

**Minutes of the Newburyport Parks Commission**  
**August 25, 2022**  
*Zoom meeting*

Call to order: 6:00 p.m.  
A quorum was present

In attendance: Chair Ted Boretti, Charles Griffin, Matt Ellsworth, Paul Swindlehurst, Nicole Whelan

Also in attendance: Parks Manager Mike Hennessey, Chief of Staff Andrew Levine, Planning Director Andy Port, Lisa Mead, Jamie Bryson, Debbie Hart-Klein, Jason Hodges, Alicia Tague, Paul Recinos, Karen Clagett, Caleb Barlow, Jamie Chabot, Paula Katkin, Kelly Garbarino, Thomas Murray, Matt Tague, Jane Snow, Sandra Thaxter

**MEETING MINUTES APPROVAL**

April 13

**Motion by Commissioner Swindlehurst to approve the minutes of the April 13 Parks Commission meeting, seconded by Commissioner Griffin. So voted on a roll call vote, 4 yes, 1 abstain.**

May 19

**Motion by Commissioner Swindlehurst to approve the minutes of the May 19 Parks Commission meeting, seconded by Commissioner Griffin. So voted on a roll call vote, 4 yes, 1 abstain.**

July 14

**Motion by Commissioner Swindlehurst to approve the minutes of the July 14 special Parks Commission meeting, seconded by Commissioner Griffin. So voted on a roll call vote, 4 yes, 1 abstain.**

July 21

**Motion by Commissioner Swindlehurst to approve the minutes of the July 21 Parks Commission meeting, seconded by Commissioner Ellsworth. So voted on a roll call vote, 5 yes.**

**OLD BUSINESS**

*Approval of garden plaque (Laudato Si committee)*

Chair Boretti identified plans and information on the garden plaque that was included in the packet and asked if a member of the public was in attendance to present the project. No member of the public was in attendance. Commissioners Swindlehurst and Ellsworth suggested they wanted to have someone available to answer questions.  
**No action was taken.**

*Approval of planting plan for Clipper City Rail Trail 1 near Washington Street Gateway (Friends of Newburyport Trees & Mike Hennessey)*

Parks Manager Mike Hennessey stated that he met with Jean Berger on the rail trail and expressed his support of the plan as drawn. Commissioner Swindlehurst stated that the plan was not dated and asked for confirmation that the plan presented is the most recent. Answer: yes. Commissioner Swindlehurst asked about the timing of the planting. Answer: wait until after the buffer planting project is installed this fall, before completing this planting, which may mean this garden will be installed next spring. **Motion by Commissioner Swindlehurst to accept the plan as presented, seconded by Commissioner Ellsworth. So voted on a roll call vote, 5 yes.**

## NEW BUSINESS

*Permit application—8<sup>th</sup> Annual Harborside Half Marathon & 5K, Cashman Park, November 13, 2022 (Evan Dolecki)*  
Commissioner Ellsworth noted the fee would be \$800. Commissioner Swindlehurst asked about the section of the permit that requires public safety approval and whether those signoffs had occurred. Answer: Chief of Staff Levine stated the portion of this race that is outside Cashman Park would need to be approved by the Public Safety Committee, which may already be in process. Chair Boretti stated that the Parks Commission was approving the portion of the race that is within Cashman Park only. Commissioner Swindlehurst wants to be clear that the portion they are approving is only in Cashman, that the Parks Commission approval does not mean approval of other portions of this race. Parks Manager Hennessey noted that a race last fall had damaged turf at Cashman after the tents were removed, and asked for recourse to pay for any potential damage. Parks Manager Hennessey suggested he send an email to the applicant to warn them of the conditions that might cause damage to the turf, in order to avoid damaging the turf. **Motion by Commissioner Swindlehurst to approve the application with the understanding that the Parks Commission is only approving the portion of the race that is within Cashman Park, seconded by Commissioner Ellsworth. So voted on a roll call vote, 5 yes.**

*Permit application—Paws for a Cause: A dog walk supporting the Karen Wellington Foundation for Living with Breast Cancer, CCRT1, October 15, 2022 (Debbie Hart-Klein)*

Chair Boretti noted this is a non-profit group that would be eligible for a 50% discount. Debbie Hart-Klein described the foundation that gives women with breast cancer and their families gifts of fun (baskets, event tickets, etc.). They work with local hospitals on this effort. In order to increase awareness and raise funds, during breast cancer awareness month, they decided to host this event. The walk is not long and will be completely on the rail trail from Washington to Parker, with activities along the way including photographer, raffle, information table, giveaways such as dog treats, and refreshments. Commissioner Swindlehurst thanked the applicant for her work, and stated that the application suggested 75 people would be attending, so that parking and congestion of the rail trail might be an issue. He asked if everyone would be start at the same time, which would make this busy section of the rail trail difficult to navigate. Debbie stated there would be staggered registration which should reduce congestion. Parks Manager Hennessey asked if any signage would be posted. Answer: no, and trail will be cleaned up by the applicant after the event. Commissioner Ellsworth reiterated the concern to stagger participants and registration throughout the event and asked if dogs would be on leash. Answer: yes. Commissioner Swindlehurst suggested the applicant encourage people to park at Cashman Park. Applicant: will do so and also encourage people to walk to the event. Parks Manager Hennessey suggested that cars park at Cushing Park. **Motion by Commissioner Ellsworth to approve the application, seconded by Commissioner Swindlehurst. So voted on a roll call vote, 5 yes.**

*Permit application—Enduring Leaders One More Challenge: request to park 3 RV's at Cashman Park, Sept 27-28 (Jason Hodges)*

Jamie Bryson spoke on behalf of the applicant and explained the event, which is an ironman distance triathlon in every New England state back-to-back to show that 'we can always take one more step' to encourage leaders to face challenges. Applicant is requesting to park three RV's at the park late on Tuesday, Sept 27<sup>th</sup> (midnight) and leaving the following morning to swim at the Ipswich YMCA, bike back to Newburyport, and run in Newburyport. RV's would be there from midnight 27<sup>th</sup> until 10 pm on the 28<sup>th</sup>. Commissioner Ellsworth asked if the RV's are support RV's that would be bringing food, medical assistance, etc. Answer: 20 people travelling with them, home base, provide support, sleeping in the RV's. Commissioner Ellsworth asked if they would be taking care of all trash. Answer: yes. Commissioner Swindlehurst asked if the RV's could be parked at a campground instead of a City park. Answer: not sure what other options are nearby, wanted to be close to the activity as possible due to logistics. Commissioner Griffin stated that he thought it odd that they would park RV's in a public park. Commissioner Swindlehurst stated there is an ordinance that does not allow camping in City parks, and is concerned about setting a precedent. Commissioner Ellsworth suggested they park the RVs as far from the boat launch as possible, and stated he is less concerned about the request because of the weekday in September. Asked if the parking lot is under parks jurisdiction. Answer: yes. Commissioner Swindlehurst stated there is no electrical hookup or water. Chair Boretti stated the Commission has been asked to approve camping at parks before, has approved it before and does not believe it will be the last time. Commissioner Griffin stated that he was opposed to this activity since the Commission has a difficult time enforcing rules. Chair Boretti asked the applicant if they had an alternative option. Answer: would need to ask Jason Hodges. Commissioner Whelan asked if the applicant did not have RV's if the Commission would feel more comfortable approving this, and wonders if the ordinance is set up this way in order to prevent setting up of camps longer-term. Would like a better definition of what 'camping' means in the

ordinance. Chair Boretti asked if the concern is that other RV's would want to sleep in parks overnight. Commissioner Ellsworth noted that the event's timing would not allow the applicant to return in September for another hearing. Parks Manager Hennessey suggested the applicant notify the Police Department of their arrival and activity, and that they have an approved permit from the Commission. **Motion by Commissioner Griffin to approve the application as presented, seconded by Commissioner Ellsworth. So voted on a roll call vote, 3 yes, 2 no.**

#### *March's Hill—update on status*

Parks Manager Hennessey provided an update on the project. He will be creating a GPS map of the existing trails in cooperation with DPS and the City Engineer. Chair Boretti asked if there is a map from 2 years ago. Answer: not an accurate map, we need a more accurate survey of current conditions. Chair Boretti would still like to compare the old map against a new survey and stated that a consultant, Powerhorn, would be conducting an assessment of the of the trails. Parks Manager Hennessey clarified that the City is looking for funding for a preliminary discussion of what the trails could be, does not include the pump track, just the exiting trails at March's Hill. Chair Boretti stated he walked the site with abutters in early August, noted a lot of trash, and noted new bike trails further up the hill, outside the original boundaries of the previously approved trails, suggests orange fencing be installed where trail work should not extend and where revegetation zones can be established. Commissioner Whelan stated her interest in creating a permit to include clear boundaries of where the trails are permitted to clear expectations and set boundaries, and have a metric to compare against expansion, which would not be allowed. Alicia Tague, 18 Collins St. clear expectations are important, there are no signs defining rules, so kids who do not go to meetings aren't aware of the rules. The Commission would benefit from looking at Keene, NH bike track as a model. Paul Recinos, 7 Coffins Court, abutter that is close to trails, concerned that mapping existing trails will become de facto approval moving forward, city lacks the resources to manage the activity there, Commission is bending to the desire of the kids and not their own ideas on how to manage the park, more expansion is occurring and nothing is changing, the City needs to protect and take action, concerned with safety. Karen Claggett, 3 Coffins Court we need signage installed immediately that says 'no more work' because the trails have continued to expand, the effects on land are considerable, tools are still there (pick axe and shovels) that are dangerous and send a message that working is ok, City should confiscate them, disappointed that a feasibility study isn't being done to look at other areas where this could be moved to. Caleb Barlow, 366 High St, land was bequeathed to City as a children's park, it has been underutilized over 50 years, kids started using parks more during pandemic and this should be celebrated, the city should develop this underutilized park, whether it's for bikes, tennis, etc., the response we're seeing is neighbors who do not want the park developed. Jamie Chabot, 4 Congress St, son Dante presented last month a way to utilize a park that is underutilized, no reason to look at another location, is immediately off the rail trail, the only people who have a problem with this are 3-4 abutters that don't want activity in their backyard, agrees signage should be installed with rules. Paula Katkin, 5 Coffins Ct, there are assumptions being made about whether it's time to 'develop' this land and whether this land was granted to the city as a 'children's park' it was given to the City with a nod toward giving a place for kids to play, not as a children's playground, unreasonable to develop as bike park, Keene bike park website says that the NE Mt Bike Association designed, built and donated the park with community input, that isn't what happened here. Kelly Garbarino, Storeybrook Drive in support of kids using March's Hill for biking, loves that it was a kid led initiative, was a dumping ground and is now a place for kids to enjoy, we have playgrounds for younger kids but this is a good place for older kids, City Council voted on a youth bill of rights that states we are a community that supports kids of all abilities, signage is ok but we are committed to supporting kids. Thomas Murray, 2 Toppans Lane, son is a biker, in support of using this piece of land for biking, agrees with idea that we put focus on this and develop it with purpose. Commissioner Whelan stated that signage would be a good first step, and that adding new trails is not allowed, and need a physical boundary that would prevent further trails from growing. Commissioner Ellsworth asked if signage could be installed quickly. Answer: Parks Manager Hennessey suggested that Dante's rules are a good start. Commissioner Whelan asked if we could get a metal sign. Answer: yes. Commissioner Whelan asked about fencing. Answer: Parks Manager Hennessey stated that fences don't always stop people, can try it, would prefer to work toward a plan with a professional. Commissioner Ellsworth suggested that, once we have the report from Powderhorn, that document be publicly presented. Commissioner Griffin asked for signage to be approved immediately. Parks Manager Hennessey suggested he circulate sign graphics and language to individual Commissioners to receive feedback on the already discussed policy issue. Commissioner Whelan suggested that roping off areas that should not have expanded trails be done by Parks Manager Hennessey. Matt Tague, 18 Collins St stated that NEMBA has a north shore chapter that could work with communities to set up trails. **Motion by Commissioner Griffin to erect signage with Commissioners input on**

**sign language for rules of the park and install fencing to cordon off of specific areas of the trails to prevent further trail extension, seconded by Commissioner Ellsworth. So voted on a roll call vote, 5 yes.**

*Colby Farm playground—informational (Andrew Levine & Andy Port)*

Planning Director Andy Port presented this agenda item. Area off Colby Farm Lane, two development projects that are nearly complete. North side of Colby Farm lane, parcel to be transferred to the City as part of open space residential development (OSRD), open space to be transferred to the City in exchange for increased development density. Developer has proposed to give to the City an easement to use a private playground they are constructing, for the public to use. Playground would not become City property, privately owned by homeowner's association. Councillor McCauley is sponsoring an order to accept the easement, the Council is looking for feedback from the Parks Commission to provide guidance as to what the Commission feels is appropriate. Should this be formally declared a playground in the City, should the City accept the easement, should it be private? Chief of Staff added that the Planning Dept and Mayor's office thought easement acceptance would be ok, but it should not be declared a public playground that would be formally listed in City Ordinance list of parks. Concerns about large trucks driving down Colby Farm Lane to get to yard waste facility. Commissioner Ellsworth asked for clarity that the Parks Department would not be maintaining this playground. Answer: correct, the HOW would maintain. Commissioner Griffin stated this is an example of time when it might make sense to have a subcommittee to review this with the Planning Department and Mayor's office, likes the idea of it not being a City park using City resources for maintenance. Commissioner Whelan asked if this had been done before in Newburyport. Answer: Attorney Mead stated the permit says the applicant will be building the playground to certain standards that have been reviewed by former Parks Director, DPS deputy director, did not intend for this to be designated as a City playground, only extending an easement for public access to the playground. Example of this occurring before: Towle property granted easement to walkway along the river. Another example: Evergreen Commons playground. Attorney Mead presented the easement plan, including parking, for the playground. Presented the plan that was approved by the former Parks Director and was approved by the Planning Board. Playground has been installed, including an accessible swing and accessible access to the play structures. If the City does not accept the easement, the playground will only be accessible to the residents of the development, if the City does accept the easement, it will be accessible to the public with limited liability. Chair Boretti stated that the Commission is not asking for feedback on design, not being asked to accept the playground as a public playground, only being asked for easement. Only the City Council can accept the easement, but is looking for a recommendation from the Parks Commission as to whether the easement should be accepted. Chair Boretti asked the difference between accepting the easement vs formally accepting this as a public playground. Answer: parks that are listed in ordinance are properties that the city owns. Here, the ownership is private, and maintenance is on HOA. Commissioner Ellsworth asked if the playground on Storey Ave by Atkinson Common is also private. Answer: yes, owned by housing authority. Commissioner Swindlehurst: what is the maroon building in the background of the image. Answer: it is a 2-family home. Commissioner Swindlehurst: could this be listed as the 27<sup>th</sup> park? Answer: it's a nuance, it would not be city-owned, but would be accessible by the public. Commissioner Griffin stated this is an accessible playground at no cost to the city. Sandra Thaxter stated she does not see the benefit to the public. Commissioner Ellsworth stated the benefit is that the public can use the park. **Motion by Commissioner Griffin to recommend to the City Council to accept an easement for public access to this private playground at 'The Stables', seconded by Commissioner Ellsworth. So voted on a roll call vote, 5 yes.**

**Motion to adjourn by Commissioner Ellsworth, seconded by Commissioner Griffin. So voted on a roll call vote, 5 yes.**

*Adjourned 8:35 p.m.*