Board of Water Commission ("Board") recognizes that there may be a time when extreme circumstance or hardship results in financial hardship to a customer. A customer who cannot pay the full amount due for charges may be permitted to enter into a collection agreement on their account. The intent of this policy is to establish a collection agreement for the extreme circumstance or hardship.*



CITY OF NEWBURYPORT  
OFFICE OF DPS WATER AND SEWER  
60 PLEASANT STREET • P.O. Box 550  
NEWBURYPORT, MA 01950  
(978) 465-4420 • (978) 465-9242 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

**Section 1. Request for Collection Agreement**

*Customers must have good payment and collections history within the utility billing system to request collection agreement.*

*All customers request for collection agreement will be reviewed by the Department of Public Services staff ("DPS Staff"), including the Business Manager on a case by case basis. The customer must fill out Water Collection Agreement form and provide proof of extreme circumstance or hardship by providing documented proof of hardship. After review of request for collection agreement by the DPS Staff, each request will be submitted to the Water Commission for approval.*

*Once approved by Water Commission, payments must be made in monthly installments and will not incur interest charges for a period of up to one year. All payments made on collection agreements must be made on time or non-payment will negate the collection agreement. In addition, all current water charges billed will be due at the time of billing due date. Current charges will incur interest as policy on billing. Any collection agreement not complete within a one year term, will be referred to the City Treasurer as a lien on real estate tax bill.*

*All denied requests will be provided in writing to the requestor within 15 business days of denial. At that time, all delinquent charges will incur interest and potential lien.*

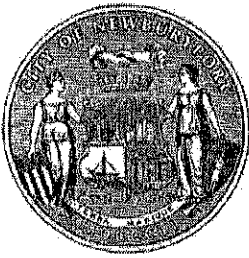
For the convenience of ratepayers who may be interested in applying for a collection agreement, the applicable policy and form titled Water and Sewer Payment Plan – Hardship Application are on both the Water and Sewer Websites, under the "Links" heading:

<http://www.cityofnewburyport.com/dps-sewer-division>  
<http://www.cityofnewburyport.com/dps-water-division>

In addition, you can also find the form by clicking on the Document Center Button on the City's Homepage. It is listed under both the Water and Sewer headings.

To date, I have not been approached by any residents regarding a hardship in paying their quarterly bills. If you provide me with the names of the residents that are having difficulty, I will reach out to them and do all that I can to support them.

In the future, if you ever have any questions regarding the Water and Sewer Departments policies, please feel free contact me directly. I am located at City Hall in the Water and Sewer Business office, email [lvalcich@cityofnewburyport.com](mailto:lvalcich@cityofnewburyport.com), or by phone 978-465-4420.



CITY OF NEWBURYPORT  
OFFICE OF PLANNING AND DEVELOPMENT  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4400 • (978) 465-4452 (FAX)

TO: **City Council / Planning & Development Committee**  
FROM: **Andrew R. Port, Director of Planning & Development**  
CC: **Planning Board**  
DATE: **March 25, 2014**  
RE: **Proposed Zoning Amendments submitted by Councilor Eigerman**

---

The Planning Board and City Council Planning & Development (P&D) Committee held a Joint Public Hearing regarding the above referenced zoning amendments on February 19, 2014, which was continued by both the Board and Committee for additional review. These proposed zoning amendments are currently in the Planning & Development docket and it is anticipated that the Council will take action on these items in the near future. On March 19, 2014 the Planning Board closed their portion of the Public Hearing after hearing additional public testimony and debating the merits of certain provisions within the proposed amendments.

In accordance with the procedures established in Massachusetts General Laws (M.G.L.) Chapter 40A §5 and Chapter 12 of the Newburyport Zoning Ordinance (NZO), the Planning Board offers this report with recommendations on the following proposed amendments to the NZO:

**Proposed Off-Street Parking Regulations**

The Joint Public Hearing on the three (3) proposed zoning amendments was focused almost exclusively on the two primary ordinances addressing historic preservation, design review and demolition control. Neither the Planning Board nor the Planning & Development Committee discussed the merits of the third zoning amendment proposed by Councilor Eigerman (*new standards for downtown parking*). We would like to remind the Council that the state Zoning Act requires a duly noticed public hearing (*with opportunity for public comment*) prior to the adoption of zoning ordinances. Although the Planning Board continued discussions regarding the three zoning amendments to March 19, 2014, the City Council Planning and Development Committee voted to *close* their portion of the public hearing on March 5, 2014. Since the Joint Public Hearing did not involve discussions of the third zoning amendment (*and therefore did not allow for public comment*) we believe this amendment cannot be enacted by the Council unless a new public hearing (*with legal notice*) is held by the Committee in conjunction with the Planning Board. If the Council wishes to table this amendment for consideration within the Comprehensive Zoning Review and Update project we recommend that this item be removed from Committee at the next regular Council meeting, followed by a motion to receive and file.

## **Proposed Downtown Overlay District (DOD) & Demolition Control Overlay District (DCOD)**

The Planning Board recommends approval of these two proposed amendments (DOD and DCOD) since they will enact greater regulatory protections for the preservation of historically significant buildings and structures within downtown Newburyport and larger National Register Historic District (depicted in combination on the two maps referenced in the ordinances). Combined, these two proposals mandate demolition control (for historic buildings and structures) and encourage historic preservation and compatible architecture throughout the City.

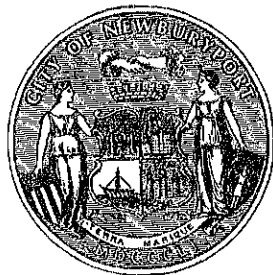
The Planning Board offers the following comments and recommendations in conjunction with this overall recommendation for adoption:

1. The Planning Board recommends that the baseline definition for the term "Demolition of a Building or Structure" (i.e. the 25% surface area rule) be revised to include any demolition made to the roof of a historic building or structure.
2. The Planning Board agrees with the "streamlining" provisions contained in both proposed overlay districts (DOD and DCOD) which would exempt projects within the overlay districts from a secondary (duplicative) review under the *existing* demolition delay ordinance.
3. The Planning Board agrees with the "streamlining" provisions contained in the DOD which would allow an expedited review of "minor" work (such as window, doors and awnings) by staff within the Office of Planning and Development, rather than requiring a lengthy public hearing process.
4. The Planning Board agrees with proposed language requiring the Planning Board and Zoning Board of Appeals (respectively) to consider the nationally recognized United States Secretary of the Interior's "Standards for the Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings" when reviewing applications for new construction, demolition or alterations. The proposed language allows sufficient latitude for the board to waive the requirements of applicable guidelines where such guidelines are too restrictive, not applicable or otherwise inappropriate to a given project.
5. The Planning Board agrees with the proposed exemption (within the DOD) for single and two-family homes within the underlying residential district provided that such exemption is granted by way of a text provision in the ordinance, rather than the adoption of a map with numerous "holes" depicting properties currently classified as single and two family uses.

## **Conclusion**

Thank you for the opportunity to comment on the proposed zoning amendments. We hope that these comments will assist the Council in review of the proposed ordinances prior to adoption.

## APPOINTMENTS



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR  
RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX  
2014 MAR 25 P 3:07

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: March 24, 2014  
Subject: Confirmatory Appointment

I hereby appoint, subject to your approval, the following named individual as an alternate member of the Historical Commission meaning and intending to replace the appointment dated March 14, 2014. This term will expire on March 1, 2017.

William K. Todd  
8 Foster Court  
Newburyport, MA 01950

**APPOINTMENTS  
SECOND READING**

**MAYOR'S APPOINTMENTS**  
**March 17, 2014**  
**SECOND READING**

**Appointment**

- |                              |                |                            |                        |
|------------------------------|----------------|----------------------------|------------------------|
| 7. Peter J. Finnegan         | 3 Noble Street |                            | Special Police Officer |
| 8. Christopher Michael Carey | 25 Temple St   | Commission on Disabilities | March 31, 2017         |

**Re-Appointment**

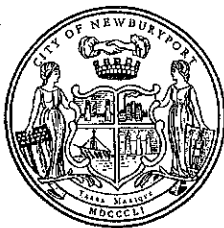
- |                     |                  |                            |                |
|---------------------|------------------|----------------------------|----------------|
| 9. Jane Healey      | 38 Winter Street | Community Preservation Com | March 1, 2017  |
| 10. Linda Smiley    | 7 Atwood Street  | Community Preservation Com | April 1, 2017  |
| 11. Dr. Robin Blair | 18 Market Street | Board of Health            | March 31, 2017 |

**In City Council March 17, 2014**

Motion to approve the Consent Agenda as amended by Councillor Herzog, seconded by Councillor Vogel. So voted.

# ORDERS

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 31, 2014

THAT THE CITY COUNCIL OF THE CITY OF NEWBURYPORT hereby authorizes the Mayor of the City of Newburyport and the Historical Commission of the City of Newburyport to enter into the PRESERVATION RESTRICTION AGREEMENT between THE CONGREGATION AHAVAS ACHIM and the CITY OF NEWBURYPORT, MASSACHUSETTS BY AND THROUGH THE NEWBURYPORT HISTORICAL COMMISSION as it applies to the exterior façade of the structure located at 53-1/2 Washington Street, Newburyport, Massachusetts.

Councillor Edward C. Cameron

# MEMO

**To:** Newburyport City Council

**From:** Kate Newhall-Smith, Staff Planner, Office of Planning and Community Development

**Subject:** RECOMMENDED ORDER: Adoption of Preservation Restriction for Congregation Ahavas Achim

**Date:** March 31, 2014

---

On June 28, 2010, the City Council voted to appropriate \$20,000 in CPA funding in the amount of for the restoration and preservation of the front entrance of the temple located at 53.5 Washington Street. As with all CPA funding allocated for historic preservation projects, receipt of the funding is contingent upon the final execution of a preservation restriction agreement for the entire façade of the structure.

The Congregation Ahavas Achim Synagogue, although altered by the application of synthetic siding, is a contributing property to the Newburyport Historic District, listed in the State and National Registers of Historic Places on August 2, 1984. It is historically significant for its architecture, associations and archeology, and qualifies for protections of a perpetual preservation restriction under M.G.L. Chapter 184, sections 31-33.

The Preservation Restriction, attached, has been reviewed by the Massachusetts Historical Commission (MHC) who has indicated support for the draft as written, as has our local Historical Commission. Final execution of the restriction is dependent on the Historical Commission, the City Council and the Mayor approving the document prior to final submission to the MHC and recordation at the Registry of Deeds.

This Preservation Restriction, once executed, will protect the façade of this structure in perpetuity, thereby indefinitely preserving one of Newburyport's historically significant structures. It is for this reason that I encourage you to act favorably on this recommendation.

Thank you for your consideration.

# **PRESERVATION RESTRICTION AGREEMENT**

**between**

**THE CONGREGATION AHAVAS ACHIM**

**and the**

**CITY OF NEWBURYPORT, MASSACHUSETTS**

**BY AND THROUGH THE NEWBURYPORT HISTORICAL COMMISSION**

THIS PRESERVATION RESTRICTION AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_ 2014 by and between the CONGREGATION AHAVAS ACHIM, located at 53-1/2 Washington Street, Newburyport, Massachusetts. 01950 ("Grantor"), and the CITY OF NEWBURYPORT ("**Grantee**"), a municipality duly organized under the laws of the Commonwealth of Massachusetts and located in Essex County, Massachusetts, to be administered, managed and enforced by its agent, the NEWBURYPORT HISTORICAL COMMISSION, located at 60 Pleasant Street, Newburyport, Massachusetts, 01950 ("**Commission**"),

WHEREAS, the Grantor is the owner of certain real property located at 53-1/2 Washington Street, Newburyport, Massachusetts, referred to as "**the Property**" and containing about 8630 square feet, more or less, comprising the Property conveyed by Greeley J Fogg, Walter Barber Somerby, George E. Hall and David C. Dickie, Trustees of the First Methodist Episcopal Church of Newburyport, to said Congregation in a deed dated February 2, 1938, recorded with the Southern Essex District Registry of Deeds, book 2945, page 142, and more particularly described in Exhibit A incorporated herein by reference and attached hereto, said Property improved by a building thereon known as the Ahavas Achim Congregation Synagogue (formerly known as the First Methodist Episcopal Church in Newburyport), referred to hereinafter as "**the Building**", described as follows:

The Building consists of a two-story, wood-frame structure of Italianate style design. The Building has a three-bay principal (north) elevation and a low-pitched, gable roof with a projecting cornice, cornice returns and modest scrolled cornice brackets. The first and second stories are separated by a narrow, two-part belt course. The Building is presently sheathed in synthetic siding over wood clapboards. Synthetic siding in block form also appears to cover the second story quoins. Historic decorative wood trim and window and door surrounds remain in place. All of the windows on the principal (north) elevation and side (east and west) elevations have carved hoods with beveled edges and have bracketed frames. On the first story these hoods are squared, and on the second story they are arched. The principal (north) elevation is dominated by an exuberant arched central entrance entablature decorated with modillions, ogees and a scrolled medallion. The double doors have an arched pattern and appear to be modern replacements of earlier three-panel doors and sidelights. Above the doorframe is a metal plaque crowned with a Star of David. The entrance is flanked by 8-over-8 narrow, rectangular windows with squared hoods. Above the entrance on the second story is a tall, narrow, second story paired window with semi-circular arches and topped by an ornamented U-shaped crown with a carved keystone and terminating, engaged pendants. . Black panels set in the paired window openings have Hebrew letters representing the Ten Commandments. On either side are two tall, narrow 20-over-20 segmental arch windows with arched hoods. The east and west elevations each have four, 8-over-8 hooded windows on the first story and three 16-over-16 arch windows with hoods on the second story. The east elevation also has a narrow projecting former entry bay in the northeast corner and a small window in the southeast corner. The rear (south) elevation has a

first-story projection with a shed roof, side door and small, simply-framed window at the back. There is also a shallow, central second story projection with a gabled roof, returns and entablature. A paired rectangular framed window is centered above this just below the gable peak. The main entry on the north elevation is approached by shallow concrete steps with metal railings on each side; there is also a concrete access ramp with metal railings that leads up to the left side of the main entrance. The Building is further depicted and described in Exhibit B incorporated herein and attached hereto by reference; and

WHEREAS, the cultural, historical and architectural significance of the Building emanates from its construction in 1865, and its location as a contributing property within the Newburyport Historic District, designated August 2, 1984 and listed on State and National Registers of Historic Places. The Building is important for its associations with the social and religious history of Newburyport, and to the public's enjoyment and appreciation of Newburyport's architectural and historical heritage; and

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter "preservation values") and significance of the Building and the Property, and have the common purpose of preserving the aforesaid preservation values and significance of the exterior of the Building and the Property; and

WHEREAS, the preservation values of the Building and the Property are documented in a series of photographs and documents (hereinafter, 'Baseline Documentation') incorporated herein and attached hereto as by reference as Exhibit B, which Baseline Documentation the parties agree provides an-accurate representation of the Building as of the date of this grant; and

WHEREAS, the Baseline Documentation (Exhibit B) shall consist of the following:

1. A set of six (6) exterior photographs of the Building taken in August 2013;
  - a. Photo 1: East and North (front) Elevations
  - b. Photo 2: North Elevation
  - c. Photo 3: North and West Elevations
  - d. Photo 4: West and South Elevations
  - e. Photo 5: East Elevation
  - f. Photo 6: Main Entry Detail – North Elevation
2. Newburyport Assessors' Parcel Map with Building Footprint; and

WHEREAS, the Building is in need of preservation and restoration; and

WHEREAS, upon the recommendation of the Community Preservation Committee and approved as Project #13 by the City Council on June 28, 2010, the sum of twenty thousand dollars (\$20,000) from the Community Preservation Fund ("Funds") was appropriated for the purpose of funding a grant for the restoration of the Building; and

WHEREAS, the Grantor and the Grantee have reached an Agreement whereby the Grantee shall provide the Funds so appropriated to the Grantor to be expended for the preservation and renovation of the aforementioned Building, under the terms and conditions set forth herein and in such other documents as the parties may execute, and the Grantor agrees to accept such Funds to be used exclusively for such purposes and under such terms and conditions ("Restriction" or "Preservation Restriction");

WHEREAS, the Grantor in further consideration of the receipt of such Funds and to ensure the preservation of the aforementioned Building agrees and desires, to impose certain restrictions, obligations

and duties upon itself, its successors and assigns, so as to maintain, protect and preserve the architectural and historical integrity of the Building;

WHEREAS, the preservation of the Building is important to the public for the enjoyment and appreciation of its architectural and historical heritage and serves the public interest in a manner consistent with the purposes of Massachusetts General Laws, Chapter 184, Sections 31, 32 and 33 ("Act"); and

WHEREAS, the Commission is authorized to accept preservation restrictions in the name of the City of Newburyport and the Commission is a governmental body duly organized under the laws of the Commonwealth of Massachusetts, including the General Laws, Chapter 40C, authorized and directed by the Grantee to manage the Property and Buildings burdened by such restrictions, consistent with the provisions of the Act and to administer and enforce this preservation restriction;

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby irrevocably grant and convey to the Grantee in gross in perpetuity this Restriction over the Property and exterior of the Building to be administered, managed and enforced by the Commission.

1. Purpose: It is the Purpose of this Restriction to assure that, the architectural, historic, and cultural features of the exterior of the Buildings will be retained and maintained forever substantially in their current condition or in a restored condition approved by the Commission for preservation purposes and to prevent any use or change of the Property or the exterior of the Building that will significantly impair or interfere with the Building's preservation values or alter views of the exterior of the Building.

2. Preservation Restriction: The Grantor grants the Grantee the right to forbid or limit:

- a. any alteration to the appearance, materials, workmanship, condition or structural stability of the Building unless (i) clearly of minor nature and not affecting the characteristics which contribute to the architectural or historical integrity of the Building and the Property, or (ii) the Grantee has previously determined that it will not impair such characteristics after reviewing plans and specifications submitted by Grantor in accordance with the requirements of paragraph 7, which determination shall not be unreasonably withheld, or (iii) required by casualty or other emergency promptly reported to Grantee in accordance with the requirements of paragraph 9. For the purposes of this Agreement, interpretation of what constitutes alterations of a minor nature and ordinary maintenance and repair is governed by the Restriction Guidelines, which are attached hereto as Exhibit C and hereby incorporated by reference.
- b. any other act or use that may be harmful to the historic preservation of the Building or the Property.

3. Restriction as to Expenditure of Funds: Subject to Paragraph 2 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purposes of this Restriction, the Grantor shall expend such Community Preservation Funds to rehabilitate and restore the Building.

4.1. Grantor's Covenants: Covenant to Maintain. Subject to Paragraph 2 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purposes of this Restriction, the Grantor covenants and agrees at all times to maintain the Building in the same structural condition and state of repair to that existing following the substantial completion of restoration work to be completed as a result of the expenditure of Community Preservation Funds. Grantor's obligation to maintain shall require replacement, repair, and reconstruction by Grantor

whenever necessary to preserve the exterior of the Building. Subject to the casualty provisions of paragraphs 9 and 10, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction of the Building whenever necessary in accordance with the policies and procedures of the Commission and in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 CFR 67 and 68), as these may be amended from time to time (hereinafter the "Secretary's Standards"). It is desirable, although not a requirement of this Agreement, that the current synthetic exterior sheathing of the Building be removed at a future date, and the extant underlying wood cladding, trim and decorative features be restored and/or replaced with historically appropriate wood materials.

Grantor's covenant herein shall be limited to funds reasonably available therefore. Should the parties disagree as to the need of maintenance or the availability of funds the matter may be submitted by either party for arbitration pursuant to the Massachusetts arbitration statute then in effect.

4.2. Grantor's Covenants: Prohibited Activities. The following acts or uses are expressly forbidden except as otherwise conditioned in this paragraph:

- a. the Buildings shall not be demolished, removed, or razed except as provided in Paragraphs 9 and 10;
- b. the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Property near the Building;
- c. no above-ground utility transmission lines, except those reasonably necessary for the existing Building, may be created on the Property, subject to utility easements already recorded;
- d. no additions and/or outbuildings may be attached to the Building without prior approval of the Grantor; and
- e. moving the Building to another location shall be forbidden without prior approval of the Commission.

5. Conditional Rights Requiring Grantee Approval: Subject to Paragraph 4 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purposes of this Restriction, the Grantor shall not alter the Building without prior express written approval of the Commission. Without said approval Grantor shall not make any changes to the Building, including the alteration, partial removal, construction, remodeling, or other physical or structural change, including permanent signs, and any change in material or color or any change to the footprint, size, mass, ridge-line, and rooflines of the Building. Grantor shall similarly not make any alterations to the surrounding Property that would obscure the current view of the Building, such as the installation of permanent signage or trees or very large shrubs without approval of the Commission..

Activities by Grantor to maintain the Building and the Property which are intended to be performed in accordance with the provisions of paragraph 4.1, and which are of a minor nature, shall not require the prior approval of the Commission. For the purposes of this section, interpretation of what constitutes ordinary maintenance of a minor nature is governed by the Restriction Guidelines (Exhibit C), which are attached to this Agreement and hereby incorporated by reference.

6. Grantor's Reserved Rights Not Requiring Further Approval by the Grantee: Subject to the provisions of paragraphs 2 and 4.2, the following rights, uses, and activities of or by Grantor on, over, or under the

Property are permitted by this Restriction and by the Commission without further approval by the Commission:

- a. the right to engage in all those acts and uses that:
  - (i) are permitted by governmental statute or regulation;
  - (ii) do not substantially impair the preservation values of the Building and Property; and
  - (iii) are not inconsistent with the Purpose of this Restriction;
- b. pursuant to the provisions of Paragraph 4.1, the right to maintain and repair the Building strictly according to the Secretary's Standards. As used in this sub-paragraph, the right to maintain and repair shall mean the use by the Grantor of in-kind materials and colors, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the exterior of the Building. The right to maintain and repair as used in this sub-paragraph shall not include the right to make changes in appearance, materials, workmanship from that existing prior to the maintenance and repair without the prior approval of the Commission in accordance with the provisions of Paragraph 5;

7. Review of Grantor's Requests for Approval: Grantor shall submit to the Commission for the Commission's approval of those conditional rights set out at Paragraphs 2 and 5 two copies of information (including plans, specifications, and designs where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to the Commission a timetable for the proposed activity sufficient to permit the Commission to monitor such activity. Within forty-five (45) days of the Commission's receipt of any plan or written request for approval hereunder, the Commission shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case the Commission shall provide Grantor with written suggestions for modification or a written explanation for the Commission's disapproval. Any failure by the Commission to act within forty-five (45) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by the Commission of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.

8. Standards for Review: In exercising any authority created by this Restriction to inspect the Building; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage, the Commission shall apply the Secretary's Standards.

9. Casualty Damage or Destruction: In the event that Building or Property shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement or other casualty, Grantor shall notify the Commission in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Building and Property and to protect public safety, shall be undertaken by Grantor without the Commission's prior written approval of the work. Within one hundred twenty (120) days of the date of damage or destruction, if required by the Commission, Grantor at its expense shall submit to the Commission a written report prepared by a qualified restoration architect and an engineer who are acceptable to the Grantor and the Commission, which report shall include the following:

- a. an assessment of the nature and extent of the damage;

- b. a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and
- c. a report of such restoration/reconstruction work necessary to return the Building to the condition existing at the date hereof or the condition subsequently approved by the Commission.

10. Review After Casualty Damage or Destruction: If, after reviewing the report provided in Paragraph 9 and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and the Commission shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission agree that restoration/reconstruction of the Building is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction and Grantor may, with prior written consent of the Commission, alter, demolish, remove or raze the Building, and/or construct new improvements on the Property, Grantor and Grantee may agree to extinguish this Restriction in accordance with the laws of the Commonwealth of Massachusetts and paragraph 23 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts arbitration statute then in effect, and all other applicable laws, rules, regulations, and ordinances. Arbitrator shall have experience in historic preservation matters.

11. Insurance: Grantor shall keep the Building insured by an insurance company rated "A-1" or better by Best's for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death and property damage. Property damage insurance shall include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Building without cost or expense to Grantor or contribution or coinsurance from Grantor. Grantor shall deliver to the Commission, within ten (10) business days of the Commission's written request thereof, certificates of such insurance coverage. Provided, however, that whenever the Property is encumbered with a mortgage or deed of trust nothing contained in this paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds.

12. Indemnification: Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend, at its own cost and expense, Grantee, its boards, commissions, appointees, agents, directors, employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses and expenditures (including attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Building; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance or regulation as a hazardous, toxic, polluting or contaminating substance; or other injury or other damage occurring on or about the Building; unless such injury, death, or damage is caused by Grantee or its

boards, commissions, appointees, agents, directors, employees, or independent contractors. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property with the same effect and priority as a mechanic's lien.

13. Written Notice: Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing;

Grantor: Congregation Ahavas Achim  
53-1/2 Washington Street  
Newburyport, MA 01950

Grantee: City of Newburyport  
c/o Newburyport Historical Commission  
City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Each party may change its address set forth herein by a notice to such effect to the other party.

14. Evidence of Compliance: Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein, or that otherwise evidence the status of this Restriction to the extent of Grantee's knowledge thereof.

15. Inspection: With the consent of Grantor, Grantee or its representatives shall be permitted at reasonable times to inspect the Buildings and the Property on an annual basis. Grantor covenants not to withhold unreasonably its consent in determining dates and times for such inspections.

16. Grantee's Remedies: The Grantor, for itself, its assigns and successors, expressly acknowledges that a violation of this Preservation Restriction Agreement, including a failure to expend such Funds for their intended purposes, may result in the Commission exercising its right to enforce the terms and conditions of the Restriction by seeking appropriate legal and equitable relief, including, but not limited to, restoration of the Building, repayment of the Funds, and such other legal and equitable remedies as may be available to the Commission to effectuate the purposes of this Restriction and to enforce the Grantor's obligations hereunder.

In the event Grantor is found to have violated any of its obligations, Grantor shall reimburse Grantee for any costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including all court costs, and attorneys', architectural, engineering, and expert-witness fees. Grantor shall, at its own expense and with approval of Commission, reverse any actions or activities which violated this restriction and altered the Building.

Nothing in this Restriction shall impose upon the Commission any duty to maintain or require that the Building be maintained in any particular state or condition, notwithstanding the Commission's acceptance hereof. Enforcement of the terms of this Preservation Restriction shall be at the discretion of the Commission. Any election by the Commission as to the manner and timing of the exercising of its right to enforce this Preservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights. By its acceptance of this Preservation Restriction, the Commission does not assume any liability or obligation relating to the condition of the Building or the Property, including compliance with hazardous materials or other environmental laws and regulations.

17. Notice from Government Authorities: Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Buildings or Property received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

18. Notice of Proposed Sale: Grantor shall promptly notify Grantee in writing of any proposed sale of the Property and provide the opportunity for Grantee to explain the terms of the Restriction to potential new Grantors prior to sale closing.

19. Runs with the Land: Except as provided in Paragraphs 9 and 10, the restrictions, obligations and duties set forth in this Restriction shall run with the Property and shall inure to the benefit of the Commission and all parties claiming by, through or under the Commission and shall bind the Grantor and all parties claiming by, through or under the Grantor. The rights hereby granted to the Commission constitute the perpetual right of the Commission to enforce this Preservation Restriction Agreement. The Grantor hereby covenants for itself to stand seized and hold title to the Property subject to the terms of this Restriction. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest and all persons hereafter claiming under or through Grantor and Grantee, and the words "Grantor", "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, Grantor of the Property shall have no obligation pursuant to this instrument where such Grantor shall cease to have any Grantorship interest in the Property by reason of a bona fide transfer. The restrictions, stipulations and covenants contained in this Restriction shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Property or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Property.

20. Assignment: Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national charitable corporation or trust that qualifies under the Act, and whose purposes, inter alia, are to promote preservation of historical, cultural, or architectural resources, provided that any such conveyance, assignment or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out. Grantor shall give prior written approval of such conveyance, assignment, or transfer by Grantee, such approval not to be unreasonably withheld.

21. Alternate Designee: Grantee may, at its discretion, remove and replace the Commission as its designee to administer, manage, and enforce this Restriction, provided that any new designee is qualified as such under the Act and other applicable law.

22. Recording and Effective Date: Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this Restriction which shall become effective upon its being duly executed by the Grantor, the City of Newburyport, and the Newburyport Historical Commission, its being approved by the Massachusetts Historical Commission, and its being recorded with the Southern Essex County District Registry of Deeds.

23. Extinguishment: Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Property may make impossible the continued Grantorship or use of the Property for the

Purpose of this Restriction and necessitate extinguishment of the Restriction. Such a change in conditions may include, but is not limited to, partial or total destruction of the Building resulting from casualty. Such an extinguishment must meet all the requirements of the Act for extinguishment, including public hearings by the City of Newburyport and the Massachusetts Historical Commission to determine that such extinguishment is in the public interest. In the event of a sale of the Property, net proceeds of sale shall be paid to Grantor.

24. Condemnation: If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds. Such recovered proceeds shall be paid to Grantor.

25. Interpretation: The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction:

- a. Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Property shall not apply in the construction or interpretation of this Restriction and this instrument shall be interpreted broadly to affect its Purpose and the transfer of rights and the restrictions on use contained herein.
- b. This instrument may be executed in two counterparts, one of which is to be retained by Grantor and the other, after recording, to be retained by Grantee. In the event of any disparity between the counterparts produced, the recorded counterpart shall in all cases govern. Except as provided in the preceding sentence, each counterpart shall constitute the entire Restriction of the parties.
- c. This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law or private Restriction either in existence now or at any time subsequent hereto.
- d. Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods or use. In the event of any conflict between any such ordinance or regulation and the terms hereof Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provision shall be deemed to have been incorporated herein automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event any provision invalidated is of such a nature that it cannot be modified, the provision shall be deemed deleted from this Preservation Restriction as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

26. Amendment: If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this

Restriction, provided that no amendment shall be made that will adversely affect the qualification of this Restriction or the status of Grantee under any applicable law. Any such amendment shall be consistent with the protection of the preservation values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit any private increment to any person or entity; and shall not adversely impact the overall architectural and historic values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the Southern Essex County District Registry of Deeds. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

27. Release: This Preservation Restriction is intended to be a restriction in gross in perpetuity and may only be released, in whole or in part, by the Grantee pursuant to the procedures for release established by the Act and otherwise by law, including approvals following public hearings by the City of Newburyport and the Massachusetts Historical Commission to determine that such a release is in the public interest.

28. Archaeological Activities: The conduct of archaeological activities on the Property, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by the Grantor and approved in writing by the Grantee and the State Archaeologist of the Massachusetts Historical Commission (M.G.L. C. 9, Sec. 27C, 950 C.M.R. 70.00).

IN WITNESS WHEREOF, the Grantor sets its hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2014.  
By:

**GRANTOR:**

CONGREGATION AHAVAS ACHIM

\_\_\_\_\_  
Ilene M. Harnch-Grady  
President, Board of Directors  
Congregation Ahavas Achim

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**ACCEPTANCE BY THE NEWBURYPORT HISTORICAL COMMISSION**

\_\_\_\_\_  
Linda Smiley, duly authorized  
Chair, Newburyport Historical Commission

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes as duly authorized Chair of the Newburyport Historical Commission.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**ACCEPTANCE AND APPROVAL BY THE CITY OF NEWBURYPORT**

I, the undersigned City Clerk of the City of Newburyport, Massachusetts, hereby certify that at a meeting duly held on \_\_\_\_\_, 2014, the City Council voted to approve and accept the foregoing Preservation Restriction Agreement for the preservation of the historic resources of said City and being in the public interest pursuant to Massachusetts General Laws Chapter 184, Section 32.

CITY OF NEWBURYPORT

By its Clerk

\_\_\_\_\_  
Richard B. Jones

The undersigned hereby certifies that the foregoing preservation restrictions have been approved and accepted by the City of Newburyport

CITY OF NEWBURYPORT

\_\_\_\_\_  
Donna D. Holaday, Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned notary public, personally appeared Richard B. Jones, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes as Clerk of the City of Newburyport.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned notary public, personally appeared, Donna D. Holaday, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes as Mayor of the City of Newburyport.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION**

**COMMONWEALTH OF MASSACHUSETTS**

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that foregoing preservation restriction has been approved pursuant to Massachusetts General Law, chapter 184, section 32.

MASSACHUSETTS HISTORICAL COMMISSION

By: \_\_\_\_\_  
Brona Simon  
Executive Director and Clerk

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned notary public, personally appeared, Brona Simon, Executive Director and Clerk, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## **EXHIBIT A**

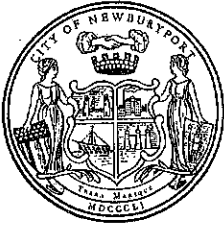
### **Legal Property Description**

Land in said NEWBURYPORT with buildings thereon, bounded and described as follows, viz:-  
Beginning at the Northerly corner thereof at the junction of Washington and Olive Streets, thence running Southwesterly by said Olive Street one hundred fifteen and one-half (115.5) feet, more or less, to land formerly of Alexander Caldwell; thence Southeasterly by the last mentioned land sixty-six (66) feet, more or less, to land formerly of John A. True; thence Northeasterly by the last mentioned land one hundred fifteen and one-half (115.5) feet, more or less, to Washington Street; thence Northwesterly by said Washington Street sixty-six (66) feet, more or less, to Olive Street aforesaid and the point begun at.

Source: Southern Essex District Registry of Deeds, Book 2945, Page 142

# ORDINANCE

# CITY OF NEWBURYPORT



IN CITY COUNCIL

MARCH 31, 2014

**ORDERED:**

## **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES**

Be it ordained by the City Council of the City of Newburyport as follows:

*General Ordinance Amendment:*

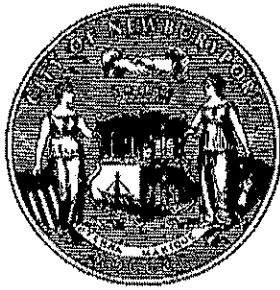
<b>Chapter 13:</b>	<b>TRAFFIC AND MOTOR VEHICLES</b>
<b>Article IV:</b>	<b>Specific Street Schedules</b>
<b>Division 4:</b>	<b>Stop Intersections</b>
<b>Section 13-136:</b>	<b>Designated</b>

The following streets are designated as stop intersections and vehicles traveling thereon shall come to a complete stop before entering such intersections:

**ADD:**

Pond Street:	Westbound traffic at the corner Greenleaf Street
Green Street	Northbound traffic at the corner of Merrimac Street

Councillor Robert J. Cronin  
Public Safety Chair



## CITY OF NEWBURYPORT

NEWBURYPORT CITY COUNCIL

ROBERT J. CRONIN  
WARD 3 COUNCILLOR  
CHAIR, PUBLIC SAFETY  
MEMBER, BUDGET & FINANCE

NEWBURYPORT CITY HALL  
60 PLEASANT STREET  
P.O. Box 550  
NEWBURYPORT MA 01950

MAIN: 978 465 4407  
CELL: 978 857 9249  
CRONINWARD3@GMAIL.COM

TO: President O'Brien  
Members of City Council  
FROM: Robert J. Cronin, Councillor Ward 3,  
Public Safety Chair,  
Member Traffic Safety Advisory Committee

DATE: March 23, 2014

**RE: Stop Sign Ordinance Greenleaf Street**

As part of an ongoing effort, the Mayor has established a Traffic Safety Advisory Committee to examine areas of "trafficway" concern around the city. During the City Council meeting of March 17, 2014, I provided a brief synopsis of the various projects that were being addressed.

One such area is the intersection of Greenleaf Street and Pond Street; currently Greenleaf has yellow flashing lights (warning) while Pond Street is controlled by "Stop" signs in both directions. This intersection has repeatedly been reported as confusing and dangerous. Many motorists stop at the yellow light out of legitimate concern for their safety, while others do not. This creates a condition of confusion that increases the likelihood of crashes.

I am sponsoring the attached ordinance to make this a four-way "Stop" intersection and if passed the Traffic Safety Advisory Committee will monitor the area for success or unforeseen problems. While four way stop signs are not the ideal solution they are applicable in certain situations; this meets that criteria.

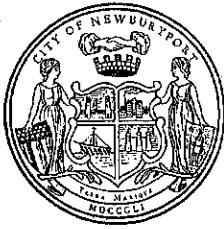
The Committee is comprised of DPS, Fire, Police, Parking Clerk, MVPC representative and the City Council chair of Public Safety. Meetings are of course open to the public and are scheduled for the third Thursday of the month at 5:00 PM.

The cost of this is low, two "Stop" signs and "Stop Ahead" signs which after careful monitoring can be removed and used at other locations in the unlikely event that this does not improve the intersection.

While the biggest concern is FD response, this is not problematic as Pond Street traffic is seemingly required to stop. In the drafting of this ordinance, I discovered that the current signage, traffic controls and conditions do not agree with our Code of Ordinances. I have addressed that omission at this intersection as well as one on Green Street.

I will ask this to be referred to committee and will advise the Council as to when it will be discussed so your thoughts and the public thoughts can be heard.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 31, 2014

## AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-180	Resident Parking

*Delete from (g) (2)*

Ashland Street – Beginning at the lower corner of Ashland Court and proceeding northerly on the westerly side of Ashland Street to a point 6 feet north of the property line between 2 Ashland Street and 345 Merrimac Street.

Beginning at the lower corner of Ashland Court and proceeding northerly on the easterly side of Ashland Street to Merrimac Street.

*Add the following streets or portions thereof to the resident only parking zone as defined in subsection (a)(3):*

Ashland Street – Beginning at the lower corner of Ashland Court and proceeding northerly on the westerly side of Ashland Street to a point 6 feet north of the property line between 2 Ashland Street and 345 Merrimac Street.

Beginning at the lower corner of Ashland Court and proceeding northerly on the easterly side of Ashland Street to Merrimac Street.

“Resident only parking zones shall mean a residential district where curbside parking on public highways is restricted to vehicles of residents that properly display a parking permit authorized by this section.” Section 13-180 (a) (3)

Councillor Charles F. Tontar

## COMMITTEE ITEMS

## Budget & Finance



# City of Newburyport

## FY 2014

### BUDGET TRANSFER REQUEST

Department: Mayor

Submitted by: Mayor Donna D. Holaday

Date Submitted: 3/17/2014

**Transfer From:**

Account Name	General Fund - Free Cash	YTD Bal:	\$ 2,124,654.46
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$409,676.48	Trans Out:	\$ 367,454.54
Why are Funds Available:	<i>The Mass Dept of Revenue has certified Free Cash for FY 2014 at \$2,492,109.</i>		
<i>These funds are available for any legal purpose with the approval of the Mayor and a majority vote of the City Council.</i>			

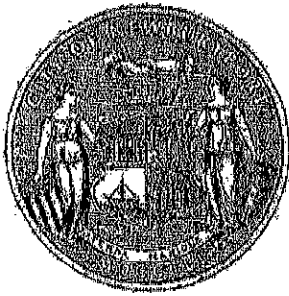
**Transfer To:**

Account Name	Multiple - See attached	YTD Bal:	
Account Number:	Multiple - See attached	Trans In:	
Amount:	\$409,676.48	Trans Out:	
Why are Funds Required:	<i>See attached memo and project listing.</i>		

Donna D. Holaday, Mayor  
William B. Squillace, Auditor  
City Council Approval: (Stamp)

*Donna D. Holaday*  
*William B. Squillace*

Date: 3/11/14  
Date: 3-11-2014



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY  
60 PLEASANT STREET • P.O. Box 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: March 11, 2014

Subject: FY14 Capital Project Request

---

The City's current Free Cash balance is \$2,146,735. A number of projects/purchases have been identified as a priority to be addressed in this fiscal year. Many are included in the Capital Improvement Plan for FY14, while others are in response to new and timely needs that have arisen over the course of the past year. I am asking that you consider transfer requests for the following projects to be funded from Free Cash:

- Sidewalk Repairs  
Cost: \$105,562.48  
Rationale: This amount is required to bring the total FY14 City contribution for sidewalk repairs to 50% of actual FY13 local meals tax receipts in accordance with the original Council order. Funding for this year to date consists of: \$75,000 in FY14 Operating Budget and \$60,000 in Supplemental Budget.
- Hazard Tree Removal  
Cost: \$9,000.00  
Rationale: An outside contractor with suitable equipment is required to remove 4 large hazard trees including stump grinding. These trees are located on Columbus Ave, Dove Street, and Orange Street and have been identified as the highest priority by the Tree Warden.
- Storage Area Network Device  
Cost: \$20,150.00  
Rationale: Existing City-wide IT storage capacity is over 85% due to increasing use of electronic filing. A new unit will provide enough capacity for another four years at the current/projected data storage usage rates.

- Color Copier/Scanner  
Cost: \$4,800.00  
Rationale: Youth Services' current units are in disrepair, antiquated and incompatible with new software systems.
- Mowers  
Cost: \$7,5000.00  
Rationale: DPS needs to replace one rider mower and five standard lawn mowers that are in poor condition.
- Landscape Trailers  
Cost: \$9,5000.00  
Rationale: DPS needs to replace one existing 1992 trailer with two light duty trailers to prevent further damage to mower chutes and inefficient use of staff time.
- Oil Pump System  
Cost: \$15,000.00  
Rationale: DPS needs to replace the pump and hose system used by DPS mechanics to service all City vehicles. The current system is over 25 years old and failing.
- City Hall Carpet Replacement  
Cost: \$18,196.00  
Rationale: Project will include replacing carpeting and painting the walls in the first floor main hallway, Treasurer/Collector's, Auditor's, Assessor's, Planning and Development's, and Clerk's Offices. The work will be completed with in-house labor, saving significant costs.
- Defibrillators  
Cost: \$9,800.00  
Rationale: Existing AED units are 8 years old and have become cost-prohibitive to continue to keep in service given the battery and chest pad replacement costs. This will cover 7 new units so that every cruiser is equipped.
- Emma Andrews Ramp  
Cost: \$10,755.00  
Rationale: This project will bring this facility fully up to ADA and MAAB compliance. The Emma Andrews Association's donation of \$5,000 and the use of in-house labor will help to keep the overall project costs down.
- Library Roof Repairs  
Cost: \$1,500.00  
Rationale: The rubber roof membrane needs minor repairs and sealing as preventative maintenance.

- Two Fire Engines  
Cost: \$115,000.00  
Rationale: The current reserve engines are both 1993 vintage and have been repeatedly called into service over the past year due to mechanical repairs on the front-line vehicles, which were purchased in 2003 and 2008 respectively. These vehicles generally have a 20 year life expectancy, with 10 years as front-line engines. This initial cost covers the first year's payment of a 10-year lease-to-own payment plan so that the City can plan for a CY15 delivery given the lead time on these vehicles. These additional annual lease costs will be incorporated into the operating budget in future fiscal years, with the expectation that this increase will be offset by the addition of a new fire alarm installation and monitoring fee. This new fee is projected to bring in approximately \$100,000 annually.
- Business & Industry Park Signage  
Cost: \$11,810.00  
Rationale: Upgrades to existing outdated signage throughout the Park are designed to showcase new brand identity.
- Brown School Re-use Feasibility Study  
Cost: \$40,000.00  
Rationale: A comprehensive analysis of potential re-use of the building and site needs to occur in the next several months given existing conditions, constraints, and municipal space needs for Youth Services programming. See attached scope of work from the Office of Planning & Development.
- Parks Equipment Repairs/Upgrades  
Cost: \$17,525.00  
Rationale: Ongoing capital needs for FY14 include: repairing tennis court surfacing at Atkinson Common, replacing broken play equipment and drinking fountain at Cashman, installing a wheelchair accessible swing at the Brown School playground, and installing permanent off-leash signage at designated areas.
- Atkinson Common Improvements  
Cost: \$13,578.00  
Rationale: The operating costs for this park exceed funds available through the Belleville Improvement Society. Increases in this year's Parks maintenance line item covered the fiscal year but an additional \$8,923.33 is required as a one-time expenditure to cover the six-month backlog. The balance of this request includes \$4,655 in one-time costs: an orchard ladder, 6 tree gators, structural supports for restroom floor, and completion of a trench drain for Pioneer Drive.

These projects represent \$409,676.48 in total capital investments. I look forward to discussing these funding needs in further detail when this request has been referred to the Budget and Finance Committee for their review.

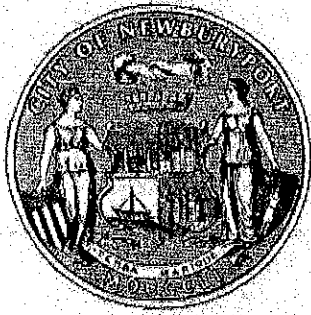
# Capital Project Transfer Requests March 17, 2014

Department/Location	Purpose	Amount	Account Name	Account Number	Current Balance	Description
DPS	Sidewalk Repairs	105,562.48	HWY Sidewalks	01421008-58901	132.52	Brings total FY14 sidewalk funding to \$240,000, 50% FY13 Meals Tax Receipts Actuals (\$480k)
DPS	Hazard Tree Removal	9,000.00	HWY Maint-Tree	01421002-52404	1,053.58	Outside contractor needed for removal of 4 large hazard trees
IT	Storage Area Network Device	20,150.00	IT Computer Hardware	01151002-52664	0.00	Existing storage capacity is over 85% due to increasing use of electronic filing. New unit will provide enough capacity for another 4 years.
Youth Services	Copier/Scanner (Color Unit)	4,800.00	IT Computer Hardware	01151002-52664	0.00	Replacement of current units that need repair, are antiquated, and incompatible with new software systems
DPS	Mowers	7,500.00	HWY Lawn Tractor	01421008-58930	0.00	Replace one rider mower and five push walk-behind units
DPS	Landscape Trailers	9,500.00	HWY Lawn Tractor	01421008-58930	0.00	Replace one existing 1992 unit with two light duty trailers to prevent damage to mower chutes & inefficient use of staff time
DPS	Oil Pump System Replacement	15,000.00	HWY Fuel Pump	01421008-58459	0.00	Pump and hose system used by DPS mechanics to service all City vehicles is over 25 years old and failing
City Hall	Carpet replacement	18,196.00	GEN Maint/Repair - City Hall	01129002-52402	1,230.27	Replace carpeting in first floor main hallway, Treasurer/Collector's, Auditor's, Assessor's, Planning and Development's, and Clerk's Offices
Police	AEDs	9,800.00	POL Defibrillators	01210008-58506	0.00	Existing units are 8 years old and have become cost-prohibitive to operate w/ battery and chest pad replacement costs. This will cover 7 new units so that all cruisers are equipped
Emma Andrews	ADA Ramp & Building Modification	10,755.00	LtB Maint/Repair - SE Branch	01610002-52734	0.00	Needed to bring up to ADA compliance; \$5k Association donation and in-house labor reduces overall project cost

Department/Location	Purpose	Amount	Account Name	Account Number	Current Balance	Description
Fire	Two Fire Engines	115,000.00	FIR Engine Purchase	01220008-58453	0.00	Current reserve engines are both 1993 vintage. Front-line engines are 2003 and 2008 vintage. Vehicles have 20 year life expectancy (10 as front-line engines). \$115k cost covers lease to buy option w/ 10-year payment schedule at 2.77% financing
Planning & Development	Business & Industry Park Signage	11,810.00	CPD B&I Park Signage	01182008-58401	0.00	Upgrades to existing outdated signage throughout the Park are designed to showcase new brand identity
Planning & Development	Brown School Re-use Feasibility Study	40,000.00	CIP Brown School Re-Use Feasibility	3013-49700	0.00	Comprehensive analysis of potential re-use of building given existing conditions, constraints, and municipal space needs
Library	Rubber Roof	1,500.00	LIB Maint/Repair	01610002-52401	902.05	The rubber roof membrane needs minor repairs and sealing as preventative maintenance
Parks	Parks Equipment Repairs/Upgrades	17,525.00	PRK Maint/Repair	01630002-52420	10,438.15	Ongoing capital needs for FY14 include: repairing tennis court surfacing at Atkinson Common, replacing broken play equipment and drinking fountain at Cashman, installing a wheelchair accessible swing at the Brown School playground, and installing permanent off-leash signage at designated areas.
Parks	Atkinson Common Improvements	13,578.00	PRK Atkinson Common Maint/Repair	01630002-52424	0.00	The operating costs for this park exceed funds available through the Belleville Improvement Society. Increases in this year's Parks maintenance line item covered the fiscal year but an additional \$8,923.33 is required as a one-time expenditure to cover the six-month backlog. The balance of this request includes \$4,655 in one-time costs: an orchard ladder, 6 tree gators, structural supports for restroom floor, and completion of a trench drain for Pioneer Drive.

Total Transfers:

\$409,676.48



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

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WWW.CITYOFNEWBURYPORT.COM

Late File Communication #16  
March 17, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 17 A 10:00

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: March 17, 2014  
Subject: City Council Order Relative to Revolving Fund Expenses

It has come to my attention that there is a proposed City Council order that seeks to amend the manner in which revolving funds are authorized and managed. Specifically, it orders that the City Council "annually authorizes" a list of seventeen revolving funds and "that any expenditure greater than \$7,500 shall be approved by a majority vote of the Newburyport City Council". I respectfully urge the withdrawal of this order for the following reasons.

Attached is a copy of M.G.L. Ch. 44, §53E½, which grants cities and towns the ability to create departmental revolving funds. In relevant part, the law states that the City Council shall "annually authorize the use of one or more revolving funds" and that "expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund."

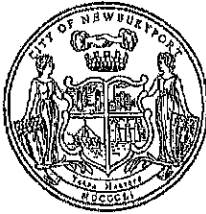
After conferring with Donald Gorton, Counsel for the Bureau of Municipal Finance at the Massachusetts Department of Revenue, he has indicated that the proposed order is in direct conflict with §53E½. While the statute specifically gives the City Council the ability to vote on the authorization of revolving funds annually, once authorized, expenditures of any value are permitted to be made "without further appropriation" up to the limit placed on "the total amount which may be expended from such fund in the ensuing fiscal year." It is important to note that the statute also limits how much is spent annually from each separate revolving account: "...no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified..."

MHR JBF  
RC ELA

Mr. Gorton noted that the statute already narrowly defines what municipalities can and cannot do with respect to revolving funds. As such, beyond the annual vote to authorize the revolving funds, the City Council lacks any further statutory authority to manage individual expenditures within the funds, provided those collective expenditures do not exceed the total annual spending limit or fund balance.

I continue to be a steadfast proponent of open government. I also take my fiduciary duties as Mayor very seriously. The detailed budget document and capital improvement plan that are available on the City's website, along with my bi-weekly public update for the City Council, are just a few examples of steps that I have taken to improve the public's understanding of the activities of their local government and to document my strategic approach to managing the City's finances. I am always open to ideas to improve transparency and fiscal stewardship, so long as they are not in conflict with state law and do not impede upon the efficiency of serving our community.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014

THAT THE CITY COUNCIL OF THE CITY OF NEWBURYPORT, pursuant to MGL chapter 44 §53E ½, annually authorizes the following Revolving Fund accounts:

- Plumbing Inspector
- Gas Inspector
- Electrical Inspector
- Council on Aging
- City Hall Maintenance
- Animal Control
- Transient Vendors
- Medicare/Medicaid
- South End Library Branch
- Downtown Paid Parking
- Historical Commission
- Planning and Zoning
- Engineering Services
- Disabilities Commission
- Veterans Benefits
- Recreational Services
- M-School Drop in Center

**AND FURTHERMORE**, it is a primary duty and responsibility of the Newburyport City Council to approve the City budget and provide general fiduciary oversight,

**NOW THEREFORE BE IT ORDERED, THAT** any expenditure greater than \$7,500.00 shall be approved by a majority vote of the Newburyport City Council.

Councillor Robert J. Cronin

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014

THAT City Council of the City of Newburyport, having viewed the Community Preservation Committee's (CPC) recommendation for the transfer of remaining/unspent funds from the Herrick and the Gutierrez open space acquisitions totaling \$356,765.98 from the Community Preservation Fund Balance, account 70-35900, to "Open Space Reserves," account 70-32410.

Councillor Edward C. Cameron

City of Newburyport

CITY COUNCIL

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

ORDERED:

2014 MAR 12 P 1:56  
Date:

**ORDER AUTHORIZING THE ACQUISITION OF PROPERTY  
ON CURZON MILL ROAD IN THE CITY OF NEWBURYPORT**

**WHEREAS**, the land located on Curzon Mill Road identified as Assessors' Map/Lot 105-7A and 105-7B, consisting of 5.22 acres and 5 acres, respectively, has been identified for protection as open space and conservation land in the City's 2012 Open Space & Recreation Plan, and has been prioritized for protection in the Commonwealth's 2005 Heritage Landscape Inventory; and

**WHEREAS**, such land contains attractive and well-used public trails, large old white pines and other woodlands, substantial frontage along and connecting to the Artichoke River, a large and beautiful meadow, frontage on rural Curzon Mill Road, contiguity with Maudslay State Park, and is located near Zone A and Zone B Water Supply Protection Areas for the Artichoke Reservoir, Newburyport's primary public drinking water supply; and

**WHEREAS**, the owners of the land have indicated a desire to sell the land to the City at a price below its appraised value provided the land is permanently protected for conservation, open space, and passive recreational uses; and

**WHEREAS**, the Massachusetts Department of Conservation and Recreation (DCR) and the Essex County Greenbelt Association (ECGA) have agreed to put forth funds to make up the balance of the purchase price, and the DCR has agreed to commit such funds to the project to purchase a permanent conservation restriction in the land as must be placed on the property in accordance with G.L. c.44B; and

**WHEREAS**, by its vote on February 25, 2014, the Community Preservation Committee (CPC) recommended the expenditure of \$535,000 from the CPC Open Space Reserve account to be put towards the purchase of the property and to pay related costs associated therewith;

**NOW, THEREFORE, BE IT RESOLVED** by the Newburyport City Council as follows:

Upon the recommendation of the Community Preservation Committee (CPC), as set forth above, the sum of \$535,000 is hereby appropriated from the Community Preservation Act Open Space Reserve account; and

The Mayor is hereby authorized to expend such sum to acquire, by purchase, gift, or eminent domain and upon such terms as the Mayor shall deem appropriate, and to pay all costs incidental and related thereto, those two adjacent lots located on

3/17/14  
B+P  
SK  
R2  
AN

Curzon Mill Road identified as Assessors' Map/Lot 105-7A and 105-7B, consisting of 5.22 acres and 5 acres, respectively, which properties are further shown as Lot 7 and Lot 8 on a plan recorded with said Registry in Book 352, Plan 53, for open space, conservation and passive recreational purposes, to be placed under the care, custody, management and control of the Conservation Commission; and

The Mayor, and/or the Conservation Commission, as necessary, is further authorized to file on behalf of the City any and all applications deemed necessary for contributions, grants and/or reimbursements from any state or federal agency or program and to receive and accept such contributions, grants and reimbursements, including contributions and grants from private parties, as are provided for this purpose and/or any others in any way connected with the scope of this vote, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the City to effect said purchase, including the acceptance of a deed to the property encumbered by a permanent conservation restriction held by the Commonwealth consistent with the purposes for which it is acquired, in accordance with the terms of such acquisition and the requirements of state and/or federal funding programs, General Laws Chapter 44B and General Laws Chapter 184.

\_\_\_\_\_  
Councilor Edward Cameron

Approve: \_\_\_\_\_  
Donna D. Holaday, Mayor

Attest: \_\_\_\_\_  
Richard B. Jones, City Clerk

## **PLANNING & DEVELOPMENT**

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

MARCH 31, 2014

## A ZONING ORDINANCE ESTABLISHING THE DOWNTOWN OVERLAY DISTRICT

Be it ordained by the City Council of the City of Newburyport as follows:

### *Zoning Ordinance Amendment:*

## APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

### SECTION XXVII: DOWNTOWN OVERLAY DISTRICT (DOD)

Appendix A to the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by adding a new section, to be numbered Section XXVII, which reads as follows:

### SECTION XXVII: DOWNTOWN OVERLAY DISTRICT (DOD)

- XXVII-A Determinations.
- XXVII-B Purposes.
- XXVII-C Establishment.
- XXVII-D Definitions.
- XXVII-E Exclusions.
- XXVII-F Procedure and criteria.
- XXVII-G Historic masonry.
- XXVII-H Protection of unoccupied historic buildings and structures.
- XXVII-I Severability.

#### XXVII-A Determinations.

---

The city hereby determines all of the following:

1. The architectural, cultural, economic, political and social history of the City of Newburyport is one of its most valued and important assets.
2. The city's history is partly embodied in the federal and state Newburyport Historic District, which was listed on the National Register of Historic Places and the State Register of Historic Places on August 2, 1984. On that date, the federal and state Newburyport Historic District subsumed the smaller Market Square Historic District, which had been listed on the National Register and the State Historic Register on February 25, 1971.

3. Downtown Newburyport includes one of the last seaport business districts remaining from the golden days of New England shipping. The former Market Square Historic District is located entirely within downtown Newburyport, and downtown is located entirely within the state and federal Newburyport Historic District.

4. In 1960, the city established the Newburyport Redevelopment Authority (NRA), whose charge was to revitalize what was then a deteriorated downtown. During much of the 1960s, the prevailing viewpoint, as expressed in a 1964 *The Daily News* article, was that the city's historic buildings downtown were "lost years ago to the elements and are now beyond repair." An early plan called for wholesale demolition of 22 acres downtown and on the central waterfront. Most demolition was completed on the central waterfront. By 1968, 67 buildings had been demolished.

5. In response to objections to demolition of historic buildings by dedicated and concerned citizens, most notably certain members of the Historical Society of Old Newbury, and through the efforts of Mayors George H. Lawler and Byron J. Matthews, the NRA amended its urban renewal plan to facilitate historic preservation. After a public hearing in 1970, the necessary city and state approvals were obtained, the Newburyport Historical Commission submitted an application to list an historic district on the State and National Registers of Historic Places, and the NRA filed a grant application to the U.S. Department of Housing and Urban Development (HUD) for funding to rehabilitate and preserve historic buildings downtown. After initially rejecting the application, HUD approved such funds in 1971, as a result of the listing of the Market Square Historic District on the State and National Registers of Historic Places.

6. During the following decades, NRA's Urban Renewal Plan for downtown required the rehabilitation and preservation of historic buildings subject to its control. Thereby, Newburyport set a national precedent by using urban renewal funding for historic rehabilitation and preservation. The consequent revitalization of downtown catalyzed a renaissance for the entire city.

7. The NRA's Urban Renewal Plan for downtown expired in 2005. It no longer has any regulatory effect, and deed restrictions placed on historic buildings formerly subject to that plan to ensure their preservation are now unenforceable. At present, no city ordinance can prevent even the complete demolition of an historic building or structure in downtown Newburyport.

8. On the 250<sup>th</sup> anniversary of the setting off from the Town of Newbury of the "waterside" as the new Town of Newburyport, Mayor Donna D. Holaday has directed the office of planning and development to undertake a comprehensive review and update of the city's master plan and zoning ordinance. Until such comprehensive review and update is completed, there will continue to be inadequate regulatory protections for the historic buildings and structures downtown.

9. The preservation, rehabilitation and enhancement of the city's historic downtown is critical to the preservation of the city's heritage and land values, its recently state-approved Cultural District, and otherwise to benefit the general welfare of its citizens and property owners.

10. Therefore, the city adopts these downtown land use controls. As part of the comprehensive review and update of the city's master plan and zoning ordinance, it is anticipated that this section shall be reviewed, and may be amended and/or replaced by different controls.

## **XXVII-B Purposes.**

---

Pursuant to Chapter 40A of the Massachusetts General Laws, as well as under the home-rule powers of the city pursuant to Sections 1 and 6 of Article II of the Articles of Amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article LXXXIX of said Articles of Amendment, a Downtown Overlay District (DOD) and discretionary DOD special permit (DOD-SP) are hereby established due to the unique land use pattern, and architectural, economic and cultural character of the buildings, structures and lots, both individually and as a group, that are located in downtown Newburyport. This section is intended to further implementation of the recommendations of the city's 1991 Historic Preservation Plan, 2001 Master Plan and 2003 Waterfront Strategic Plan, all as amended and supplemented from time to time, and otherwise to promote the health, safety, convenience and general welfare of the inhabitants of the City of Newburyport, by, among other things protecting the land use pattern, and architectural, cultural, economic, political and social heritage of the city through the rehabilitation, preservation and enhancement of its historic downtown, which will help to maintain and perpetuate the established skills of local architects, craftspeople and tradespeople, promote energy efficiency, smart growth and affordable housing through adaptive reuse, and enhance opportunities for cultural tourism.

## **XXVII-C Establishment.**

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The DOD is hereby established as an overlay zoning district consisting of all such parcels of land depicted on a map entitled "Downtown Overlay District (DOD)," prepared by the office of planning and development, and dated March 13, 2014.

1. **Underlying zoning:** Within the DOD, all the other provisions of the zoning ordinance, including, but not limited to, those specific to any underlying districts, shall remain in full force and effect except to the extent the provisions of this section apply, in which case all such provisions shall apply together. To the extent that there is a conflict between other provisions of the ordinance and the provisions of this section, then the provisions of this section shall control.
2. **SPGA:** Consistent with Subsection XXVII-F, the planning board shall serve as the special permit granting authority (SPGA) in administering both this section and any other provisions of this ordinance that apply within the DOD and require action by an SPGA.
3. **No Demolition Delay:** The provisions of Article X of Section 5 of the Newburyport Code (Building Demolition) shall not apply within the DOD.
4. **Vested Rights:** The provisions of this section shall not apply to any new construction, demolition or alteration undertaken pursuant to a valid building permit issued by the building commissioner prior to the effective date of this section, nor to any construction, demolition or alteration that is the subject of a determination or decision of the historical commission and that was issued and/or filed with the building commissioner prior to the effective date of this section.

## XXVII-D Definitions

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1. **Addition, to Add:** An extension or increase in total floor area, footprint, building height, or lot coverage.
2. **Alteration, to Alter:** (a) Any addition, change, enlargement, expansion, maintenance, rebuilding, reconstruction, repair, restoration, replication, or other similar work; or (b) the moving from one portion of a lot to another, or from one lot to another, regardless of where the receiving lot is located.
3. **Character-Defining Exterior Architectural Feature:** An exterior architectural feature, whether existing historically or currently, that was understood to contribute to the significance of the relevant historic building or structure at the time of its listing on the State or National Register. The SPGA or the office of planning and development, as the case may be, shall refer to any photographs, data sheets or survey forms for such historic building or structure that have been prepared in connection with the Newburyport Historic District, whether dated earlier, contemporaneously, or later than its original listing on August 2, 1984.
4. **Construction, to Construct:** The act or the fact of building, erecting, installing, or other similar activities.
5. **Demolition, to Demolish:** The act, whether partial or complete, of pulling or tearing down, razing, or otherwise destroying.
6. **Demolition of a Building or Structure:** Demolition of greater than twenty-five percent (25%) of all external walls of a building or structure, measured based upon their total surface area, regardless of the visibility of such walls from a street, way, or public body of water. The mere replacement of siding shall not constitute demolition of an external wall. Nor shall demolition of a building or structure include the demolition of a single external wall in order to build an addition, which shall be regulated under this section as an alteration.
7. **Exterior Architectural Feature:** Any feature of the exterior of a building or structure that is open to view from any street, way, or the Merrimack River. Exterior architectural features may include, but are not limited to, the architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, chimneys, signs, dormers and other appurtenant exterior fixtures.
8. **Historic Building or Structure:** A building or structure that: (a) is listed individually on the State and National Registers of Historic Places, as they may be amended from time to time; (b) was listed as "Contributory" to the Newburyport Historic District as of August 2, 1984; or (c) subsequent to the adoption of this section is added automatically to the list of historic buildings or structures subject to this section pursuant to Subsection XXVII-F.7. In consultation with the historical commission, the office of planning and development shall compile and maintain a list of all historic buildings or structures subject to this section, of copy of which list shall be kept also by the city clerk, and posted on the city's website.
9. **Historic Exterior Architectural Feature:** Any character-defining exterior architectural feature of an historic building or structure.

10. **Historic Masonry:** An historic exterior architectural feature of brick or masonry material.
11. **Historical Commission:** The Newburyport Historical Commission established pursuant to Massachusetts General Laws Chapter 40, Section 8D.
12. **Newburyport Historic District:** The historic district known as the "Newburyport Historic District," originally listed on the State and National Registers of Historic Places on August 2, 1984, as amended.
13. **Ordinary Maintenance, Repair or Replacement:** Alteration that does not involve any material change in the design, construction materials, or outward appearance of the exterior architectural feature so altered, with the express exception of any maintenance and repair of historic masonry, which is regulated under Subsection XXVII-H. For purposes of this definition, a change in the color of paint is expressly understood not to involve a material change in the design, construction materials, or outward appearance of the exterior architectural feature so painted.
14. **Substantial Evidence:** Such evidence as a reasonable mind might accept as adequate to support a conclusion.
15. **Temporary Building or Structure:** (a) Any building or structure designed or intended to be, or actually, in existence for a period of no more than twelve (12) months; or (b) any temporary sign as that term is defined in Subsection VIII-B.
16. **Zoning Ordinance:** The Zoning Ordinance of the City of Newburyport, Massachusetts.

#### **XXVII-E Exclusions.**

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Consistent with the city's intent for the DOD under Subsection XXVII-A, a DOD-SP shall not be required for any of the following categories of work, which are hereby excluded from review by the SPGA under this section:

1. Any ordinary maintenance, repair or replacement;
2. Any alteration or demolition of a building, structure, or exterior architectural feature that is not also an historic building, structure, or exterior architectural feature;
3. Any alteration, demolition, or replacement of windows, doors and/or awnings that is reviewed and approved by the office of planning and development under Subsection XXVII-F.5(d);
4. Any new construction, alteration, or demolition of a temporary building or structure;
5. Any alteration of a one-family (Use 101) or two-family (Use 202) building that is located within an underlying Residential One (R-1), Residential Two (R-2), or Residential Three (R-3) district;
6. Any landscaping with plants, trees or shrubs;
7. Any work undertaken to meet requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition; and

8. Any rebuilding, reconstruction, restoration, or replication of an historic exterior architectural feature that has been damaged or destroyed by fire, storm or other disaster, provided that both of the following conditions are satisfied: (a) the result of such work is substantially the same in design, material and outward appearance as the damaged or destroyed historic exterior architectural feature; and (b) such work commences within two years after such catastrophe, or three years if extended upon good cause shown in a written request granted by vote of the SPGA.

Before determining whether Exclusions 1, 2, 3 and/or 8 apply, the building commissioner shall consult with the office of planning and development. All decisions by the building commissioner under this subsection regarding exclusions are expressly made subject to appeal to the zoning board of appeals pursuant to Subsection X-H.5

#### **XXVII-F Procedure and criteria.**

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**Application, Review and Required Findings:** Unless an exclusion applies pursuant to Subsection XXVII-E, all new construction, alteration, or demolition within the DOD shall require the owner of the relevant property to submit an application for a DOD-SP for the SPGA to review and approve such new construction, alteration, or demolition. Said approval shall be granted by the SPGA prior to the issuance of a building or demolition permit for any such work within the DOD. The planning board shall act as the SPGA for purposes of this section, and it shall review and may approve, approve with conditions, or deny all applications hereunder in accordance with the procedures listed in Subsection X-H.8. The SPGA shall approve a DOD-SP only if the SPGA first determines that the proposed new construction, alteration, or demolition as described in the application meets all the requirements of this section and, in addition, the special permit criteria of Subsection X-H.7.

**1. Streamlining and Harmonization:** For the purposes of streamlining and harmonizing regulatory review by the city of proposed work subject to this zoning ordinance, and notwithstanding anything in this zoning ordinance to the contrary, the planning board shall serve as the SPGA for any proposed work within the DOD that requires action by an SPGA. If proposed work is subject to site plan review under Section XV, then the SPGA shall conduct DOD-SP review in conjunction with site plan review whenever reasonably possible.

**2. Documentation Required to Support an Application:** To support an application for a DOD-SP, the owner shall provide as part of the application to the SPGA documentation regarding: (i) the historic building, structure, or exterior architectural feature proposed to be demolished or altered, including, but not limited to, any data sheets or survey forms for such historic building or structure that have been prepared in connection with the Newburyport Historic District; (ii) historic, if any, and current photographs of the relevant elevations and exterior architectural features; (iii) architectural plans, elevations and/or renderings depicting the proposed new construction, demolition, or alteration; and (iv) photographs of the adjacent buildings or structures, or setting. The owner (applicant) shall also be responsible for submitting a copy of the above materials to the historical commission no less than twenty-one (21) calendar days prior to the submission of an application to the SPGA. Such submission shall be a prerequisite for the submission of an application to the SPGA under this section. The office of planning and development shall develop a standardized application form for use by the SPGA and applicants, and for the purposes of determining the completeness of all applications in accordance with this section.

**3. U.S. Secretary of the Interior's Standards:** In reviewing an application under this section, and except as otherwise provided herein, the SPGA or the office of planning and

development, as the case may be, shall consider, but in its sole discretion need not adhere to, any relevant provisions of the United States Secretary of the Interior's "Standards for the Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings," as they may be amended from time to time, including all related guidelines, bulletins and other official guidance promulgated by the National Park Service (Secretary's Standards).

**4. Procedure, Requirements and Criteria for Review of Proposed Demolition:**

**a. Demolition Generally Prohibited:** The intent of this section is to prevent the demolition of historic buildings, structures, and exterior architectural features located within the DOD unless the SPGA determines that the application meets all the requirements of this Subsection XXVII-F.4 and, in addition, the special permit criteria of Subsection X-H.7. Accordingly, such historic buildings, structures, and exterior architectural features shall be preserved and repaired, rather than demolished, whenever reasonably feasible, except as otherwise allowed under this subsection.

**b. Demolition of Historic Buildings and Structures:** The SPGA may approve demolition of an historic building or structure only if it makes written findings based upon substantial evidence in the record that such historic building or structure retains no substantial remaining market value or reasonable use, taking into account the cost of rehabilitation to meet the requirements of the State Building Code as it applies to historic buildings or structures, or of other applicable laws. Costs necessitated by any new construction, alteration, or demolition conducted in violation of this section shall not be included in the calculation of rehabilitation costs.

**Advisory Reports:** To aid the SPGA in its review, the owner shall pay all costs for the SPGA to engage either a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist, in the discretion of the SPGA, deemed necessary in opinion of the SPGA to investigate and prepare a written report upon the existing condition and feasibility of preservation of the historic building or structure proposed for demolition (Conditions Report). The SPGA shall engage such specialist no later than seven calendar (7) days after it has received a complete application. Said Conditions Report shall include an estimate of the reasonable cost to rehabilitate the relevant building or structure to meet the requirements of the State Building Code as it applies to historic buildings or structures. No later than twenty (20) calendar days after the SPGA has received a complete application, the historical commission may submit to the SPGA its written report (Historical Report) regarding: (x) the significance of the historic building or structure proposed for demolition; and (y) the relative importance of such historic building or structure to its setting within the DOD. Before acting on a DOD-SP application to demolish an historic building or structure, the SPGA shall consider both the Conditions Report and any Historical Report submitted by the historical commission. In addition, the owner shall pay all costs for the SPGA to engage a properly licensed real estate appraiser deemed reasonably necessary in opinion of the SPGA to investigate and prepare a written report upon the existing market value of the relevant historic building or structure (Appraisal Report), for the purposes of comparing this value against the cost estimate contained within the Conditions Report.

**c. Demolition of Historic Exterior Architectural Features:** Historic exterior architectural features shall be retained and repaired whenever reasonably feasible. If

the SPGA determines that such features cannot reasonably be retained and repaired, then they shall be replaced in kind, both in design and materials, whenever reasonably feasible.

**Advisory Reports:** To aid the SPGA in its review, and provided the SPGA makes a written finding that the proposed demolition is of sufficient scope to justify the time and expense, the owner shall pay all costs for the SPGA to engage either a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist, in the discretion of the SPGA, deemed necessary in opinion of the SPGA to investigate and prepare a written report upon the existing conditions and feasibility of preservation of the relevant historic exterior architectural features (Conditions Report). Said Conditions Report shall include an estimate of the reasonable cost of all work required to preserve, rehabilitate, or restore the relevant historic exterior architectural features. No later than twenty (20) calendar days after the SPGA has received a complete application, the historical commission may submit to the SPGA a written report regarding application of the relevant criteria of this section to the proposed work (Historical Report). Before acting on a DOD-SP application, the SPGA shall consider both the Conditions Report, if any, and any Historical Report submitted by the historical commission.

**d. Employment of Outside Consultants:** The portions of this section (and its regulations, if any) requiring the payment of consultant fees are promulgated under the concurrent authority of Massachusetts General Laws Chapter 44, Section 53G.

**e. Replacement Must Be Approved:** The SPGA shall not approve a DOD-SP application to demolish an historic building, structure, or exterior architectural feature without the SPGA's having earlier granted, or concurrently granting, all relief required under this zoning ordinance, if any, for the replacement building, structure, or exterior architectural features. In addition to the owner's submitting plans, specifications, and such other materials as are normally required by the SPGA to enable its review of new construction or alteration within the DOD, the owner shall also submit a timetable and such guarantees and assurances for the completion of the replacement building, structure, or exterior architectural feature as the SPGA may reasonably require.

**f. Documentation Before Demolition:** When the SPGA approves or approves with conditions a DOD-SP to demolish an historic building, structure, or exterior architectural feature, the SPGA may require documentation of the historic building, structure, or architectural feature to be demolished, including, but not limited to, photographs of elevations and details of specific exterior architectural features. If so required, such documentation shall be completed and submitted to the historical commission before demolition may commence.

**g. Additional Penalties for Unauthorized Demolition:** In addition to any other penalties under applicable law, without prior written approval by the SPGA, no building permit shall be issued for a period of three (3) years with respect to any premises at which an historic building, structure, or exterior architectural feature has been intentionally demolished without a DOD-SP having been first obtained in compliance with this section. Such three- (3-) year period shall commence after the date upon which such demolition has been completed or suspended, whether voluntarily or by legal compulsion. For purposes of this subsection, "premises" shall mean both (i) the lot upon which the demolished historic building, structure or architectural feature was located, and (ii) all abutting lots under common ownership or control of such lot at the time of demolition.

5. **Procedure, Requirements and Criteria for Review of Proposed New Construction and Alterations:**

a. **New Construction and Alterations Must Be Compatible with Existing Historic Buildings and Structures within the DOD:** New construction and alteration within the DOD shall not disrupt the essential form and integrity of (i) the subject historic building, structure or exterior architectural features, (ii) the lot where it is located, or (iii) its setting within the DOD. Moreover, new construction and alteration within the DOD shall be compatible with the size, scale, height, color (excepting paint color), material, and character of the (x) subject historic building, structure or exterior architectural feature, (y) the lot where it is located, and (z) its setting within the DOD, as the case may be.

i. **Reversibility:** New additions and other alterations to an historic building, structure, or exterior architectural feature shall be designed so that if they were to be removed or reversed in the future, the essential form and integrity of the overall historic building or structure would be unimpaired.

ii. **Composite Materials:** The SPGA or the office of planning and development, as the case may be, shall review and may approve on a case-by-case basis proposed composite materials when used in custom design for alterations to an historic building, structure, or exterior architectural feature that were unavailable when the subject historic building, structure, or exterior architectural feature was originally constructed.

iii. **Advisory Reports:** To aid the SPGA in its review, and provided the SPGA makes a written finding that the proposed alteration of an historic exterior architectural feature is of sufficient scope to justify the time and expense, the owner shall pay all costs for the SPGA to engage either a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist, in the discretion of the SPGA, deemed necessary in the opinion of the SPGA to investigate and prepare a written report upon the existing conditions and feasibility of preservation of the relevant historic exterior architectural feature (Conditions Report). Said Conditions Report shall include an estimate of the reasonable cost to rehabilitate the relevant historic exterior architectural feature to meet the requirements of the State Building Code as it applies to historic buildings or structures. No later than twenty (20) calendar days after the SPGA has received a complete application, the historical commission may submit to the SPGA a written report regarding application of the relevant criteria of this section to the proposed new construction or alteration (Historical Report). Before acting on a DOD-SP application, the SPGA shall consider both the Conditions Report, if any, and any Historical Report submitted by the historical commission.

b. **Missing Historic Exterior Architectural Features:** When replacing or restoring an historic exterior architectural feature that is missing or has been significantly altered, such as storefronts, porches, or outbuildings, the approved design shall be based upon accurate documentation of such historic exterior architectural feature. If no such documentation is available, then the design shall be compatible in scale, proportions, material, and detail with the historic character of the building, structure or lot.

**c. Non-Historic Styles Permitted for New Construction and Additions:**

The design of new construction and additions (as distinct from other alterations) within the DOD may reflect non-historic styles so long as they remain compatible with the historic character and scale of the subject historic building, structure, or exterior architectural feature, its lot, and its setting within the DOD, as the case may be. So long as new construction and additions are so compatible, the SPGA shall not require the reproduction of historic styles, and, on the contrary, shall encourage contemporary styles of architecture to aid differentiation of old from new.

**d. Staff-Level Review:** The office of planning and development shall review and approve for consistency with this section the proposed alteration, demolition or replacement of windows, doors, and/or awnings when such work is unaccompanied by other work subject to this section, in which case Exclusion 3 shall apply under Subsection XXVII-E and no DOD-SP shall be required. Any proposed new window or door opening in an external wall of an historic building or structure shall require a DOD-SP.

**e. Windows:** Mirrored, tinted or heat-reflective glass or coatings, as well as interior applied or removable muntin bars, shall be prohibited. Otherwise, the SPGA or the office of planning and development, as the case may be, shall review and may approve on a case-by-case basis alternatives to historic window materials. Parts of replacement windows, such as exterior molding and/or casing, exterior frames, and exterior sash windows shall match those of the historic windows whenever reasonably feasible. Muntins, whether structural or applied, shall have an exterior, three-dimensional profile, and a width appropriate to the architectural style of the historic building or structure. The SPGA shall review and may approve on a case-by-case basis all proposed new window openings in the external walls of an historic building or structure to ensure that they are consistent with historically accurate window arrangements.

**f. Doors:** Replacement doors shall not incorporate leaded or stained glass except when replicating the original appearance of the historic building or structure. If part of a replacement door is glazed or has a window insert, such glazing or inserts shall include true or simulated divided lights. Mirrored, tinted or heat-reflective glass or coatings, as well as interior applied or removable muntin bars, shall be prohibited. Otherwise, the SPGA shall review and may approve on a case-by-case basis proposed new door openings in the external walls of an historic building or structure to ensure that they are consistent with historically accurate door arrangements. For historic buildings and structures other than one-family and two-family buildings, when the historic entrance will no longer be used, such historic entrance shall be left in place and secured, such that the alteration is reversible and the doorway can be reopened in the future with minimal work.

**g. Roofs, Dormers and Other Roof Features:** Roofing materials shall be compatible with the character of the DOD, and the overall geometry and proportions of the historic roof shapes and planes of an historic building or structure should be preserved. New skylights shall be constructed to minimize their visibility from any street, way, or public body of water, shall not be made of curved plastic or in bubble form, and should follow the plane of the roofline. Historic chimneys, including, but not limited to, their historic dimensions and decorative brickwork patterns, shall be retained and repaired, regardless of the existence or usability of interior fireplaces. New or altered dormers shall be permitted if the SPGA finds that they will relate harmoniously to the historic form, proportions, and arrangement of windows and doors of the historic building or structure, and will be constructed in appropriately matching materials. Otherwise, the SPGA shall review and may

approve on a case-by-case basis the proposed new construction and alteration of roofs, dormers and other roof features, including, without being limited to, balconies, towers, widow walks, roof decks, and cupolas.

**h. Porches and Entrance Porticos:** The SPGA shall review and may approve on a case-by-case basis proposed new construction and alteration of porches and entrance porticos, including the proposed enclosure or glazing of historic porches and entrance porticos.

**i. Fences and Site Walls:** New fences and site walls shall be appropriate in scale, materials and architectural style to the historic buildings and structures located on the same lot, to the lot itself, and to its setting. New fences and site walls shall not substantially block significant views from any street, way, or the Merrimack River, of the primary facades of historic buildings and structures located within the DOD.

**j. Outbuildings:** When the SPGA approves the replacement of an historic barn or other outbuilding, or of its historic exterior architectural features, the replacement outbuilding or exterior architectural features should be compatible with the historic features in design, material, dimension, sash or panel configuration, detail, and texture.

**k. Signs and Awnings:** In addition to any other regulations of commercial signs under the Newburyport Code: (i) the maximum size for first-floor projected, hanging, window, and wall signs shall be twelve (12) square feet; (ii) projected, hanging, window, and wall signs shall be prohibited on upper floors; (iii) signs may be constructed of painted wood, metal, or stone; (iv) signs constructed of particle board, plastic, or highly reflective metal shall be prohibited; (v) downlit signs shall use shielded bulbs to prevent light scatter; internally-lit signs are not permitted; (vi) all signs and hardware thereto attached to historic masonry shall be attached through mortar; and (vii) any adhesive used for signs affixed to historic buildings or structures shall be preservation quality. The SPGA or the office of planning and development, as the case may be, shall review and may approve on a case-by-case basis the proposed installation of new awnings.

**l. Access for Persons with Disabilities:** Alterations to an historic building or structure for the purposes of providing accessibility shall provide persons with disabilities the level of physical access to such building or structure that is required under applicable law, consistent with the preservation of historic exterior architectural features of such building or structure, and with the goal of providing the highest level of access with the lowest level of impact on historic integrity.

**m. Solar Energy Systems:** Consistent with state laws encouraging the installation of solar energy systems, as defined in Section 1A of Chapter 40A of the Massachusetts General Laws, new construction or alteration of solar collectors shall not irreversibly change or alter any historic exterior architectural features, and collector panels and other elements of solar energy systems, such as framing, piping and insulation, shall be installed so as to minimize their visibility from any street, way, or public body of water. Otherwise, the SPGA shall review and may approve on a case-by-case basis the new construction or alteration of solar energy systems while considering the policy of the Commonwealth to encourage the use of solar energy systems and to protect solar access.

6. **DOD-SP Amendments:** Amendments to an approved DOD-SP shall be based upon the provisions of the zoning ordinance that were in effect at the time of issuance of the approved DOD-SP, unless the owner and the SPGA mutually agree that such amendment shall be based upon the provisions of the zoning ordinance that are in effect at the time of application for such amendment.

7. **Change in Historic Status:**

a. **Removal of Historic Status:** The owner of any historic building or structure that was listed as "Contributory" to the Newburyport Historic District as of August 2, 1984, may petition the historical commission for removal of such building or structure from the list of historic buildings or structures subject to this section. The historical commission may approve any such petition if it determines that: (i) the qualities that caused the building or structure to be originally listed have been lost or destroyed, and such loss or destruction has not occurred in violation of this section; (ii) additional information shows that the building or structure does not meet the National Register criteria for evaluation; or (iii) there was an error in professional judgment as to whether the building or structure originally met the criteria for evaluation.

b. **Addition of Historic Status:** Subsequent to the adoption of this section, a building or structure located within the DOD shall be added automatically to the list of historic buildings or structures subject to this section upon such property's being added to the National Register in accordance with the National Historic Preservation Act of 1966, as amended, either individually or as "Contributory" to an historic district.

c. **Notice of Change in Historic Status:** No later than seven (7) calendar days after the office of planning and development or the historical commission receives written notice of the removal or addition of any building or structure from the list of historic buildings or structures subject to this section, the office of planning and development shall provide written notice of such change to all of the following: (i) the owner of the relevant building or structure; (ii) the historical commission, (iii) the building commissioner, (iv) the zoning board of appeal, and (v) the planning board. The office of planning and development shall keep on file a copy of the relevant documentation, which shall remain available for public inspection.

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**XXVII-G Historic Masonry.**

Notwithstanding anything in the Newburyport Code to the contrary, within the DOD the maintenance, repair and/or replacement of historic masonry shall be subject to all of the following requirements, which shall be enforced by the building commissioner pursuant to Section X:

1. Deteriorated historic masonry may be repaired or replaced where necessary, using new materials that duplicate the historic size, color, and composition of bricks at the building or structure, whenever reasonably feasible.

2. To protect historic masonry from damage, repointing shall use historic, lime mortar mixes as prescribed by the U.S. Secretary of the Interior's Preservation Brief 2: Repointing Mortar Joints in Historic Masonry Buildings, rather than harder Portland cement.

3. Deteriorated mortar of historic masonry shall be carefully removed by hand-raking the joints, although the SPGA shall review and may approve on a case-by-case basis the use of mechanical saws.

4. Historic masonry shall not be sandblasted, and shall only be cleaned when necessary to halt deterioration using the mildest methods feasible, as approved by the SPGA in writing prior to the commencement of work.

5. Unpainted historic masonry shall not be painted unless this was done historically. Historic advertisements painted on historic masonry walls shall be retained where feasible.

6. The application of sealants, waterproofing, and water-repellent coatings to historic masonry shall be prohibited unless it can be demonstrated that such products will not substantially impair water-vapor permeability or otherwise contribute to deterioration of the historic masonry.

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#### **XXVII-H Protection of unoccupied historic buildings and structures.**

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For the limited purpose of preventing the acceleration of decay of unoccupied historic buildings and structures within the DOD, the owner of any such building or structure shall ensure that it is reasonably secure from significant damage due to weather, fire, trespass, or vandalism, including by: securing all doors, windows and other exterior openings; employing effective waterproofing of exterior walls, roofs (including chimneys), and foundations; and protecting against fire or water damage. The building commissioner, upon his or her own initiative, in response to a filed written request for enforcement of this section, or at the request of the SPGA, shall enforce this subsection consistent with Section X.

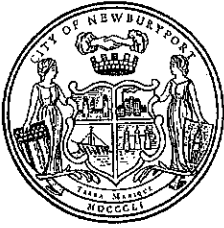
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#### **XXVII-I Severability.**

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The provisions of this section are severable. If any of its provisions, sections, subsections, paragraphs, sentences, or clauses, or the application thereof to any person, entity, establishment, or circumstances shall be held to be invalid or unconstitutional by any court of competent jurisdiction, then the remainder of this section shall continue to be in full force and effect.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

## **A ZONING ORDINANCE ESTABLISHING A DEMOLITION CONTROL OVERLAY DISTRICT**

Be it ordained by the City Council of the City of Newburyport as follows:

### ***Zoning Ordinance Amendment:***

## **APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT**

### **SECTION XXVIII: DEMOLITION CONTROL OVERLAY DISTRICT**

Appendix A to the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by adding a new section, to be numbered Section XXVIII, which reads as follows:

### **SECTION XXVIII: DEMOLITION CONTROL OVERLAY DISTRICT**

- XXVIII-A Determinations.**
- XXVIII-B Purposes.**
- XXVIII-C Establishment.**
- XXVIII-D Definitions.**
- XXVIII-E Procedure and criteria.**
- XXVIII-F Protection of unoccupied historic buildings and structures.**
- XXVIII-G Severability.**

#### **XXVIII-A Determinations.**

The city hereby determines all of the following:

1. The architectural, cultural, economic, political and social history of the City of Newburyport is one of its most valued and important assets.
2. The city's history is partly embodied in the federal and state Newburyport Historic District, which was listed on the National Register of Historic Places and the State Register of Historic Places on August 2, 1984.

3. Newburyport set a national precedent by using urban renewal funds for historic rehabilitation and preservation. The consequent revitalization of downtown catalyzed a renaissance for the entire city, including its neighborhoods.

4. The preservation, rehabilitation and enhancement of the city's historic character is critical to the preservation of the city's heritage and land values, its recently state-approved Cultural District, and otherwise to benefit the general welfare of its citizens and property owners.

5. Outside of the single block of the Fruit Street Local Historic District, established under Chapter 16 of the Newburyport Code, no city ordinance currently prevents even the complete demolition of an historic building or structure located in Newburyport.

6. On the 250<sup>th</sup> anniversary of the setting off from the Town of Newbury of the "waterside" as the new Town of Newburyport, Mayor Donna D. Holaday has directed the office of planning and development to undertake a comprehensive review and update of the city's master plan and zoning ordinance.

7. Until such comprehensive review and update is completed, there will continue to be inadequate regulatory protections for historic buildings and structures in the city's neighborhoods. Meanwhile, land prices are sufficiently strong in Newburyport to make it economically rational to demolish and replace historic buildings and structures.

8. Therefore, the city adopts these land use controls for an area coterminous with that portion of the state and federal Newburyport Historic District outside of downtown. As part of the comprehensive review and update of the city's master plan and zoning ordinance, it is anticipated that this section shall be reviewed, and may be amended and/or replaced by different controls.

#### **XXVIII-B Purposes.**

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Pursuant to Chapter 40A of the Massachusetts General Laws, as well as under the home-rule powers of the city pursuant to Sections 1 and 6 of Article II of the Articles of Amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article LXXXIX of said Articles of Amendment, a Demolition Control Overlay District (DCOD) and a discretionary DCOD special permit (DCOD-SP) are hereby established due to the unique land use pattern, and architectural, economic and cultural character of the buildings, structures and lots, both individually and as a group, that are located in historic residential neighborhoods of the city. This section is intended to further implementation of the recommendations of the city's 1991 Historic Preservation Plan, 2001 Master Plan and 2003 Waterfront Strategic Plan, all as amended and supplemented from time to time, and otherwise to promote the health, safety, convenience and general welfare of the inhabitants of the City of Newburyport, by, among other things, protecting the land use pattern, and architectural, cultural, economic, political and social heritage of the city through the regulation of proposed demolition of historic buildings and structures located in residential neighborhoods of the city, which will help to maintain and perpetuate the established skills of local architects, craftspeople and tradespeople, promote energy efficiency, smart growth and affordable housing through adaptive reuse, and enhance opportunities for cultural tourism.

## **XXVIII-C Establishment.**

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The DCOD is hereby established as an overlay zoning district consisting of all such parcels of land depicted on a map entitled "Demolition Control Overlay District (DCOD)," prepared by the office of planning and development, and dated March 13, 2014.

1. **Underlying zoning:** Within the DCOD, all the other provisions of the zoning ordinance, including, but not limited to, those specific to any underlying districts, shall remain in full force and effect except to the extent that the provisions of this section apply, in which case all such provisions shall apply together. To the extent that there is a conflict between other provisions of the zoning ordinance and the provisions of this section, then the provisions of this section shall control.
2. **SPGA:** Consistent with Subsection XXVIII-E, the zoning board of appeals shall serve as the special permit granting authority (SPGA) in administering this section.
3. **No Demolition Delay:** The provisions of Article X of Section 5 of the Newburyport Code (Building Demolition) shall not apply to any demolition subject to this section.
4. **Vested Rights:** The provisions of this section shall not apply to any new construction, demolition or alteration undertaken pursuant to a valid building permit issued by the building commissioner prior to the effective date of this section, nor to any construction, demolition or alteration that is the subject of a determination or decision of the historical commission and that was issued and/or filed with the building commissioner prior to the effective date of this section.

## **XXVIII-D Definitions.**

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1. **Demolition, to Demolish:** The act, whether partial or complete, of: (a) pulling or tearing down, razing, or otherwise destroying; or (b) moving from one portion of a lot to another, or from one lot to another, regardless of where the receiving lot is located.
2. **Demolition of a Building or Structure:** Demolition of greater than twenty-five percent (25%) of all external walls of a building or structure, measured based upon their total surface area, regardless of the visibility of such walls from a street, way, or public body of water. The mere replacement of siding shall not constitute demolition of an external wall. In accordance with Subsection XXVIII-E.1, demolition of a building or structure shall not include the demolition of a single external wall in order to build an addition.
3. **Historic Building or Structure:** A building or structure that: (a) is listed individually on the State and National Registers of Historic Places, as they may be amended from time to time; (b) was listed as "Contributory" to the Newburyport Historic District as of August 2, 1984; or (c) subsequent to the adoption of this section is added automatically to the list of historic buildings or structures subject to this section pursuant to Subsection XXVIII-E.7. In consultation with the historical commission, the office of planning development shall compile and maintain a list of all historic buildings or structures subject to this section, of copy of which list shall be kept also by the city clerk, and posted on the city's website.
4. **Historical Commission:** The Newburyport Historical Commission established pursuant to Massachusetts General Laws Chapter 40, Section 8D.

5. **Newburyport Historic District:** The historic district known as the "Newburyport Historic District," originally listed on the State and National Registers of Historic Places on August 2, 1984, as amended.

6. **Substantial Evidence:** Such evidence as a reasonable mind might accept as adequate to support a conclusion.

7. **Zoning Ordinance:** The Zoning Ordinance of the City of Newburyport, Massachusetts.

#### **XXVIII-E Procedure and criteria.**

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Demolition of an historic building or structure within the DCOD shall require the owner of the relevant property to submit an application for a DCOD-SP for the SPGA to review and approve such demolition. Said approval shall be granted by the SPGA prior to the issuance of a building or demolition permit for any such work within the DCOD. The zoning board of appeal shall act as the SPGA for purposes of this section, and it shall review and may deny, approve, or approve with conditions all applications hereunder in accordance with the procedures listed in Subsection X-H.8. The SPGA shall approve a DCOD-SP if the SPGA determines that the proposed demolition as described in the application meets all the requirements of this section and, in addition, the special permit criteria of Subsection X-H.7.

1. **Demolition Generally Prohibited:** The intent of this section is to prevent the demolition of historic buildings and structures located within the DCOD unless the SPGA determines that the application meets all the requirements of this section and, in addition, the special permit criteria of Subsection X-H.7. The section is not intended to regulate the mere alteration of an historic building or structure, even if such alteration involves: (a) the demolition of character-defining exterior architectural features; and/or (b) the demolition of a single external wall in order to build an addition. Historic buildings and structures shall be preserved and repaired, rather than demolished, whenever reasonably feasible, except as otherwise allowed under this subsection.

2. **Documentation Required to Support an Application:** To support a DCOD-SP application, the owner shall provide as part of the application to the SPGA documentation regarding: (i) the historic building or structure proposed to be demolished, including, but not limited to, any data sheets or survey forms for such historic building or structure that have been prepared in connection with the Newburyport Historic District; (ii) historic, if any, and current photographs of the elevations, exterior architectural features, and structural members; (iii) architectural plans, elevations and/or renderings depicting the proposed demolition; and (iv) photographs of the adjacent buildings or structures, or setting. The owner (applicant) shall also be responsible for submitting a copy of the above materials to the Historical Commission no less than twenty-one (21) calendar days prior to the submission of an application to the SPGA. Such submission shall be a prerequisite for the submission of an application to the SPGA under this section. The office of planning and development shall develop a standardized application form for use by the SPGA and applicants, and for the purposes of determining the completeness of all applications in accordance with this section.

3. **Required Findings:** The SPGA may approve a DCOD-SP application only if it makes written findings based upon substantial evidence in the record that such historic building or structure retains no substantial remaining market value or reasonable use, taking into account the

cost of rehabilitation to meet the requirements of the State Building Code as it applies to historic buildings or structures, or of other applicable laws. Costs necessitated by any new construction, alteration or demolition conducted in violation of this section shall not be included in the calculation of rehabilitation costs.

4. **Advisory Reports:** To aid the SPGA in its review, the owner shall pay all costs for the SPGA to engage a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist, in the discretion of the SPGA, deemed necessary in the opinion of the SPGA to investigate and prepare a written report upon the existing condition and feasibility of preservation of the historic building or structure proposed for demolition (Conditions Report). The SPGA shall engage such specialist no later than seven (7) calendar days after its having received a complete application. Said Conditions Report shall include an estimate of the reasonable cost to rehabilitate the relevant building or structure to meet the requirements of the State Building Code as it applies to historic buildings or structures. No later than twenty (20) calendar days after the SPGA has received a complete application, the Historical Commission may submit a written report (Historical Report) regarding: (a) the significance of the historic building or structure proposed for demolition; and (b) the relative importance of such historic building or structure in the context of the block where such building or structure is located. Before acting on a DCOD-SP application, the SPGA shall consider both the Conditions Report and any Historical Report submitted by the Historical Commission. In addition, the owner shall pay all costs for the SPGA to engage a properly licensed real estate appraiser deemed necessary in the opinion of the SPGA to investigate and prepare a written report upon the existing market value of the relevant historic building or structure (Appraisal Report), for the purposes of comparing this value against the cost estimate contained within the Conditions Report. The portions of this section (and its regulations, if any) requiring the payment of consultant fees are promulgated under the concurrent authority of Massachusetts General Laws Chapter 44, Section 53G.

5. **Documentation Before Demolition:** When the SPGA approves or approves with conditions a DCOD-SP, the SPGA may require documentation of the historic building or structure to be demolished, including, but not limited to, photographs of elevations and details of specific exterior architectural features. If so required, such documentation shall be completed and submitted to the Historical Commission before demolition may commence.

6. **Replacement Must Be Approved:** The SPGA shall not approve a DCOD-SP application without the SPGA's having earlier granted, or concurrently granting, all relief required, if any, for the replacement building or structure under the otherwise applicable sections of this zoning ordinance. In addition to the owner's submitting plans, specifications, and such other materials as are normally required by the SPGA to enable its review of new construction within the IDOD, the owner shall also submit a timetable and such guarantees and assurances for the completion of the replacement building or structure as the SPGA may reasonably require.

7. **Change in Historic Status:**

a. **Removal of Historic Status:** The owner of any historic building or structure that was listed as "Contributory" to the Newburyport Historic District as of August 2, 1984, may petition the Historical Commission for removal of such building or structure from the list of historic buildings or structures subject to this section. The Historical Commission may approve any such petition if it determines that: (i) the qualities that caused the building or structure to be originally listed have been lost or destroyed, and such loss or destruction has not occurred in violation of this section; (ii) additional

information shows that the building or structure does not meet the National Register criteria for evaluation; or (iii) there was an error in professional judgment as to whether the building or structure originally met the criteria for evaluation.

**b. Addition of Historic Status:** Subsequent to the adoption of this section, a building or structure located within the DCOD shall be added automatically to the list of historic buildings or structures subject to this section upon such property's being added to the National Register in accordance with the National Historic Preservation Act of 1966, as amended, either individually or as "Contributory" to an historic district.

**c. Notice of Change in Historic Status:** No later than seven (7) calendar days after the office of planning and development or the historical commission receives written notice of the removal or addition of any building or structure from the list of historic buildings or structures subject to this section, the office of planning and development shall provide written notice of such change to all of the following: (i) the owner of the relevant building or structure; (ii) the historical commission, (iii) the building commissioner, (iv) the zoning board of appeal, and (v) the planning board. The office of planning and development shall keep on file a copy of the relevant documentation, which shall remain available for public inspection.

**8. Additional Penalties for Unauthorized Demolition:** In addition to any other penalties under applicable law, without prior written approval by the SPGA, no building permit shall be issued for a period of three (3) years with respect to any premises at which an historic building or structure has been intentionally demolished without a DCOD-SP having been first obtained in compliance with this section. Such three- (3-) year period shall commence after the date upon which such demolition has been completed or suspended, whether voluntarily or by legal compulsion. For purposes of this subsection, "premises" shall mean both (a) the lot upon which the demolished historic building, structure or architectural feature was located, and (b) all abutting lots under common ownership or control of such lot at the time of demolition.

#### **XXVIII-F Protection of unoccupied historic buildings and structures.**

For the limited purpose of preventing the acceleration of decay of unoccupied historic buildings and structures within the DCOD, the owner of any such building or structure shall ensure that it is reasonably secure from significant damage due to weather, fire, trespass, or vandalism, including by: securing all doors, windows and other exterior openings; employing effective waterproofing of exterior walls, roofs (including chimneys), and foundations; and protecting against fire or water damage. The building commissioner, upon his or her own initiative, in response to a filed written request for enforcement of this section, or at the request of the SPGA, shall enforce this subsection consistent with Section X.

#### **XXVIII-G Severability.**

The provisions of this section are severable. If any of its provisions, sections, subsections, paragraphs, sentences, or clauses, or the application thereof to any person, entity, establishment, or circumstances shall be held to be invalid or unconstitutional by any court of competent jurisdiction, then the remainder of this section shall continue to be in full force and effect.

## **Public Safety**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR -3 P 12:17

ps

Newburyport City Council  
Thomas O'Brien, President  
60 Pleasant Street  
Newburyport, MA 01950

30 January 2014

Re: Storey Ave Sign De-clutter Support Request

Dear Councilor O'Brien,

Three years ago I initiated with the City Council the concept of the "Gateways to Newburyport". The gateways to Newburyport are simply the entry points, by land and sea, to our city.

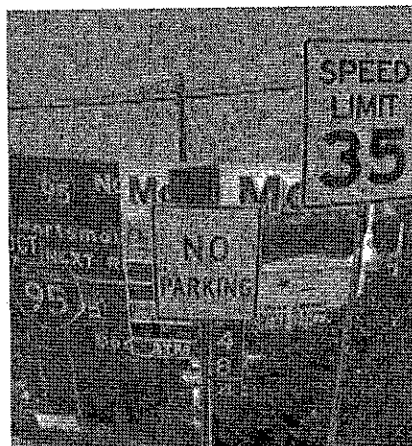
I consider our primary gateway to be Exit 57 from I-95 along Storey Ave to three roads. While the stretch from I-95 to three roads certainly needs a lot of infrastructure and safety work, I am asking the Council to support a short-term sign de-clutter effort.

Adopting a sign minimalism philosophy in the Storey Ave gateway will have a very small cost and a tremendous visual effect.

I have enlisted the help of Senator O'Connor-Ives and the Mayor. We hope to set a date with Mr. Paul Stedman, the District Highway Director soon.

**Please consider writing a letter to Mr. Stedman in support of this initiative.** (519 Appleton Street, Arlington, MA 02476)

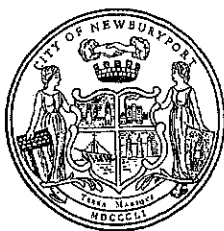
I would be glad to come brief the appropriate City Council sub committee or the entire council at your convenience.



Thank you for your consideration.

Jim McCarthy  
Ad Hoc Sign Committee Chair  
[jimmacnbpt@comcast.net](mailto:jimmacnbpt@comcast.net)  
(978) 255-2044 home  
(978) 417-9373 cell

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014.

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED BOATS, DOCKS AND WATERWAYS

Chapter 4	Boats, Docks and Waterways
Article II	Harbor
Division 4	Use Regulations
Subdivision A	Generally

Section 4-72 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ADD:**

*Stand-up Paddleboard* shall mean a surfboard like device used while standing and propelled with a paddle or oar.

Councillor Robert J Cronin

referred  
PS/LG

ps

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014

## AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED BOATS, DOCKS AND WATERWAYS

Chapter 4	Boats, Docks and Waterways
Article II	Harbor
Division 4	Use Regulations
Subdivision B	Operation of Vessels in Newburyport Harbor

Section 4-80                      Windsurfing and Waterskiing

**Delete:**

- (a) Windsurfers and waterskiers are not to operate in the navigable channel of the river or in mooring areas from the Ice Breaker to west of Carr Island.

**Insert a new (a):**

- (a) Windsurfers, Waterskiers and Stand-up Paddleboards are not to operate in the navigable channel of the river or in mooring areas from the Ice Breaker to west of Carr Island.

**Add:**

- (d) All Stand-up Paddleboard users shall wear a USCG approved Personal Floatation Device (PFD) of Type I, II, III or Type V

Councillor Robert J. Cronin

Rebe  
TO ps  
RC/LG



CITY OF NEWBURYPORT  
OFFICE OF THE HARBORMASTER

PAUL HOGG  
HARBORMASTER

To: President Thomas O'Brien and Newburyport City Council

From: Paul Hogg Newburyport Harbormaster

Subj: Stand Up Paddle Board New City Ordinance

Date: 03/05/2014

### Stand-up Paddleboards

In October of 2008, the United States Coast Guard made the determination that stand-up paddleboards (SUP) are considered vessels and thereby subject to certain boating safety regulations.

So what does this mean for a stand-up paddleboard user? When using a stand-up paddleboard beyond the limits of swimming, bathing, or surfing areas, users are required to be prepared just as they would if they were operating a traditional vessel.

- All SUP users on coastal waters, when not in a bathing, swimming, or surf zone, are **required by law** to have a Type I, II, or III personal floatation device (PFD) aboard.

- All SUP users on inland lakes or rivers, when not in a bathing or swimming area, are **required by law** to have a Type I, II, or III personal floatation device (PFD) aboard.

*\*SUP users may elect to wear a Type V inflatable device; however, the device must be worn on the person in accordance with legal requirements.*

Respectfully

Paul Hogg  
Newburyport Harbormaster



CITY OF NEWBURYPORT  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 12 P 2:09

ref  
PS  
RG/EC

IN CITY COUNCIL

ORDERED:

MARCH 17, 2014

**AN ORDINANCE TO ESTABLISH THE DESIGNATION OF TEMPORARY HANDICAPPED PARKING SPACES**

Be it ordained by the City Council of the City of Newburyport as follows:

**General Ordinance Amendment:**

**CHAPTER 13 TRAFFIC AND MOTOR VEHICLES**

Insert a new subsection to Chapter 13 Article 4 section of the Code of the City of Newburyport, Massachusetts with the following text:

**Section 13-179.1**

(a) **Short Title:** This ordinance may be cited as the "Temporary Handicapped Parking Permit".

(b) **Purpose and Intent:**

Notwithstanding the restrictions promulgated in City Ordinance 13-179 the City of Newburyport adopts the s "Temporary Handicapped Parking Ordinance"

1. From time to time citizens in the City of Newburyport suffer injury or other acute health episode of such magnitude that their quality of life, mobility and reasonable access to their homes is adversely effected;
2. And that this lack of mobility is of a sudden onset and temporary in nature;
3. And that the condition of these residents will improve sufficiently that a disabled veteran or handicapped registration plate or placard normally issued by the Commonwealth of Massachusetts is not a timely or suitable response to their condition;
4. And that the City of Newburyport in many cases is laid out in such a manner that certain residents do not have off street parking;
5. And that the acute nature of the health problem is such that immediate action is warranted;
6. And that this ordinance is limited to the designation and use of a handicapped parking space a near a practicable to the resident's home for the express reason of aiding in their mobility during their recovery process

Therefore let it be ordained that:

The City Clerk may issue a temporary handicapped space specific parking permit not to exceed forty-five (45) days.

The City Clerk may, from time to time, in the sole judgment of that office permit a temporary handicapped parking space for the use of a resident at their home when:

**(c) Limitations:**

1. The resident must demonstrate to the City Clerk that their health issue prevents the use of regular on-street parking inasmuch as it would limit the ability of the resident from reasonable access to their home and their mobility is restricted for such necessities such as food shopping, pharmacy or medical visits;
2. And that the resident demonstrates they have no reasonable off-street parking available;
3. And that the hardship is for a limited duration and they would not be eligible for special registration plates;
4. And that the location of the space will be at their residence;
5. And that the vehicle for which the permit is requested is registered at that address.
6. Nothing in this section shall restrict vehicle bearing a valid disabled veteran or handicapped license plate or placard from using the designated space.

**(d) Findings of the City Clerk**

1. The City Clerk may on examining the circumstances declare a temporary handicapped parking space be made available as near as practicable to the residential address;
2. And that the resident will be provided with a special placard for that specific parking space;
3. And that parking space will be marked with signage for a period of forty-five (45) days.
4. The resident is restricted to using only that assigned space at their residence and is forbidden from using other designated handicap spaces.
5. The resident is not exempt and must follow and adhere to any snow emergency parking bans or other parking bans that may be called by the City of Newburyport from time to time.

**(e) Enforcement**

1. This section shall be enforced in the same manner as all handicapped parking spaces.

Councillor Robert J. Cronin  
Public Safety Chair